

Appendix A.
Responses to Public Comments to the Sport Fish Regulations
Received by the Fish and Game Commission Between September 8, 2017 and December 6, 2017

Commenter Name, Date, Format		Comment # [re: Section(s)]	Response #	
A	<p>Russ Gans 9-18-17 Email #1</p>	<p>Re: Adding Section 2.05, Title 14</p> <p>Opposed to shortening the leader length and prohibiting the use of weighted flies after hearing (not reading) about the proposed language. Examples – “I understand the Commission is considering new river fishing regulations, including shortening leader length and removing any weight to flies. These regulations are overly broad and entirely unnecessary.”</p> <p>Fall River and Hat Creek are crystal clear fisheries (which dedicated, conservation minded Fly Fishers hold dear), require long leaders and bead headed nymphs to catch fish (99% of whom practice catch and release, by the way).</p>	A1	<p>The proposed regulation does not exclude, or make unlawful, the addition of weight to artificial flies but, rather, clarifies and defines non-buoyant artificial flies as weight for the purpose of this regulation. The proposed regulation further exempts integrated and sinking fly lines from being considered as weight. Given these proposed changes, fly anglers can use both weighted flies and long leaders; however if the distance from any weight (fixed or sliding) is longer than 6 feet that would be unlawful.</p> <p>Fisheries biologists conducted a field study in an attempt to determine how leader length affected inadvertent foul-hooking of salmon. They determined that the longer the leader length, the higher the number of salmon that were inadvertently foul-hooked. The study determined that reducing the leader length would reduce the number of fish that would be foul hooked. Although the study showed a reduction of leader length to less than three (3) feet also showed the greatest decrease in the number of fish foul-hooked, a regulation that would reduce a leader length to less than three feet would begin to affect many other common and legal fishing methods that employ the use of leaders. Therefore, a maximum six (6) foot leader length was selected as the best alternative.</p>

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B	Christopher M. Loomis 9-20-17 Email #2	<p>Re: Adding Section 2.05, Title 14</p> <p>B1 Strongly disagrees that this will have any benefits to how our fisheries are managed.</p> <p>B2 Is opposed to the exclusion of added weights to flies and the proposal to restrict leader length. Commission should consider a weight limit (i.e. 1/8 ounce) as this will still allow most conventional flies with bead heads and cones to be used normally.</p> <p>B3 Fly fishers use longer leaders, typically greater than 9 feet to avoid disturbing the fish. Leaders must be long enough to allow wet flies to sink to desired depths. If leaders are shortened, fish will be spooked and not reached.</p> <p>B4 Recommends restricting leader length to conventional tackle and/or specific regions where snagging is prolific, such as the Klamath spit or Nimbus Basin. Limiting the methods employed by fly fishers will have only marginal effects to the fishery while having devastating effects to the fishers.</p>	B1	<p>The Department and the Commission have struggled for years to eliminate and/or regulate snagging salmon. In 2014, the Department formulated a snagging working group. One action resulting from this effort was a directed study to assess the efficacy of a reduced leader length in relation to the “flossing” fishing technique based angling/snagging rig. Although this technique/rig is not the only gear that can be used to purposefully foul-hook salmon, it is currently legal and very effective when used in the right habitat with high densities of spawning/migrating salmon. The results of the study showed a significant correlation with foul-hooking (82-94%) regardless of the leader length however a reduction in landing rates for the shortest leader.</p> <p>B2 Conventional flies, as identified, will not be affected (See A1 above).</p> <p>B3 Conventional fly fishing, including longer leaders will not be affected (See A1 above).</p> <p>B4 The proposed regulation will not negatively affect conventional fly fishing, including longer leaders, however fly fishing gear can be used to purposefully foul-hook salmon. Effective enforcement will need to prepare for such rigging.</p>
C	Ken Leiterman 9-18-17 Email #3	<p>Re: Repeal Section 1.60, Amend Section 1.11 and add Section 1.18, Title 14</p> <p>Supports reducing the leader length, but does not support banning scent in artificial lures only</p>	C1	<p>The definition of an artificial lure applies only to those waters that are designated in various Sections of Title 14, CCR as artificial lure only waters. Scent can be used on artificial lures in all other waterbodies in the state. Artificial lure regulations</p>

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	waters. Asks where the data is that suggest scent is a problem.	are primarily used for salmonid fisheries where the risk of injury and effects from hooking mortality are of concern. The difference in hooking mortality between traditional non-scented artificial lures and bait is significant and well known. Additionally, when scents and flavors are applied to artificial lures the risk of deep hooking will significantly increase. Studies have found there is a significant difference (3.9% vs. 32.1%) in hooking mortality between non-scented artificial lures and scented artificial baits. All of these differences have been the primary justification for establishment of artificial lure regulations for many of our trout/steelhead/salmon fisheries across California. Given the recent improvements with natural and artificial scents/flavors and their associated application to artificial lures/flyes, the Department believes there are substantial risks for allowing these scents and flavors to be used in special regulated waters.
D Vince O'Malley 9-20-17 Email #4	Re: Adding Section 2.05, Title 14 D1 Opposed to limiting leader length to 3-5 ft. and eliminating the use of weighted flies and split shot. D2 Ban barbed hooks in all locations and ban all sport fishing at the mouth of rivers and their tidal estuaries.	D1 (See A1, above) D2 A statewide ban on barbed hooks and sport fishing at the mouth of rivers and tidal estuaries are well beyond the scope of this proposal, and would radically impact angling and local economies throughout the state. There are currently restrictions of barbless hooks in such areas where there is catch and release, or a take hatchery trout or hatchery steelhead is allowed, but no take of wild salmon, wild trout or wild steelhead. Also, establishing a leader

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				length and weighted gear restrictions should assist enforcement of those persons intentionally trying to snag salmon.
E	John McHatton 9-24-17 Email #5	Re: Repeal Section 1.60, Amend Section 1.11 and add Section 1.18, Title 14 Does not support banning scent in artificial lures only waters. Asks where the data is that suggest scent is a problem.	E1	(See C1, above)
F	Bob Hoppy 9-26-17 Email #6	Re: Amend subsection 7.50(b)(5)(A) and (B), Title 14 Is opposed to the proposed closure of the nimbus basin. The nimbus basin is many anglers' favorite fishing spot. I have talked to many anglers about this and we are interested in protesting if necessary.	F1	With the placement of the fish ladder being moved to the south side base of Nimbus Dam it is not only critical that fish are protected and provided the opportunity to enter the hatchery or spawn in the recently replaced gravel habitat, but it is also a public safety concern. The closure should allow for increased natural production and stabilize hatchery production that will provide for better fishing and population viability in the lower American River in the future.
G	Wayne Kotow 10-11-17 Oral Comment	Re: Repeal Section 1.60, Amend Section 1.11 and add Section 1.18, Title 14 G1 He asked if artificial scent included lures that were manufactured with artificial scent, or did it only apply to the artificial scent that can be applied by the angler.	G1 G2 G3	Artificial scents apply to both manufactured lures, and the scents applied by the angler. (See A1, B3 and B4, above). The department stated that Mr. Kotow's concern is justified, and said that notice and review should have also included the marine sport fishing community.

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		<p>Re: Adding Section 2.05, Title 14</p> <p>G2 Opposed to shortening the leader length as it will effectively prohibit fly fishing. The new leader length restrictions should apply to conventional tackle only.</p> <p>Re: Amend Section 1.74, Title 14, CCR</p> <p>G3 Mr. Kyoto was surprised to see that this “inland” package addresses the Lobster Report Card, which is a marine fishery item on an inland fishery ISOR. He also stated that there seems to be confusion with some anglers as to the requirement to report lobsters taken on an original card, and then carry that over onto the duplicate card if the original is lost.</p>		<p>The department proposed taking no action and submitting a follow-up recommendation for this particular section, at a future date to allow for proper notice and vetting. On December 11, 2017 the Commission voted for the no change alternative to Section 1.74, Title 14, CCR. The department will also look into the clarity of reporting lobster counts on both the original and duplicate cards.</p>
H	<p>Bill Gaines 10-11-17 Oral Comment</p>	<p>Re: Amend Section 2.25, Title 14, CCR.</p> <p>Mr. Gaines said he appreciated the department working with the California Bowmen hunters to add fishing opportunities for bow and arrow fishing in the Sacramento-San Joaquin River Delta, Big Bear Lak and Lake Isabella. He hopes things will go well enough to add additional opportunities in the future.</p>	H1	<p>The department appreciated the work with Mr. Gaines and his organization and also looks forward to working with them in the future.</p>

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I	Dennis Fox 10-11-17 Oral Comment	Mr. Fox stated that his proposal which was considered but rejected in the ISOR should still be considered by the Commission. <i>[Mr. Fox requests a change to the bag, possession, and size limits for striped bass on the San Joaquin River between Friant Dam and Highway 140 in Fresno, Madera, and Merced counties. He recommends increasing the daily bag limit for striped bass to 10, with no size limit in the San Joaquin River with the intent of increasing the survival of Juvenile salmon.]</i>	I1	The proposal will not accomplish the overall intended purpose to increase juvenile salmon survival at a level of statistical significance, given striped bass life history (ability to recolonize) and the lack of prey preference.
J	Bob Hoppy 10-19-17 Email #7	Re: Amend subsection 7.50(b)(5)(A) and (B), Title 14 Mr. Hoppy repeated his opposition to the closure of the nimbus basin. (See F, above)	J1	(See F1, above)
K	Kevin Okawa 12-20-17 Email #8	Re: Adding Section 2.05, Title 14 Mr. Okawa stated he uses a particular setup with a strike indicator float, 7-10' of leader to a fly with a few split shot between and has never foul hooked a salmon or steelhead with this method. He stated many fisherman also use this method and a rule change would severely restrict fly fishermen and could lead to a loss of revenue for businesses. Please reconsider rule change.	K1	(See A1, above) Fly anglers and fly shop owners/managers were contacted by the Department prior to the regulatory process to assess potential affects to fly anglers given the proposed regulatory change. Persons contacted whose techniques include dead drifted fly gear with an indicator and split shot, were given the proposed definition, and it was determined that anglers can continue to use long leaders (7-15 foot) under a strike indicator as long as the distance from the terminal fly and the upper most weight (as

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				defined by the regulation) does not exceed 6 feet. The critical measurement is not the total length of the leader but rather the total distance from the terminal fly to the upper weight. Anglers and fly shop personnel agreed it was not a common practice to have the terminal fly and the upper weight exceed 6 feet in length.
L	Tyler Hee 12-6-17 Oral Comment	Re: Amend Section 1.74, Title 14, CCR Requests the commission adopt the no change alternative at this time	L1	The request is noted and the commission adopted the no change proposal for section 1.74, Title 14, CCR.
M	Wayne Ralph 12-6-17 Oral Comment	He supports the proposal for the addition of three bodies of water for bow and arrow fishing, and supports the commission's support	M1	Support noted and the commission adopted the proposal.
N	Bill Gaines 12-6-17 Oral Comment	Repeated the support for the addition of bow and arrow fishing opportunities, and requested the commission's support.	N1	(See M1, above).