California Fish and Game Commission

Wildlife Resources Committee

Meeting Binder

September 20, 2018

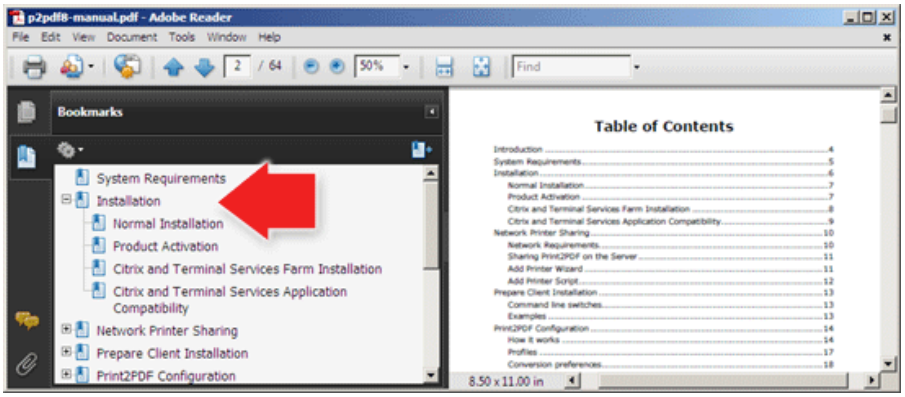
Sacramento

EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.

2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.

3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It’s helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.

5. You can resize the two panels by placing your cursor in the dark, vertical line located between the panels and using a long click /tap to move in either direction. ↔

6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.

7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.

8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.

9. Do not hesitate to contact staff if you have any questions or would like assistance.

OVERVIEW OF FISH AND GAME COMMISSION COMMITTEE MEETING

- Welcome to this meeting of the Wildlife Resources Committee. The Committee is comprised of up to two Commissioners who co-chair each meeting; members are assigned by the Commission annually.

- Our goal today is informed discussion to guide future decision making, and, we need your cooperation to ensure a lively and comprehensive dialogue.

- We are operating under Bagley-Keene Open Meeting Act, but it is important to note that the Committee chairs cannot take action independent of the full Commission; instead, the chairs make recommendations to the full Commission at regularly scheduled meetings.

- These proceedings may be recorded and posted to our website for reference and archival purposes.

- Items may be heard in any order pursuant to the determination of the Committee Co-Chairs.

- In the unlikely event of an emergency, please locate the nearest emergency exits.

- Restrooms are located _____.

- As a general rule, requests for regulatory change need to be redirected to the full Commission and submitted on the required petition form, FGC 1, titled "Petition to the California Fish and Game Commission for Regulation Change" (Section 662, Title 14, CCR). However, at the Committee's discretion, the Committee may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.

- Committee meetings operate informally and provide opportunity for everyone to provide comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:
    1. Raise your hand and wait to be recognized by the Committee.
    2. Provide your name, affiliation (if any), and the number of people you represent.
    3. Time is limited; please keep your comments precise to give others time to speak.
    4. If several speakers have the same concerns, please appoint a group spokesperson.
    5. If you would like to present handouts or written materials to the Committee, please provide five copies to the designated staff member just prior to speaking.
    6. If speaking during public comment, the subject matter you present should <u>not be related</u> to any item on the current agenda (public comment on agenda items will be taken at the time the Committee members discuss that item).

- **Warning!** Laser pointers may only be used by a speaker doing a presentation.

INTRODUCTIONS FOR FISH AND GAME COMMISSION WILDLIFE RESOURCES COMMITTEE

FISH AND GAME COMMISSIONERS

Anthony C. Williams	Co-Chair (Huntington Beach)
Russell E. Burns	Co-Chair (Napa)

COMMISSION STAFF

Valerie Termini	Executive Director
Ari Cornman	Wildlife Advisor
Craig Castleton	Regulatory Analyst
Sergey Kinchak	Staff Services Analyst

DEPARTMENT OF FISH AND WILDLIFE

Stafford Lehr	Deputy Director, Wildlife and Fisheries Division
Kevin Shaffer	Chief, Fisheries Branch
Kari Lewis	Chief, Wildlife Branch
Erin Chappell	Environmental Program Manager, Nongame Wildlife
Karen Mitchell	Senior Environmental Scientist, Fisheries Branch
Patrick Foy	Captain, Law Enforcement Division

I would also like to acknowledge special guests who are present:
(i.e., key DFW staff, elected officials, tribal chairpersons, other special guests)

_____

_____

Commissioners
Eric Sklar, President
Saint Helena
Anthony C. Williams, Vice President
Huntington Beach
Jacque Hostler-Carmesin, Member
McKinleyville
Russell E. Burns, Member
Napa
Peter S. Silva, Member
Jamul

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission

Wildlife Heritage and Conservation
Since 1870

Valerie Termini, Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

WILDLIFE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Williams and Commissioner Burns

Meeting Agenda
September 20, 2018, 1:00 p.m.

Natural Resources Building – 12th Floor Conference Room, Room 1206
1416 Ninth Street, Sacramento

This meeting may be audio-recorded.

NOTE: Please see important meeting procedures and information at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department. All agenda items are informational and/or discussion only. The Committee develops recommendations to the Commission but does not have authority to make policy or regulatory decisions on behalf of the Commission.

Call to order

1. Approve agenda and order of items

2. Public comment for items not on the agenda
The Committee may not discuss or take action on any matter raised during this item, except to consider whether to recommend that the matter be added to the agenda of a future meeting. [Sections 11125, 11125.7(a), Government Code]

3. Department updates
The Department will highlight items of note since the last Committee meeting.

(A) Wildlife Branch
(B) Fisheries Branch
(C) Law Enforcement Division

4. Initial recommendations for 2019-20 regulations
Identify and discuss initial recommendations for upland game birds.

5. Committee recommendations for annual regulations

Discuss and consider approving recommendations for regulations for the 2019-20 seasons:

(A) Mammal hunting
(B) Waterfowl hunting
(C) Central Valley Chinook salmon sport fishing
(D) Klamath River Basin salmon sport fishing

6. Low-flow regulations on coastal streams

Discuss outcomes of Department meetings with stakeholders regarding low-flow regulations on coastal streams.

7. Deer and elk tag validation regulations

Discuss and consider approving recommendations for deer and elk tag validation regulations.

8. Archery equipment and crossbow regulations

Discuss and consider approving recommendations for archery equipment and crossbow regulations.

9. Bullfrogs and non-native turtles

Receive an update on the stakeholder engagement plan.

10. Delta Fisheries Management Policy

Discuss a potential delta fisheries management policy.

11. Future agenda items

(A) Review work plan agenda topics and timeline
(B) Potential new agenda topics for Commission consideration

Adjourn

California Fish and Game Commission
2018 Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
October 16		**Tribal** Radisson Fresno Conference Center 1055 Van Ness Avenue Fresno, CA 93721	
October 17-18	Radisson Fresno Conference Center 1055 Van Ness Avenue Fresno, CA 93721		
November 14		**Marine Resources** Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
December 12-13	QLN Conference Center 1938 Avenida del Oro Oceanside, CA 92056		

OTHER 2018 MEETINGS OF INTEREST

Pacific Fishery Management Council

- November 1-8, San Diego, CA

Pacific Flyway Council

- September 28, 2018, Flagstaff, AZ

Wildlife Conservation Board

- November 15, Sacramento, CA

IMPORTANT COMMITTEE MEETING PROCEDURES INFORMATION

Welcome to a meeting of the California Fish and Game Commission's Wildlife Resources Committee. The Committee is chaired by up to two Commissioners; these assignments are made by the Commission.

The goal of the Committee is to allow greater time to investigate issues before the Commission than would otherwise be possible. Committee meetings are less formal in nature and provide for additional access to the Commission. The Committee follows the noticing requirements of the Bagley-Keene Open Meeting Act. It is important to note that the Committee chairs cannot take action independent of the full Commission; instead, the chairs make recommendations to the full Commission at regularly scheduled meetings.

The Commission's goal is the preservation of our heritage and conservation of our natural resources through informed decision-making; Committee meetings are vital in developing recommendations to help the Commission achieve that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

PERSONS WITH DISABILITIES

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

SUBMITTING WRITTEN MATERIALS

The public is encouraged to attend Committee meetings and engage in the discussion about items on the agenda; the public is also welcome to comment on agenda items in writing. You may submit your written comments by one of the following methods (only one is necessary): **Email** to fgc@fgc.ca.gov**; mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; **deliver** to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814**;** or **hand-deliver to a Committee meeting.**

COMMENT DEADLINES:

The **Written Comment Deadline** for this meeting is **5:00 p.m. on September 7, 2018.** Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Late Comment Deadline** for this meeting is **noon on September 14, 2018**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – please bring five (5) copies of written comments to the meeting.

The Committee **will not** consider comments regarding proposed changes to regulations that have been noticed by the Commission. If you wish to provide comment on a noticed

item, please provide your comments during Commission business meetings, via email, or deliver to the Commission office.

Note: Materials provided to the Committee may be made available to the general public.

REGULATION CHANGE PETITIONS
As a general rule, requests for regulatory change need to be redirected to the full Commission and submitted on the required petition form, FGC 1, titled "Petition to the California Fish and Game Commission for Regulation Change" (Section 662, Title 14, CCR). However, at the Committee's discretion, the Committee may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.

SPEAKING AT THE MEETING
Committee meetings operate informally and provide opportunity for everyone to comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:

1. Raise your hand and wait to be recognized by the Committee co-chair(s).
2. Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
3. Time is limited; please keep your comments concise so that everyone has an opportunity to speak.
4. If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive comments.
5. If you would like to present handouts or written materials to the Committee, please provide five copies to the designated staff member just prior to speaking.
6. If speaking during public comment, the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the Committee members discuss that item). As a general rule, public comment is an opportunity to bring matters to the attention of the Committee, but you may also do so via email or standard mail. At the discretion of the Committee, staff may be requested to follow up on the subject you raise.

VISUAL PRESENTATIONS/MATERIALS
All electronic presentations must be submitted by the **Late Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email or delivered to the Commission on a USB flash drive by the deadline.
2. All electronic formats must be Windows PC compatible.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available.

LASER POINTERS may only be used by a speaker during a presentation.

2. PUBLIC COMMENTS

Today's Item **Information** ☒ **Direction** ☐

Receive public comments for items not on the agenda.

Summary of Previous/Future Actions (N/A)

Background

The Committee generally receives two types of correspondence or comment under public forum: Requests for the Committee to consider new topics, and informational items. As a general rule, requests for regulatory change need to be redirected to FGC and submitted on the required petition form, FGC 1, titled "Petition to the California Fish and Game Commission for Regulation Change" (Section 662, Title 14, CCR). However, at the discretion of the Committee, staff may be requested to follow up on items of potential interest to the Committee and possible recommendation to FGC.

Significant Public Comments (N/A)

Recommendation

FGC staff: If the committee wants to recommend any new future agenda items based on issues raised and within FGC's authority, staff recommends holding for discussion under today's Agenda Item 11, *Future Agenda Items*.

Exhibits (N/A)

Committee Direction/Recommendation (N/A)

COMMITTEE STAFF SUMMARY FOR SEPTEMBER 20, 2018

3. DEPARTMENT UPDATES

Today's Item **Information** ☒ **Action** ☐

Receive updates on DFW activities.

Summary of Previous/Future Actions (N/A)

Background

This is a standing agenda item for DFW to provide updates on activities of interest related to wildlife and inland fisheries.

(A) Wildlife Branch: Branch Chief Kari Lewis will provide an overview of the branch and highlight recent activities.

(B) Fisheries Branch: Branch Chief Kevin Shaffer and his staff will provide an overview of the branch and highlight recent activities, including a statewide project to develop revisions to sport fishing regulations.

(C) Law Enforcement Division: Captain Patrick Foy will provide a wildlife enforcement update.

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

B1. DFW presentation on statewide sport fishing regulations revisions

Committee Direction/Recommendation (N/A)

4. UPLAND GAME BIRD REGULATIONS FOR 2019-20

Today's Item **Information** ☒ **Direction** ☐

Identify and discuss initial recommendations for 2019-20 upland game bird hunting regulations.

Summary of Previous/Future Actions

- **Today's discussion of potential recommendations** — **Sep 20, 2018; WRC, Sacramento**
- Next WRC meeting — Jan 10, 2018; WRC, Riverside
- FGC notice hearing — Feb 6-7, 2019; Fresno

Background

This item is to provide the public an opportunity to identify and discuss potential items to include in the upcoming rulemaking for resident upland game bird hunting regulations for the 2019-20 season. Upland game birds include pheasant, quail, sage grouse and dove.

Today, DFW staff will present proposed regulation changes for 2019-20 beyond any anticipated changes to season and bag limits.

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits (N/A)

Committee Direction/Recommendation (N/A)

5. ANNUAL REGULATIONS FOR 2019-20 SEASONS

Today's Item **Information** ☐ **Direction** ☒

Discuss and approve recommendations for 2019-20 regulations for:

(A) Mammal hunting
(B) Waterfowl hunting
(C) Central Valley Chinook salmon sport fishing
(D) Klamath River Basin salmon sport fishing

Summary of Previous/Future Actions

- **Today's discussion and recommendations** **Sep 20, 2018; WRC, Sacramento**
- FGC notice hearing Dec 12-13, 2018; Oceanside

Background

This item is to provide the public an opportunity to discuss proposed changes for regulations for the 2019-20 seasons.

(A) Mammal hunting: Annual proposed changes to hunting regulations for various big game mammals, including deer, Nelson bighorn sheep, antelope and elk, are combined for concurrent action under a single rulemaking package.

(B) Waterfowl hunting: FGC annually adopts migratory waterfowl hunting regulations to conform State regulations with federal regulations. The U.S. Fish and Wildlife Service adopts federal regulations each Oct based, in part, on recommendations from four regional flyway councils. Migratory waterfowl include American coot, common moorhen, ducks, black brant and geese, among others.

(C) Central Valley Chinook salmon sport fishing: FGC annually adopts Central Valley Chinook salmon sport fishing regulations for the American, Feather, and Sacramento rivers to conform State regulations with federal regulations. The National Marine Fisheries Service (NMFS) adopts federal recommendations each Apr based, in part, on recommendations from the Pacific Fishery Management Council (PFMC).

(D) FGC annually adopts Klamath River Basin salmon sport fishing regulations to conform State regulations with federal fishing regulations. NMFS adopts federal recommendations each April based, in part, on recommendations from PFMC.

Today, DFW staff will summarize any proposed regulation changes beyond the anticipated changes to season and bag limits for the 2019-20 seasons.

This meeting is the last opportunity for WRC to make recommendations to FGC regarding potential changes to consider in these rulemakings, before the notice hearing in Dec 2018.

Significant Public Comments

One letter (Exhibit A1) calls for regulation changes to: (a) authorize the use of big bore devices to hunt wild pigs, (b) change the regulatory category for wild pigs, (c) authorize use of suppression devices on rifles, and (d) make changes to wild pig tags.

Two letters (exhibits A2 and A3) express concerns for wildlife injured or displaced by the recent California wildfires and damage to wildlife habitat and request a hunting ban.

Recommendation

FGC staff: Prior to developing a recommendation, consider recommendations provided by DFW during the meeting and public comments.

Exhibits

A1. Letter from Colin Gallagher, received Aug 31, 2018
A2. Letter from Phoebe Lenhart, received Sep 7, 2018
A3. Letter from the Public Interest Coalition and the Sierra Club Placer Group, received Sep 7, 2018

Committee Direction/Recommendation

WRC recommends that the Commission authorize publication of a notice of its intent to amend regulations for mammal hunting, waterfowl hunting, Central Valley Chinook salmon sport fishing, and Klamath River Basin salmon sport fishing for the 2019-20 seasons, consistent with changes discussed during today's meeting.

6. LOW-FLOW REGULATIONS ON COASTAL STREAMS

Today's Item **Information** ☐ **Direction** ☒

Discuss potential changes to low-flow regulations on coastal streams as requested in two regulation change petitions:

(A) Petition #2015-014: Mendocino, Sonoma and Marin counties' coastal streams

(B) Petition #2015-015: Russian River

Summary of Previous/Future Actions

• FGC granted petition #2015-014	Apr 13-14, 2016; Santa Rosa
• WRC discussion and recommendation	May 24, 2017; WRC, Sacramento
• FGC referred petitions to DFW	Jun 21-22, 2017; Smith River
• WRC discussion	Jan 11, 2018; WRC, Santa Rosa
• **Today's discussion and possible recommendation**	**Sep 20, 2018; WRC, Sacramento**

Background

Regulations adopted by FGC in Dec 2014 governing recreational fishing during low-flow conditions were developed by DFW in consultation with the National Marine Fisheries Service (NMFS), stakeholders and watershed councils. The goal of the regulations was to preserve fishing opportunities while protecting fish listed under the federal and California endangered species acts.

In late 2015, FGC received two petitions to change portions of the low flow regulations:

(A) Petition #2015-014 proposed changes to only allow artificial lures with barbless hooks to be used year-round on selected coastal streams; close all angling on selected coastal streams from Apr 1 to Oct 31; and allow angling for steelhead in the tidally influenced portions of the Gualala, Garcia and Navarro rivers when stream flows are below the current trigger for the designated gauging stations (Exhibit A1).

In Apr 2016, FGC granted the petition for consideration in the 2018-19 sport fishing rulemaking. At the May 2017 WRC meeting, DFW presented its proposed changes to sport fishing regulations, and recommended that the changes proposed in the petition be identified as alternatives considered but rejected. After further discussion, WRC recommended removing the petitioned changes from the sport fishing rulemaking to allow for further vetting with the affected stakeholder community; at its Jun 2017 meeting, FGC approved the WRC recommendation.

(B) Petition #2015-015 proposed changes to only allow artificial lures with barbless hooks to be used year-round and remove the minimum flow requirement on the main stem of the Russian River. The petition also requested continuing the year-round closure in the Coho re-establishment monitoring project area (Exhibit B1).

In Apr 2016, FGC referred the petition to DFW for further evaluation. In Dec 2016, FGC adopted a DFW recommendation to refer the petition to WRC for additional vetting with potentially affected stakeholders. At its May 2017 meeting, WRC recommended combining discussion of the petition with Petition #2015-014; FGC adopted the WRC recommendation in Jun 2017.

There was further discussion on both petitions at the WRC meeting in Jan 2018. Today, DFW staff will update WRC on the results of stakeholder engagement efforts and provide recommendations for WRC consideration.

Significant Public Comments (N/A)

Recommendation

***FGC Staff*:** Approve DFW recommendation to deny petition #2015-14 and petition #2015-15.

***DFW*:** Deny Petition #2015-14 and Petition #2015-15 for the reasons identified in exhibits A2 and B2.

Exhibits

A1. Petition #2015-014, received Dec 15, 2015
A2. DFW memo regarding Petition #2015-014, received Sep 7, 2018
A3. Attachment to Exhibit A2: Letter from NMFS to DFW regarding Petition #2015-014, dated Jun 29, 2018, received Sep 7, 2018
A4. Attachment to Exhibit A2: Memo from DFW Northern Region and DFW Bay Delta Region regarding Petition #2015-014, dated Oct 13, 2016, received Sep 7, 2018
B1. Petition #2015-015, received Dec 16, 2015
B2. DFW memo regarding Petition #2015-015, received Sep 7, 2018
B3. Attachment to Exhibit B2: Letter from NMFS to DFW regarding Petition #2015-015, dated Apr 4, 2018, received Sep 7, 2018
B4. Attachment to Exhibit B2: Memo from DFW Northern Region and DFW Bay Delta Region regarding Petition #2015-015, dated Apr 24, 2018, received Sep 7, 2018

Committee Direction/Recommendation

The Wildlife Resources Committee recommends that the Commission deny Petition #2015-014 and Petition #2015-15.

OR

The Wildlife Resources Committee recommends that the Commission grant Petition #2015-014 and Petition #2015-15.

COMMITTEE STAFF SUMMARY FOR SEPTEMBER 20, 2018

7. DEER AND ELK TAG VALIDATION REGULATIONS

Today's Item **Information** ☐ **Direction** ☒

Discuss and consider approving recommendations for regulations regarding deer and elk tag validation.

Summary of Previous/Future Actions

- Petition #2016-028 granted — Oct 11-12, 2017; FGC; Atascadero
- **Today's discussion and possible recommendations** — **Sep 20, 2018; WRC; Sacramento**
- FGC notice hearing — Dec 12-13, 2018; Oceanside

Background

Petition #2016-028 (Exhibit 1), granted for rulemaking in Oct 2017, requests changes to the regulations for persons eligible to sign a tag to validate a harvested deer or elk. The regulation language that identifies which ranks of firefighter are authorized to validate tags is outdated and no longer used in the California Fire Service.

Today's discussion is to identify, discuss and potentially recommend specific details regarding who should be authorized to validate tags.

Significant Public Comments

A commenter has requested a hunting ban for 2019-20 due to impacts on wildlife and their habitats from extreme wildfires, and to research the present conditions in the environment before setting hunting quotas (Exhibit 2).

Recommendation (N/A)

Exhibits

1. Petition #2016-028, received Oct 26, 2016
2. Email from Phoebe Lenhart, received Sep 7, 2018

Committee Direction/Recommendation

The Wildlife Resources Committee recommends that the Commission authorize publication of a notice of its intent to amend deer and elk tag validation regulations, consistent with changes discussed during today's meeting.

8. ARCHERY EQUIPMENT AND CROSSBOW REGULATIONS

Today's Item **Information** ☐ **Direction** ☒

Discuss and consider approving recommendations for archery equipment and crossbow regulations.

Summary of Previous/Future Actions

- **Today's discussion and possible recommendations** — **Sep 20, 2018; WRC; Sacramento**
- FGC notice hearing — Dec 12-13, 2018; Oceanside

Background

Current regulations require hunters to use a bow or crossbow that casts an arrow or bolt at least 130 yards (Section 354(f)), a standard that is difficult to follow when choosing a bow for purchase. Additionally, it is difficult for law enforcement to demonstrate in a court of law whether a bow meets the existing standard. DFW is proposing a change to identify a minimum draw weight, similar to regulations in other western states. The regulation change would serve to clarify the requirements for bows and crossbows, and to simplify law enforcement efforts by wildlife officers.

Today DFW will provide recommendations on draw weights.

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits (N/A)

Committee Direction/Recommendation

The Wildlife Resources Committee recommends that the Commission authorize publication of a notice of its intent to amend archery equipment regulations, consistent with changes discussed during today's meeting.

9. BULLFROGS AND NON-NATIVE TURTLES

Today's Item **Information** ☒ **Direction** ☐

Receive an issue overview and an update on the bullfrog and non-native turtle stakeholder engagement plan.

Summary of Previous/Future Actions

- FGC discussion — Feb 8-9, 2017; Rohnert Park
- FGC discussion — Apr 26-27, 2017; Van Nuys
- FGC stakeholder engagement plan approved — Oct 11-12, 2017; Atascadero
- **Today's discussion — Sep 20, 2018; WRC; Sacramento**

Background

Approximately two million non-native American bullfrogs and 300,000 non-native turtles (mostly red-eared sliders and softshell turtles) are imported into California annually for food and the pet trade. Even though these species are not imported into California with the intention of being released, they have established significant wild populations that threaten native amphibians, fish, and wildlife by direct predation, competition for resources and habitat, and disease.

In Feb 2015, DFW provided a report regarding the implications of American bullfrog importation, and notified FGC of its decision to stop issuing long-term importation permits and to only issue short-term individual event permits, consistent with subsection 236(c)(6)(I) of Title 14. At its Feb 2015 meeting, FGC directed staff to work with DFW to identify a list of potential actions FGC could take to further address the issues identified in the DFW report.

In Feb 2017, FGC staff presented four possible regulatory options to address impacts on California's native wildlife resulting from the importation of American bullfrogs and non-native turtles, and provided additional information in a joint memorandum prepared by FGC and DFW staff. At the meeting, FGC directed staff to add this topic to its Apr 2017 agenda for further discussion with more information on two of the four options. In Apr 2017, FGC directed FGC and DFW staff to develop a proposal for stakeholder engagement to further evaluate possible solutions to address the impacts of American bullfrogs and non-native turtles on native wildlife, which was presented and approved in Oct 2017.

Today, staff will present an overview of the issues and an update on the stakeholder engagement plan, including a proposed revised timeline

Significant Public Comments

Four comments were received in support of an import ban on bullfrogs (exhibits 1 through 4). Additionally, a link to an article (entitled "The Bullfrog Is the 'Great White Shark' of Arizona's Wetlands") was received (Exhibit 5).

Recommendation (N/A)

Exhibits

1. Email from Eric Mills, received Sep 4, 2018
2. Email from Joseph Belli, received Sep 5, 2018
3. Email from James Buskirk, received Sep 5, 2018
4. Email from Billy Tu, received Sep 6, 2018
5. Email from Eric Mills, received Sep 7, 2018
6. FGC staff presentation

Committee Direction/Recommendation (N/A)

10. DELTA FISHERIES MANAGEMENT POLICY

Today's Item **Information** ☐ **Direction** ☒

Discuss a draft Delta Fisheries Management Policy and possible recommendations for next steps.

Summary of Previous/Future Actions

- Delta Fisheries Forum — May 24, 2017; Sacramento
- Discussion — Sep 13, 2017; WRC, Riverside
- **Today's discussion and possible recommendations** — **Sep 20, 2018; WRC; Sacramento**

Background

In Jun 2016, the Commission received a petition from the Coalition for a Sustainable Delta and others requesting regulation changes to increase the bag limit and reduce the minimum size limit for striped bass and black bass in the Sacramento-San Joaquin Delta (Delta) and rivers tributary to the Delta. The expressed intent of the petition was to reduce predation by non-native bass on fish that are native to the Delta and are listed as threatened or endangered under the federal or California endangered species acts, including winter-run and spring-run Chinook salmon, Central Valley steelhead, and delta smelt. While the petition was formally withdrawn prior to FGC action, FGC requested that WRC schedule a discussion to explore the issue more comprehensively.

WRC directed staff to hold a half-day forum focused on the State's vision for managing fisheries in the Delta for the benefit of native fish species and sport fisheries, the implementation of the State's vision, and soliciting stakeholder input on potential actions FGC could consider related to this topic.

Held on May 24, 2017 in Sacramento, the forum was publicized and open to the public. The forum included a state agency panel discussion, an overview of FGC's policies and regulations for sport fisheries in the Delta, and a full group discussion. The full group discussion included two presentations by representatives for the original petition, consistent with direction provided by FGC. A staff report (Exhibit 1) was presented to WRC in Sep 2017 and FGC in Oct 2017, and staff recommendations that arose from the forum were approved.

Today, WRC will discuss a draft Delta Fisheries Management Policy (Exhibit 2), one of the staff recommendations from the forum, and potential next steps.

Significant Public Comments (N/A)

Recommendation

FGC staff: Based on input received at the meeting and public comment, identify potential recommendations for next steps.

Exhibits

1. *Staff Report on the Delta Fisheries Forum*, dated Aug 2017
2. Draft Delta Fisheries Management Policy, revised Sep 12, 2018

Committee Direction/Recommendation (N/A)

11. FUTURE AGENDA ITEMS

Today's Item **Information** ☐ **Direction** ☒

Review upcoming agenda items scheduled for the next and future WRC meetings, hear requests from DFW and interested stakeholders for future agenda items, and identify new items for consideration.

Summary of Previous/Future Actions

- **Today's discussion** **Sep 20, 2018; WRC, Sacramento**
- FGC potentially approves WRC recommendations Oct 17-18, 2018; Fresno
- Next WRC meeting Jan 10, 2019; WRC, Riverside

Background

Committee topics are referred by FGC and scheduled as appropriate. FGC-referred topics and the current schedule are shown in Exhibit 1. WRC agendas currently include several complex and time-intensive topics. The committee has placed emphasis on issues of imminent regulatory importance and, thus, consideration of new topics will require planning relative to existing committee workload.

WRC Work Plan and Timeline

Agenda topics identified for the Jan 2019 WRC meeting include:

1. Agency updates
2. Annual regulation recommendations
    - Upland (resident) game bird
3. Coastal streams low-flow regulations

Discuss and Recommend New WRC Topics

Today provides an opportunity to identify any potential new agenda topics to recommend to FGC for referral to WRC. Under Agenda Item 3, DFW presented a proposed timeline for public outreach on the DFW Sport Fishing Regulations Revision Project, including discussions with and a recommendation from WRC in 2019.

Significant Public Comments (N/A)

Recommendation

FGC staff: Review WRC workplan (Exhibit 1) and current FGC rulemaking timetable (Exhibit 2), consider updates to scheduling recommended projects, consider whether any approved topics should be added to or replace existing agenda topics for Jan 2019, and decide whether to request FGC refer any new topics for WRC evaluation. Recommend that FGC approve adding DFW Sport Fishing Regulations Revisions Project to the WRC workplan as proposed by DFW under Agenda Item 3.

Exhibits

1. WRC 2018-19 work plan, updated for Sep 20, 2018 WRC meeting
2. *Perpetual Timetable for California Fish and Game Commission Anticipated Regulatory Actions*, updated Sep 11, 2018

Committee Direction/Recommendation

The Wildlife Resources Committee recommends that the Commission approve adding the DFW Sport Fishing Regulations Revisions Project to the committee workplan.

Sport Fishing Regulations Revision Project

Photo by Mike Mamola

Wildlife Resources Committee Meeting
September 20, 2018
Karen Mitchell
Fisheries Branch

Problem

- Too many special fishing regulations
- Some regulations are too complex
- Many regulations are not monitored for effectiveness
- Paradigm shift in angling

Current
Special Fishing Regulations

- 212 waters with special fishing regulations
- 431 separate, defined, special regulations for inland trout and salmon
  - 88 different seasons
  - 13 different size limits
  - 10 different gear restrictions
  - 6 different bag/possession limits

Proposed Approach

- **Seek input** from all interested parties
- **Re-evaluate** regulations based on current resource management goals and objectives
- **Standardize** and reduce the number of special fishing regulations (>50%)
- **Justify** all special fishing regulations
- **Simplify** geographic boundaries
- **Maintain and increase** angling opportunities

Key Areas for Change

- District and special regulations
- Separate inland waters from anadromous waters (create two booklets)
- Create a “statewide” regulation for trout
- Reduce number of seasons, gear restrictions, and size limits

Goals

- Reduce difficulty of interpretation
- Maintain and increase fishing opportunities
- Maintain protection of resources
- Have justifiable regulations
- Eliminate “boutique” regulations
- Have management goals and regulations consistent statewide

Tentative Management Alternatives

- 5 fish bag, no gear restrictions = most liberal
- 2 fish bag, no gear restrictions = limited harvest
- 2 fish bag, artificial = limited selected harvest
- 2 fish bag, artificial w/14” min = limited selected harvest
- 2 fish bag, artificial w/18” min = limited selected harvest
- 0 fish bag, barbless artificial = conservative
- Closed to fishing = most conservative

Seasons

- Currently 88 different seasons
- Many seasons are similar
- Consolidate 88 into 6 categories

Tentative Season Alternatives

Proposed Season	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
All Year												
December 1 – Aug 31												
Sept. 1 – Nov 30												
Saturday preceding Memorial Day – Sept 30												
Saturday preceding Memorial Day - last day in Feb.												
Closed All Year												

Public Meetings (To date)

- 7 meetings held between April and May 2018
- One meeting within each CDFW region and an additional meeting in Sacramento
- Questionnaires provided at each meeting and through an online portal
- 79 total attendees from all meetings
- 754 questionnaire responses (22 in-person)

Public Meetings (Future)

- 7 meetings between March and April 2019
- One meeting within each CDFW region and an additional meeting in Sacramento
- Proposed changes provided at each meeting and through an online portal
- Feedback will be analyzed and inserted into initial statement of reasons, if supported

Proposed Timeline

- 2018
  - September WRC Meeting (update)
- 2019
  - January WRC Meeting (update)
  - March thru April – Public Outreach
  - May WRC Meeting (WRC recommendation)
  - June FGC Meeting (Approve WRC recommendation)
  - August FGC Meeting (Regulatory notice)
  - October FGC Meeting (Discussion)
  - December FGC Meeting (Adoption)
- 2020
  - March 1 – Regulations go into effect

Questions / Thank You

Colin Gallagher

This is Colin Gallagher, thank you for talking with me since 2017 about wild pig management. As I have previously mentioned, Fish and Game Commission's Wildlife Resources Committee (WRC) meeting in Sacramento on May 24, 2017 meeting documents contained a staff report relating to wild pig management which prominently mentioned Assemblymember Frank Bigelow (link here [http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=144684] to obtain PDF of meeting documents - item 6 contains the wild pig management discussion and staff report) and thus I was prompted to contact Bigelow's office as wild pig management is also a concern of mine. This subject falls squarely into mammal hunting discussion since AB 2805 is pending this session to remove wild pigs from the game mammal designation. I approve of this. But, AB 2805 appears to be presently stuck in Rules Committee. It falls to the Wildlife Resources Committee to produce good recommendations on the subject now, and turn those recommendations into action, and not wait another year.

It will here be requested by this message that you at the Fish and Game Wildlife Resources Committee and Assemblymember Frank Bigelow support the improvement of Wild Pig Management in the State by suggesting (1) an interpretation and (2) an amendment of the Mammal Hunting Regulations, so as to aid in the reduction of the non-native wild boar / feral pig hybrid.

Since 2017, Mammal Hunting Regulations, Section 353 [http://www.fgc.ca.gov/regulations/current/mammalregs.aspx#353], require that "big game may only be taken by rifles using centerfire cartridges with softnose or expanding projectiles; bow and arrow (see Section 354 of these regulations for archery equipment regulations); or wheellock, matchlock, flintlock or percussion type, including "in-line" muzzleloading rifles using black powder or equivalent black powder substitute, including pellets, with a single projectile loaded from the muzzle and at least .40 caliber in designation." This unfortunate limitation excludes us from being able to use big bore BB devices which are 40 caliber in designation or larger, and thus for this reason I have requested an interpretation in these regulations to allow for use of big bore BB devices (which are 40 caliber or greater in designation) for wild pig hunting. I have requested this since May of 2017.

As you know, wild pig are a serious problem in many parts of California, being invasive and destructive. As just one example of the difficulty posed by wild pigs, in October of 2016, wild pigs damaged landscaping at Fairmount Park and other Riverside County areas, caused millions of dollars worth of damage, and officials warned residents to be careful around the animals.

Wild boars were originally introduced in California by Spanish and Russian settlers in the early 1700s as their domestic livestock became feral, according to the state's Department of Fish and Wildlife [https://www.wildlife.ca.gov/Conservation/Mammals/Wild-Pig]. This was exacerbated in the 1920s when a Monterey County landowner introduced the European wild boar, which bred with the domestic pigs, creating a wild boar and feral domestic pig hybrid.

One of the problems that hunters encounter in California is that suppression devices are not allowed under California law. Pigs travel in groups, and when the first shot goes off, the rest of the pigs will be spooked and run. SB 710 (2017-2018) [Silencers] is an effort to change that, but sadly, SB 710 has been obstructed by the California legislature.

Without the ability to quietly remove wild pigs at distance with a firearm, the effectiveness of hunting to remove wild pigs is substantially diminished in California.

However, there are some requests I have submitted to the California Fish and Game Commission which I hope you will support, that could partially solve the problem of how to quietly remove wild pigs in California. These are described below.

While few people are aware of this, "Big bore airguns," as they are generally known today, were used as early as the 1700s to take wild boar in Europe.

There are currently "BB devices" available under California law legally to residents of the State of California, which are designed to fire a single projectile and are over .40 caliber in designation, which would be required caliber for big game, without the use of any gunpowder, primer or brass. The only requirement for ownership in California is that the BB devices be provided with a bright color such as red or orange which can be applied across the exterior, as per SB 199 (2013-2014). These "BB devices" (which is what they are technically defined as under California law) are generally referred to in the gun community as "Big bore airguns." These "BB devices," as they are defined by California law, launch .45 caliber (or in some cases .457 caliber or greater) projectiles at over 1000 feet per second with energy levels of over 500 foot pound. Some excellent examples of these on the market today are the AirForce Texan SS [https://na01 (dot) safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.airforceairguns.com%2FThe-TexanSS-by-AirForce-Airguns-s%2F136.htm&data=02%7C01%7Cfgc%40fgc.ca.gov%7C15e4a5fb15f04dcbfc6b08d60f993124%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C636713547964173487&sdata=ux5doebm95ndDGkIzFtdtnGQ9WABZZEh3a09B4UDo%2Bc%3D&reserved=0] (a fully suppressed BB device legal to own in California), the Evanix Rex [https://na01 (dot) safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.pyramydair.com%2Fs%2Fm%2FEvanix_Rex_Air_Rifle%2F4049&data=02%7C01%7Cfgc%40fgc.ca.gov%7C15e4a5fb15f04dcbfc6b08d60f993124%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C636713547964173487&sdata=01x1GwQWg8riXXVMpHJz461cjrlwPCPVhDm8iu425UY%3D&reserved=0], and the Sam Yang Big Bore [https://na01 (dot) safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.airgundepot.com%2Fsamyang-909-rifle.html&data=02%7C01%7Cfgc%40fgc.ca.gov%7C15e4a5fb15f04dcbfc6b08d60f993124%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C636713547964173487&sdata=e2fHGflRz7vwWmF%2F7uRMAk1uWsNIu055oVhH8nWPlqA%3D&reserved=0], each of which are BB devices legally available in California, in .45 caliber. These BB devices are effective at removing wild pig in other states [https://na01 (dot) safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.airgunsofarizona.com%2Fhunting%2F2014%2F04%2Fhog-hunting-with-an-air-rifle%2F&data=02%7C01%7Cfgc%40fgc.ca.gov%7C15e4a5fb15f04dcbfc6b08d60f993124%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C636713547964173487&sdata=KvoZiVu7EOSERr0uTgIgH6Q%2BakwvFNmWT6PCGlokdrQ%3D&reserved=0] where they have been tested, and are much more quiet than actual firearms.

Nonlead expanding projectiles meeting the definition of 353(b)(1) for these BB devices are available on the market and can be casted as well so as to meet any hunting requirements for ammunition in California.

These "big bore" BB devices have been designed for single shot, but can be quickly reloaded, and most models "carry enough air" to allow for anywhere between 5 to 10 shots to be made in the field before the canister must be repressurized.

Unfortunately, these BB devices are currently not allowed to be allowed for big game hunting in CA even though they are legal to own in CA (they are legal in CA even when suppressed). Some of the BB devices which are high powered enough to be used for hunting are a bit too noisy and require suppression, but this does not by itself require any regulatory change due to the fact that owning a suppressed BB device (instead of an unsuppressed one) in California does not violate any state or federal laws. It is true that small game air gun hunting is legal in California, but that does not solve the problem currently caused by California Mammal Hunting Regulations.

The only problem that is encountered is that the BB devices in California, while perfectly legal to own, are not allowed to be used for big game hunting, as mentioned above.

Therefore, the Fish and Game Commission should render an interpretation of Mammal Hunting Regulations §353. Methods Authorized for Taking Big Game subsection (c) so that it will be considered to be legal to utilize a BB device for hunting wild pig in California, so long as the BB device is at least .40 caliber in designation.

I again as I did in 2017 ask for this interpretation of Mammal Hunting Regulations to be rendered, or alternatively I ask the Wildlife Resources Committee to recommend that the Fish and Game Commission adopt such an interpretation as that which I have suggested above.

This would not circumvent any hunter safety requirement, hunter license, or tag requirement in California, as all these laws still exist and would need to be followed regardless.

My second request is distinct than my first and should be evaluated separately. This request is for an actual change, not an interpretation. This request, for a change in Mammal Hunting Regulations, is simply to remove wild pig (feral pigs, European wild pigs, and their hybrids (genus Sus)) from Big Game as defined in the Mammal Hunting Regulations at §350.

Wild pig should be considered not as "big game" but simply subject to a more permissive form of regulation which will make it easier for people to hunt them without all the restrictions associated with big game. (This is what AB 2805 proposes, which passed both houses of Legislature but is stuck in Rules Committee for some reason, probably because of objections by people who have businesses where they have customarily released feral pigs onto hunting ranches for sport, charging people ridiculous sums for hunts). I don't need to go to a special dude pig ranch to hunt, pigs are coating the earth. And we should not be releasing feral pigs upon the lands.

It is my understanding that the Wildlife Resources Committee of the Fish and Game Commission on May 24, 2017 was in fact formally considering "Option 2" in their staff report which would remove wild pig from big game and put wild pig in another category altogether which would neither be big game nor small game. If that ends up being the case for now in 2018, which I think it will, my request remains the same, which is that the Mammal Hunting Regulations be interpreted or changed so that it will be

considered to be legal to utilize a BB device for hunting wild pig in California, so long as the BB device is at least .40 caliber in designation.

I also believe that people using centerfire rifles should be allowed to use suppressors (silencers) while hunting wild pig.

In addition:

I do think that a hunting license or hunter safety requirement makes sense but I think the system of pig tags discourages people in California from controlling the spread of pigs. Although there is no daily bag or possession limit for wild pigs in California, I nonetheless do think that the tag price should be brought down. Therefore I think that the Resident Wild Pig Tag should either be brought down in price (cut in half) or simply have the price waived. And that each pig tag or validation should allow for you to take up to five feral pigs.

Thank you.

I like to put food on the table for my family.

I and my son both have CA hunting licenses and we both hope you accept this request.

Also, both my son and I oppose SB 1100 as it is proposed (the age restriction bill).

Respectfully,

Colin Gallagher

https://www (dot) linkedin.com/in/colingallagher

831-383-4068

From: Phoebe Lenhart
Sent: Friday, September 7, 2018 12:25 PM
To: FGC
Subject: WRC Agenda, Sept. 20, 2018, Items: 3 (A), 5 (A) and 7

Dear WRC (DFW and FGC),

This E-mail is sent in regard to the aforementioned WRC meeting on September 20, 2018. It addresses concerns regarding items: 3 (A) Wildlife Branch; 5 (A) Mammal hunting 2019-2020; and 7 Deer and elk tag validation regulations.

In all due respect, when the 2018-2019 hunting quotas were established for the Roosevelt elk, the DFW/FGC/WRC could not have anticipated the adverse effects of the Chetco Bar Fire of 2017. To date, I have not seen the matter of the impact of new packs of coyotes fleeing into Del Norte County addressed by the DFW/FGC/WRC. There are numerous witnesses who have reported sightings of increased coyote attacks on the "small groups" of Roosevelt elk in the areas of the Smith River. Eyewitnesses have seen the coyotes kill calves. Are you monitoring the impact of this increased predation?

Today, the DFW/FGC/WRC are able to reflect back on the devastating consequences on wildlife and their habitat as the result of the Chetco Bar Fire (2017). Now, you also know (or should know) the disastrous casualties on the wildlife and their habitat as the result of @ 800,000 acres burned this summer of 2018.

As the DFW/FGC/WRC prepare to plan the 2019-2020 hunting quotas for the Roosevelt elk (and ALL hunted animals), I hope you will consider the current distress on our wildlife casualties and their habitat loss. To ignore the present circumstances is to be a fool. When you plan for the next hunting season, you do it with the belief that the environment will be "normal" (the same) as the year before. This is absolutely faulty thinking and cannot be justified now. It is proven again and again by experts that we are entering a period of unprecedented fires, NOT the "typical CA wildfires" due to "climate change".

When the fire chief and the first responders describe these CA wildfires, they are quoted using descriptions like "...this is not a typical wildfire..." due to the way the unpredictable flames are dancing around. Further, in the Carr Fire, there is a record of a giant spinning vortex "...rising as high as 39,000 feet."

In addition, the US National and CA Parks staff state that "...NOTHING survives these fires." Rather than these fires leaving behind the usual "black" charring, what remains after the fires of 2017 and 2018 is GREY; as the result of the heat intensity of the fires. The recovery of the wildlife and their lost habitat is NOT like that predicted in "typical CA wildfires".

Further, the CA Department of Water Resources reports that the "...world is warming." By analyzing years of data, the CA DWR reports, "...the amount of material that we're putting in the environment...traps heat." According to a CA climate change study, the "...volume of acres that will be consumed by wildfires in an average year will soar 77%...".

In correspondence that I have had with the DFW, the DFW appears to be IN DENIAL of the current situation. There is no place for ignorance about what the environment is facing given the aforementioned documentation. I hope that the FGC/WRC will make decisions on behalf of our wildlife (and consequent habitat loss) using good stewardship and modern scientific information (as I provided above).

I believe that, until a full analysis of the impact of the 2018 and 2019 fires is done, there should be NO hunting in 2019-2020. In addition, I would like to request TRANSPARENCY about your agencies be made available to the public; including,

this analysis and the method you use to determine your quotas. I have written to these agencies for 4 years imploring the DFW/FGC/WRC to be good stewards of our land and to be transparent about your agencies.

In these meetings, you make life and death decisions regarding the wildlife that belongs to all of us in CA. It is not possible for you to be good stewards and to set hunting quotas for 2019-2020 without doing research on the present conditions. And it is certainly not acceptable to base any of your decisions on the DFW's recommendations since this agency appears to be in denial of the current conditions existing in our environment.

Sincerely,
Phoebe Lenhart
Supporters of Del Norte Roosevelt Elk

PS: Serious action needs to be taken by the DFW/FGC/WRC to provide the Roosevelt elk in the Smith River area with "corridors" so that they can freely move. The elk in the Smith River area are trapped by farm and ranch lands.

SIERRA CLUB
FOUNDED 1892

PUBLIC INTEREST COALITION

Placer Group
P.O. BOX 7167, AUBURN, CA 95604

P.O. BOX 713
LOOMIS, CA 95650

Sent via email: fgc@fgc.ca.gov

September 6, 2018

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
Ladies and Gentlemen:

Re: WRC, Sept 20, 2018 **Agenda #5, Annual Regulations and Recommendations**

Keeping one of the FGC's goals in mind—conserving the state's natural resources through informed decision-making—we submit the following information and urge that these issues be given primary consideration in setting tag and take-limit regulations.

After the Carr fire was contained, reputable sources reported that first responders and other governmental agency staff, who were familiar with California's fire areas, reported observing large numbers of wildlife carcasses—much more than they had ever seen in their many years of experience. Not only were the numbers greater, but also the variety of species killed was "astonishing" as one put it.

With destruction from recent multiple mega fires well ahead of the upcoming usual fire season, and most likely more to come, it behooves the FGC and the CA Department of Fish and Wildlife (CDFW) to consider a hiatus on all wildlife killing ("hunting" or "take" or "harvest") until proper scientific studies can be conducted. Without thorough, preferably long-term surveys, to assess wildlife populations (numbers, injuries incurred during escape), as well as complete appraisals of available (and future) food, non-polluted water sources (devoid of dangerous runoff), shelter/cover capacities (prey, etc.) and habitat loss (forage), the only responsible recommendations for annual regulations must prioritize caution, restraint, and greatly reduced tag and take limits. If ever the Precautionary Principle was called for, it is now for the 2019-2020 seasons.

I. Wildfires and Wildlife. Although it may be inadvisable to set out water buckets for wildlife, contrary to agency statements, it is simply not true that wildlife can "adapt and survive" or escape in or after devastating fires. A few wildlife species may not be impacted, but many, if not most, species cannot outrun a firestorm or "fire tornado," let alone find escape routes—as was the tragic situation even with humans who had more available resources.[1] Heat

[1] "That prairie blaze – which blew up from 4,000 to 35,000 acres on a single night due to winds exceeding 40mph – caused burns severe enough that a number of bison (as well as elk, deer and a feral burro) had to be put down. It goes to show that a swift wildfire can sometimes outpace or outflank even the large and the mobile: whether it's mustangs in the American West or elephants in South Africa, big mammals *do* sometimes fall victim to flame and smoke…. 'Large mammal mortality is most likely when fire fronts are wide and fast-moving, fires are actively crowning, and thick ground smoke occurs," the US Forest Service report explained.'" Wildfire and Wild Things, https://www (dot) earthtouchnews.com/natural-world/how-it-works/wildfire-and-wild-things/.

alone generated by fires is fatal to many bird species, as well as mammals. Fires in riparian areas reduce and pollute water sources.[2] What little water is left may be used by more animals—resulting in disease, injurious confrontations, or dispersals to new, unknown areas with associated problems and impacts (including but not limited to domestic pets, auto-wildlife collisions, and/or humans who may not welcome newcomers and put out poisons, traps, etc.). With little-to-no-remaining cover, along with gathering at water sources, what should be an ethical and fair chase hunt may more closely resemble an illegal "canned hunt."

II. Wildlife No Match. With flames reported as high as 300' or more, the current Delta Fire (I-5 closure), is simply another example. "It's the number of total acres burned in California overall that has increased dramatically, indicating the fires are simply faster and more intense."[3] Such intensities, especially with the earlier fires, can easily destroy eggs, kill all nesting birds, and possibly adults as well—whether ground, shrub, or tree nesters. Even if the flames and heat are avoided, smoke inhalation can and does result in wildlife death. After one fire, researchers determined that the death of one of their radio-collared, adult female pumas, found in a mountain draw with burned paws and singed whiskers, but "otherwise minimal external injuries, had asphyxiated, probably on a day when strong south winds had driven the fire front forward at some 15 mph—fast enough, they reasoned, to trap the animal in the draw." For smaller mammals, suffocation may occur when vital ventilation is via a single underground entrance.

III. Winners and Losers. Depending upon terrain and fire severity, some species may benefit, but most will be negatively impacted.[4] Predators may benefit by preying on fleeing animals. So-called "moderate" fires may create more beneficial, diverse micro-habitats, but California's recent mega fires can hardly be classified as "moderate.[5] Wildlife's normal "escape" instincts (climbing trees, burrowing, etc.) can be deadly.[6] With changes in watersheds after fires (flows, run off, turbidity, sediment loads, etc.), fish and aquatic invertebrates are negatively impacted also.[7]

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[2] "Wildfire," http://www (dot) calforestfoundation.org/wildfire/

[3] Eric Knapp, fire ecologist, Redding. http://www (dot) latimes.com/local/lanow/la-me-delta-fire-update-20180907-story.html

[4] "All fires are not equal when it comes to how they impact wildlife…. What's good for one species may be a problem for another." Dave Koehler, Idaho Fish and Game biologist. https://www (dot) scientificamerican.com/article/massive-wildfires-in-u-s-northwest-destroyed-habitats-threaten-wildlife/

[5] "How Animals are Coping with California's Wildfires," National Geographic, https://news (dot) nationalgeographic.com/2015/09/150914-animals-wildlife-wildfires-nation-california-science/

[6] Ibid., Jane Smith, a mycologist with the U.S. Forest Service in Corvallis, Oregon, has measured temperatures as high as 1,292 degrees Fahrenheit beneath logs burning in a wildfire, and 212 degrees Fahrenheit a full two inches below the surface.

[7] "High severity fires, which we are experiencing today, burn so hot they crystalize the soil. In these areas, the soil chemistry is changed and can no longer absorb rainfall. Without trees or roots to hold the soil in place, these areas see severe soil erosion and landslides which threaten

IV. Factoring Climate Change into the Mix. "Climate change is such a planetary-scale, whole-earth-system phenomenon that it's an epic challenge to predict how specifically it'll influence local fire regimes, though more and longer-lasting droughts, higher annual temperatures, receding permafrost, and diminished and faster-melting snowpacks certainly seem to set the stage for more burning. Assessing how wildlife can adapt to an evolving new pattern of wildfire is just one part of the high-stakes puzzle climate change presents….
"California condors, for example, have dealt with wildfire in western North America for many millennia; countless nests must have gone up in flames. That's less of an issue when you've got lots of condors, but today, the potential loss of just one nestling – like the chick caught in the Thomas Fire – is a major cause for concern.
"If you have a species tied to a particular place, isolated in a refugia, it may suffer from a big burn that blasts over the site," Pyne said. "Apart from any immediate fatalities, the species won't have any place else to flee to until the original site recovers."
"Hemming wildlife into small, isolated patches of habitat surrounded by human development or otherwise unfavourable landscapes makes animal populations more vulnerable to fires, as they may have less ability to seek refuge and food, and fewer source populations for recolonisation."[8]

Hunting of one species has been banned in Canada (B.C) area due to fire impacts. Two First Nations governments have banned moose hunting in their respective territories. Record-breaking wildfires "have reduced high-value habitat for the animals, while creating thousands of access routes for hunters and predators," thus making already struggling moose populations even more vulnerable.[9] The same can be said for California's record-breaking wildfires.

In summary, every fire regime may be different, but most agree the fuels and climate issues suggest more mega fires will burn. Thus, wildlife regulatory agencies must take extra precautions and consider a broad approach to conserve wildlife—both for non-consumptives and consumptives. The latter group must not be granted killing privileges that will exacerbate already-fire-devastated wildlife populations.

We strongly urge the FGC/WRC to forgo "business as usual," accurately assess all resources, and recommend adoption of the most conservative approach possible to the 2019-2000 regulations and recommendations, including hunting bans in specific areas, to ensure healthy future wildlife populations.

Thank you for considering our views,

Chair, Public Interest Coalition
Chair, Sierra Club Placer Group, Conservation Comm

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drinking water supplies, public health and safety, and fisheries."
"Wildfire," http://www (dot) calforestfoundation.org/wildfire/

[8] Ibid. Stephen Pyne, wildlife scholar and former firefighter. http://www (dot) stephenpyne.com/

[9] "B.C. First Nations ban moose hunt after wildfires destroy habitats," https://www (dot) cbc.ca/news/canada/british-columbia/moose-hunt-bc-1.4812605

Tracking Number: 2015-014

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. **Person or organization requesting the change (Required)**
   Name of primary contact person: Patrick Kallerman
   Address:
   Telephone number:
   Email address:

2. **Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested:

   Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code

3. **Overview (Required)** - Summarize the proposed changes to regulations:

   This proposal would amend subsections of Chapter 3, Article 3, Section 7.50(b) – Alphabetical List of Waters with Special Fishing Regulations – and subsections of Chapter 3, Article 4, Section 8.00(b) – Low-Flow Restrictions Mendocino, Sonoma, and Marin County coastal streams: Stream Closures: Special Low Flow Conditions – Title 14, California Code of Regulations.

   Proposed **amendments to subsections of 7.50(b)** would apply to the following streams (north to south): Usal Creek, Cottaneva Creek, Ten Mile River, Noyo River, Big River, Albion River, Navarro River, Greenwood Creek, Elk Creek, Alder Creek, Brush Creek, Garcia River, Gualala River, Russian Gulch, Salmon Creek, Walker Creek, and Sonoma Creek.

   For Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River:

   - Amend Section 7.50(b) to permit only artificial lures with barbless hooks to be used year-round.
   - Amend Section 7.50(b) to close streams to all angling from April 1st through October 31st.

Proposed **amendments to subsections of 8.00(b)** are:

- Amend Section 8.00(b) to leave the Navarro River open to angling on the main stem below the confluence of the North Fork Navarro when the applicable designated gauging station is less than the minimum flows set forth.
- Amend Section 8.00(b) to leave the Garcia River open to angling on the main stem below the Highway 1 bridge when the applicable designated gauging station is less than the minimum flows set forth.
- Amend Section 8.00(b) to leave the Gualala River open to angling on the main stem below the confluence of the North Fork Gualala when the applicable designated gauging station is less than the minimum flows set forth.

4. Rationale (Required) - Describe the problem and the reason for the proposed change:

The problem – Many of the Central Coast streams described in the Overview section are considered 'focus populations' for the recovery of ESA-listed salmonids and merit improved protection as habitat and from angling practices and equipment that are statistically more harmful to fish. These rivers are managed as steelhead and coho streams. There are no hatchery fish added to these streams to support a put-and-take fishery.

However, several of these streams – the Gualala, the Garcia, and the Navarro in particular -- are legendary steelhead fisheries that have played a prominent role in the evolution of the culture and techniques of modern steelhead angling. Because these three streams are so important to anglers, the angling regulations for them deserve more consideration in terms of alternative strategies and language that will better protect salmon and steelhead through all of their freshwater life history phases while enhancing angling opportunity.

Currently, these streams remain open to angling from mid-Spring to mid-Fall. The result is that current angling regulations allow catch of salmonid smolts, juveniles, and kelts when they are at their most vulnerable. In addition, the lack of a provision regarding use of barbless hooks on these streams probably elevates catch rates and likely increases stress on salmonid populations throughout the year. Lastly, the current flow triggers for angling closures on these streams, while well-intentioned, lack scientific justification, are needlessly over-restrictive, and dramatically reduce many of the lowest-impact angling opportunities. A simple adjustment in the stream reaches that are open to angling when streamflows drop below the current flow trigger would provide strong protection for fish, preserve a greater variety of angling opportunity, and help reduce poaching and other illegal activities all along these rivers.

The solution – (1) Transition to allowing only artificial lures with barbless hooks for all angling on these waters. This is a simple and pragmatic step to reduce angling impacts regardless of preferred tackle type and spread the use of a limited resource across a greater number of anglers.

(2) Limit angling only to periods when fully mature adult fish are in these streams. A strategically limited angling season will reduce angling pressure when salmon and steelhead are most vulnerable while preserving more angling opportunity in the traditional winter run steelhead season.

(3) Adjust the current regulations to allow angling for steelhead throughout the tidally influenced reaches of the Gualala, Garcia, and Navarro rivers when streamflows drop below the current trigger for

the designated gauging stations. The reaches proposed here to remain open are predominately tidally affected and therefore have adequate volume and flow for fish passage throughout the season. They are also well below the well documented spawning habitat in these rivers.

SECTION II: Optional Information

5. **Date of Petition:** Click here to enter text.

6. **Category of Proposed Change**
   - ☐ Sport Fishing
   - ☐ Commercial Fishing
   - ☐ Hunting
   - ☐ Other, please specify: Click here to enter text.

7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or https://govt.westlaw.com/calregs*)
   - ☐ Amend Title 14 Section(s):Click here to enter text.
   - ☐ Add New Title 14 Section(s): Click here to enter text.
   - ☐ Repeal Title 14 Section(s): Click here to enter text.

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.
   Or ☐ Not applicable.

9. **Effective date**: If applicable, identify the desired effective date of the regulation.
   If the proposed change requires immediate implementation, explain the nature of the emergency: Click here to enter text.

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Click here to enter text.

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Click here to enter text.

12. **Forms:** If applicable, list any forms to be created, amended or repealed:
    Click here to enter text.

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FISH AND GAME
COMMISSION
2015 DEC 15 AM 8: 1[illegible]

SECTION 3: FGC Staff Only

Date received: Click here to enter text.

FGC staff action:
- ☒ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: 12/15/15

Meeting date for FGC consideration: Feb 10-11, 2016

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition _____
  Tracking Number
- ☐ Granted for consideration of regulation change

State of California
Department of Fish and Wildlife

Memorandum

Date: September 6, 2018

To: Stafford Lehr, Deputy Director
Wildlife and Fisheries Division

From: Kevin Shaffer, Chief
Fisheries Branch

Subject: Fish and Game Commission Regulation Change Petition No. 2015-014

Overview

On December 15, 2015, the Fish and Game Commission (Commission) received a Regulation Change Petition (Tracking Number 2015-014) concerning sport fishing regulations on Mendocino, Sonoma, and Marine County coastal streams (California Code of Regulations, Title 14, sections 7.50(b) and 8.00(b)). The Commission forwarded the petition to the Department of Fish and Wildlife (Department) for review and requested the Department to meet with the petitioner to discuss their requests and concerns. The proposed changes outlined in petition include the following:

1) Amend Section 7.50(b) to permit only artificial lures with barbless hooks to be used year-round;
2) Close streams to all angling from April 1 through October 31;
3) Amend Section 8.00(b) to leave the Navarro River open to angling on the main stem below the confluence of the North Fork Navarro when the applicable designated gauging station is less than the minimum flows set forth;
4) Amend Section 8.00(b) to leave the Garcia River open to angling on the main stem below the Highway 1 bridge when the applicable designated gauging station is less than the minimum flows set forth; and
5) Amend Section 8.00(b) to leave the Gualala River open to angling on the main stem below the confluence of the North Fork Gualala when the applicable designated gauging station is less than the minimum flows set forth.

Fisheries management staff met with the petitioner on two separate occasions to discuss their proposed regulation changes. For the reasons stated herein, the Department does not support the proposed regulation changes in this petition, and recommends that the Commission deny this petition. Attached are formal responses to this petition from the Department, memo dated April 24, 2018, and from the National Marine Fisheries Service (NMFS), letter dated April 4, 2018. Please refer to the attached documents for additional information including detailed summaries, figures, data and photos that support the Department's recommendation to deny this petition.

Background

In 2014, the Department proposed regulatory changes to Title 14, Chapter 3, Article 4, Section 8.00, subsection (b) to add low-flow fishing restrictions to the Russian River and base the closure of North Central-Coast streams on one or more stream gauges on rivers that are more representative of these North Central-Coast streams than the current regulated flows of the Russian River. The proposed regulatory changes were the result of a collaborative effort among NMFS, the Department, local stakeholders and watershed councils, to address fishery impact concerns that had arisen during the prior three years of drought, with the goal of protecting ESA-listed fish while still providing sport fishing opportunities.

On December 3, 2014, following two stakeholder meetings and three public Commission meetings, the Commission adopted a low flow closure threshold for all Mendocino, Sonoma, and Marine County coastal streams open to sport fishing as currently designated in Title 14, Chapter 3, subsections 7.50(b) and 8.00(b)(1). These newly implemented low flow fishing regulations, which include the Navarro, Garcia, and Gualala rivers, are in alignment with the Department and NMFS' fisheries management objectives and mission to protect and recover ESA-listed salmonids under the federal and state ESAs.

Approximately nine months after the regulations went into effect, the Commission received a petition (Tracking Number 2015-014) to amend the newly adopted low flow closure regulations on Mendocino, Sonoma, and Marine County coastal streams. The Commission forwarded the Petition to the Department for review and directed the Department to meet with the petitioner to discuss the petitioner's concerns and requests.

Coordination with Petitioner

- Meeting in Santa Rosa on November 8, 2017 – Fisheries management staff from Region 1, Region 3, and Fisheries Branch met with the petitioner to answer questions and discuss their concerns. The purpose of this meeting was not for the Department to give definitive answers to the petitioner's regulation change requests but rather to have open dialogue.

- Wildlife Resources Committee (WRC) Meeting on January 18, 2018 – The Chief of Fisheries Branch presented the Department's recommendation to the WRC that it not move forward with the proposed regulation changes in Regulation Change Petition Tracking Number 2015-014. After hearing comments from the public, the WRC did not make a ruling on the petition and asked the Department to meet with the stakeholders again.

- Meeting in Santa Rosa on July 11, 2018 – Department held a second meeting with the petitioner to discuss their proposed regulation changes and answer questions.

In attendance were six Department staff, three NMFS staff, the petitioner and one stakeholder. The Department asked NMFS to attend the meeting because the agency had been involved in the development of the low flow regulations in 2014, including providing its own proposal for low flow fishing restrictions on north central coast rivers.

Responses to Proposed Regulation Changes

1) The Department does not support a year-round restriction on the use of bait on the subject waters at this time. Current regulation allows the use of bait, artificial lures, and only barbless hooks from November 1 to March 31, in the subject waters. Bait fishing for steelhead can be effective during river conditions that are higher flow and cloudier water conditions that are not effective for artificial lures, and bait fishing is a gear type frequently used for steelhead angling. Amending the regulation or the removal of bait gear would significantly reduce a popular angling opportunity. Bait and gear restrictions on anadromous waters will be addressed by the Department during the development of pending statewide anadromous regulations.

2) The Department does not support amending the regulations to close all streams to fishing from April 1 to October 31. Fishing is currently closed from April 1 to the day before the fourth Saturday in May in the subject waters for the protection of post spawn adult steelhead that are migrating downstream to the ocean and for downstream migrating salmonid juveniles. From the fourth Saturday in May to October 31 these waters are open to catch and release of resident trout and fishing for non-native fish species present in some streams. Anecdotal CDFW observation of fishing pressure that occurs from the fourth Saturday in May to October 31 indicates very little fishing and impact to native fish occurs during this time period. Amending the regulation to close fishing from April 1 to October 31 does not provide significant additional protection to the fisheries resource and reduces fishing opportunity. Fishing seasons on anadromous waters will be addressed by the Department during the development of pending statewide anadromous regulations.

3) The Department does not support the proposal to open angling in the lower portions of the Gualala, Navarro, and Garcia rivers during low flow conditions. During low flow events, steelhead can be concentrated in shallow clear water, easily visible to anglers, and less able to migrate upstream. These conditions can create an increased state of stress for the fish and make them more prone to repeat hooking, which may lead to mortality.

   Since the implementation of these regulations, the majority of the closures occur prior to the onset of winters rains, coinciding with migration periods of federally ESA-listed threatened California Coastal (CC) Chinook Salmon; and federally and state ESA-listed endangered Central California Coast (CCC) Coho Salmon.

The attached responses to this petition prepared by the Department and NMFS include information to demonstrate that since the implementation of the 2015 low flow regulations, ample fishing opportunity through the winter and spring periods which coincide with the migration of steelhead, was available to anglers. It should be noted that the most of the low flow closures occur between September and December, which are prior to the primary run timing for steelhead.

Conclusion

The Department does not support Regulation Change Petition (Tracking No. 2015-014). The proposed regulation changes conflict with state and federal fisheries management objectives and would undo recovery actions listed in NMFS species recovery plans. The Department and NMFS believe that the current low flow restrictions are working to improve the protection for ESA-listed salmonids during their upstream migrations to subsequent spawning destinations, and provide adequate fishing opportunity. The Department will continue to monitor flows on the Mendocino, Sonoma, and Marine County coastal streams and evaluate the effectiveness of the low flow closures. In addition, the Department will address gear and seasons on all coastal streams during development of pending statewide anadromous regulations. The Department strives to keep all waters of the state open to fishing as much as possible, for all angling types, will petition the Commission to change the current regulations if, in the future, data shows that the regulations are no longer effective.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

June 29, 2018

Jonathan Nelson
Anadromous Conservation and Management Program
Fisheries Branch
California Department of Fish and Wildlife
830 S Street
Sacramento, California 95811

Dear Mr. Nelson:

This letter is in regard to the Petition (Petition) for regulation change authored by Mr. Patrick Kallerman (petition tracking number 2015-014) to the California Fish and Game Commission (CFGC) recommending changes to freshwater fishing regulations within Mendocino County coastal stream indicated in Chapter 3, Article 3 subsections 7.50(b): Alphabetical List of Waters with Special Fishing Regulations; and subsections Chapter 3 Article 4, 8.00(b): Low-Flow Restrictions Mendocino, Sonoma, and Marin County coastal streams: Stream Closures: Special Low Flow Conditions: Title 14, California Code of Regulations. We understand Mr. Kallerman requests the following changes:

1. Amend Section 7.50(b) to permit only artificial lures with barbless hooks to be used year-round.
2. Amend Section 7.50(b) to close streams to all angling from April 1st through October 31st.
3. Amend Section 8.00(b) to leave the Navarro River open to angling on the main stem below the confluence of the North Fork Navarro when the applicable designated gauging station is less than the minimum flows set forth.
4. Amend Section 8.00(b) to leave the Garcia River open to angling on the main stem below the Highway 1 Bridge when the applicable designated gauging station is less than the minimum flows set forth.
5. Amend Section 8.00(b) to leave the Gualala River open to angling on the main stem below the confluence of the North Fork Gualala when the applicable designated gauging station is less than the minimum flows set forth.

Regarding Petition changes 1 and 2: We understand that gear and seasonal restrictions in anadromous trout waters will be addressed during the development of pending statewide anadromous regulations by California Department of Fish and Wildlife (CDFW). NOAA's National Marine Fisheries Service (NMFS) supports the current regulations at this time, but requests to discuss and evaluate any future proposed changes to the current sport fishing regulations together with CDFW prior to implementation.

Regarding Petition changes 3-5: Salmonids in many coastal watersheds in California can be subject to increased angling pressure during periods of extended or prolonged low-flow conditions. When low-flow conditions occur, adult salmonids are subjected to increased potential for mortality due to

the physiological stress, predation, and elevated angling pressure associated with decreased passage or migration opportunity caused by delayed or muted environmental cues such as flow and temperature changes. CDFW currently has low-flow closure regulations for most anadromous salmonid watersheds throughout California for the purpose of protecting adult salmonids during critical spawning and migration periods.

In 2013, NMFS, in close coordination with CDFW Regions 1 and 3, authored a proposed low-flow fishing closure regulation for Mendocino, Sonoma, and Marin County coastal streams to enhance the protection of federally Endangered Species Act (ESA) listed adult salmonids during prolonged low-flow periods (Enclosure 1). Following agency and public review where NMFS provided further data and information (Enclosure 2), in 2015 the CFGC supported a low-flow closure threshold for all Mendocino County Coastal Streams open to sport fishing, as currently designated in Title 14 Chapter 3, Articles 3 subsections 7.50(B) and 8.00(b)(1). These newly implemented low-flow fishing regulations, which include the Navarro, Garcia and Gualala Rivers, are in alignment with NMFS' mission to protect and recover ESA-listed salmonids under the federal ESA of 1973, as amended.

Since the implementation of these regulations, the enhanced protections have resulted in fishing restrictions prior to the onset of winter rains, coinciding with the migration periods of federally ESA-listed threatened California Coastal (CC) Chinook salmon; ESA-listed threatened Central California Coast (CCC) steelhead; ESA-listed threatened Northern California (NC) steelhead, and federally and state ESA-listed endangered Central California Coast (CCC) coho salmon. Enclosed, we provide information (Enclosure 3) to demonstrate that following river flow increases which coincide with the migration of steelhead, the remaining fishing season allowed for ample quality fishing opportunity through the winter and spring periods since implementation of the current low-flow fishing closures since 2015. We are available to discuss this information further with CDFW, Mr. Kallerman and members of the interested fishing community.

In summary, NMFS believes federally ESA-listed salmonids inhabiting Mendocino, Sonoma, and Marin County coastal streams should receive the necessary protection from anglers during critical low-flow periods to ensure species recruitment and conservation goals. NMFS supports appropriate low-flow closure thresholds for Mendocino, Sonoma, and Marin County coastal streams and the current protections which the regulations in subsections 7.50(b) and 8.00(b) provide. Further, we are committed to working with CDFW in the ongoing evaluation, development and improvement of California's sport fishing regulations.

If you have any questions or would like additional information regarding our letter or enclosed information, please contact Joshua Fuller at (707) 575-6096 or by email at Joshua.Fuller@noaa.gov.

Sincerely,

For

Alecia Van Atta
Assistant Regional Administrator
California Coastal Office

Enclosures

cc: Charlton Bonham, Director, CDFW, Sacramento, CA
Stafford Lehr, Fisheries Branch Chief, CDFW, Sacramento, CA
Gregg Erickson, Regional Manager, CDFW, Yountville, CA
Eric Larson, Biological Programs Manager, CDFW, Yountville, CA
Neil Manji, Regional Manager, CDFW, Redding, CA
Tony LaBanca, Coastal Fisheries Environmental Program Manager, CDFW, Eureka, CA
Allan Renger, Southern Humboldt and Mendocino Counties Fisheries Management Supervisor, CDFW, Fortuna, CA

North Central District Fishing Regulation Proposal: Central Coast Streams

NMFS

August 7, 2013

I. Fishing Regulation Change Proposal

Central Coast Streams – Stream closures: Special low-flow conditions pertaining to this proposal would apply to the following streams (north to south): Usal Creek, Cottaneva Creek, Ten Mile River, Noyo River, Big River, Albion River, Navarro River, Greenwood Creek, Elk Creek, Alder Creek, Brush Creek, Garcia River, Gualala River, Russian Gulch, Salmon Creek, Walker Creek, and Sonoma Creek.

Alternative 1: Extended low-flow restrictions based on the Navarro River stream gauge.

1. Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River.

    a. Minimum Flow: From October 1 through April 1, **200 cfs** at the gauging station on the Navarro River along Hwy 128 (USGS 11468000; Mendocino County).

    b. Open Season and Special Regulations (general):

        i. Only artificial lures with barbless hooks may be used from the forth Saturday in May through October 31 (current).
        ii. Only barbless hooks may be used from November 1 through March 31 (current).

Alternative 2: Extended low-flow restrictions based on the SF Gualala River stream gauge.

1. Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River.

    a. Minimum Flow: From October 1 through April 1, **150 cfs** at the gauging station on the SF Gualala River near Sea Ranch (USGS 11467510; Sonoma County).

    b. Open Season and Special Regulations (general):

        i. Only artificial lures with barbless hooks may be used from the forth Saturday in May through October 31 (current).
        ii. Only barbless hooks may be used from November 1 through March 31 (current).

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II. Current Regulation, Problem ESA Impacted Species, and Justification

a) ***Regulation in question***: *Chapter 3. Article 4. Supplemental Regulations. 8.00. Low-Flow Restrictions (b) (1): The Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, expect for the Russian River. Minimum Flow: 500 cfs at the gauging station on the main stem Russian River near Guerneville (Sonoma County).* ***Page 69.***

b) ***Problem:***

- Central Coast Stream low-flow conditions are poorly represented by the Russian River gauge near Guerneville due to the differences in geography, rainfall, hydrology, and the functional differences between natural and regulated flows
- Central Coast low flow closures intended by the regulation, are not triggered, when low flow conditions exist, due to elevated and regulated flows in the Russian River
- Lack of closure results in extensive angling pressure on Central Coast streams when salmonids are most vulnerable and stressed
- Many Central Coast Streams are considered 'focus populations' for the recovery of ESA-listed salmonids and require improved protection during the annual steelhead season.

c) ***Identification of listed species being impacted that will benefit from change*****:** (T) CCC & NC steelhead**,** (T) CC Chinook, and (E) CCC coho salmon

d) ***Description of impact from regulation and rationale/justification for recommended change:*** Currently, low-flow closures of Central Coast Streams are triggered by a 500 cfs threshold measured at the Russian River Hacienda/Guerneville gauge. Unlike adjacent Central Coast Streams, the Russian River contains two large reservoirs resulting in highly regulated stream flows. These regulated flows create altered hydrologic conditions that often contribute to prolonged stream flows of 500 cfs or greater at the Hacienda/Guerneville gauge during the wet season. Using the Russian River Hacienda/Guerneville gauge has resulted in other Central Coast Streams remaining open to fishing during extensive low-flow periods. This situation exposes adult salmon and steelhead to extremely high fishing pressure when they are most vulnerable and stressed. The Russian River was selected as the flow standard for Central Coast Streams due to a previous lack of secure funding for individual stream flow gauges in this area. At present, there are stream flow gauges on the Navarro (USGS 11468000), SF Gualala (USGS 11467510), and Garcia (stage, CDEC GRC) rivers. NMFS prefers the use of the Navarro River gauge because it has the longest and most consistent hydrologic recorded among unregulated Central Coast Streams and has secured funding. Alternatively, the SF Gualala stream gauge also provides adequate hydrologic information and potentially could suffice as representative flow conditions for Central Coast Streams. Therefore, for the purpose of regulating special low-flow fishing conditions across various Central Coast Streams, either the Navarro or SF Gualala river gauges would be more appropriate than the Russian River. A low-flow trigger of 200 cfs on the Navarro gauge or 150 cfs on the SF Gualala gauge is proposed. NMFS believes a low-flow trigger of 200 cfs on the Navarro or 150 cfs on the SF Gualala is substantiated by the data and will: (1) significantly improve the protection for ESA-listed salmonids during their upstream migrations to subsequent spawning destinations; and (2) provide adequate fishing opportunity. These recommendations are based on: 1) the experience of NMFS fisheries biologists, 2) their extensive local angling experience, 3) North Fork Gualala adult steelhead passage studies, and 4) collaboration with local angling groups.

e) ***Remaining issues:***

- Agreement on stream gauge station to use for low-flow trigger – SF Gualala vs. Navarro.
- Angling boundaries. Anglers propose no low-flow closures on estuaries.
- Low-flow trigger 100 vs. 150 cfs SF Gualala.
- Outline steps/process for implementation.

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III. Results

- Navarro River gauge encompasses 303 mi^2 of watershed.
- South Fork Gualala gauge encompasses 161 mi^2 of watershed.
- NF Gualala gauge encompasses 47.1 mi^2 of watershed.
- North Gualala Water Company Site-Specific Studies Report prepared by Stillwater Sciences (Dec 2012) indicates at 60 cfs the lower reaches of NF Gualala become passable based on the Thompson (1972) criteria (p. 18).
- 150 cfs on the SF gauge ensures at least the same level of protection as current with the Hacienda gauge (RR) and additional protection during prolonged low-flow conditions (Table 1; Figures 1-3).
- 200 cfs on the Navarro gauge provides the most protection of low-flow triggers considered (Table 1; Figures 1-3).
- 100 cfs on the SF Gualala gauge and 500 cfs on the Hacienda gauge (RR) seem most similar when evaluating the number-of-fishing-days across years and potential low-flow triggers (Table 1).
- 150 cfs on the SF Gualala gauge and 200 cfs on the Navarro gauge seem most similar when evaluating the number-of-fishing-days across years and potential low-flow triggers (Table 1).
- All low-flow triggers provide very good protection during the fall months (Oct – Nov), but the Navarro provides the most across years (Table 1).
- 2012/13 Hacienda low-flow trigger for Central Coast Streams was the least protective of all years analyzed (Table 2, 3, 4, Figure 3).
- Stage height doesn't represent stream hydrology of the Garcia River or smaller streams well (Figure 4).
- 150 cfs on SF Gualala is roughly 200 cfs on the Navarro (Figure 5 a and b).
- Navarro vs. SF Gualala linear regression equation at 150 cfs on SF Gualala equals 209.9 cfs on the Navarro.
- SF vs. NF Gualala linear regression equation estimates at 150 cfs on SF Gualala equals 60.1 cfs on the NF Gualala gauge (Figure 6a). NF vs. SF Gualala estimates at 60 cfs NF equals 157.3 SF (Figure 6b).
- 6 fishing regulated Central Coast Streams are located north of the Navarro River; 7 to the south (Figure 7).
- 12 fishing regulated Central Coast Streams are located north of the Gualala River; 4 to the south (Figure 7).

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Table 1. Comparison of number-of-fishing-days analysis for selected low-flow triggers using SF Gualala River, Navarro River, and Russian River at Hacienda gauges. Information includes the percentage and number-of-days estimated under potential low-flow triggers from each gauge. Highlighted green indicates years that experienced severe low-flow conditions. *Stream flow source: USGS daily average.*

Flow (cfs)	Stream Gauge	Year					
		2007-08*	2008-09	2009-10	2010-11	2011-12	2012 - 13
		September/October – November (61/91 d)					
<100 [% (d)]	SF Gualala	100 (36*)	95 (58)	98 (60)	51 (31)	92 (56)	87 (53)
<150 [% (d)]	SF Gualala	100 (36*)	95 (58)	98 (60)	59 (36)	95 (58)	89 (54)
<200 [% (d)]	Navarro R.	100 (91)	100 (91)	100 (91)	76 (69)	98 (89)	96 (87)
<500 [% (d)]	Russian R.	100 (91)	97 (88)	100 (91)	56 (51)	92 (84)	89 (81)
		December (31 d)					
< 100 [% (d)]	SF Gualala	35 (11)	71 (22)	68 (21)	0 (0)	100 (31)	0 (0)
<150 [% (d)]	SF Gualala	45 (14)	87 (27)	77 (24)	0 (0)	100 (31)	0 (0)
<200 [% (d)]	Navarro R.	71 (22)	90 (28)	94 (29)	0 (0)	100 (31)	0 (0)
<500 [% (d)]	Russian R	52 (16)	74 (23)	68 (21)	0 (0)	100 (31)	0 (0)
		January (31 d)					
< 100 [% (d)]	SF Gualala	0 (0)	87 (27)	16 (5)	0 (0)	61 (19)	10 (3)
< 150 [% (d)]	SF Gualala	3 (1)	94 (29)	23 (7)	13 (4)	67 (21)	42 (13)
<200 [% (d)]	Navarro R.	16 (5)	100 (31)	29 (9)	13 (4)	74 (23)	42 (13)
<500 [% (d)]	Russian R	0 (0)	94 (29)	23 (7)	0 (0)	61 (19)	0 (0)
		February – March (59/60 d)					
< 100 [% (d)]	SF Gualala	18 (11)	15 (9)	0 (0)	5 (3)	33 (20)	93 (55)
< 150 [% (d)]	SF Gualala	32 (19)	23 (14)	0 (0)	20 (12)	48 (29)	97 (57)
<200 [% (d)]	Navarro R.	32 (19)	24 (14)	0 (0)	22 (13)	57 (34)	95 (56)
<500 [% (d)]	Russian R	0 (0)	19 (11)	0 (0)	0 (0)	37 (22)	10 (6)

*Flow data started 26 October 2007

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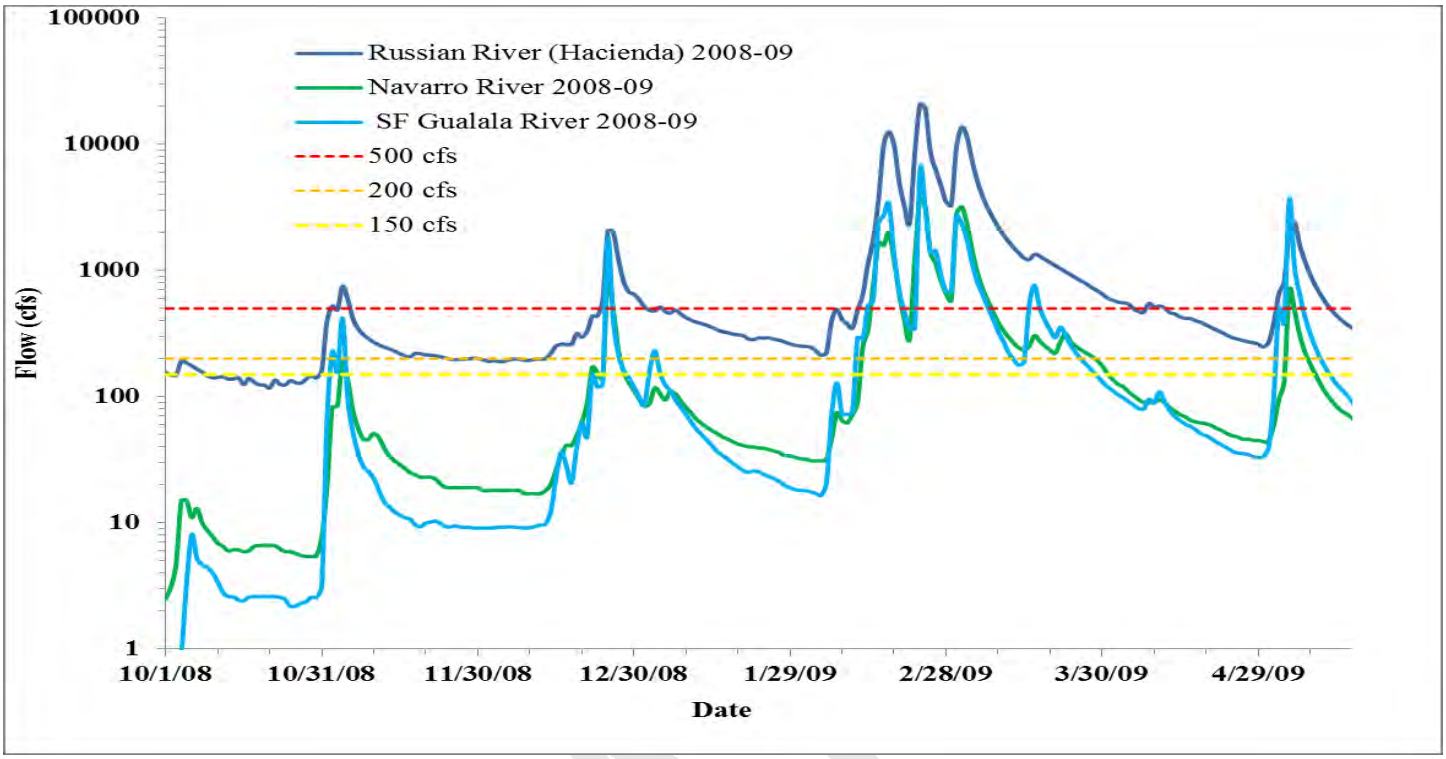


Figure 1. Hydrograph comparison of Russian (Hacienda), SF Gualala, and Navarro rivers 2008/09.

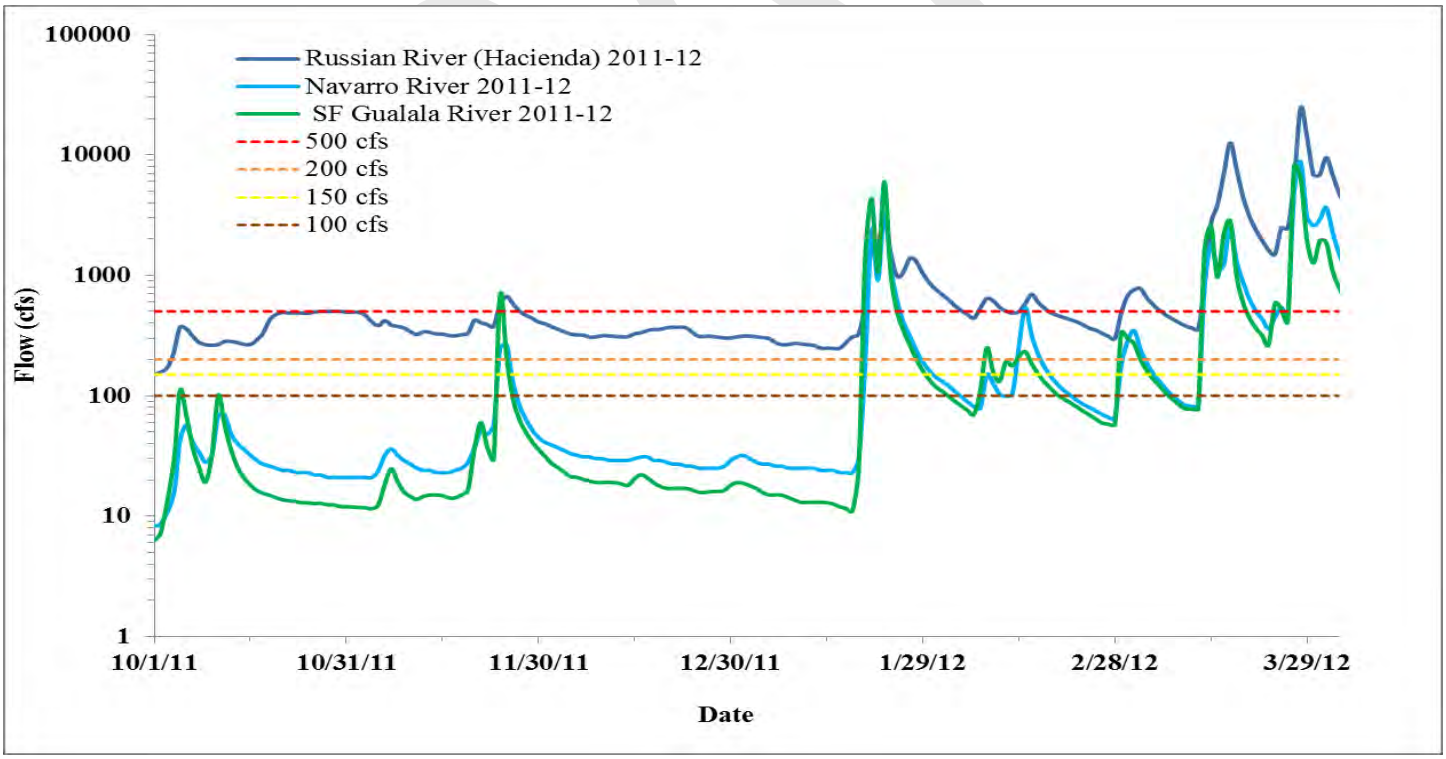


Figure 2. Hydrograph comparison of Russian (Hacienda), SF Gualala, and Navarro rivers 2011/12.

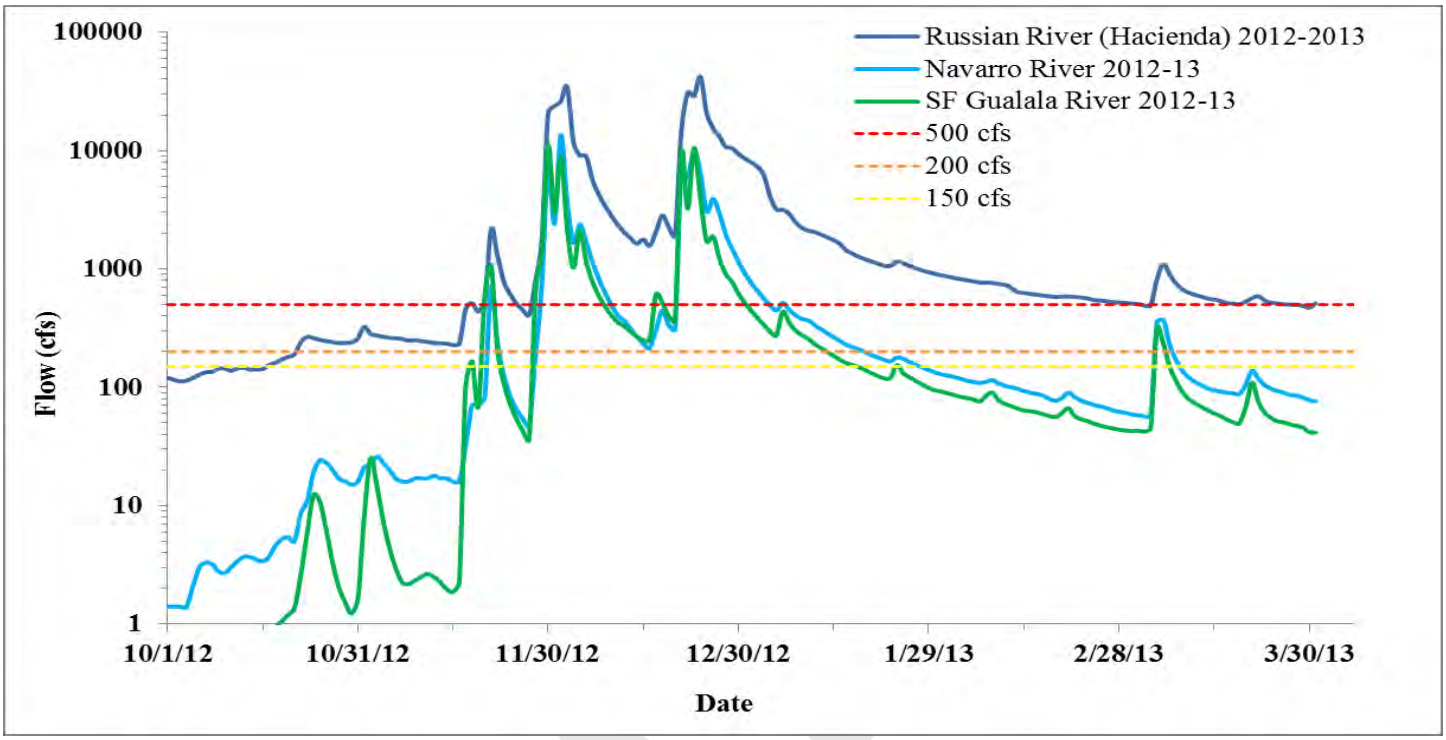


Figure 3. Hydrograph comparison of Russian near Guerneville (Hacienda), SF Gualala, and Navarro rivers 2012/13.

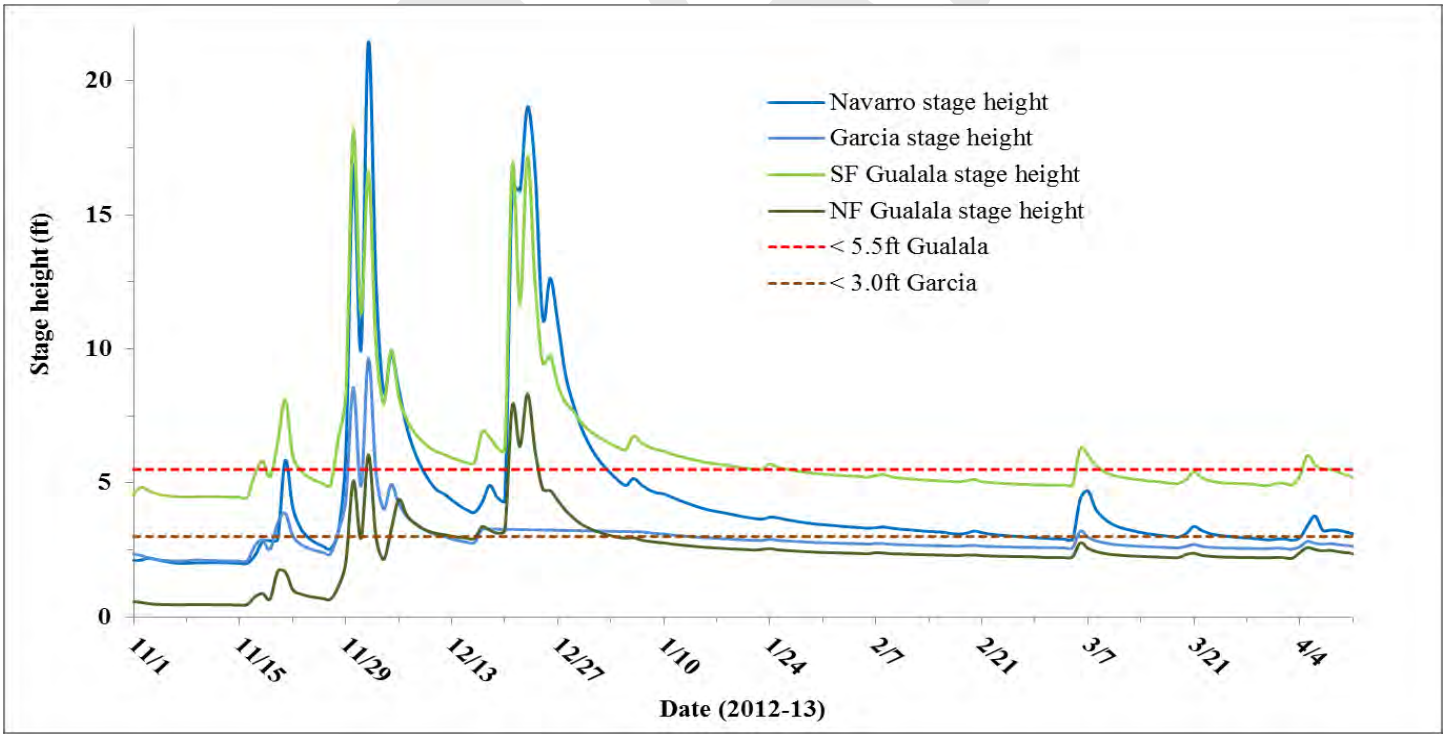
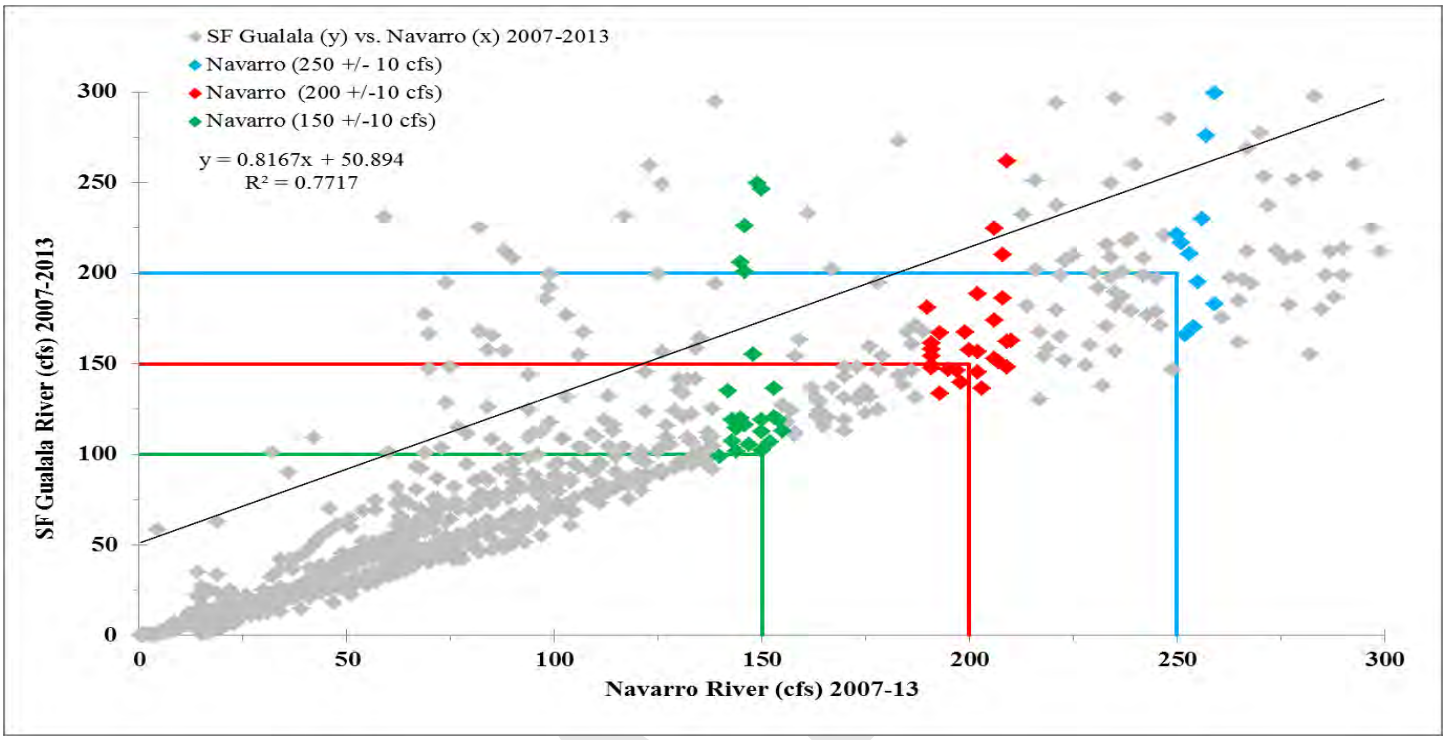
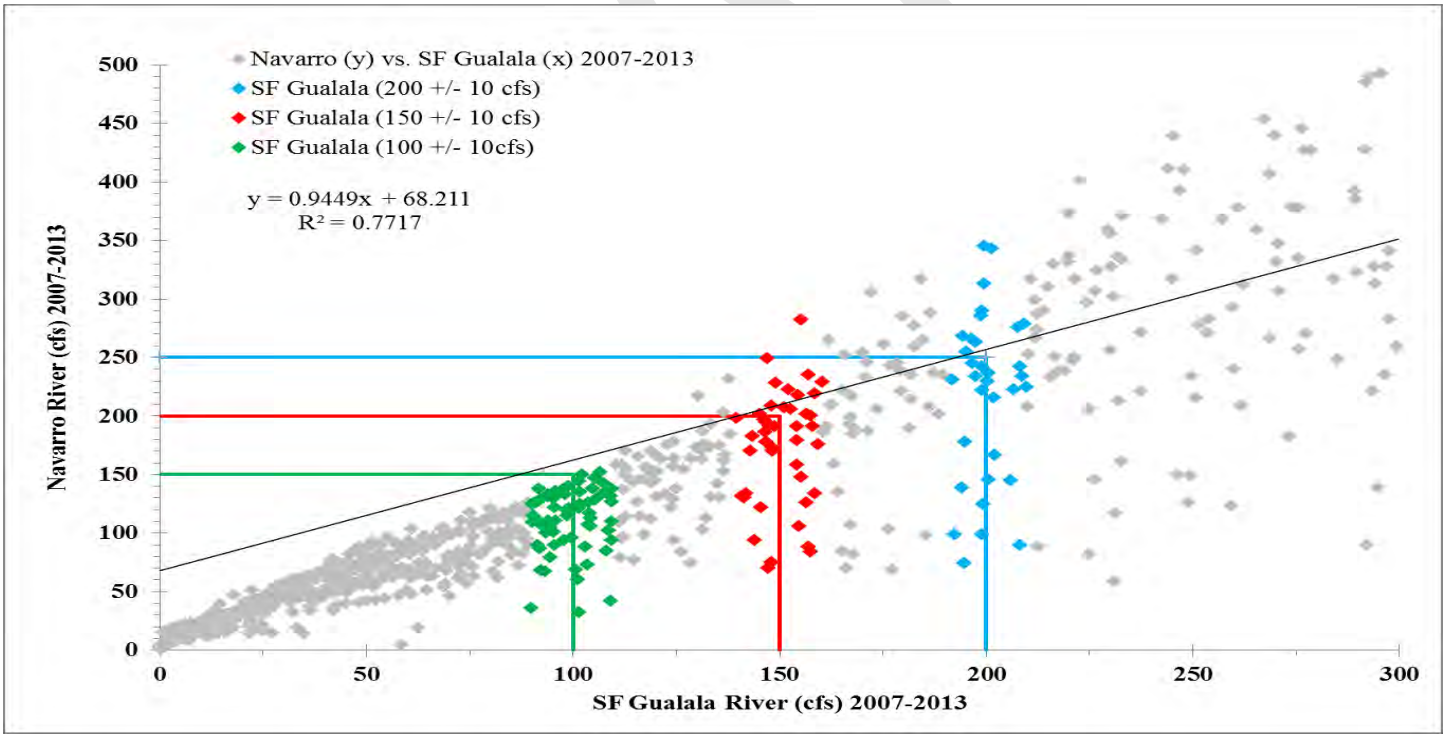


Figure 4. Comparison of stage height gauges on various Mendocino streams 2012-13. Stage elevations of 5.5 and 3.0 feet are considered severely low-flow fishing conditions on the Gualala and Garcia rivers, respectfully.

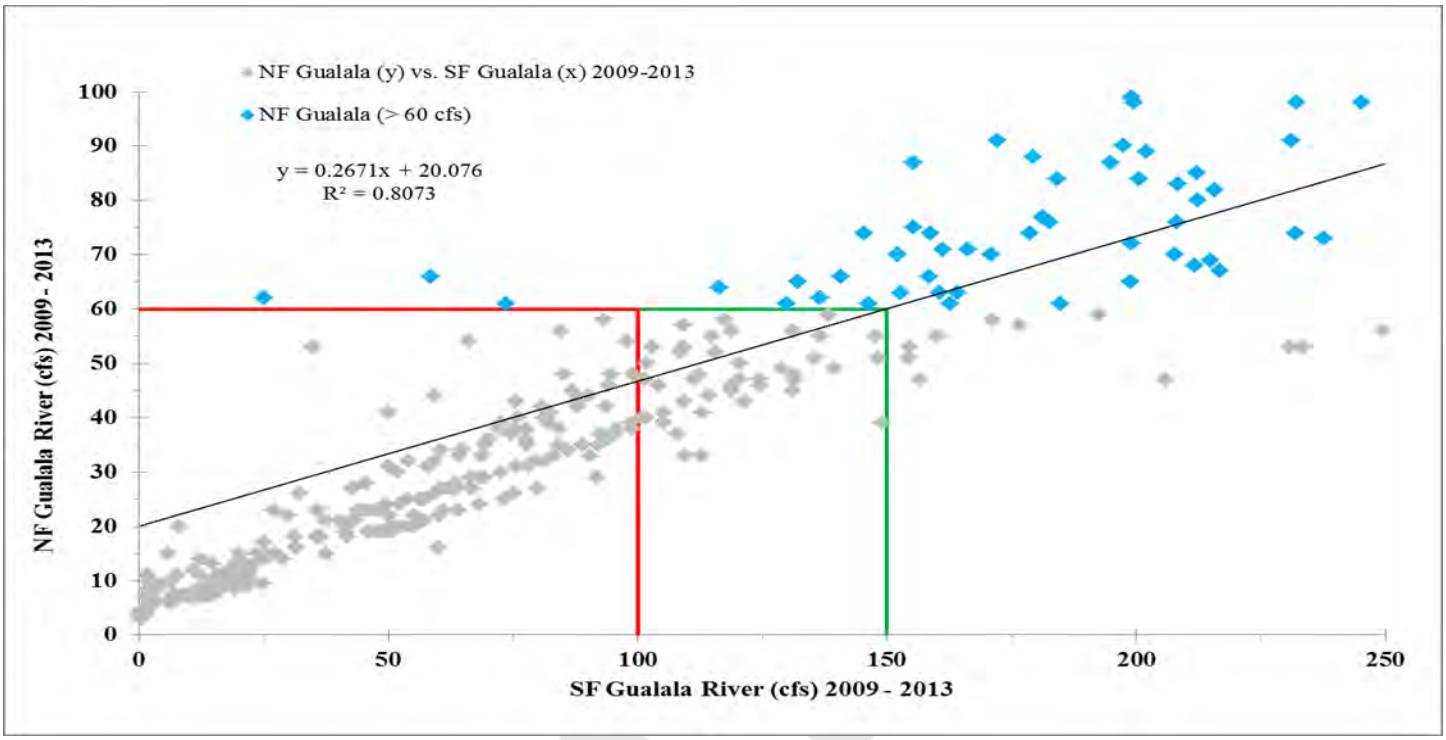


(a)

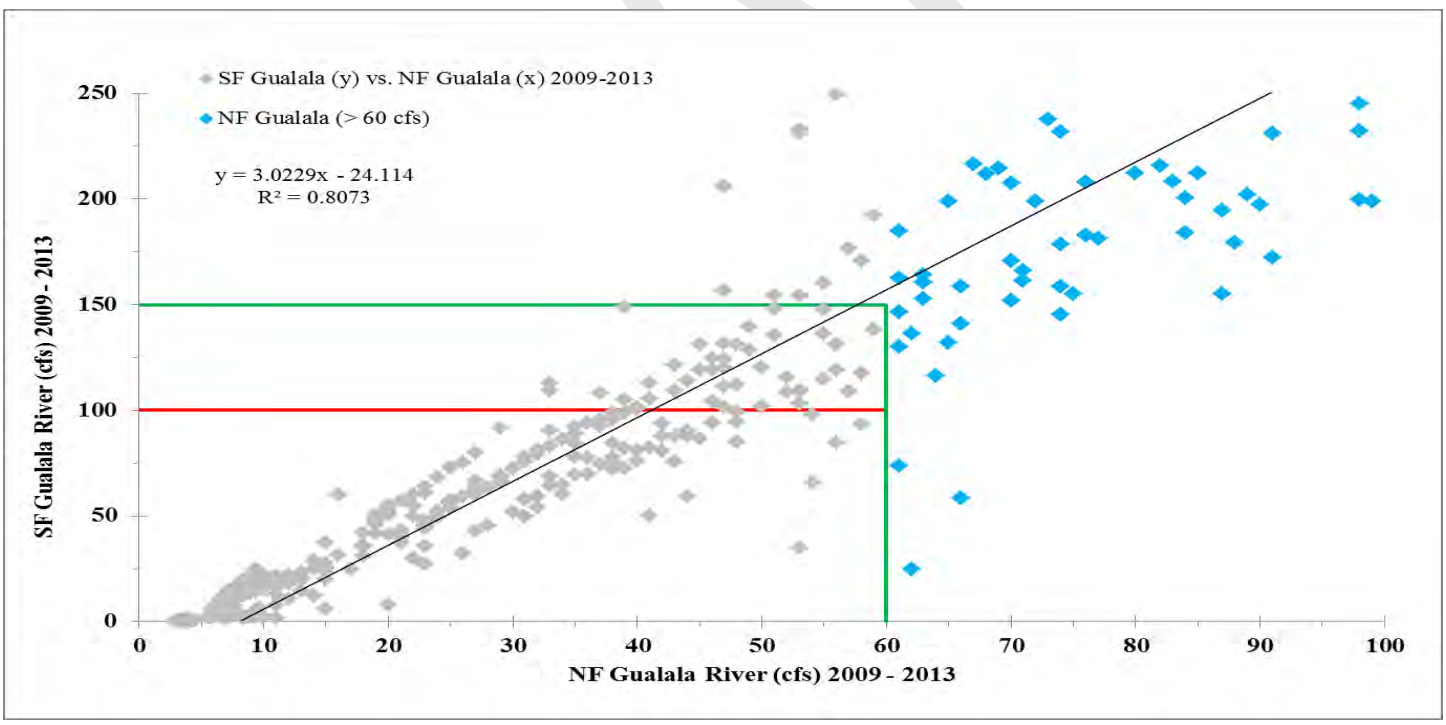


(b)

Figure 5. Liner regression comparisons (a,b) of SF Gualala River vs. Navarro River stream gauges using daily average flows during the same period of record (October 2007 through May 2013).



(a)



(b)

Figure 6. Liner regression comparisons (a,b) of the NF and SF Gualala River stream gauges using daily average flows during the same period of record (October 2009 through March 2013).

Table 2. *SF Gualala River gauge 2007/08 – 2012/13*. Information includes the percentage and number of days estimated under potential low-flow triggers using the SF Gualala gauge. SF Gualala stream flow information was only available from 26 October 2007 to current. Highlighted green indicates years that experienced severe low-flow conditions. Highlighted blue indicates a proposed low-flow trigger based on the SF Gualala gauge. *Stream flow source: USGS daily average.* *Flow data started 26 October 2007.

Flow (cfs)	Year						% Total (d)
	2007-08*	2008-09	2009-10	2010-11	2011-12	2012 - 13	
	October – November (61 d)						
< 100 [% (d)]	100 (36*)	95 (58)	98 (60)	51 (31)	92 (56)	87 (53)	**86 (294)**
<150 [% (d)]	100 (36*)	95 (58)	98 (60)	59 (36)	95 (58)	89 (54)	**89 (302)**
< 200 [% (d)]	100 (36*)	97 (59)	100 (61)	64 (39)	95 (58)	90 (55)	**90 (308)**
<250 [% (d)]	100 (36*)	98 (60)	100 (61)	70 (43)	97 (59)	92 (56)	**92 (315)**
	December (31 d)						
< 100 [% (d)]	35 (11)	71 (22)	68 (21)	0 (0)	100 (31)	0 (0)	**46 (85)**
<150 [% (d)]	45 (14)	87 (27)	77 (24)	0 (0)	100 (31)	0 (0)	**52 (96)**
< 200 [% (d)]	63 (19)	90 (28)	81 (25)	6 (2)	100 (31)	0 (0)	**56 (105)**
< 250 [% (d)]	71 (22)	94 (29)	87 (27)	6 (2)	100 (31)	3 (1)	**60 (112)**
	January (31 d)						
< 100 [% (d)]	0 (0)	87 (27)	16 (5)	0 (0)	61 (19)	**10 (3)**	**29 (54)**
< 150 [% (d)]	3 (1)	94 (29)	23 (7)	13 (4)	67 (21)	**42 (13)**	**40 (75)**
< 200 [% (d)]	23 (7)	97 (30)	26 (8)	29 (9)	74 (23)	61 (19)	**52 (96)**
< 250 [% (d)]	26 (8)	100 (31)	26 (8)	48 (15)	74 (23)	68 (21)	**57 (106)**
	February – March (59/60 d)						
< 100 [% (d)]	18 (11)	15 (9)	0 (0)	5 (3)	**33 (20)**	93 (55)	**27 (98)**
< 150 [% (d)]	32 (19)	23 (14)	0 (0)	20 (12)	**48 (29)**	97 (57)	**36 (131)**
< 200 [% (d)]	40 (24)	33 (20)	5 (3)	22 (13)	58 (35)	97 (57)	**42 (152)**
< 250 [% (d)]	52 (31)	37 (22)	17 (10)	22 (13)	63 (38)	98 (58)	**48 (172)**
< 100 % Total (d)	**37 (58)**	**63 (116)**	**47 (86)**	**19 (34)**	**69 (126)**	**61 (111)**	**20 (531)**
< 150 % Total (d)	**44 (70)**	**70 (128)**	**50 (91)**	**28 (52)**	**76 (139)**	**68 (124)**	**22 (604)**
< 200 % Total (d)	**54 (86)**	**75 (137)**	**54 (97)**	**34 (63)**	**80 (147)**	**72 (131)**	**24 (661)**
< 250 % Total (d)	**61 (97)**	**78 (142)**	**58 (106)**	**40 (73)**	**83 (151)**	**74 (136)**	**26 (705)**

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Table 3. *Navarro River gauge 2003/04 – 2012/13.* Information includes the percentage and number of days estimated under potential low-flow triggers using the Navarro River stream gauge. Highlighted green indicates years that experienced severe low-flow conditions. Highlighted blue indicates a proposed low-flow trigger based on the Navarro River gauge. *Stream flow source: USGS daily average.*

Flow (cfs)	Year										% Total (d)
	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012/13	
	September – November (91 d)										
< 100 [% (d)]	100 (91)	98 (89)	96 (87)	100 (91)	100 (91)	98 (89)	100 (91)	69 (63)	97 (88)	93 (85)	**95 (865)**
<150 [% (d)]	100 (91)	100 (91)	97 (88)	100 (91)	100 (91)	99 (90)	100 (91)	75 (68)	98 (89)	95 (86)	**96 (876)**
< 200 [% (d)]	100 (91)	100 (91)	97 (88)	100 (91)	100 (91)	100 (91)	100 (91)	76 (69)	98 (89)	96 (87)	**97 (879)**
<250 [% (d)]	100 (91)	100 (91)	99 (90)	100 (91)	100 (91)	100 (91)	100 (91)	79 (72)	99 (90)	97 (88)	**97 (886)**
	December (31 d)										
< 100 [% (d)]	7 (2)	45 (14)	7 (2)	36 (11)	61 (19)	71 (22)	77 (24)	0 (0)	100 (31)	0 (0)	**40 (125)**
<150 [% (d)]	10 (3)	55 (17)	29 (9)	45 (14)	68 (21)	81 (25)	90 (28)	0 (0)	100 (31)	0 (0)	**48 (148)**
< 200 [% (d)]	13 (4)	58 (18)	39 (12)	52 (16)	71 (22)	90 (28)	94 (29)	0 (0)	100 (31)	0 (0)	**52 (160)**
< 250 [% (d)]	16 (5)	65 (20)	42 (13)	52 (16)	77 (24)	94 (29)	94 (29)	3 (1)	100 (31)	7(2)	**55 (170)**
	January (31 d)										
< 100 [% (d)]	0 (0)	0 (0)	0 (0)	57 (17)	7 (2)	87 (27)	16 (5)	0 (0)	61 (19)	0 (0)	**23 (70)**
< 150 [% (d)]	0 (0)	0 (0)	0 (0)	68 (21)	7 (2)	100 (31)	26 (8)	0 (0)	65 (20)	13 (4)	**28 (86)**
< 200 [% (d)]	0 (0)	0 (0)	0 (0)	84 (26)	16 (5)	100 (31)	29 (9)	13 (4)	74 (23)	42 (13)	**34 (106)**
< 250 [% (d)]	0 (0)	10 (3)	0 (0)	97 (30)	29 (9)	100 (31)	32 (10)	29 (9)	77 (24)	55 (17)	**43 (133)**
	February – March (59/60 d)										
< 100 [% (d)]	0 (0)	0 (0)	0 (0)	15 (9)	0 (0)	19 (11)	0 (0)	0 (0)	27 (16)	61 (36)	**12 (72)**
< 150 [% (d)]	0 (0)	0 (0)	0 (0)	32 (19)	18 (11)	19 (11)	0 (0)	14 (8)	50 (30)	93 (55)	**23 (134)**
< 200 [% (d)]	8 (5)	9 (5)	0 (0)	39 (23)	32 (19)	24 (14)	0 (0)	22 (13)	57 (34)	95 (56)	**29 (169)**
< 250 [% (d)]	18 (11)	22 (13)	0 (0)	44 (26)	48 (29)	37 (22)	2 (1)	24 (14)	60 (36)	97 (57)	**33 (209)**
< 100 % Total (d)	**44 (93)**	**49 (103)**	**42 (89)**	**60 (128)**	**53 (112)**	**70 (149)**	**57 (120)**	**30 (63)**	**72 (154)**	**57 (121)**	**54 (1132)**
< 150 % Total (d)	**44 (94)**	**51 (108)**	**46 (97)**	**68 (145)**	**59 (125)**	**74 (157)**	**60 (127)**	**36 (76)**	**80 (170)**	**68 (145)**	**59 (1244)**
< 200 % Total (d)	**47 (100)**	**54 (114)**	**47 (100)**	**74 (156)**	**64 (137)**	**77 (164)**	**61 (129)**	**41 (86)**	**83 (177)**	**74 (156)**	**62 (1319)**
< 250 % Total (d)	**50 (107)**	**60 (127)**	**49 (103)**	**77 (163)**	**72 (153)**	**82 (173)**	**62 (131)**	**45 (96)**	**85 (181)**	**77 (164)**	**66 (1398)**

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Table 4. *Russian River at Hacienda/Guerneville gauge 20004/05 – 2012/13.* Information includes the percentage and number of days estimated under potential low-flow triggers using Hacienda stream gauge. Highlighted green indicates years that experienced severe low-flow conditions. Highlighted blue indicates the current low-flow trigger for coastal streams based on the Hacienda stream gauge. *Stream flow source: USGS daily average.*

Flow (cfs)	Year									% Total (d)
	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	
	September – November (91 d)									
< 250 [% (d)]	52 (47)	60 (55)	71 (65)	86 (78)	88 (80)	85 (77)	46 (42)	37 (34)	73 (66)	**66 (544)**
< 300 [% (d)]	57 (52)	82 (75)	78 (71)	100 (91)	91 (83)	95 (86)	47 (43)	53 (48)	85 (77)	**78 (628)**
< 350 [% (d)]	78 (71)	91 (83)	88 (80)	100 (91)	93 (85)	96 (87)	47 (43)	62 (56)	85 (77)	**83 (679)**
< 500 [% (d)]	97 (88)	92 (84)	100 (91)	100 (91)	97 (88)	100 (91)	56 (51)	92 (84)	89 (81)	**91 (749)**
	December (31 d)									
< 250 [% (d)]	0 (0)	0 (0)	0 (0)	0 (0)	45 (14)	16 (5)	0 (0)	0 (0)	0 (0)	**7 (19)**
< 300 [% (d)]	0 (0)	0 (0)	0 (0)	16 (5)	61 (19)	35 (11)	0 (0)	0 (0)	0 (0)	**13 (35)**
< 350 [% (d)]	13 (4)	0 (0)	16 (5)	23 (7)	68 (21)	39 (12)	0 (0)	74 (23)	0 (0)	**24 (68)**
< 500 [% (d)]	19 (6)	19 (6)	32 (10)	52 (16)	74 (23)	68 (21)	0 (0)	100 (31)	0 (0)	**41 (113)**
	January (31 d)									
< 250 [% (d)]	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	13 (4)	0 (0)	**1 (4)**
< 300 [% (d)]	0 (0)	0 (0)	0 (0)	0 (0)	35 (11)	0 (0)	0 (0)	42 (13)	0 (0)	**9 (24)**
< 350 [% (d)]	0 (0)	0 (0)	3 (1)	0 (0)	55 (17)	0 (0)	0 (0)	61 (19)	0 (0)	**13 (37)**
< 500 [% (d)]	0 (0)	0 (0)	42 (13)	0 (0)	94 (29)	23 (7)	0 (0)	61 (19)	0 (0)	**24 (68)**
	February – March (59/60 d)									
< 250 [% (d)]	0 (0)	0 (0)	0(0)	0 (0)	8 (5)	0 (0)	0 (0)	0 (0)	0 (0)	**1 (5)**
< 300 [% (d)]	0 (0)	0 (0)	0(0)	0 (0)	8 (5)	0 (0)	0 (0)	2 (1)	0 (0)	**1 (6)**
< 350 [% (d)]	0 (0)	0 (0)	8 (5)	0 (0)	10 (6)	0 (0)	0 (0)	5 (3)	0 (0)	**3 (14)**
< 500 [% (d)]	0 (0)	0 (0)	14 (8)	0 (0)	19 (11)	0 (0)	0 (0)	37 (22)	10 (6)	**9 (47)**
< 500 [% (d)]	**44 (94)**	**42 (90)**	**58 (122)**	**50 (107)**	**71 (151)**	**56 (119)**	**24 (51)**	**74 (156)**	**41 (87)**	**51 (977)**
< 350 % Total (d)	**35 (75)**	**39 (83)**	**43 (91)**	**46 (98)**	**61 (129)**	**47 (99)**	**20 (43)**	**47 (101)**	**36 (77)**	**42 (798)**
< 300 % Total (d)	**24 (52)**	**35 (75)**	**33 (71)**	**45 (96)**	**55 (118)**	**46 (97)**	**20 (43)**	**29 (62)**	**36 (77)**	**37 (703)**
< 250 % Total (d)	**22 (47)**	**26 (55)**	**31 (65)**	**37 (78)**	**47 (99)**	**39 (82)**	**20 (42)**	**24 (50)**	**31 (66)**	**30 (572)**

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Figure 7. Streams and stream reaches included in this proposal.

North Central District: Central Coast Streams

North Central District: Central Coast Streams

Current low-flow fishing regulation:

Chapter 3. Article 4. Supplemental Regulations. 8.00. Low-Flow Restrictions (b) (1): *From October 1 through April 1*….The Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, expect for the Russian River. *Minimum Flow: 500 cfs* at the gauging station on the *main stem Russian River* near Guerneville (Sonoma County). Page 69.

Need for fishing regulation change:

1. Minimize impacts to listed salmonids associated with angling
2. Central Coast Stream low-flow conditions (unregulated) are poorly represented by the Russian River gauge near Guerneville (regulated)
3. Aid law enforcement when poaching is most likely to occur – severe low-flow conditions
4. Stakeholder proposal – public concern
5. Many Central Coast Streams are 'focus populations' for ESA recovery plans

Gualala stakeholders: Proposed fishing regulation change – Gualala River

April 4, 2013

A coalition of stakeholders urges the California Fish & Game Commission to enact an emergency regulation change to amend the CA Central Coast Streams' Low-Flow Closure trigger

The Coalition:

We have formed a diverse coalition of support for the proposed solution below – including local bait, gear, and fly fishermen, local businesses and river groups, and regional nonprofits. Representatives from each of these stakeholder groups are prepared to give comments either in person or in writing at the upcoming June 26-27, 2013 Commission meeting in Sacramento, if necessary.

The Problem:

Currently, the low flow closure for central coast streams is predicated on the Russian River gauge near Guerneville falling below 500cfs {CCR, T14, Ch 3, Art 4, Sect 8, part (b) 1}. The problem is that the Russian's flow is artificially inflated by dam releases from Lake Mendocino and Lake Sonoma. We have had two winters in a row with more than a month long drought in the middle of winter steelhead season. In both years the coastal streams have dropped down to mere trickles, yet have remained open to fishing because dam releases keep the Russian up above the 500cfs trigger. The ESA-listed fish are forced to congregate into a handful of shrinking holes below restricted passage areas, and then subject to increased angling pressure.

Basing the central coast low-flow closure trigger on the Russian River does not make much sense, particularly when there are reliable gauges on more representative central coast streams that lack dams or diversions. The problem is clearly illustrated by comparing the historical flow data for the Russian and Gualal Rivers during the last two winter steelhead seasons, as seen in Graphs 1 and 2.

Proposed Solution:

We recommend amending the central coast streams' low flow closure to be based the South Fork Gualala River gauge at 100cfs. When this gauge falls below 100, fis migration is impeded on the Gualala River as well as the other central coast strean Unlike the Russian River, the South Fork Gualala River is a consistently reliable an representative indicator for the central coast streams.

There has also been a recent surge of conservation momentum in the Gualala watershed. Just last month, conservation groups purchased 20,000 acres of land covering prime spawning habitat on the Gualala River. It's the largest conservatio purchase by acreage in the county and one of the largest along the north coast in years. Establishing an effective and appropriate low flow trigger for the river will bolster the fish conservation efforts of these groups and others.

Stakeholders

The following stakeholders agree with the problem, proposed solution, and supporting facts as described in the previous pages:

Dan Reno
California Fish & Game Warden,
Mendocino County, Retired
Longtime Gualala Area Resident

Greg Warner
South Coast Fire Chief, Gualala, CA
President, Gualala Fish Project (7 yrs)
Bait & Gear Fisherman
Lifetime Gualala resident

Yvette White
Owner, Gualala Sport & Tackle,
Gualala, CA
Longtime Gualala area resident

Mark Clark
VP, Gualala Fish Project (7 yrs)
Bait & Gear Fisherman
Lifetime Gualala resident

Mike Simila
Bait & Gear Fisherman
Volunteer, Gualala Fish Project
Lifetime Gualala resident

John Bennett
Registered Professional Forester
Bait & Gear Fisherman
Longtime Gualala area resident

Jason Spangler
Bait & Gear Fisherman
Lifetime Gualala resident

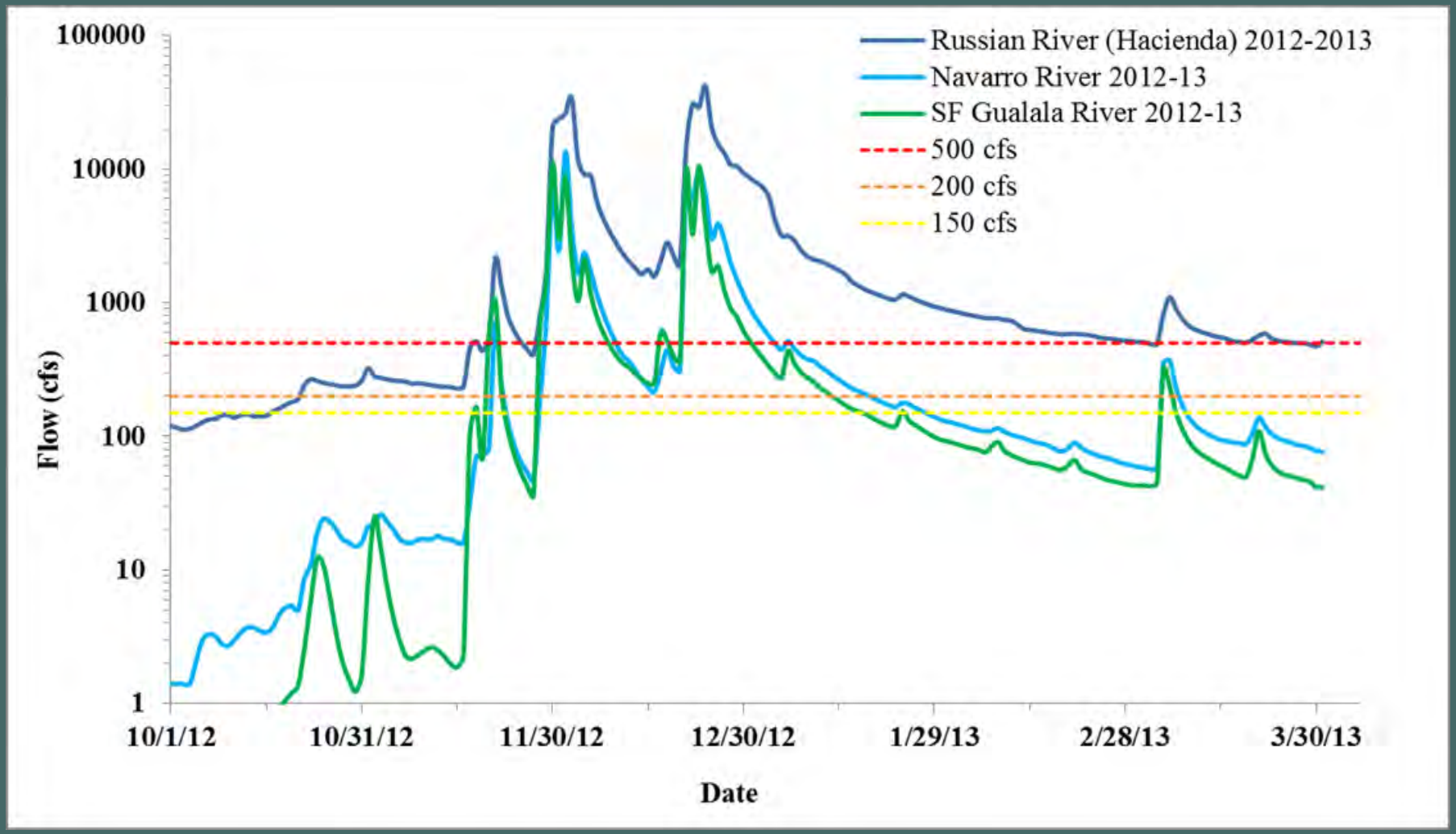
Walter Jorgensen
Central Coast Fly Fisherman
Lifetime Bay Area Resident

Doug DeRoy
Central Coast Fly Fisherman
Longtime Bay Area Resident

Native Fish Society
Nonprofit advocate for the recovery of wild, native fish and stewardship of the habitats that sustain them.
221 Molalla Ave., Suite 100
Oregon City, OR 97045

Mark Sherwood
River Steward Program Director,
Native Fish Society

Example: Hacienda gauge vs. Mendo gauged streams



Hydrograph comparison of Russian near Guerneville (Hacienda), SF Gualala, and Navarro rivers 2012/13.

North Central District: Central Coast Streams

Sonoma Creek not shown

Goals of fishing regulation change:

1. Enhance protection of listed salmonids during low-flow conditions - when they are most stressed and vulnerable

2. Utilize unregulated stream flow gauges that best represent Central Coast Streams

3. Simplify and attempt to make fishing regulations consistent

4. Provide and maintain *quality* angling opportunities – recognize windows of fishing opportunity to keep people interested in fishing

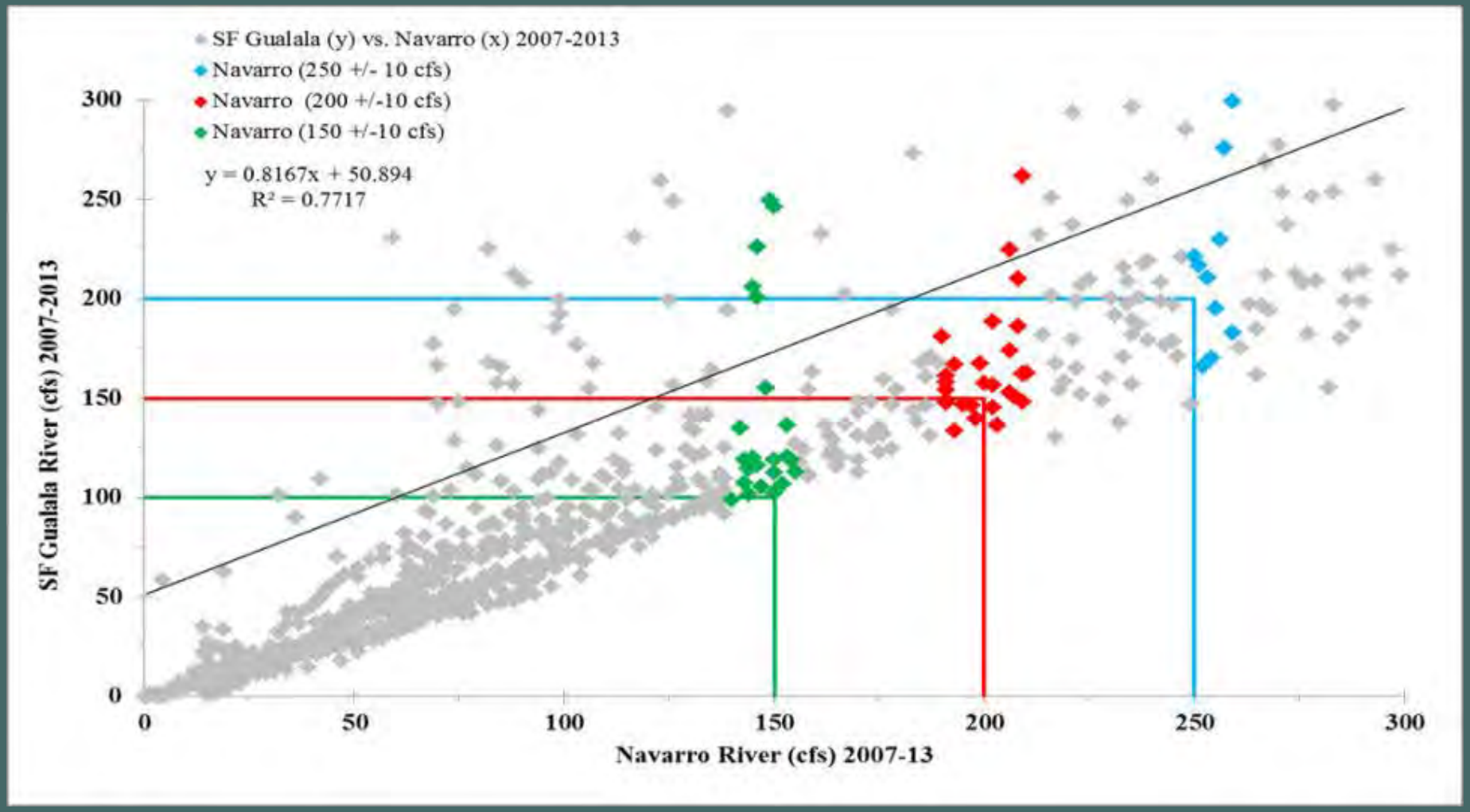
5. Use existing data to support a fishing regulation change

Evaluation of existing low-flow regulation = fishing regulation change proposal

<u>Information used:</u>

1. Hydrology data
2. Site specific passage report
3. Steelhead report card data
4. Field observations
5. Local angler knowledge and expertise (outreach)

Example: SF Gualala River vs. Navarro River



Liner regression comparisons of SF Gualala River vs. Navarro River stream gauges using daily average flows during the same period of record (October 2007 through May 2013).

Example: Site specific information

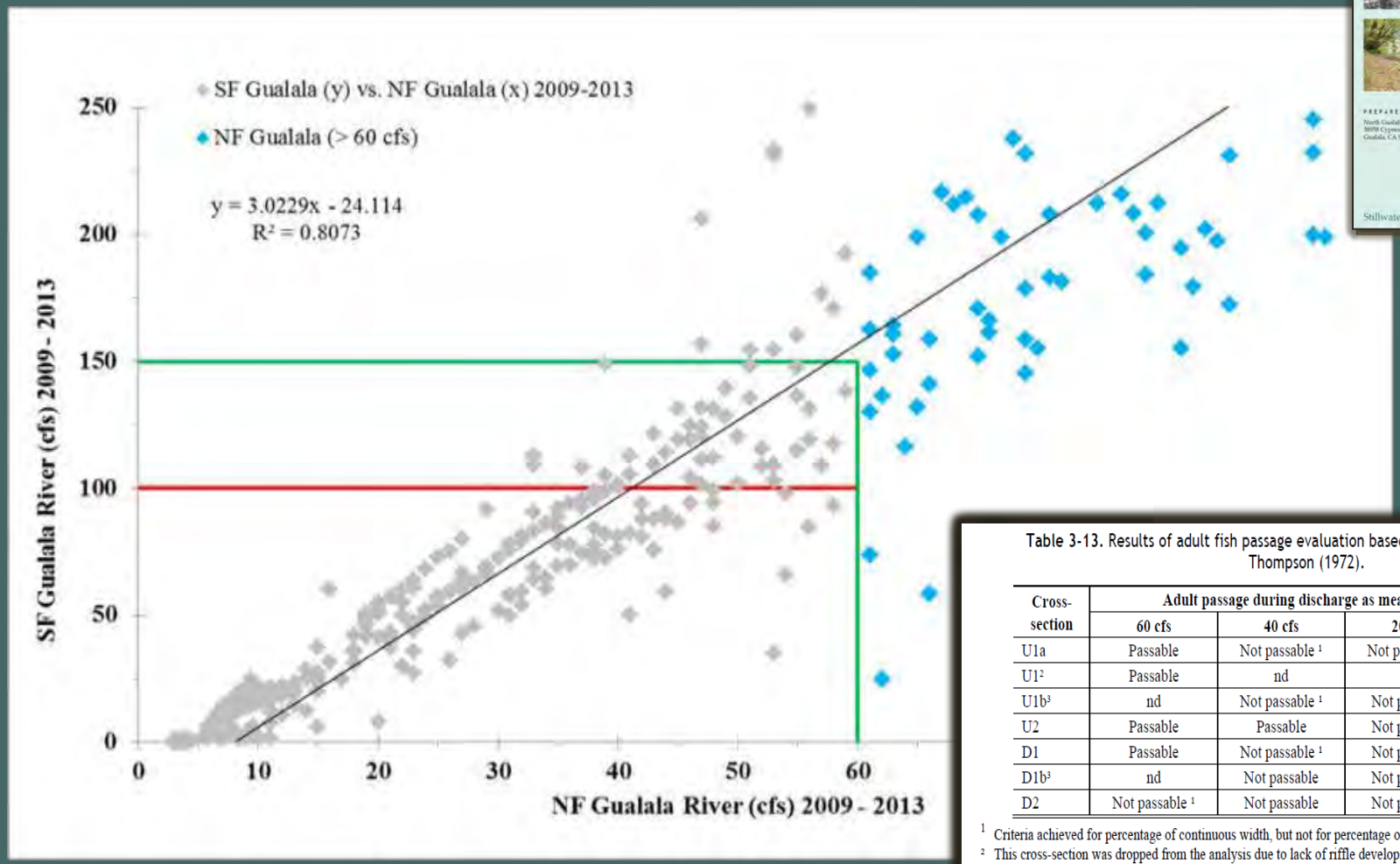


Table 3-13. Results of adult fish passage evaluation based on adult passage criteria in Thompson (1972).

Cross-section	Adult passage during discharge as measured at USGS gage			
	60 cfs	40 cfs	20 cfs	10 cfs
U1a	Passable	Not passable [1]	Not passable [1]	Passable
U1[2]	Passable	nd	nd	nd
U1b[3]	nd	Not passable [1]	Not passable	Not passable
U2	Passable	Passable	Not passable	Not passable
D1	Passable	Not passable [1]	Not passable	Not passable
D1b[3]	nd	Not passable	Not passable	Not passable
D2	Not passable [1]	Not passable	Not passable	Not passable

[1] Criteria achieved for percentage of continuous width, but not for percentage of total width.
[2] This cross-section was dropped from the analysis due to lack of riffle development at the 40 cfs flow level.
[3] No 60 cfs data since this cross-section was added to the analysis due to formation of a riffle at 40 cfs.
nd = no data

Liner regression comparisons of the NF and SF Gualala River stream gauges using daily average flows during the same period of record (October 2009 through March 2013).

Number of days comparison potential gauge sites:

Flow (cfs)	Stream Gauge	Year 2007-08*	2008-09	2009-10	2010-11	2011-12	2012 - 13
		September/October – November (61/91 d)					
<100 [% (d)]	SF Gualala	100 (36*)	95 (58)	98 (60)	51 (31)	92 (56)	87 (53)
<150 [% (d)]	SF Gualala	100 (36*)	95 (58)	98 (60)	59 (36)	95 (58)	89 (54)
<200 [% (d)]	Navarro R.	100 (91)	100 (91)	100 (91)	76 (69)	98 (89)	96 (87)
<500 [% (d)]	Russian R.	100 (91)	97 (88)	100 (91)	56 (51)	92 (84)	89 (81)
		December (31 d)					
< 100 [% (d)]	SF Gualala	35 (11)	71 (22)	68 (21)	0 (0)	100 (31)	0 (0)
<150 [% (d)]	SF Gualala	45 (14)	87 (27)	77 (24)	0 (0)	100 (31)	0 (0)
<200 [% (d)]	Navarro R.	71 (22)	90 (28)	94 (29)	0 (0)	100 (31)	0 (0)
<500 [% (d)]	Russian R	52 (16)	74 (23)	68 (21)	0 (0)	100 (31)	0 (0)
		January (31 d)					
< 100 [% (d)]	SF Gualala	0 (0)	87 (27)	16 (5)	0 (0)	61 (19)	10 (3)
< 150 [% (d)]	SF Gualala	3 (1)	94 (29)	23 (7)	13 (4)	67 (21)	42 (13)
<200 [% (d)]	Navarro R.	16 (5)	100 (31)	29 (9)	13 (4)	74 (23)	42 (13)
<500 [% (d)]	Russian R	0 (0)	94 (29)	23 (7)	0 (0)	61 (19)	0 (0)
		February – March (59/60 d)					
< 100 [% (d)]	SF Gualala	18 (11)	15 (9)	0 (0)	5 (3)	33 (20)	93 (55)
< 150 [% (d)]	SF Gualala	32 (19)	23 (14)	0 (0)	20 (12)	48 (29)	97 (57)
<200 [% (d)]	Navarro R.	32 (19)	24 (14)	0 (0)	22 (13)	57 (34)	95 (56)
<500 [% (d)]	Russian R	0 (0)	19 (11)	0 (0)	0 (0)	37 (22)	10 (6)

*Flow data started 26 October 2007

Preliminary Results:

1. All low-flow triggers provide very good protection during the fall months (Oct – Nov), but the Navarro provides the most across years.

2. 200 cfs on the Navarro gauge provides the most protection of low-flow triggers considered

3. 150 cfs on the SF Gualala gauge and 200 cfs on the Navarro gauge seem most similar when evaluating the number-of-fishing-days across years and potential low-flow triggers.

4. 100 cfs on the SF Gualala gauge and 500 cfs on the Hacienda gauge (RR) seem most similar when evaluating the number-of-fishing-days across years and potential low-flow triggers.

5. Navarro vs. SF Gualala linear regression equation at 150 cfs on SF Gualala equals 209.9 cfs on the Navarro.

6. SF vs. NF Gualala linear regression equation estimates at 150 cfs on SF Gualala equals 60.1 cfs on the NF Gualala gauge. NF vs. SF Gualala estimates at 60 cfs NF equals 157.3 SF.

* Questions regarding the protection of smaller Central Coast Streams (Garcia etc.)

** Need further evaluation of steelhead report card catch data

Proposed alternatives:

Alternative (1): Extended low-flow restrictions based on the Navarro River stream gauge.

Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River.

- **Minimum Flow:** From October 1 through April 1, 200 cfs at the gauging station on the Navarro River along Hwy 128 (USGS 11468000; Mendocino County).

Alternative (2): Extended low-flow restrictions based on the SF Gualala River stream gauge.

Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, except for the Russian River.

- **Minimum Flow**: From October 1 through April 1, 150 cfs at the gauging station on the SF Gualala River near Sea Ranch (USGS 11467510; Sonoma County).

Alternative (3): Use two gauges (SF Gualala & Navarro) to represent north and south streams pertaining to this proposal.

Other efforts:

pressdemocrat.com

Officials: Poaching along Garcia River threatens fish recovery

Overlooking the Garcia River in Mendocino County, Department of Fish and Game Warden Don Powers, right and a federal agent, left, who declined to be identified, watch for poachers Wednesday, Feb. 27, 2013. $20 million in government and private donations for restoration of the Garcia fishery are endangered due to the poaching of the migrating fish. *((Kent Porter / Press Democrat))*

Stornetta Case

Like
Mendocino County District Attorney · 174 like this
June 18 at 6:00pm ·

SUPERIOR COURT: Ukiah: No contest pleas by Kyle Edward Stornetta. age 32 of Manchester, were entered on the record in court this morning to charges that Stornetta had violated marijuana laws and had unlawfully taken/possessed wild steelhead. Placed on two years probation, Stornetta was ordered to serve 45 days in the county jail, and he must also perform 200 hours community service within the next year. Other sentencing highlights included an order that Stornetta pay fines and fees of over $5,000 calculated for the Fish and Wildlife violation, as well as restitution to the Sheriff's Office for marijuana eradication. Stornetta's sport fishing license was revoked for a year, and he was required to waive his 4th Amendment right regarding searches of his person, his vehicle, and any property under his control during the next two years. Seized equipment used to facilitate the cultivation of marijuana was ordered forfeited and destroyed.

Manchester-Point Arena Band of Pomo Indians

DRAFT
RESOLUTION
OF THE BUSINESS COMMITTEE
OF THE MANCHESTER BAND OF POMO INDIANS
FOR PROTECTION OF GARCIA RIVER
ENDANGERED SPECIES

I. Russian River: Sport fishing low-flow survey 2/16/2016

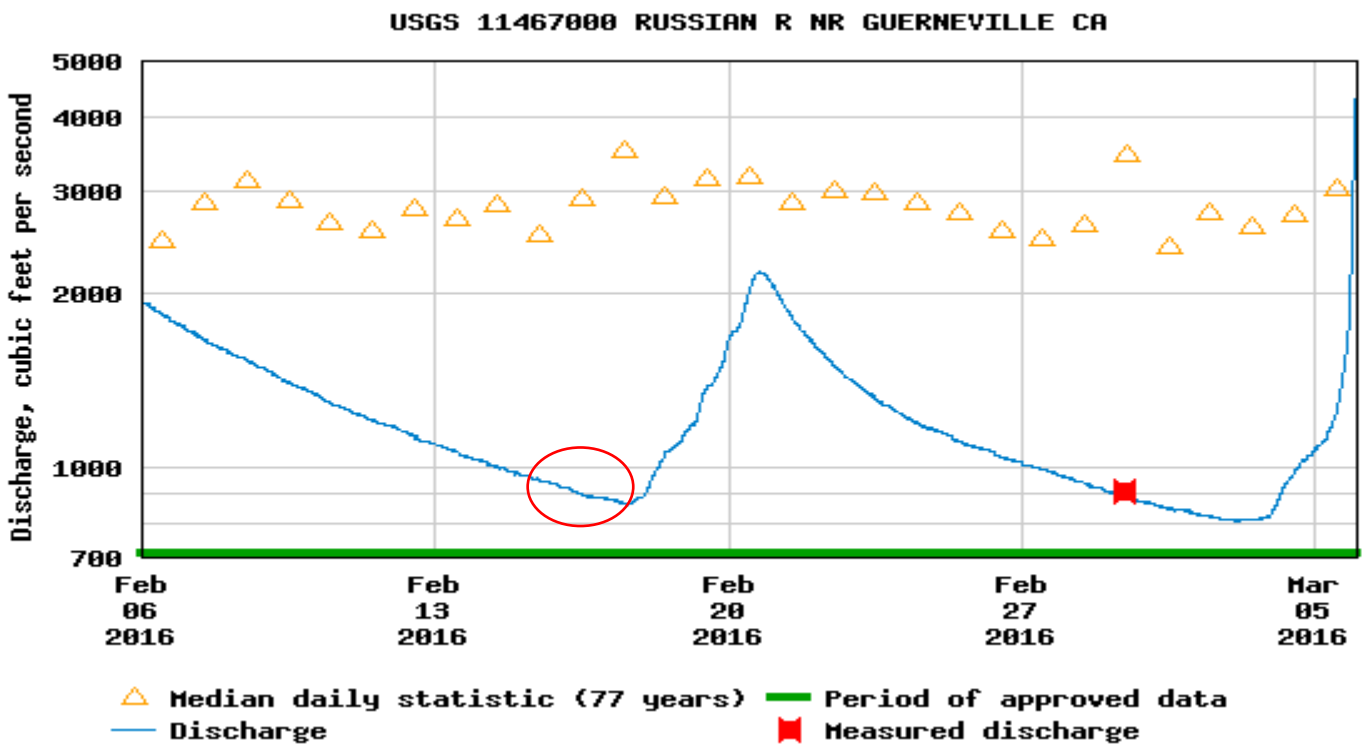


Figure 1. Russian River hydrology at Guerneville (USGS), February 6, 2016 to March 6, 2016. Sport fishing low-flow survey conducted on February 16, 2016 (red circle).

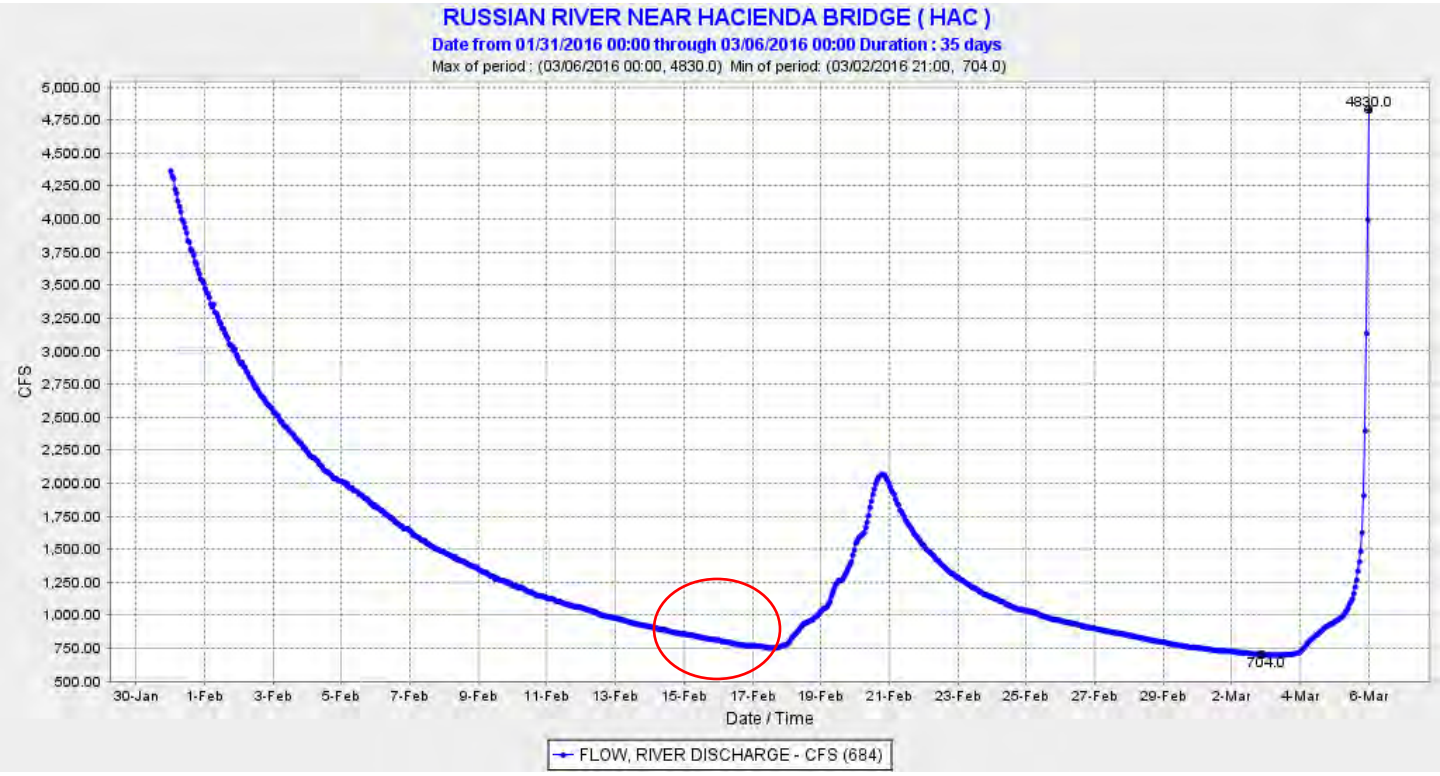


Figure 2. Russian River hydrology at Guerneville (CDEC), January 31, 2016 to March 6, 2016. Sport fishing low-flow survey conducted on February 16, 2016 (red circle).

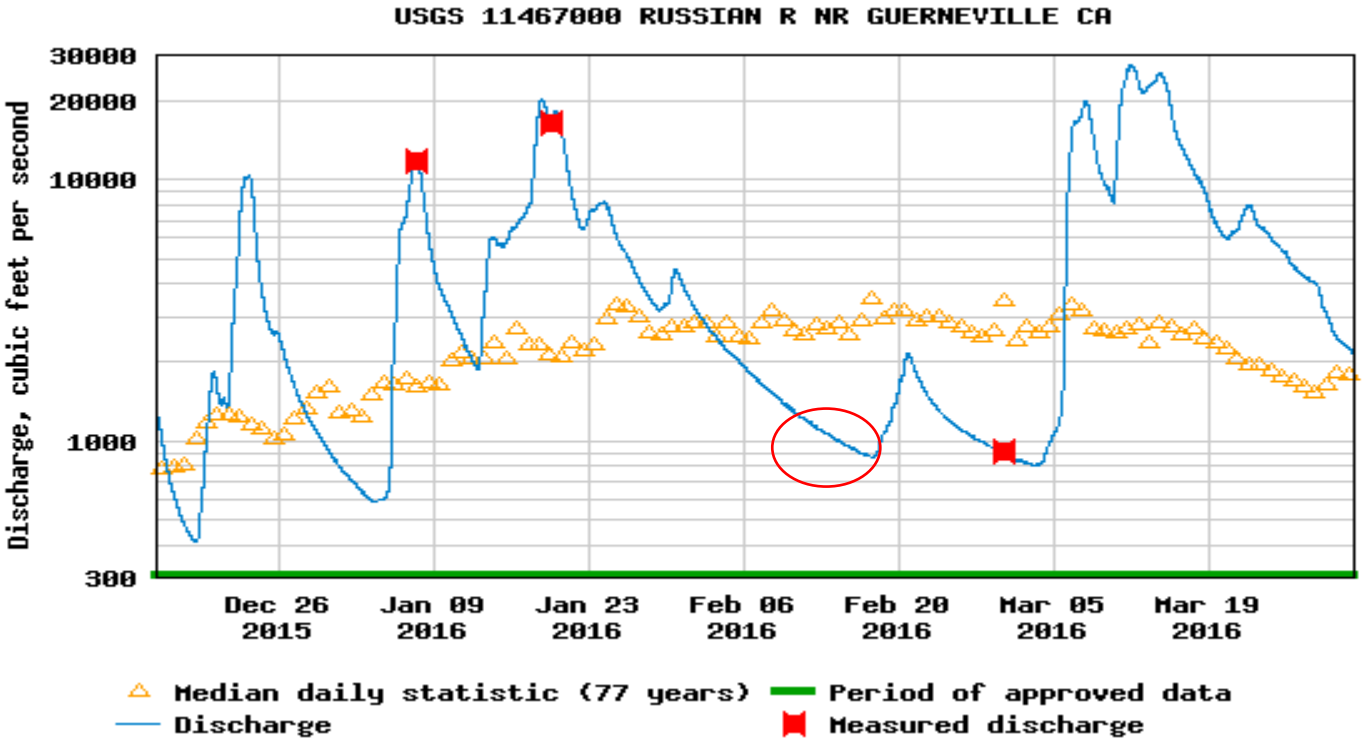


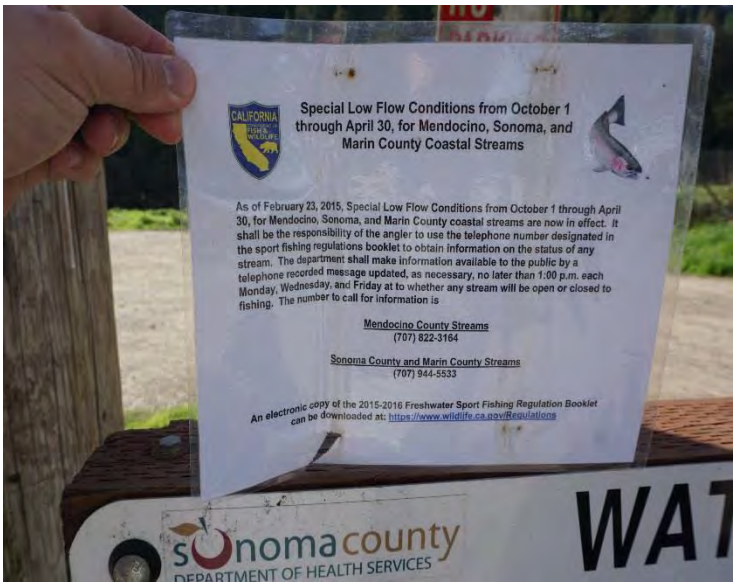
Figure 3. Russian River hydrology at Guerneville (CDEC), January 31, 2016 to March 6, 2016. Sport fishing low-flow survey conducted on February 16, 2016 (red circle).

Photo 1. Steelhead Beach, Russian River, CA. Fishing conditions excellent for conventional gear and fly fishing. Flows at Hacienda approximately 900 cfs (USGS), February 16, 2016.

Photo 2. Steelhead Beach, Russian River, CA. Water color for fishing considered excellent for both conventional and fly fishing. Flows at Hacienda gauge approximately 900 cfs (USGS), February 16, 2016.

Photo 3. Johnson's Beach, Guerneville (Russian River), CA. Water color for fishing considered excellent for both conventional and fly fishing. Flows at Hacienda gauge approximately 900 cfs (USGS), February 16, 2016.

Figure 4. Johnson's Beach, Guerneville (Russian River), CA. Water color for fishing considered excellent for both conventional and fly fishing. Flows at Hacienda gauge approximately 900 cfs (USGS), February 16, 2016.



Photos 5 & 6. Signage and low-flow condition notice at Johnson's Beach, Guerneville (Russian River), CA. February 16, 2016.

Photo 7. Lower Russian River just above the Monte Rio boat ramp at Monte Rio, CA. Fishing conditions excellent. Approximately 900 cfs (USGS), February 16, 2016.

Photo 8. Dutch Bill Creek, Russian River, CA. February 16, 2016.

Photo 9. Dutch Bill Creek, Russian River, CA. Upstream of Bridge at Monte Rio, February 16, 2016.

Photo 10. Dutch Bill Creek, Russian River, CA. Downstream of Bridge at Monte Rio, February 16, 2016.

Photo 11. Dutch Bill Creek, Russian River, CA. Downstream of Bridge at Monte Rio, February 16, 2016.

Photo 12. Mouth of Dutch Bill Creek at the confluence with the Russian River, CA. February 16, 2016.

II. Gualala River: Sport fishing low-flow survey 2/16/2016

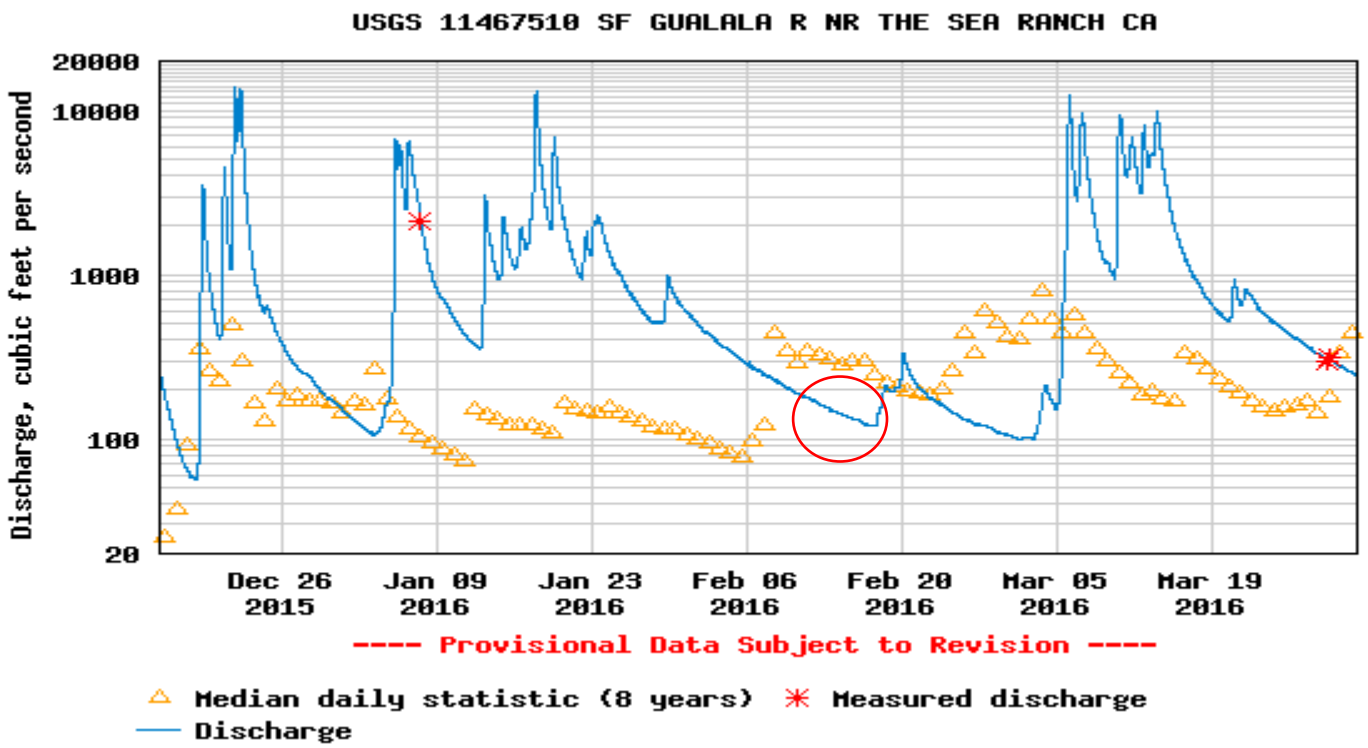


Figure 1. South Fork Gualala hydrology Decemeber 15, 2016 through March 31, 2016. Survey conducted Februrary 16, 2016 (red circle). SF Gualala streamflow approximately 125 cfs (USGS), February 16, 2016.

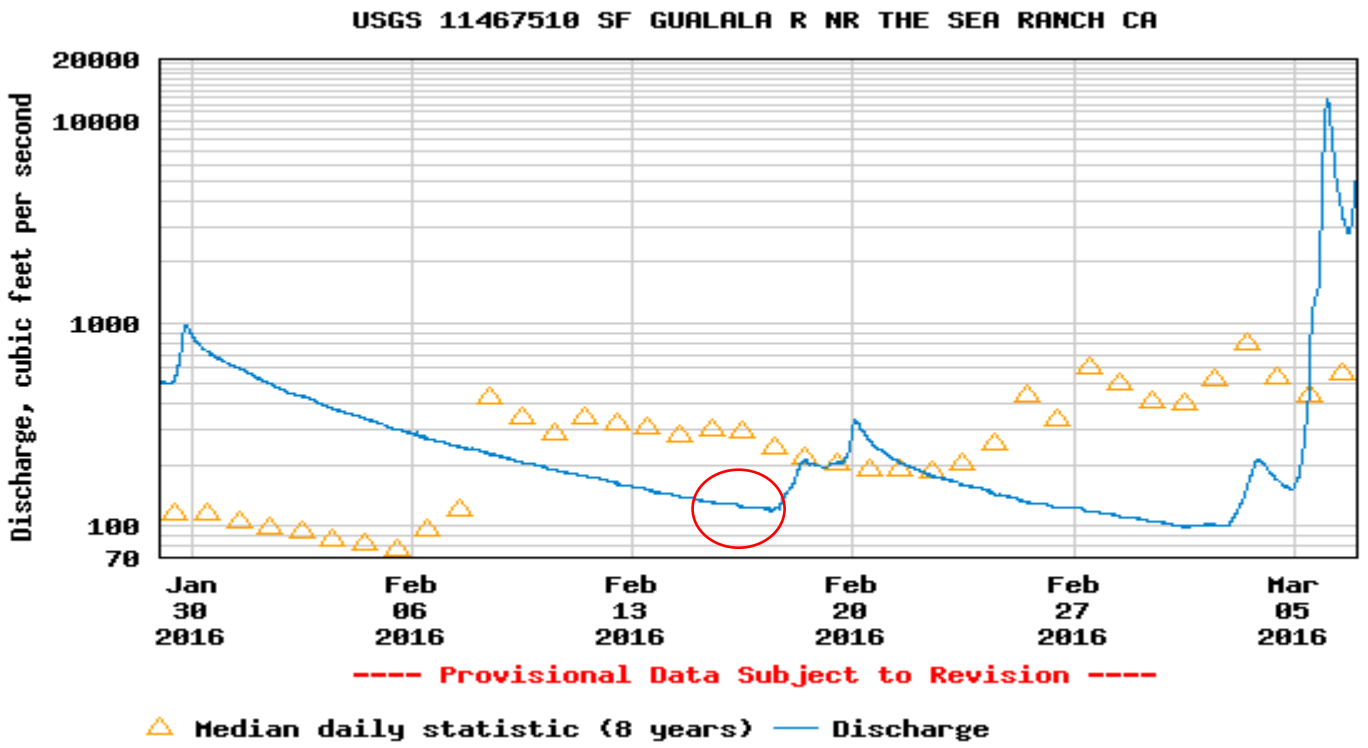


Figure 2. South Fork Gualala hydrology January 29, 2016 through March 6, 2016. Survey conducted February 16, 2016 (red circle). SF Gualala streamflow approximately 125 cfs (USGS), February 16, 2016.

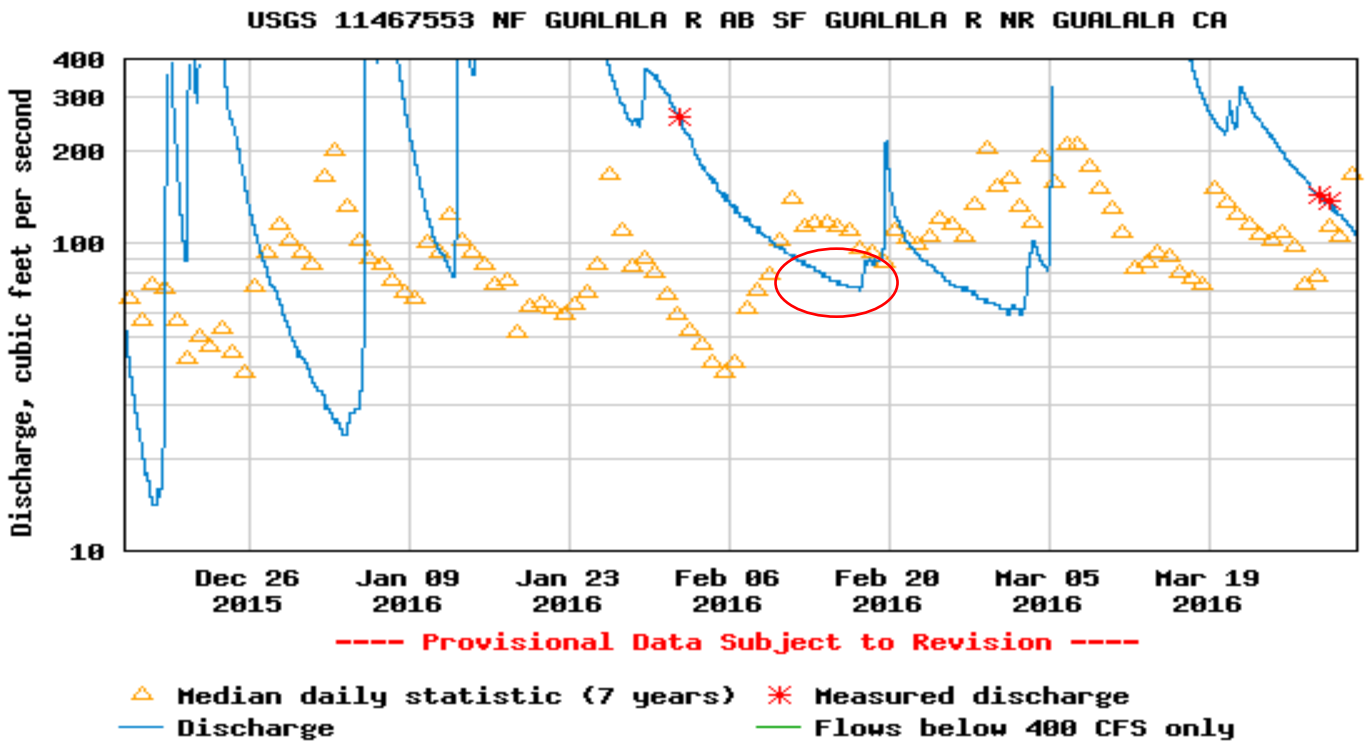


Figure 3. North Fork Gualala hydrology Decemeber 15, 2016 through March 31, 2016. Survey conducted Februrary 16, 2016 (red circle). NF Gualala streamflow approximately 72 cfs (USGS), February 16, 2016.

Photo 1. Downstream of the Highway 101 Bridge near Gualala, CA. Water color crystal clear. Fishing conditions considered very low, shallow, and clear. SF Gualala streamflow approximately 125 cfs (USGS) and open to fishing (CDFW), February 16, 2016 (low-flow closure occurred 2/17/2016).

Photo 2. Upstream of the Highway 101 Bridge near Gualala, CA. Water color crystal clear. Fishing conditions considered very low, shallow and clear. SF Gualala streamflow approximately 125 cfs (USGS) and open to fishing (CDFW), February 16, 2016 (low-flow closure occurred 2/17/2016).

Photo 3. Pool at SF/NF confluence, Gualala River, CA. Approximately 72 cfs (USGS) at NF Gualala and 125 cfs (USGS) at SF Gualala, February 16, 2016.

Photo 4. Pool at SF/NF confluence, Gualala River, CA. Approximately 72 cfs (USGS) at NF Gualala and 125 cfs (USGS) at SF Gualala, February 16, 2016.

Photo 5. Discharge from NF Gualala River immediately above confluence with the SF Gualala River. Approximately 72 cfs (USGS) at NF Gualala River, February 16, 2016.

Photo 6. NF Gualala River below NF Gualala Bridge. Approximately 72 cfs at NF Gualala River, February 16, 2016.

Photo 7. NF Gualala River below NF Gualala Bridge. Approximately 72 cfs at NF Gualala River (USGS), February 16, 2016.

Photo 8. NF Gualala River below NF Gualala Bridge. Approximately 72 cfs (USGS) at NF Gualala River, February 16, 2016.

Photo 9. Anglers crossing SF Gualala River immediately above the NF Gualala confluence. When asked about fishing anglers said “too low and clear, probably time to close”. SF Gualala flow approximately 125 cfs, February 16, 2016 (note: fishing still open via CDFW stream status, closed 2/17/2016).

Photo 10. Angler fishing just below NF Gualala confluence, February 16, 2016.

Photo 11. Gualala River just below angler fishing in Figure 24 (above). Riffle shallow and easily wadable, February 16, 2016.

Photo 12. Confluence of SF Gualala and Wheatfield and Twin Bridge (upper extent of fishing limit). February 16, 2016.

Photo 13. Confluence of SF Gualala and Wheatfield and Twin Bridge (upper extent of fishing limit). February 16, 2016.

III. Garcia River: Sport fishing low-flow survey 2/16/2016

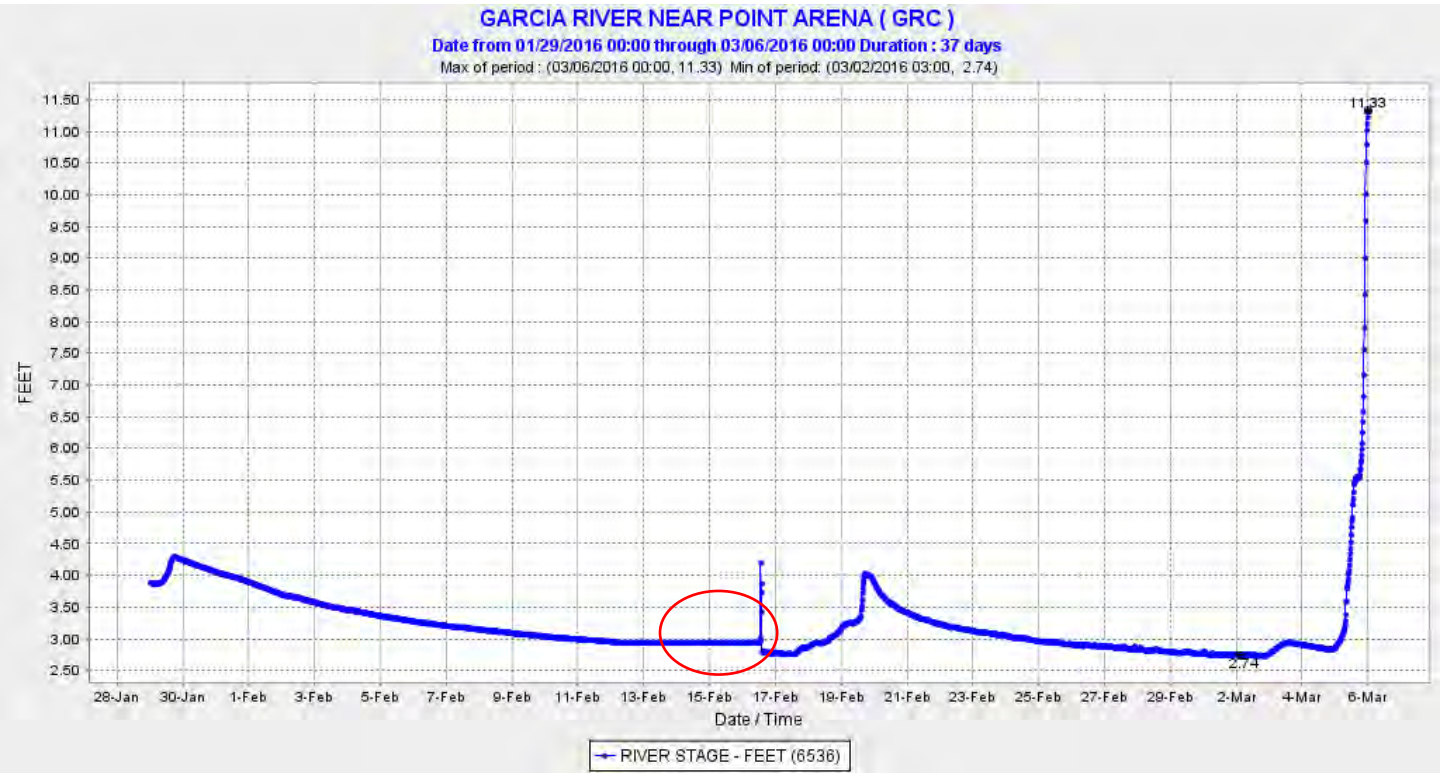


Figure 1. Garcia River stage at Eureka Hill Road Bridge January 29, 2016 through March 6, 2016. Approximately 2.90ft stage height on February 16, 2016 (red circle).

Photo 1. Garcia River directly below Eureka Hill Road Bridge (legal upstream legal fishing limit). Approximately 2.90ft stage height (CDEC) on February 16, 2016.

Photo 2. Garcia River directly upstream Eureka Hill Road Bridge (legal upstream legal fishing limit). Approximately 2.90ft stage height on February 16, 2016.

Photo 3. Signage at boat launch below Eureka Hill Road Bridge. Approximately 2.90ft stage height (USGS) on February 16, 2016.

Photo 4. Signage at boat launch below Eureka Hill Road Bridge. Approximately 2.90ft stage height (CDEC) on February 16, 2016.

Photo 5. Garcia River across from signage at boat launch below Eureka Hill Road Bridge. Approximately 2.90ft stage height on February 16, 2016.

Photo 6. Garcia River shortly downstream of Eureka Hill Road Bridge. Approximately 2.90ft stage height (CDEC) on February 16, 2016.

IV. Navarro River: Sport fishing low-flow survey 2/16/2016

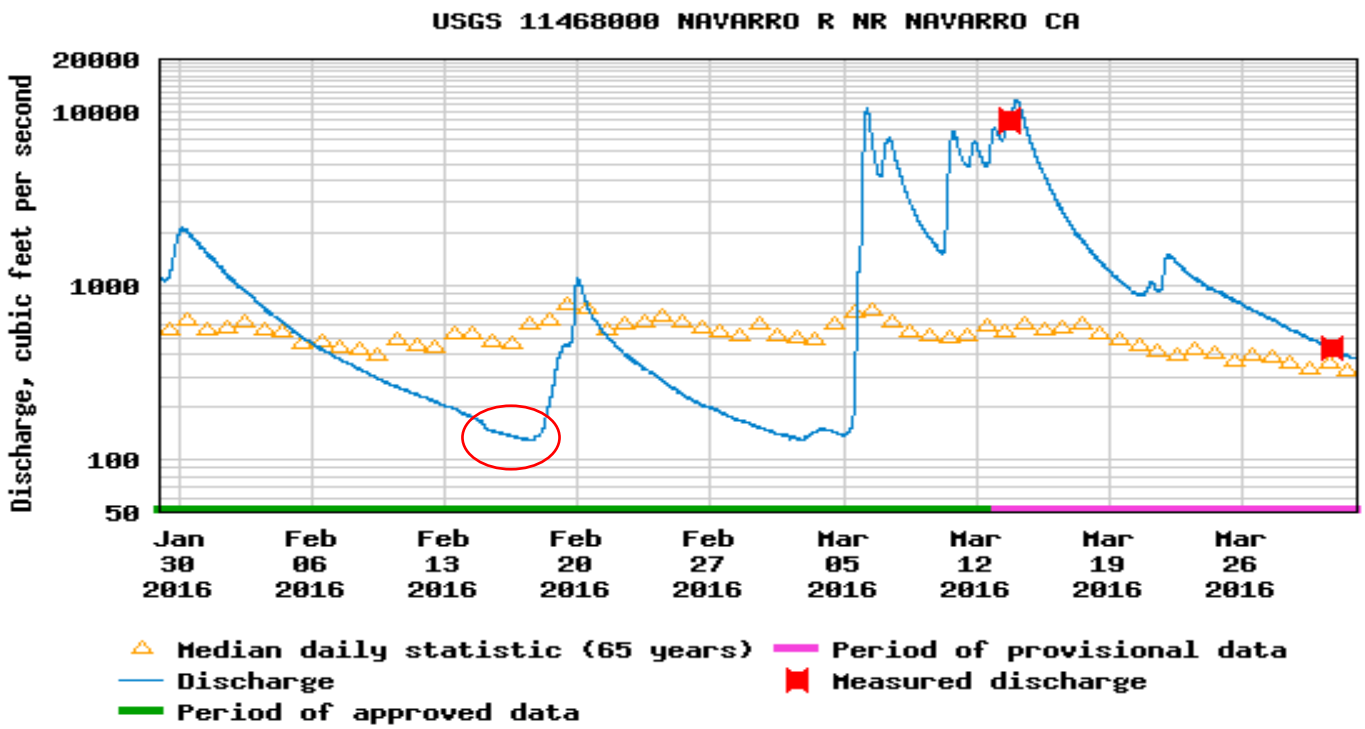


Figure 1. Navarro River hydrology January through March 2016. Navarro River fishing condition survey conducted February 16, 2016 (red circle). Flow approximately 135 cfs (USGS) on February 16, 2016 (fishing closed).

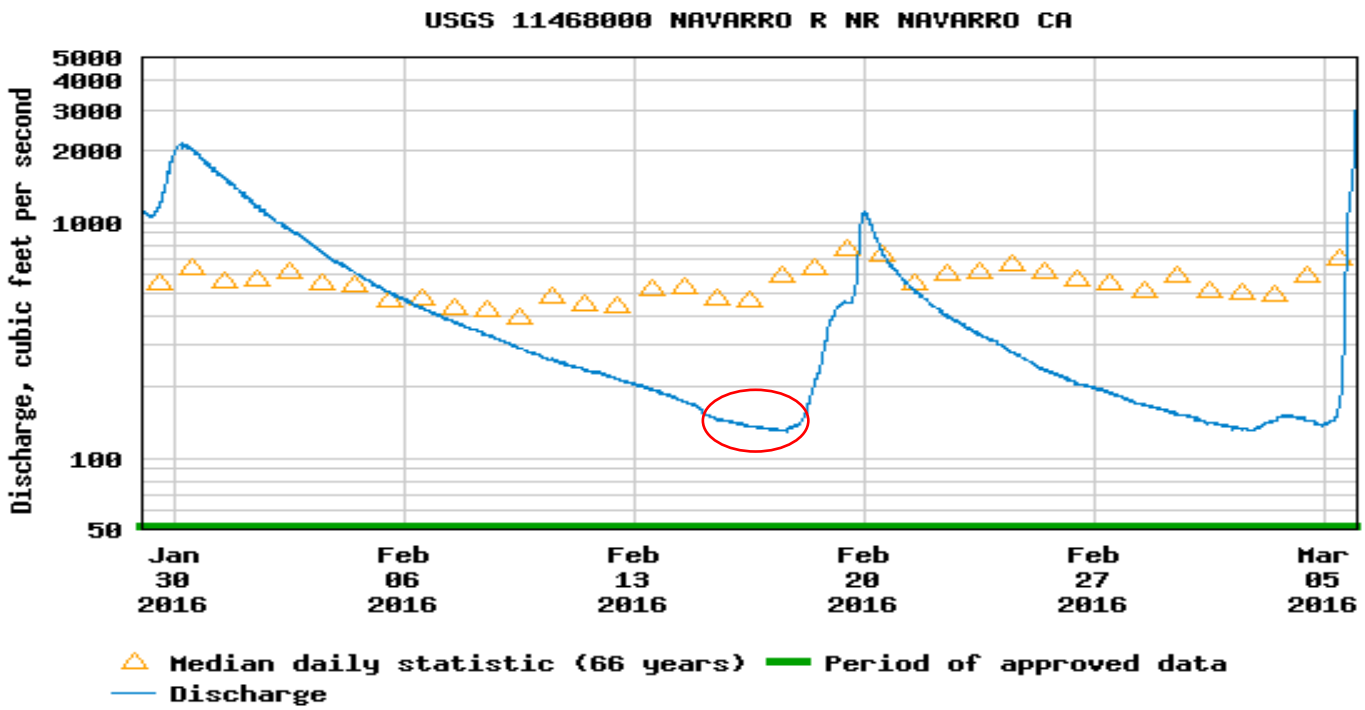


Figure 2. Navarro River hydrology January 30, 2016 through March 6, 2016. Navarro River fishing conditions survey conducted February 16, 2016. Flow approximately 135 cfs (USGS) on February 16, 2016 (fishing closed).

Photo 1. Navarro River mouth (open), February 16, 2016.

Photo 2. Navarro River between Paul Dimmick Campground and the town of Navarro. Flow approximately 135 cfs (USGS) on February 16, 2016 (fishing closed).

Photo 3. Navarro River between Paul Dimmick Campground and the town of Navarro. Flow approximately 135 cfs (USGS) on February 16, 2016 (fishing closed).

Photo 4. Navarro River between Paul Dimmick Campground and the town of Navarro. Flow approximately 135 cfs (USGS) on February 16, 2016 (fishing closed).

Photo 5. Navarro River between the town of Navarro and Hendy Woods State Park. Flow approximately 135 cfs (USGS) on February 16, 2016 (fishing closed).

Photo 6. Navarro River between the town of Navarro and Hendy Woods State Park. Flow approximately 135 cfs (USGS) on February 16, 2016 (fishing closed).

Photo 7. Looking downstream from Philo – Greenwood Road Bridge (end of legal fishing). Flow approximately 135 cfs (USGS) on February 16, 2016 (fishing closed).

Photo 8. Looking upstream from Philo – Greenwood Road Bridge (end of legal fishing). Flow approximately 135 cfs (USGS) on February 16, 2016 (fishing closed).

State of California
Department of Fish and Wildlife

Memorandum

Date: October 13, 2016

To: Kevin Shaffer
Acting Branch Chief, Inland and Anadromous Fisheries
California Department of Fish and Wildlife

Valerie Termini
Executive Director
California Fish and Game Commission

From: **Neil Manji**
Regional Manager, Northern Region
California Department of Fish and Wildlife

Scott Wilson
Regional Manager, Bay Delta Region
California Department of Fish and Wildlife

Subject: **Northern Region and Bay Delta Region Response Regarding Fishing Regulation Change (Petition Number 2015-014)**

On December 15, 2015, the California Fish and Game Commission (FGC) received a petition for regulation change authored by Patrick Kallerman (petition tracking number 2015-014) recommending changes to freshwater fishing regulations at locations in California Department of Fish and Wildlife (CDFW) Northern (R1) and Bay Delta (R3) regions. R1 and R3 fisheries management staff met to consider the proposed regulation change recommendations and this memo is a coordinated R1 and R3 response to CDFW Fisheries Branch and FGC regarding the petition.

Petition Summary:

The petitioner recommends change to Title 14, California Code of Regulations:

Chapter 3, Article 3, Section 7.50(b) – Alphabetical List of Waters with Special Fishing Regulations subsections relevant to the following streams (north to south): Usal Creek, Cottaneva Creek, Ten Mile River, Noyo River, Big River, Albion River, Navarro River, Greenwood Creek, Elk Creek, Alder Creek, Brush Creek, Garcia River, Gualala River, Russian Gulch, Salmon Creek, Walker Creek, and Sonoma Creek.

Chapter 3, Article 4, Section 8.00(b) – Low-Flow Restrictions Mendocino, Sonoma, and Marin County coastal streams, subsections relevant to the following streams: Navarro River, Garcia River, and Gualala River.

Proposed amendments to subsections of 7.50(b):

- Amend Section 7.50(b) to permit only artificial lures with barbless hooks to be used year-round; and
- Amend Section 7.50(b) to close streams to all angling from April 1 through October 31.

Proposed amendments to subsections of 8.00(b):

- Amend Section 8.00(b) to leave the Navarro River open to angling on the main stem below the confluence of the North Fork Navarro when the applicable designated gauging station is less than the minimum flows set forth;
- Amend Section 8.00(b) to leave the Garcia River open to angling on the main stem below the Highway 1 Bridge when the applicable designated gauging station is less than the minimum flows set forth; and
- Amend Section 8.00(b) to leave the Gualala River open to angling on the main stem below the confluence of the North Fork Gualala when the applicable designated gauging station is less than the minimum flows set forth.

Background: On December 3, 2014, the FGC adopted changes to Chapter 3, Article 3, Section 7.50(b). The petitioner now proposes changes to the same section of the regulations related to low flow angler restrictions, gear type, and seasons in the coastal waters of Mendocino, Sonoma, and Marin counties. The petitions supporting rationale identifies the newly adopted low flow angler closure flows as lacking scientific justification, overly restrictive to artificial lure gear users, and the result is a dramatic loss in fishing opportunity. Data from October 2015 to April 2016 operation of the newly adopted low flow regulation indicates the current regulation appropriately balances the opportunity for steelhead angling under favorable flow conditions with protection for steelhead and closed fishing during periods of low stream flow.

Current regulation controls the opening and closing of creeks and rivers in Mendocino, Sonoma, and Marin counties to angling based upon data from the best available regional USGS flow gauges with Mendocino rivers controlled by the Navarro River gauge and Sonoma/Marin rivers controlled by the South Fork Gualala River gauge. The gauge flow thresholds to open and close angling within the regulation were established based upon local steelhead migration data, migration flow criteria, and the observation and input of CDFW personnel, NOAA personnel, and anglers. During development of the current regulation, and as presented at public meetings, an analysis of the prior ten years of flow gauge data indicated the Navarro gauge threshold would annually have Mendocino rivers open to angling 48% of days during the low flow season and Sonoma/Marin rivers open 51% of days during the low flow season. The current, newly adopted low flow regulation operated for the first year from October 1, 2015, through March 2016, and during this period of time, steelhead fishing was open 53% of days for Mendocino County coastal streams and 54% for Sonoma/Marin rivers and creeks (Figures 1 and 2). However, the majority of steelhead angling in Mendocino, Sonoma, and Marin counties occurs annually from December through March, and accordingly from December 1, 2015, through March 31, 2016, flow controlled rivers were open to fishing 79% and 80%, respectively, of days during the prime fishing season.

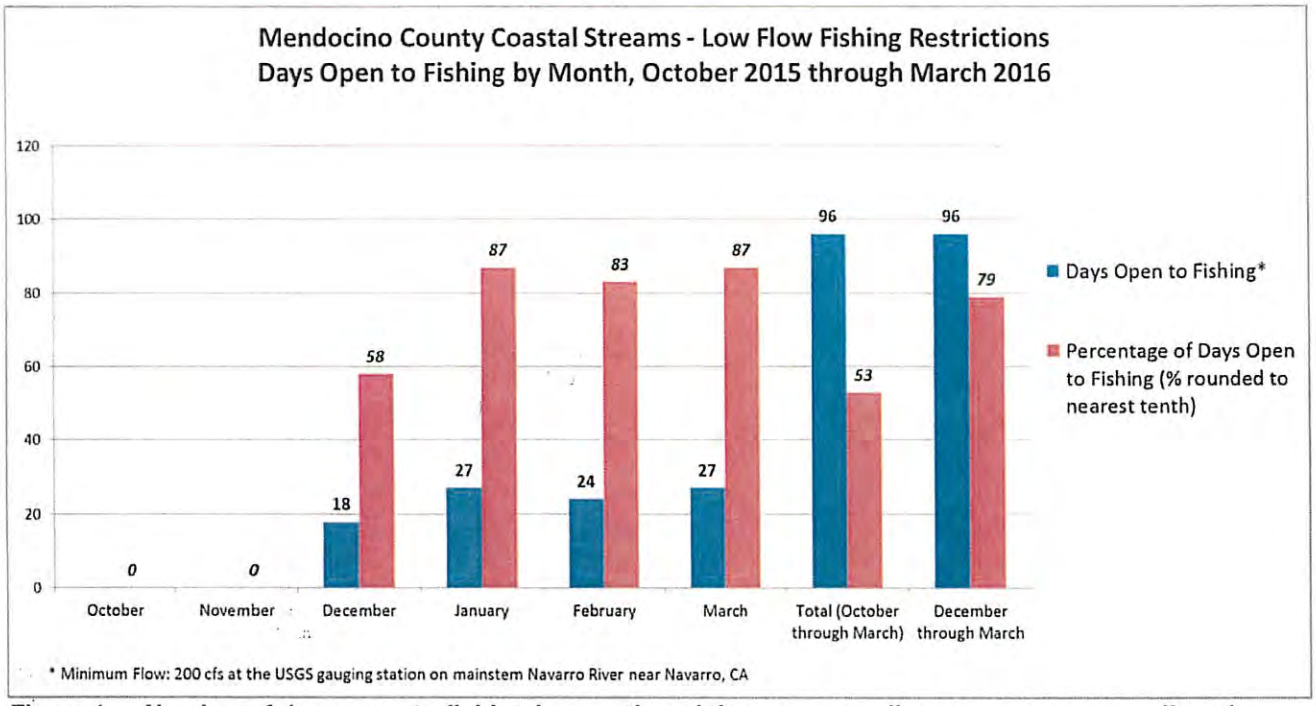


Figure 1. Number of days open to fishing by month and the corresponding percentage, as well as the overall season (October 2015 through March 2016) in Mendocino County coastal streams (execpt for the Russian and Gualala rivers).

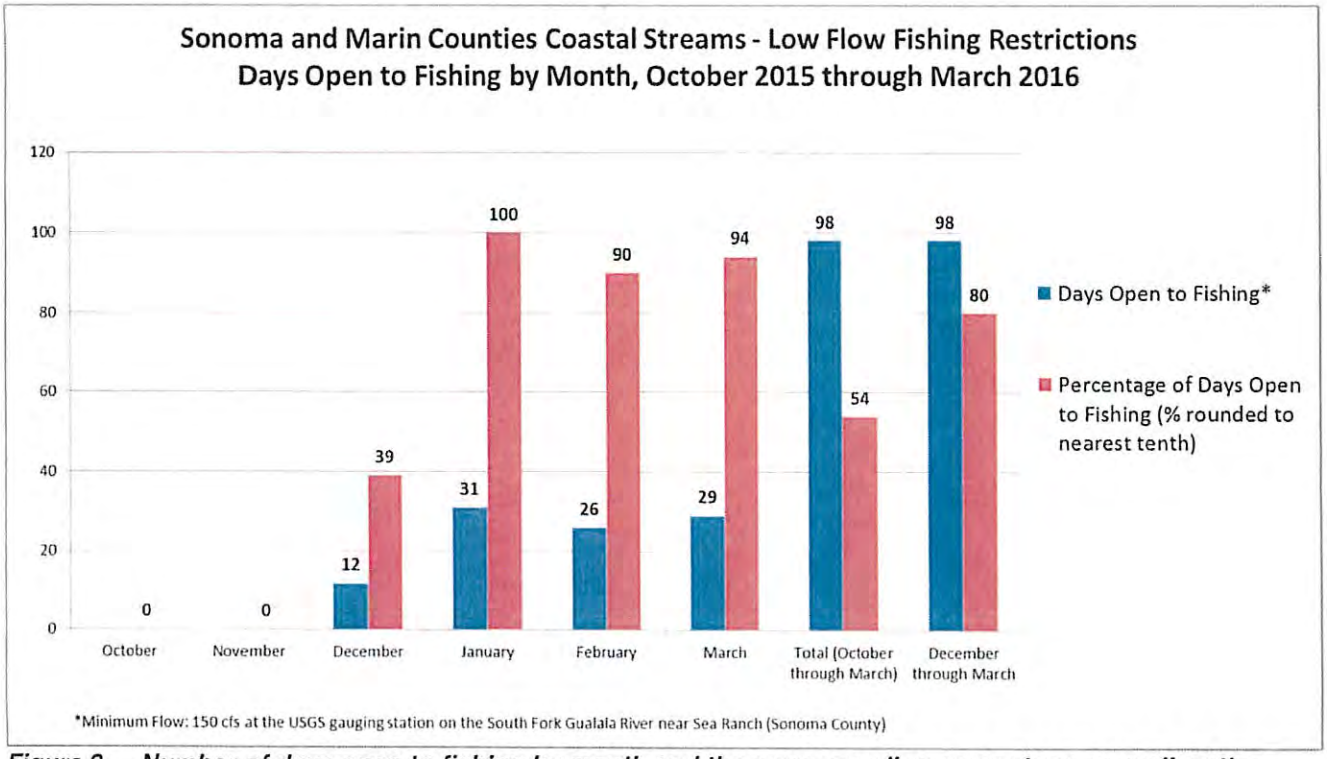


Figure 2. Number of days open to fishing by month and the corresponding percentage, as well as the overall season (October 2015 through March 2016) in Sonoma and Marin Counties coastal streams (execpt for the Russian River).

The figures also include the number of days open to steelhead angling by month and overall season totals. A total of 96 days of steelhead angling were open on Mendocino County coastal streams, and 98 days, respectively, on Sonoma and Marin rivers from October 2015 through March, 2016. When Mendocino, Sonoma, and Marin fishing was open during the 2015/2016 season, the range of flows and water clarity provided conditions suitable for all types of steelhead angling gear. A survey of fishing conditions conducted while streams were still open, but dropping in flow, found relatively clear water and wading conditions suitable for fly anglers that prefer the lower end of open flows (Photo 1). The fishing opportunity available during the past 2015/2016 season was equivalent to the opportunity estimated during development of the regulation and presented at public meetings.

Photo 1. The Gualala River when open to fishing under current regulation February 16, 2016, and an example of flow and water clarity conditions suitable for fly anglers provided under current regulations.

R1 and R3 Petition Response: R1 and R3 do not support regulation changes proposed in the petition based upon the following responses.

Proposed: Amend Section 7.50(b) to permit only artificial lures with barbless hooks to be used year-round. Proposal would apply to the following creeks and rivers: Usal Creek, Cottaneva Creek, Ten Mile River, Noyo River, Big River, Albion River, Navarro River, Greenwood Creek, Elk Creek, Alder Creek, Brush Creek, Garcia River, Gualala River, Russian Gulch, Salmon Creek, Walker Creek, and Sonoma Creek.

Response: Current regulation allows use of bait, artificial lures, and only barbless hooks from November 1 to March 31, in the subject waters. Bait fishing for steelhead can be effective during river conditions that are higher flow and cloudier water than conditions that are effective for artificial lures, and bait fishing is a gear type frequently used for steelhead angling. Amending the regulation for the removal of bait gear would significantly reduce a popular angling opportunity. R1 and R3 do not support this section of the regulation change proposal.

Proposed: Amend Section 7.50(b) to close streams to all angling from April 1 through October 31. Proposal would apply to the following creeks and rivers: Usal Creek, Cottaneva Creek, Ten Mile River, Noyo River, Big River, Albion River, Navarro River, Greenwood Creek, Elk Creek, Alder Creek, Brush Creek, Garcia River, Gualala River, Russian Gulch, Salmon Creek, Walker Creek, and Sonoma Creek.

Response: Fishing is currently closed from April 1 to the day before the fourth Saturday in May in the subject waters for the protection of post spawn adult steelhead that are migrating downstream to the ocean and for downstream migrating salmonid juveniles. From the fourth Saturday in May to October 31 these waters are open to catch and release of resident trout and fishing for non-native fish species present in some streams. Anecdotal CDFW observation of fishing pressure that occurs from the fourth Saturday in May to October 31 indicates very little fishing and impact to native fish occurs during this time period. Amending the regulation to close fishing from April 1 through October 31 does not provide significant additional protection to an impacted fisheries resource and reduces fishing opportunity. R1 and R3 do not support this section of the regulation change proposal.

Proposed: Amend Section 8.00(b) to leave the Navarro River open to angling on the main stem below the confluence of the North Fork Navarro when the applicable designated gauging station is less than the minimum flows set forth. Amend Section 8.00(b) to leave the Garcia River open to angling on the main stem below the Highway 1 Bridge when the applicable designated gauging station is less than the minimum flows set forth. Amend Section 8.00(b) to leave the Gualala River open to angling on the main stem below the confluence of the North Fork Gualala when the applicable designated gauging station is less than the minimum flows set forth.

Response: The amendments propose to open to angling in the lower portion of the subject rivers during low flow conditions. Steelhead will be concentrated in shallow clear water, easily visible to anglers, less able to move, and more prone to repeat hooking. The current low flow regulation opens the subject area of these rivers when flows are above a flow gauge threshold and under conditions suitable for a lower impact catch and release fishery. A good fishing

opportunity that also provides protection to steelhead is being provided in the subject area of these rivers under current regulation. The proposed change would add complexity to regulations by dividing open sections of the subject rivers into two sections with different regulations. CDFW seeks to reduce complexity in fishing regulation. R1 and R3 do not support this section of the regulation change proposal.

Please contact Allan Renger at 707-725-7194, allan.renger@wildlife,ca,gov, or George Neillands at 707-576-2812, george.neillands@wildlife.ca.gov, if you have further questions or concerns.

Sincerely,

Neil Manji
Regional Manager, Northern Region (R1)

Scott Wilson
Regional Manager, Bay Delta Region (R3)

ec: Tony LaBanca, Eric Larson, Allan Renger, George Neillands, Ryan Watanabe, Scott Monday, Scott Harris
Department of Fish and Wildlife
tony.labanca@wildlife.ca.gov, eric.larson@wildlife.ca.gov, allan.renger@wildlife.ca.gov, george.neillands@wildlife.ca.gov, ryan.watanabe@wildlife.ca.gov, scott.Monday@wildlife.ca.gov, scott.harris@wildlife.ca.gov

Tracking Number: 2015-015

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. **Person or organization requesting the change (Required)**
   Name of primary contact person: Fred Bondello
   Address:
   Telephone number:
   Email address:

2. **Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: Section 200,202,205,215,220,240,315,316.5 of Fish & Game Code.

3. **Overview (Required)** - Summarize the proposed changes to regulations: 7.50b 155A Title 14 8.00b3 Title 14 North Coast Central District,Russian River to be open to sport fishing all year with a no minimun flow requirement. A no take "Catch and Release" of all migratory species including hatchery fish (if the C.D.F.W. would like). A year round restriction for the use of bait(artificials only permitted). The year round closure from the point of the C.D.F.W.'s Coho reestablishment monitoring project (near the confluence of Austin Creek) to the Pacific Ocean, as not to interfere with thier efforts. All proposed changes to include current hook requirements, such as barbless and single.

4. **Rationale (Required)** - Describe the problem and the reason for the proposed change: 8.00b3 Myself and other sport fishing anglers are not allowed to sport fist for any species from Oct. 1 to April 30th unless the river flow is at 300C.F.S or more, leaving us with no sport fishing for long periods on what we feel are our home waters(many of us being native to the area). With the vast majority of migrating species being hatchery fish coupled with changes proposed above(overview) and also the rights of others being able to use and enjoy the Russian River year round(kayaks,canoes, swimmers,dogs, special events, etc) adding all due respect to them, we feel somewhat left out of things we are interested in doing year round. It is important that the C.D.F.W. realize many of us have other interests(family,work,hobbies,to mention a few) and that many of us would not be able to sport fish at the same times. Adding (that with all due respect) the C.D.F.W. should not make that assumption.

SECTION II: Optional Information

5. **Date of Petition:** Dec. 16, 2015

6. **Category of Proposed Change**
   - ☒ Sport Fishing
   - ☐ Commercial Fishing
   - ☐ Hunting
   - ☐ Other, please specify: _____

7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or https://govt.westlaw.com/calregs*)
   - ☒ Amend Title 14 Section(s): 7.50, 8.00
   - ☐ Add New Title 14 Section(s): _____
   - ☐ Repeal Title 14 Section(s): _____

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** _____
   Or ☒ Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.
   If the proposed change requires immediate implementation, explain the nature of the emergency: March 1, 2017, preferably earlier if possible. Perhaps through some sort of Public Notice (Local newspaper the Press Democrat) and/or revised issue of Regulations between current effective dates.

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Knowledge of the area (having lived in Santa Rosa, Ca. for over 50 years and sport fished the Russian River for over 35 years) respectively, in addition to signatured proposal enclosed. Also see attached closing statement for regulation changes.

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: May have had and/or continue to have negative revenue impact on the above due to less travel and spending of visiting and local sport anglers during low flow closure period (listed in current regulations). Our proposal could only help to provide a more positive revenue impact listed in number 11 (economic or fiscal impacts:)

12. **Forms:** If applicable, list any forms to be created, amended or repealed: _____

SECTION 3: FGC Staff Only

Date received: 12/16/15

FGC staff action:

- ☒ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Date petitioner was notified of receipt of petition and pending action: 12/18/15

Meeting date for FGC consideration: February 10-11, 2016

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition: _____
  Tracking Number
- ☐ Granted for consideration of regulation change

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COMMISSION
2015 DEC 16 AM 8:44

State of California
Department of Fish and Wildlife

Memorandum

Date: September 6, 2018

To: Stafford Lehr, Deputy Director
Wildlife Fisheries Division

From: Kevin Shaffer, Chief
Fisheries Branch

Subject: Fish and Game Commission Regulation Change Petition No. 2015-015

Overview

On December 16, 2015, the Fish and Game Commission (Commission) received a Regulation Change Petition (Tracking Number 2015-015) concerning sport fishing regulations on the Russian River (California Code of Regulations, Title 14, sections 7.50(b) and 8.00(b)). The Commission forwarded the petition to the Department of Fish and Wildlife (Department) for review and requested the Department to meet with the petitioner to discuss their requests and concerns. The proposed changes outlined in petition include the following:

1) Open the Russian River to sport fishing all year with no minimum flow requirement;
2) A no-take "Catch and Release" of all migratory species including hatchery fish;
3) Year-round closure from the point of the Coho Salmon reestablishment monitoring project (near the confluence of Austin Creek) downsteam to the Pacific Ocean; and
4) Year-round restriction on the use of bait and all proposed changes to include hook requirements, such as barbless and single hook.

Fisheries management staff met with the petitioner on two separate occasions to discuss their proposed regulation changes. For the reasons stated herein, the Department does not support the proposed regulation changes in this petition, and recommends that the Commission deny this petition. Attached are formal responses to this petition from the Department, memo dated April 24, 2018, and from the National Marine Fisheries Service (NMFS), letter dated April 4, 2018. Please refer to the attached documents for additional information including figures, data, photos, etc. supporting the Department's recommendation to deny this petition.

Background

In 2014, the Department proposed regulatory changes to Title 14, Chapter 3, Article 4, Section 8.00, subsection (b) to add low-flow fishing restrictions to the Russian River and base the closure of North Central-Coast streams on one or more stream gauges on rivers that are more representative of these North Central-Coast streams than the current regulated flows of the Russian River.

The proposed regulatory changes were the result of a collaborative effort among NMFS, the Department, local stakeholders and watershed councils, to address fishery impact concerns that had arisen during the prior three years of drought, with the goal of protecting ESA-listed fish while still providing sport fishing opportunities.

Prior to 2015, a low flow closure regulation on the Russian River had not been promulgated. The Russian River is a regulated stream with flows under the control by two dams. Due to water diverted to Lake Mendocino through the Potter Valley Project, stream flows in the Russian River had been artificially high, year round. In the mid-2000s, a regulatory/recovery program was implemented under a Federal Biological Opinion to reduce flows in the river. At which time, the Department began to see fall pre-rain flows near 150 cfs, rather than 400 cfs. It was at that point a low flow regulation need became apparent.

On December 3, 2014, following two stakeholder meetings and three public Commission meetings, the Commission adopted the Department's proposed regulatory changes to the low flow closure regulations on the North Central-Coast streams. Specifically, the Commission voted to change the location where streamflow is measured to trigger low-flow closures on 17 streams in Mendocino, Sonoma, and Marin counties from the Russian River to the Gualala and Navarro rivers, and established minimum flow requirements of 150 cfs and 200 cfs, respectively. In addition, the Commission adopted a low-flow closure for the Russian River in Sonoma County with a minimum flow requirement of 300 cfs at the gauging station located on the main stem Russian River near Guerneville.

Approximately nine months after the regulations went into effect, the Commission received a petition (Tracking Number 2015-015) to amend the newly adopted low flow closure regulations on the Russian River. The Commission forwarded the Petition to the Department for review and directed the Department to meet with the petitioner to discuss the petitioner's concerns and requests.

<u>Coordination with Petitioner</u>

- Meeting in Santa Rosa on November 8, 2017 – Department staff from Region 1, Region 3, and Fisheries Branch met with the petitioner to answer questions and discuss their concerns. The purpose of this meeting was not for the Department to give definitive answers to the petitioner's regulation change requests but rather to have open dialogue.

- Wildlife Resources Committee (WRC) Meeting on January 18, 2018 – The Department presented its recommendation to the WRC that it not move forward with the proposed regulation changes in Regulation Change Petition Tracking Number 2015-015. After hearing comments from the public, the WRC did not make a ruling on the petition and asked the Department to meet with the stakeholders again.

- Meeting in Santa Rosa on May 2, 2018 – Department held a second meeting with the petitioner to discuss their proposed regulation changes and answer questions. In attendance were six Department staff, three NMFS staff, and the petitioner. The Department asked NMFS to attend the meeting because the agency had been involved in the development of the low flow regulations in 2014, including providing its own proposal for low flow fishing restrictions on the Russian River.

Responses to Proposed Regulation Changes

1) The Department does not support the removal of the minimum flow level for the Russian River. It would remove protections for listed salmonids from recreational fisheries during stream conditions that are adverse for the fish. The use of low-flow closures is a well-established fishery management tool used on other coastal streams in California. Reversing the implementation of low-flow closure regulations would undo recovery actions listed in NMFS species recovery plans. Title 14 Section 8.00(b)(3) established a low-flow closure season from October 1-April 30, and would only affect fishing under low-flow conditions during that period. (Note: In December 2017, the Commission voted to amend Section 8.00(b)(3) and shorten the low flow season by one month, which now ends on March 31).

   Sport fishing outside this period would be unaffected by this regulation. The Department recognizes that some fishing opportunity may be lost during the low-flow season, but due to the low population levels of Chinook Salmon and Coho Salmon in the Russian River these protections are necessary measures to maintain a steelhead fishery with reduced impacts to other listed salmonids. In respect to the steelhead fishery, the Department believes ample fishing opportunity was achieved and lost opportunity occurred mainly in the early season before the peak in the steelhead run.

2) The Department does not support the petitioner's request to allow targeted catch and release fisheries for CC Chinook Salmon and CCC Coho Salmon. Allowing such fisheries to occur would counteract objectives and recovery actions identified in State's Coho Salmon Recovery Strategy and NMFS recovery plans for both species. The Department supports the take of hatchery steelhead in the Russian River to reduce potential impacts to wild steelhead within the watershed.

3) The Department does not support a year-round fishing closure from the point of the Coho Salmon reestablishment monitoring project (near the confluence of Austin Creek) downsteam to the Pacific Ocean. The Russian River Coho Salmon Captive Broodstock Program is a collaborative conservation hatchery partnership including the US Army Corps of Engineers, NMFS, CDFW, Sonoma County Water Agency, and the University of California Cooperative Extension/California Sea Grant Extension Program, to recover Coho Salmon within the watershed. Lower Russian River Priority Areas for Coho Salmon are identified in (Figure 7 in the attached memo) which encompasses an area much larger than the proposed closed area.

The Department cannot evaluate a year-round closure of the area from the confluence of Austin Creek downstream to the Pacific Ocean when an objective and rationale has not been provided. The low-flow management tool offers better protection to listed species than a spatial closure because the adverse conditions are temporal (hydrologically driven) rather than spatial. Closures are temporary as needed, and as conditions improve, fishing opportunity returns. Spatial closures close fishing opportunity and shift effort to other areas and do not provide the needed protection for migratory species.

4) At this time the Department does not support a year-round restriction on the use of bait. Current regulation allows the use of bait and barbless hooks only from November 1 to March 31, and only artificial lures with barbless hooks may be used from April 1 through October 31 in the subject waters. Bait fishing for steelhead is a frequently used angling method and can be effective during river conditions when there are higher flow and cloudier water. Artificial lures are more effective during lower river flow and clearer water conditions. Amending the regulation for the removal of bait gear would significantly reduce a popular angling opportunity. The Department does not support this section of the regulation change proposal at this time. Future discussion of gear restrictions will be addressed in the development of new anadromous regulations.

Conclusion

The Department does not support Regulation Change Petition (Tracking No. 2015-015). The proposed regulation changes conflict with state and federal fisheries management objectives and would undo recovery actions listed in NMFS species recovery plans. The Department and NMFS believe that the current low flow restrictions are working to improve the protection for ESA-listed salmonids during their upstream migrations to subsequent spawning destinations, and provide adequate fishing opportunity. The Department will continue to monitor flows on the Russian River and evaluate the effectiveness of the low flow closures. In addition, the Department will address gear restriction changes on all coastal streams during development of pending statewide anadromous regulations. The Department strives to keep the Russian River, and all state waters, open to fishing as much as possible, for all angling types.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

April 4, 2018

Jonathan Nelson
Anadromous Conservation and Management Program
Fisheries Branch
California Department of Fish and Wildlife
830 S Street
Sacramento, California 95811

Dear Mr. Nelson:

This letter is in regard to the Petition (Petition) for regulation change authored by Mr. Fred Boniello (petition tracking number 2015-15) to the California Fish and Game Commission (CFGC) recommending changes to freshwater fishing regulations on the Russian River in Title 14, Chapter 3, Article 3 subsections 7.50(b) and 8.00(b). We understand Mr. Boniello requests the following changes:

1) Open the Russian River to sport fishing all year with no minimum flow requirement.
2) A no-take "Catch and Release" of all migratory species including hatchery fish.
3) Year round closure from the confluence of Austin Creek downstream to the Pacific Ocean.
4) All proposed changes to include hook requirements, such as barbless and single hook.

In 2013, NOAA's National Marine Fisheries Service's (NMFS), in close coordination with CDFW Region 3 (R3), authored a proposed low-flow closure regulation change for the Russian River for the primary purpose to enhance the protection of federally Endangered Species Act (ESA) listed adult salmonids during prolonged low-flow periods (Enclosure 1). Subsequently, CDFW R3 and CFGC supported a low-flow closure threshold for the Russian River, which was implemented in 2015. Currently, the Russian River main stem below the confluence of the East Branch Russian River is open to fishing all year under Title 14 section 7.50(b)(155)(A). Title 14 section 8.00(b)(3) identifies a low-flow closure season from October 1 - April 30 which restricts fishing opportunity when flows recede below 300 cfs at the USGS Guerneville gauging station (1146700) during the low-flow closure season. This new and current Russian River fishing regulation, which is the subject of the current Petition, is in alignment with NMFS' mission to protect and recover salmonids listed under the federal ESA of 1973, as amended.

Salmonids in many coastal watersheds in California are subject to increased angling pressure during periods of extended or prolonged low-flow conditions. CDFW currently has low-flow closures in most watersheds in Marin, Sonoma, and Mendocino counties, with established low-flow thresholds to protect adult salmonids during their spawning migration. When low-flow

conditions occur, adult salmonids are subjected to increased mortality potential due to physiological stress, decreased passage or migration opportunity and ques, predation, and elevated angling pressure. Due to the elevated risk associated with these low-flow conditions, we believe it is prudent to retain their current protection during these vulnerable periods, and do not support removing the current low-flow restriction (Petition change #1).

To date, these enhanced protections during the fishing season have resulted in river closure during low flow periods in the fall prior to onset of winter rains, coinciding with federally ESA-listed threatened California Coastal (CC) Chinook salmon and federally and state listed endangered Central California Coast (CCC) coho salmon migration periods. NMFS does not support Petition change #2 as proposed, which would result in 'catch and release' fisheries targeting CC Chinook salmon and CCC coho salmon, and would conflict with the fishery management objectives to harvest hatchery steelhead in the Russian River. Regarding Petition change #3, NMFS would like to discuss and evaluate this proposed change further with CDFW staff during the development of the hatchery management plan for the Russian River steelhead program currently in progress. Finally, we understand that gear restrictions changes (Petition change #4) will be addressed in the development of pending statewide anadromous regulations.

In summary, NMFS believes federally ESA-listed salmonids inhabiting the Russian River should receive the necessary protection from anglers during critically low-flow periods to ensure species recruitment and conservation goals. Following river flow increases, the fishing season has remained open for the remainder of the water-year, coinciding with the migration of CCC steelhead, and allowing ample fishing opportunity through the winter and spring since implementation of the emergency closures and current regulations (Enclosure 2). NMFS supports an appropriate low-flow closure threshold for the Russian River and the current protections which the regulations in subsections 7.50(b) and 8.00(b) provide.

If you have any questions or would like additional information regarding our support for this effort, please contact Joshua Fuller at (707) 575-6096 or by email at Joshua.Fuller@noaa.gov.

Sincerely,

RWG FOR

Alecia Van Atta
Assistant Regional Administrator
California Coastal Area Office

Enclosures

cc: Charlton Bonham, Director, CDFW, Sacramento, CA
Stafford Lehr, Fisheries Branch Chief, CDFW, Sacramento, CA
Scott Wilson, Regional Manager, CDFW, Yountville, CA
Eric Larson, Biological Programs Manager, CDFW, Yountville, CA
Neil Manji, Regional Manager, CDFW, Redding, CA
Tony LaBanca, Coastal Fisheries Environmental Program Manager, CDFW, Eureka, CA
Allan Renger, Southern Humboldt and Mendocino counties Fisheries Management Acting Supervisor, CDFW, Fortuna, CA

Russian River

Approach to the Proposed Fishing Regulation Change

Chinook hook-up, Russian River, CA – 16 October 2006

Current Russian River Fishing Regulations:

1. *Russian River main stem below the confluence of the East Branch Russian River = Open all year*

2. *Russian River main stem above the confluence of the East Branch and all Russian River tributaries = Closed*

3. *Russian River within 250 feet of the Healdsburg Memorial Dam = Closed*

4. North Central District – Central Coast Streams

   – *Chapter 3. Article 4. Supplemental Regulations. 8.00. Low-Flow Restrictions. (b) Central Coast Streams – Stream Closures: Special Low Flow Conditions. From October 1 through April 1, any of the stream reaches listed in subsection (1) and (2)… (1) The Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties,* ***except for the Russian River****.*

Need for fishing regulation change:

1. Minimize impacts to listed salmonids associated with angling; particularly coho and Chinook salmon during the fall months

2. Overlap in run-timing of salmonids results in incidental catch of sensitive species – magnified during low-flow conditions

3. Increasing trend of coho salmon in the Russian River – higher probability of endangered species and angler interaction in the future

4. Climate change – potentially a higher frequency of severe low-flow conditions during the angling season

Angler caught Chinook salmon, Russian River, CA

Lack of rain impacts Russian River coho

By BOB NORBERG
THE PRESS DEMOCRAT
Published: Wednesday, January 11, 2012 at 6:52 p.m.

pressdemocrat.com

"The lack of rain and resulting low flow of the Russian River pose a threat to endangered coho salmon, which are having difficulty reaching their spawning grounds and could be caught and killed by fishermen……"

"Bill Laurie of Santa Rosa, president of the Russian River Fly Fishers, said most fishermen know the difference, that coho have black mouths and steelhead have a white mouth. But he also acknowledged that the concerns of biologists and regulators are warranted……"

January 11, 2012

Goals of fishing regulation change:

1. Enhance protection of listed salmonids during low-flow conditions - when they are most stressed and vulnerable

2. Simplify and attempt to make fishing regulations consistent

3. Provide and maintain *quality* angling opportunities – recognize windows of fishing opportunity to keep people interested in fishing the Russian River

4. Use fisheries data to support fishing regulation change – another value of monitoring data!

Hatchery steelhead, Russian River, CA

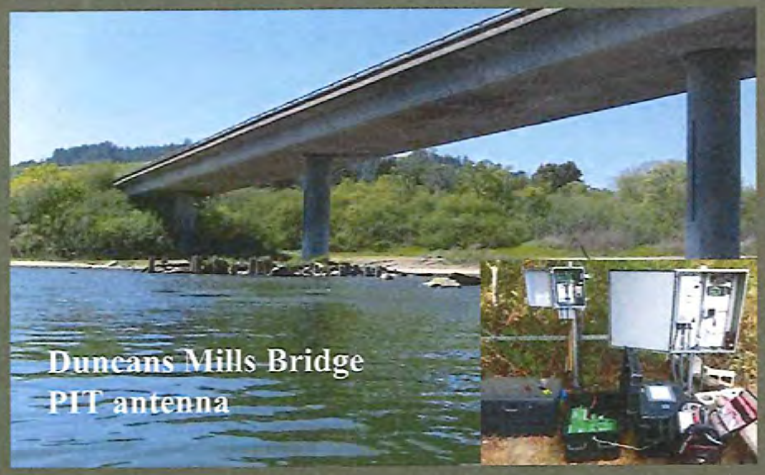
Evaluation of existing fishing regulations = fishing regulation change proposal

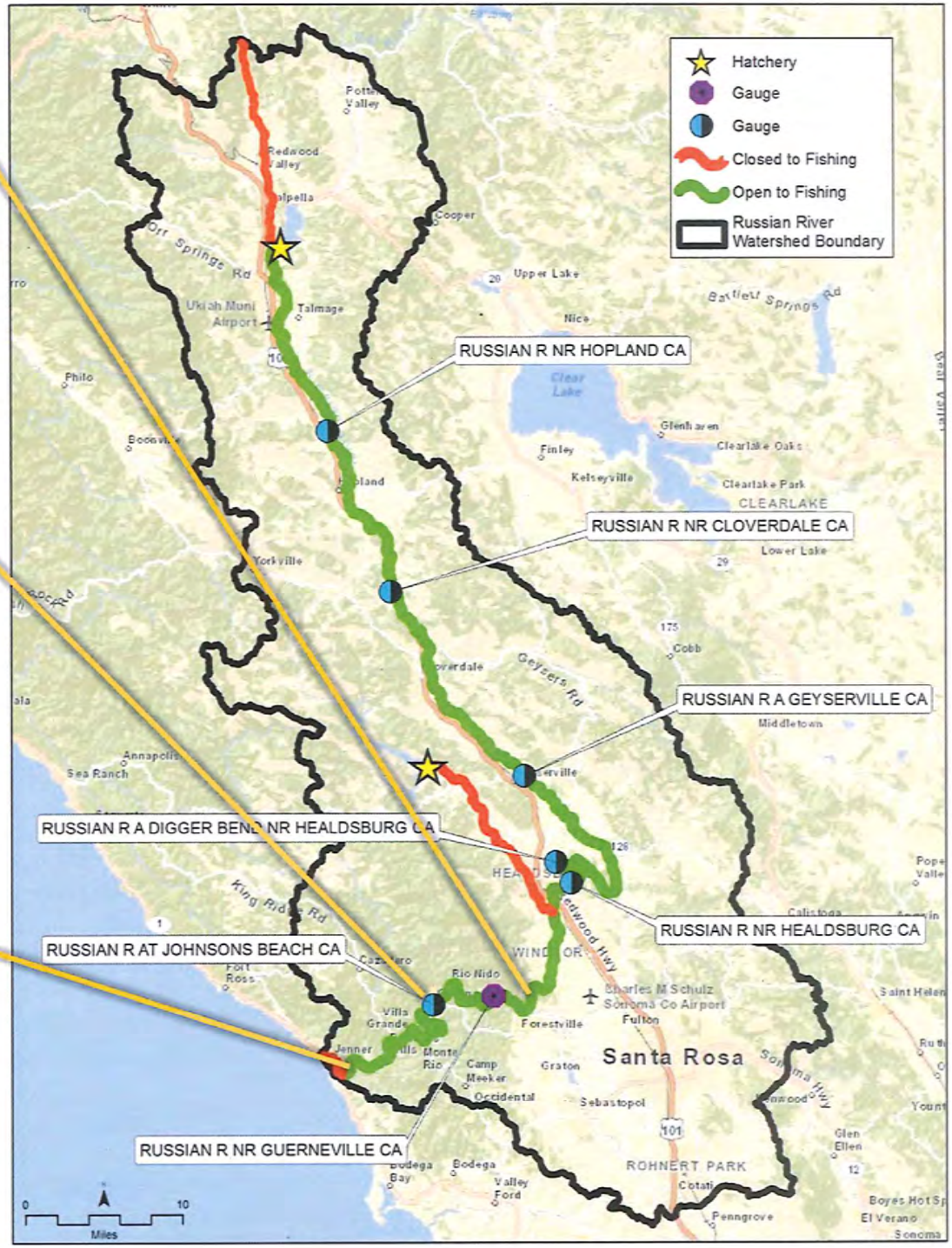
Information used:

1. Hydrology data
2. Wohler video data
3. Coho monitoring data
4. Steelhead report card data
5. Field observations
6. Local angler knowledge and expertise (outreach)

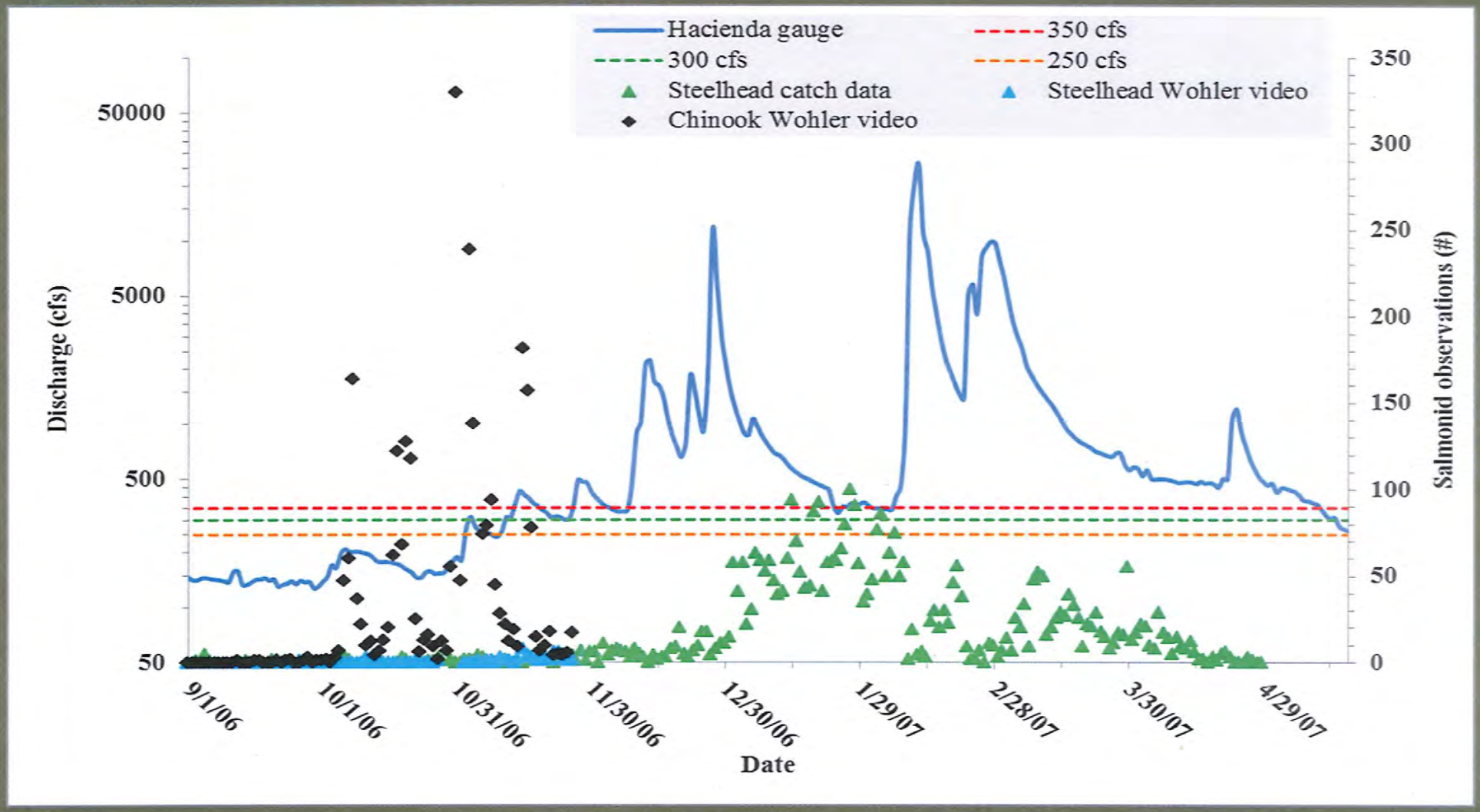
Wohler dam &
video station

Johnson's Beach
14 January 2012
248 cfs


Duncans Mills Bridge
PIT antenna

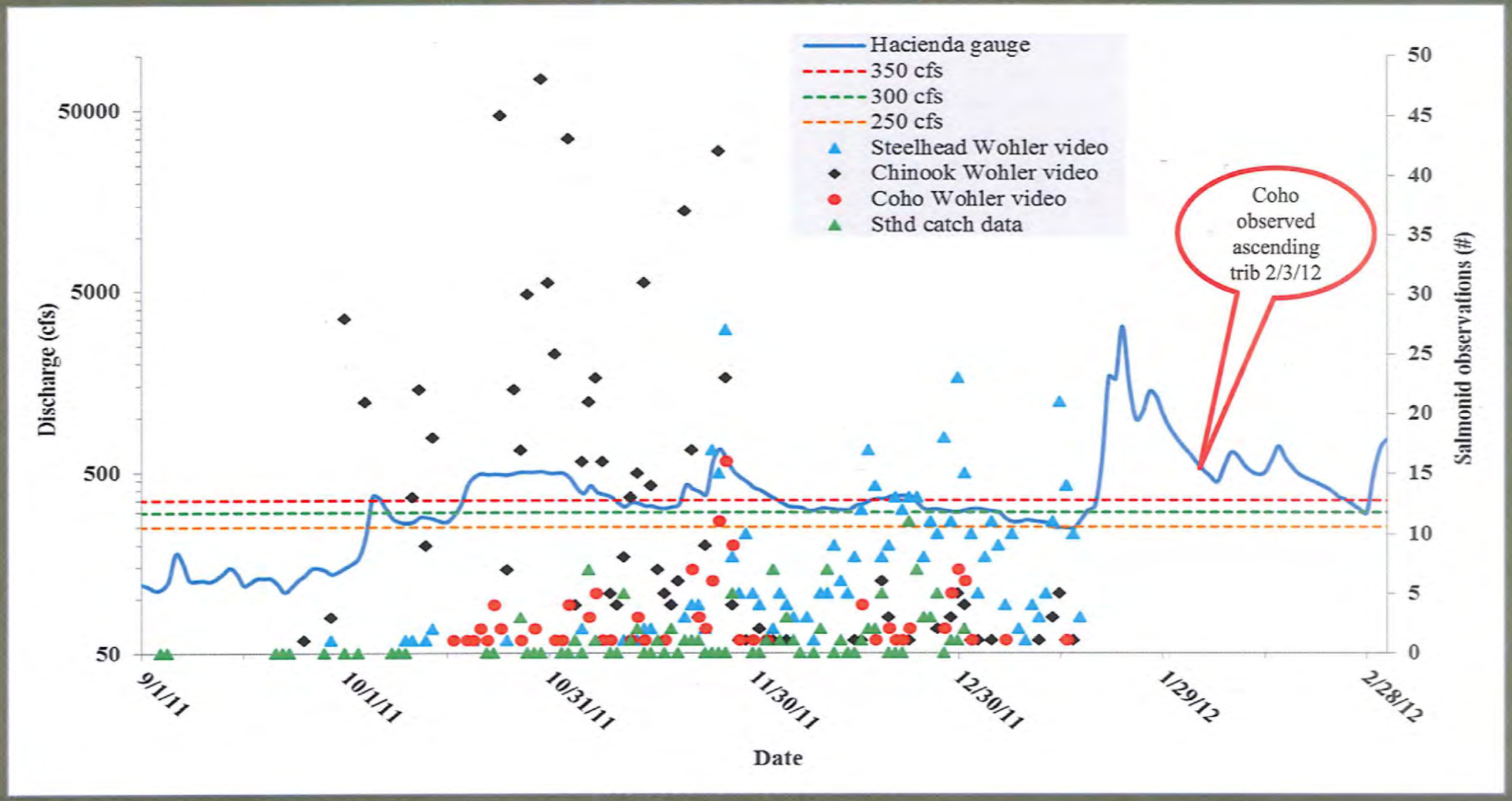

Hatchery
Gauge
Gauge
Closed to Fishing
Open to Fishing
Russian River Watershed Boundary
RUSSIAN R NR HOPLAND CA
RUSSIAN R NR CLOVERDALE CA
RUSSIAN R A GEYSERVILLE CA
RUSSIAN R A DIGGER BEND NR HEALDSBURG CA
RUSSIAN R NR HEALDSBURG CA
RUSSIAN R AT JOHNSONS BEACH CA
RUSSIAN R NR GUERNEVILLE CA
Santa Rosa
Ukiah Muni Airport
Upper Lake
Clear Lake
Lower Lake
Cloverdale
Geyserville
Healdsburg
Windsor
Rio Nido
Forestville
Sebastopol
Bodega Bay
Jenner
Monte Rio
Occidental
Graton
Fulton
Cotati
Penngrove
ROHNERT PARK
Miles

Example: Steelhead catch data 2006/07



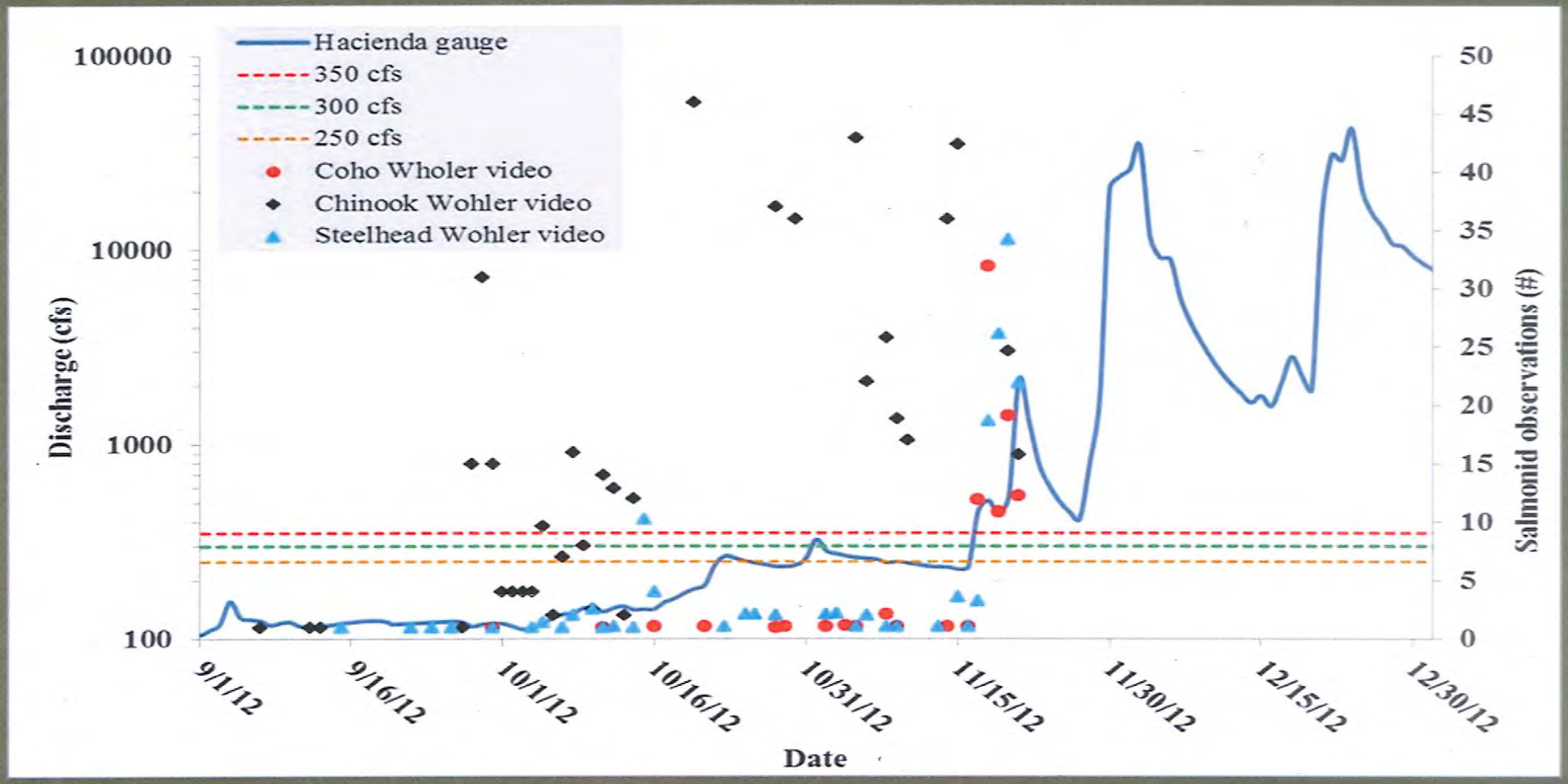
Salmonid observations and potential low-flow triggers superimposed on the 2006/07 Russian River at Hacienda hydrograph (September – April). Salmonid data doesn't include all Chinook observations at the Wohler video station to provide higher resolution of early arriving steelhead (scale).

Example: Severe low-flow conditions 2011/12



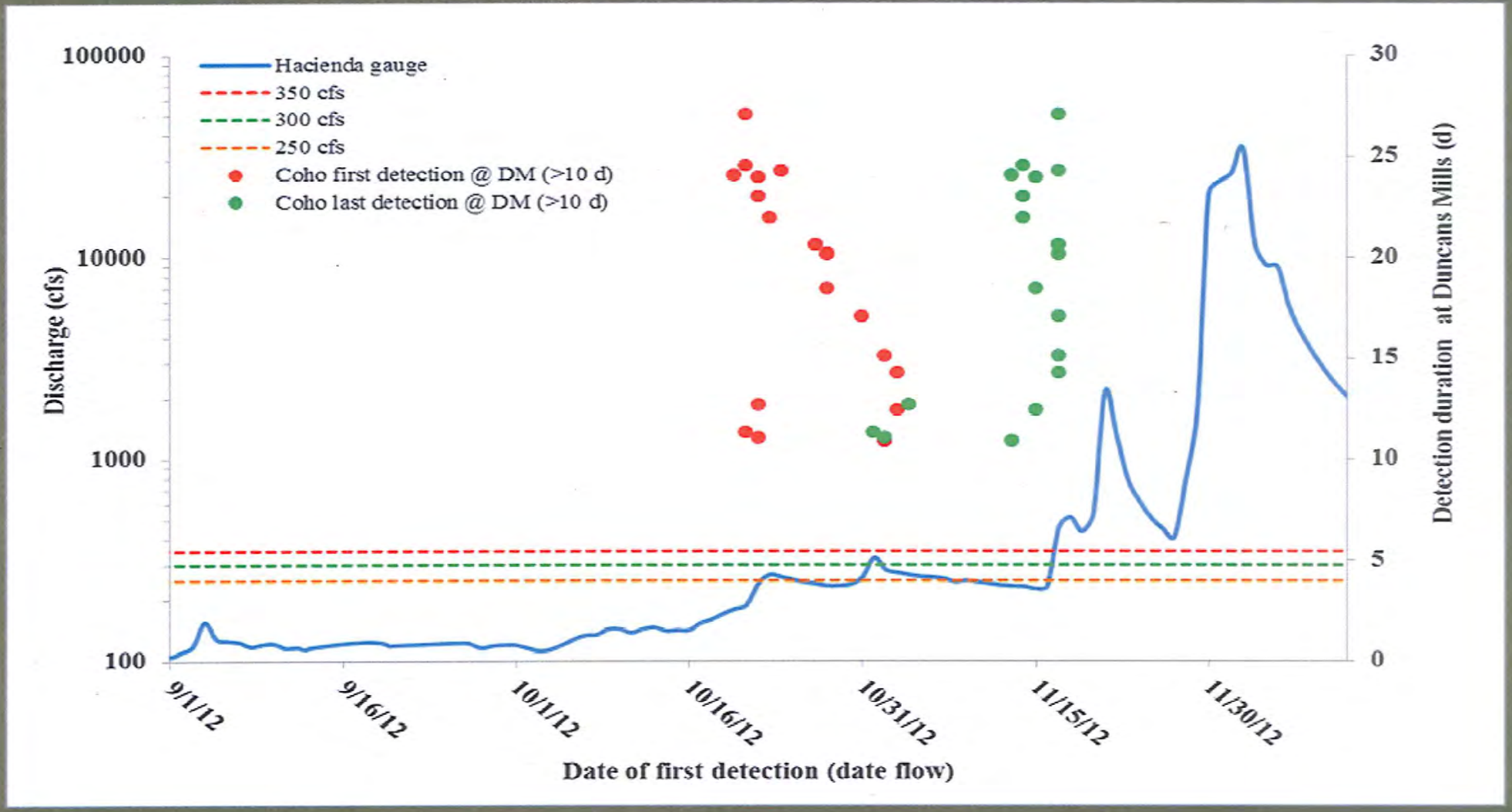
Salmonid observations and potential low-flow triggers superimposed on the 2011/12 Russian River Hacienda hydrograph (September – January). Salmonid data doesn't include all Chinook observations at the Wohler video station to provide higher resolution of observed coho salmon and steelhead (scale).

Example: Fall 2012



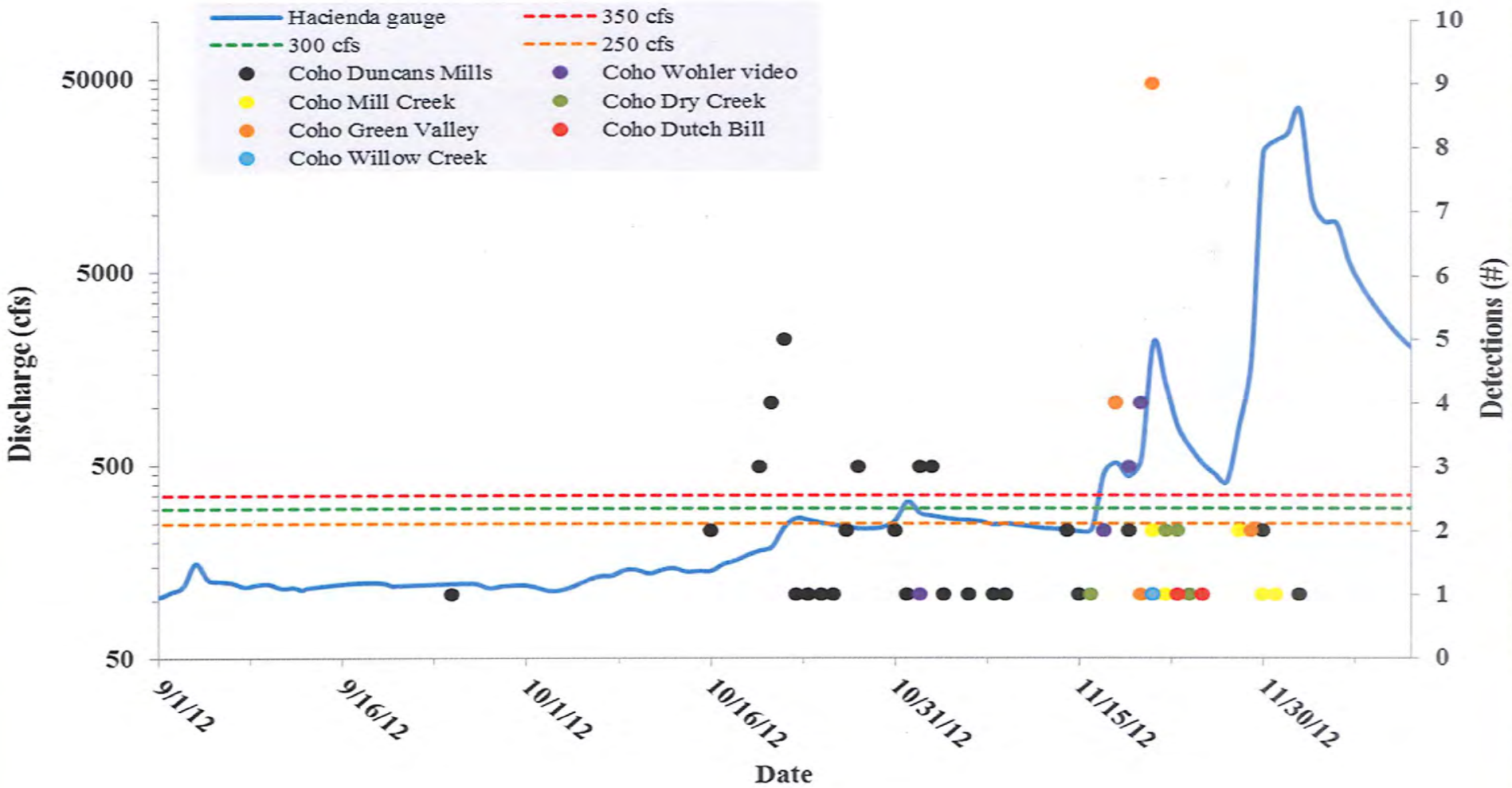
Salmonid observations and potential low-flow triggers superimposed on the 2012 Russian River Hacienda hydrograph (September – December). Salmonid data doesn't include all Chinook observations at the Wohler video station to provide higher resolution of observed coho salmon and steelhead (scale).

Coho PIT detections at Duncans Mills: Fall 2012



Detection duration of PIT tagged coho salmon at Duncans Mills. Data indicates that many coho salmon staged at the Duncans Mills site until flows exceeded 350 cfs. Data includes only coho salmon that staged at the Duncans Mills for > 10 d.

Coho PIT tag detections: Fall 2012



Coho salmon PIT detections at various PIT antenna locations within the Russian River. Data indicates that coho salmon didn't arrive in tributary streams until flows exceeded 350 cfs at the Russian River Hacienda gauge.

Number of fishing days analysis: 2004 - 2013

Flow (cfs)	Year									% Total (d)
	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	
	September – November (91 d)									
< 250 [% (d)]	52 (47)	60 (55)	71 (65)	86 (78)	88 (80)	85 (77)	46 (42)	37 (34)	73 (66)	66 (544)
< 300 [% (d)]	57 (52)	82 (75)	78 (71)	100 (91)	91 (83)	95 (86)	47 (43)	53 (48)	85 (77)	78 (628)
< 350 [% (d)]	78 (71)	91 (83)	88 (80)	100 (91)	93 (85)	96 (87)	47 (43)	62 (56)	85 (77)	83 (679)
< 500 [% (d)]	97 (88)	92 (84)	100 (91)	100 (91)	97 (88)	100 (91)	56 (51)	92 (84)	89 (81)	91 (749)
	December (31 d)									
< 250 [% (d)]	0 (0)	0 (0)	0 (0)	0 (0)	45 (14)	16 (5)	0 (0)	0 (0)	0 (0)	7 (19)
< 300 [% (d)]	0 (0)	0 (0)	0 (0)	16 (5)	61 (19)	35 (11)	0 (0)	0 (0)	0 (0)	13 (35)
< 350 [% (d)]	13 (4)	0 (0)	16 (5)	23 (7)	68 (21)	39 (12)	0 (0)	74 (23)	0 (0)	24 (68)
< 500 [% (d)]	19 (6)	19 (6)	32 (10)	52 (16)	74 (23)	68 (21)	0 (0)	100 (31)	0 (0)	41 (113)
	January (31 d)									
< 250 [% (d)]	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	13 (4)	0 (0)	1 (4)
< 300 [% (d)]	0 (0)	0 (0)	0 (0)	0 (0)	35 (11)	0 (0)	0 (0)	42 (13)	0 (0)	9 (24)
< 350 [% (d)]	0 (0)	0 (0)	3 (1)	0 (0)	55 (17)	0 (0)	0 (0)	61 (19)	0 (0)	13 (37)
< 500 [% (d)]	0 (0)	0 (0)	42 (13)	0 (0)	94 (29)	23 (7)	0 (0)	61 (19)	0 (0)	24 (68)
	February – March (59/60 d)									
< 250 [% (d)]	0 (0)	0 (0)	(0)	0 (0)	8 (5)	0 (0)	0 (0)	0 (0)	0 (0)	1 (5)
< 300 [% (d)]	0 (0)	0 (0)	(0)	0 (0)	8 (5)	0 (0)	0 (0)	2 (1)	0 (0)	1 (6)
< 350 [% (d)]	0 (0)	0 (0)	8 (5)	0 (0)	10 (6)	0 (0)	0 (0)	5 (3)	0 (0)	3 (14)
< 500 [% (d)]	0 (0)	0 (0)	14 (8)	0 (0)	19 (11)	0 (0)	0 (0)	37 (22)	10 (6)	9 (47)
< 500 [% (d)]	**44 (94)**	**42 (90)**	**58 (122)**	**50 (107)**	**71 (151)**	**56 (119)**	**24 (51)**	**74 (156)**	**41 (87)**	51 (977)
< 350 % Total (d)	**35 (75)**	**39 (83)**	**43 (91)**	**46 (98)**	**61 (129)**	**47 (99)**	**20 (43)**	**47 (101)**	**36 (77)**	42 (798)
< 300 % Total (d)	**24 (52)**	**35 (75)**	**33 (71)**	**45 (96)**	**55 (118)**	**46 (97)**	**20 (43)**	**29 (62)**	**36 (77)**	37 (703)
< 250 % Total (d)	**22 (47)**	**26 (55)**	**31 (65)**	**37 (78)**	**47 (99)**	**39 (82)**	**20 (42)**	**24 (50)**	**31 (66)**	30 (572)

Russian River at Hacienda gauge 2004/05 – 2012/13. Information includes the percentage and number of days estimated under potential low-flow triggers using Hacienda stream gauge. Highlighted green indicates years that experienced severe low-flow conditions. Highlighted blue indicates the proposed low-flow trigger for the Russian River using the Hacienda stream gauge. *Stream flow source: USGS daily average.*

Preliminary Results:

1. Angling occurs throughout the adult salmonid migration/spawning season in the Russian River (September – April)

2. Coho are present in the lower Russian River later than January 1st, especially when low-flow conditions occur – flow driven (tributary flow driven?) – (2011/12)

3. Coho salmon staged for long periods (>25 d) at Duncans Mills when flow were below 350 cfs at Hacienda (Fall 2012)

4. Angling pressure can be intense when salmonids are staging in lower river pools (<350 cfs) – worst situation (2011/12)

5. A low-flow trigger of 350 cfs provides protection for migrating and spawning (upper river) salmonids during low-flow conditions (especially during the fall) while providing adequate angling opportunity for hatchery steelhead

Russian River fishing regulation in question:

Chapter 3. Article 4. Supplemental Regulations. 8.00. Low-Flow Restrictions. (b) Central Coast Streams – Stream Closures: Special Low Flow Conditions. From October 1 through April 1, any of the stream reaches listed in subsection (1) and (2)… (1) The Sonoma Creek (Sonoma County), and all streams tributary to the Pacific Ocean (and its bays) in Mendocino, Sonoma, and Marin counties, ***except for the Russian River****.* ***Page 68 – 69.***

Proposed alternatives:

Alternative (1):

Low-flow restrictions based on the Russian River stream gauge near Guerneville

Russian River main stem below the confluence of the East Branch Russian River (Mendocino and Sonoma counties) will close when the following low-flow conditions exist:

- **Minimum Flow:** From September 1 through April 1, **350 cfs** at the gauging station located on the main stem Russian River near the town of Guerneville (USGS 11463500 or CDEC HAC; Sonoma County).

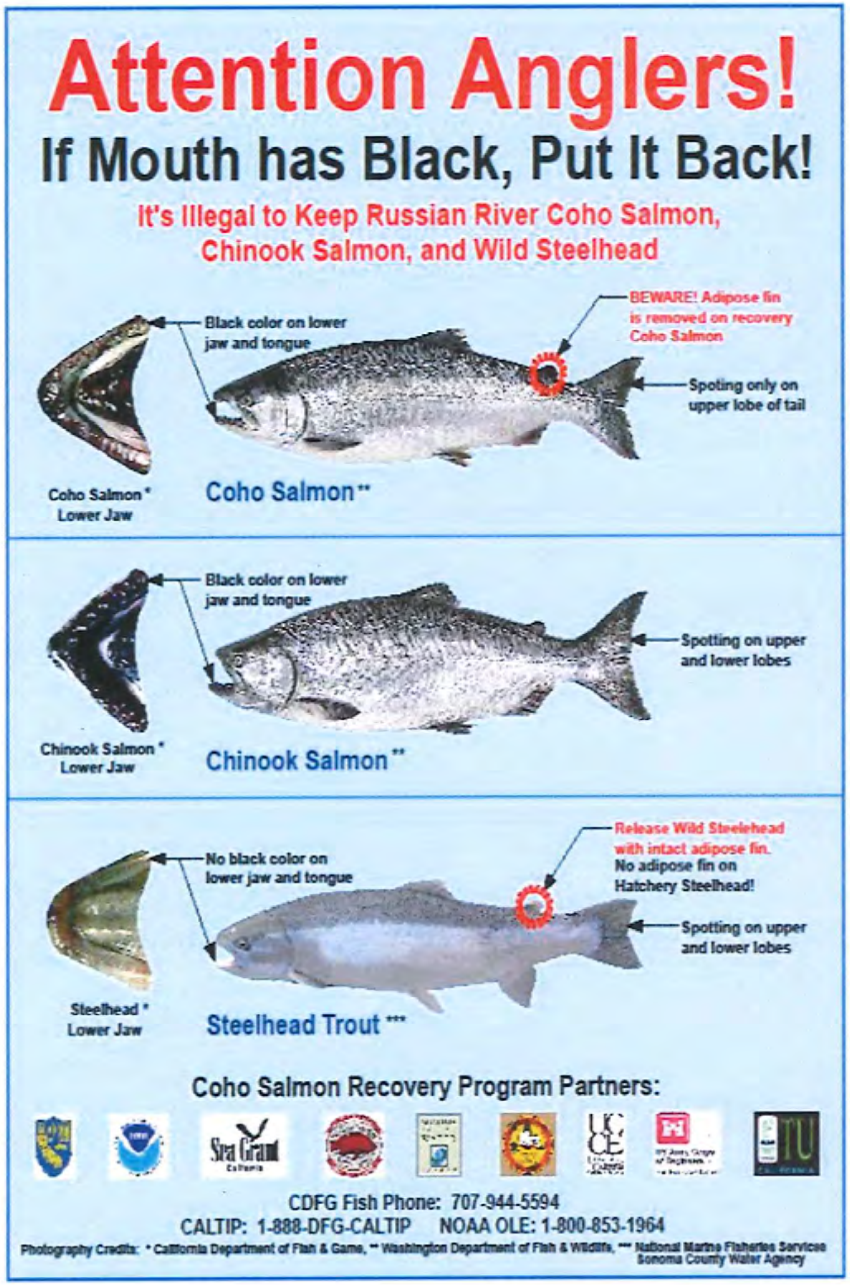
Alternative (2): (See Mad River)

Low-flow restrictions based on the Russian River stream gauge near Guerneville

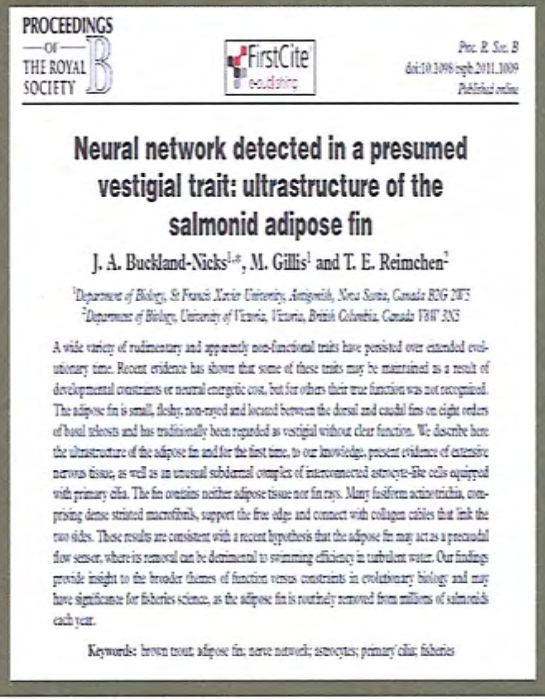
Russian River main stem below the confluence of the East Branch Russian River (Mendocino and Sonoma counties) will close when the following low-flow conditions exist:

- **Minimum Flow:** From September 1 through January 31, **350 cfs** at the gauging station located on the main stem Russian River near the town of Guerneville (USGS 11463500 or CDEC HAC; Sonoma County).

Other efforts:



Coho salmon, Russian River, CA – 28 November 2008



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Published online

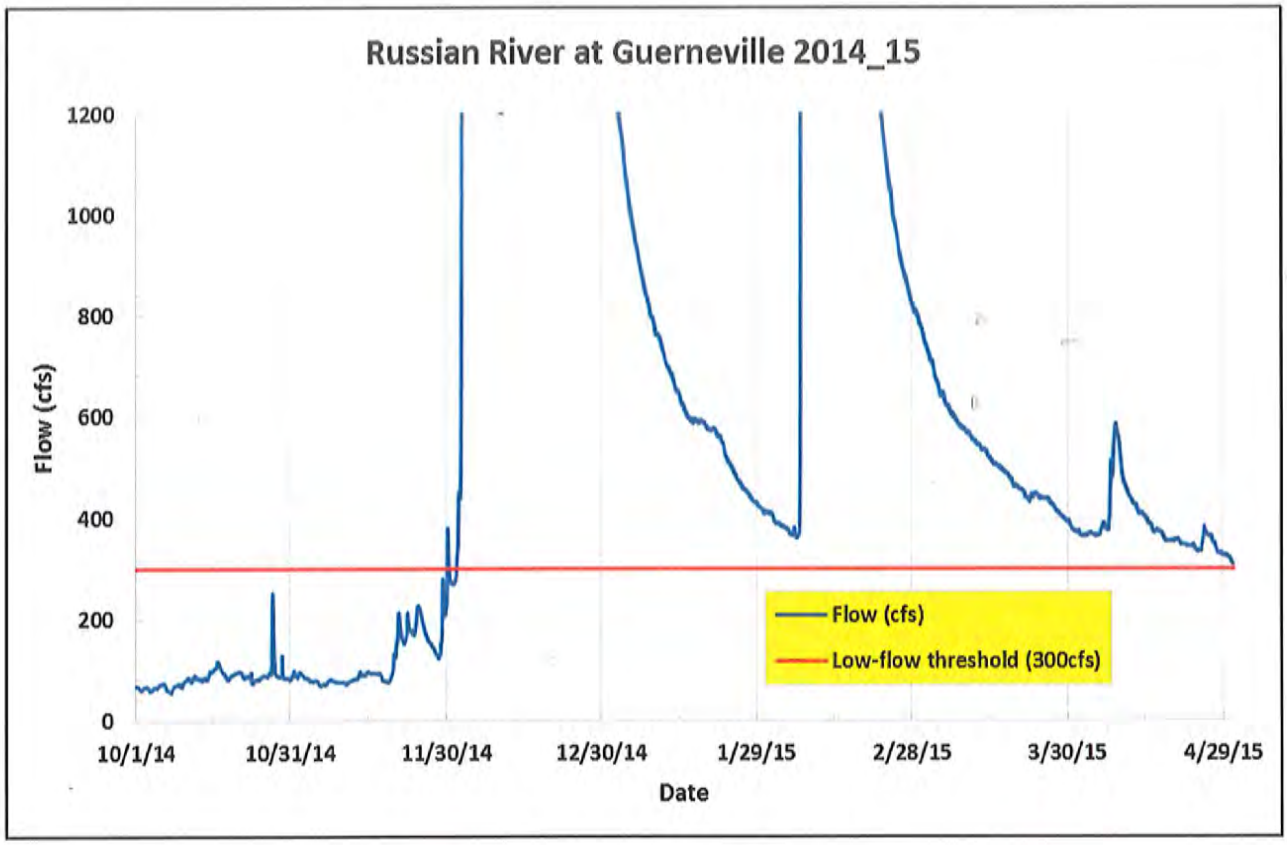
Neural network detected in a presumed vestigial trait: ultrastructure of the salmonid adipose fin

J. A. Buckland-Nicks[1,*], M. Gillis[1] and T. E. Reimchen[2]

[1]*Department of Biology, St Francis Xavier University, Antigonish, Nova Scotia, Canada B2G 2W5*
[2]*Department of Biology, University of Victoria, Victoria, British Columbia, Canada V8W 3N5*

A wide variety of rudimentary and apparently non-functional traits have persisted over extended evolutionary time. Recent evidence has shown that some of these traits may be maintained as a result of developmental constraints or neutral energetic cost, but for others their true function was not recognized. The adipose fin is small, fleshy, non-eyed and located between the dorsal and caudal fins on eight orders of basal teleosts and has traditionally been regarded as vestigial without clear function. We describe here the ultrastructure of the adipose fin and for the first time, to our knowledge, present evidence of extensive nervous tissue, as well as an unusual subdermal complex of interconnected astrocyte-like cells equipped with primary cilia. The fin contains neither adipose tissue nor fin rays. Many fusiform actinotrichia, comprising dense striated macrofibrils, support the free edge and connect with collagen cables that link the two sides. These results are consistent with a recent hypothesis that the adipose fin may act as a precaudal flow sensor, where its removal can be detrimental to swimming efficiency in turbulent water. Our findings provide insight to the broader themes of function versus constraints in evolutionary biology and may have significance for fisheries science, as the adipose fin is routinely removed from millions of salmonids each year.

Keywords: brown trout; adipose fin; nerve network; astrocytes; primary cilia; fisheries


Russian River at Guerneville 2014_15
Flow (cfs)
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10/31/14
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3/30/15
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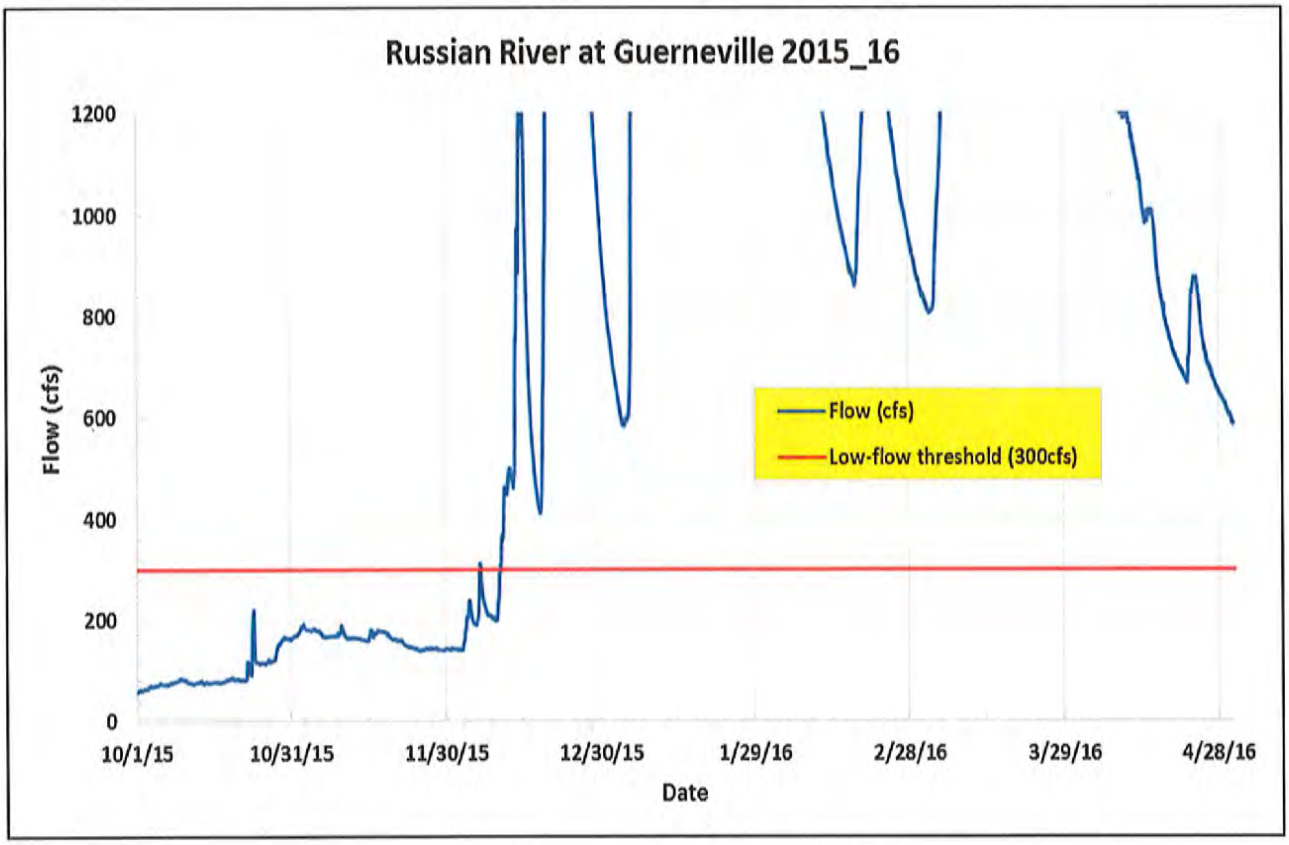
Date
Flow (cfs)
Low-flow threshold (300cfs)


Russian River at Guerneville 2015_16
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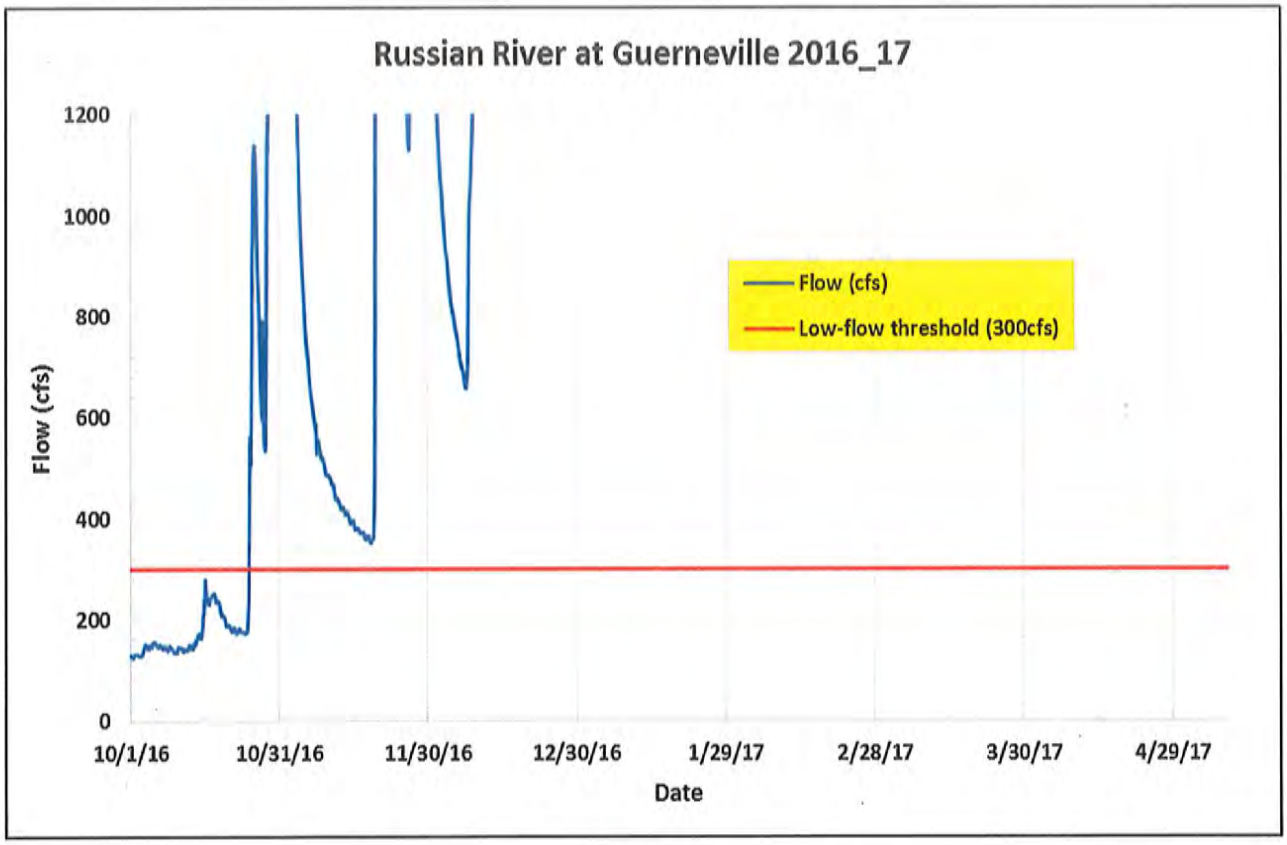
Date
Flow (cfs)
Low-flow threshold (300cfs)


Russian River at Guerneville 2016_17
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Flow (cfs)
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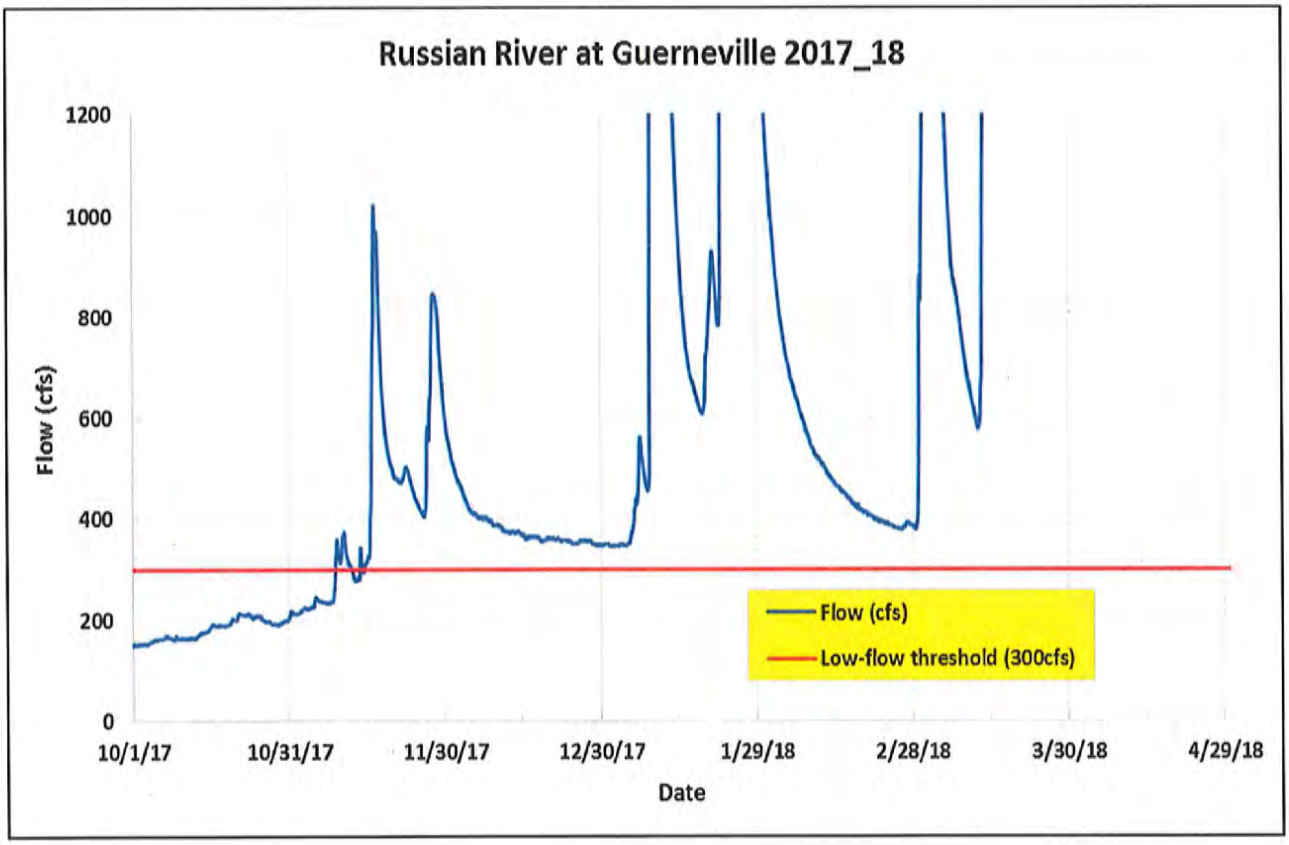
Date
Flow (cfs)
Low-flow threshold (300cfs)


Russian River at Guerneville 2017_18
1200
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Flow (cfs)
10/1/17
10/31/17
11/30/17
12/30/17
1/29/18
2/28/18
3/30/18
4/29/18
Date
Flow (cfs)
Low-flow threshold (300cfs)

State of California
Department of Fish and Wildlife

Memorandum

Date: April 24, 2018

To: Kevin Shaffer
Branch Chief, Inland and Anadromous Fisheries
California Department of Fish and Wildlife

From: Neil Manji
Regional Manager, Northern Region
California Department of Fish and Wildlife

Gregg Erickson
Regional Manager, Bay Delta Region
California Department of Fish and Wildlife

Subject: **Northern Region and Bay Delta Region Response Regarding Fishing Regulation Change (Petition Number 2015-015)**

On December 16, 2015, the California Fish and Game Commission (FGC) received a petition for regulation change authored by Fred Boniello (petition tracking number 2015-015) recommending changes to freshwater fishing regulations at locations in California Department of Fish and Wildlife (CDFW) Northern (R1) and Bay Delta (R3) regions. R1 and R3 fisheries management staff met to consider the proposed regulation change recommendations, and this memo is a coordinated R1 and R3 response to CDFW Fisheries Branch and FGC regarding the petition.

Petition Summary

The petitioner recommends change to Title 14, California Code of Regulations:

Chapter 3, Article 3, Section 7.50(b) (155) (A) - Alphabetical List of Waters with Special Fishing Regulations subsections relevant to the Russian River: Russian River main stem below the confluence of the East Branch Russian River.

Chapter 3, Article 4, Section 8.00(b) (3) - Low-Flow Restrictions Mendocino, Sonoma, and Marin County coastal streams, subsections relevant to the Russian River: River main stem below the confluence of the East Branch Russian River (Mendocino and Sonoma counties).

Proposed amendments to subsections of 7.50(b):

- Amend Section 7.50(b) to permit a no take "Catch and Release" of all migratory species including hatchery fish.
- Amend Section 7.50(b) to permit a year-round restriction for the use of bait (artificial bait only permitted) and include current hook requirements such as barbless and single.
- Amend Section 7.50(b) to permit a year-round closure from the point of the CDFW Coho Salmon reestablishment monitoring project (near the confluence of Austin Creek) to the Pacific Ocean.

Proposed amendments to subsections of 8.00(b):

- Amend Section 8.00(b) to open the Russian River to sport fishing all year with no minimum flow requirement.

Background: On December 3, 2014, the FGC adopted changes to Chapter 3, Article 3, Section 7.50(b). The petitioner now proposes changes to the same section of the regulations related to low flow angler restrictions, gear type, and seasons in the Russian River (Mendocino and Sonoma counties). The petitioner's supporting rationale identifies the newly adopted low flow angler closure flows as preventing fishing opportunity for long periods of time. R1 and R3 believe the flow data during the low-flow season (October to April) from 2015- 2018 (Figures 1-6), indicated the current regulation appropriately balances the opportunity for steelhead angling under favorable flow conditions with protection for Chinook Salmon, Coho Salmon, and steelhead by closing fishing during periods of low stream flow.

Unlike other coastal streams in the area, the Russian River does not follow a natural stream flow regime as it is a regulated system controlled by water releases from the Warm Springs Dam and the Coyote Valley Dam. Additionally, the estuary must be periodically breached by the Sonoma County Water Agency to prevent flooding which allows adult salmonids to enter the Russian River under less optimal migration conditions. The Russian River supports two federally threatened species—California Coastal (CC) Chinook Salmon and Central California Coast (CCC) steelhead—as well as the federally and State endangered CCC Coho Salmon. To continue to provide steelhead fishing opportunities a minimum low-flow level was established to protect these listed species under adverse stream conditions and reduce take and fishing-related mortalities. The current regulation controls the opening and closing of the Russian River main stem below the confluence of the East Branch Russian River (Mendocino and Sonoma counties) to angling based upon data from the best available regional USGS flow gauge (USGS 1146700 Russian River near Guerneville, CA). The gauge flow threshold to open and close angling within the regulation was established based upon hydrological data, salmonid monitoring data, steelhead report card data, migration flow criteria, and the observation and input of CDFW personnel, NOAA personnel, and anglers. R1 and R3 anticipated that fishing opportunities would be reduced in the early season when flows are lower. However, this lower flow period coincides with the time period when protection of listed species is the most needed. Opportunities during the peak steelhead season are largely unaffected.

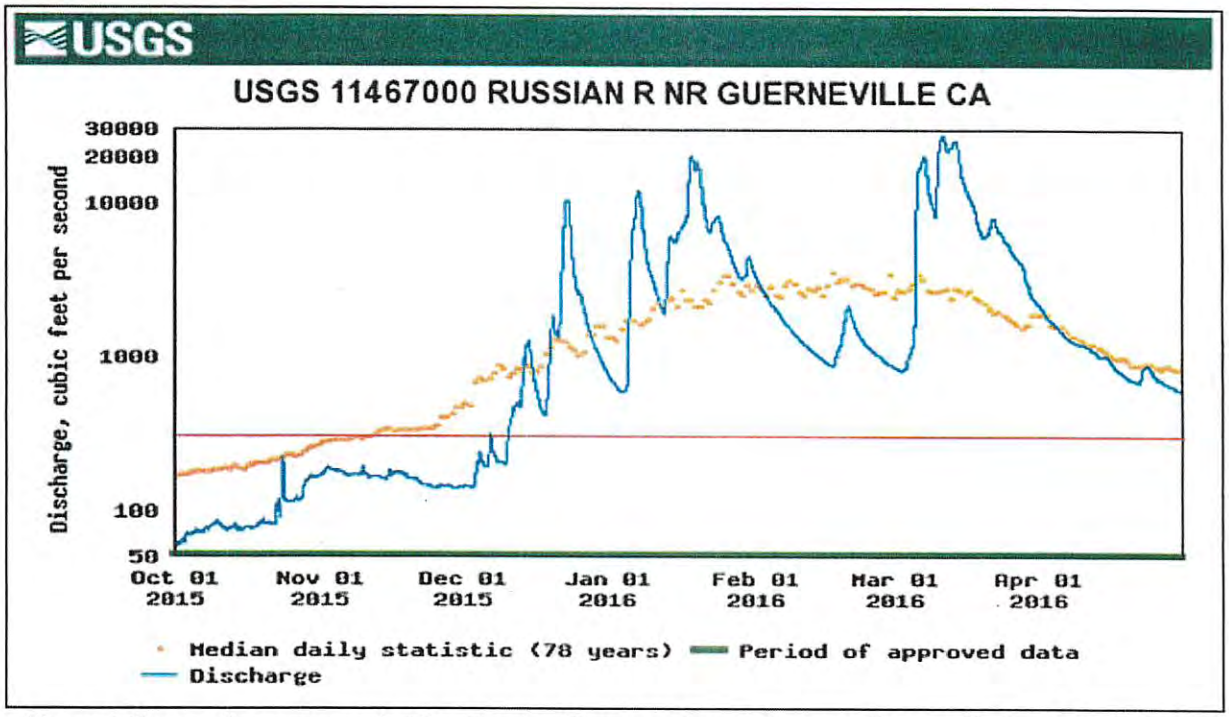


Figure 1. Stream flow measured at the Russian River gauging station near Guerneville from October 2015 through April 2016. Red line indicates the minimum flow level of 300 cfs.

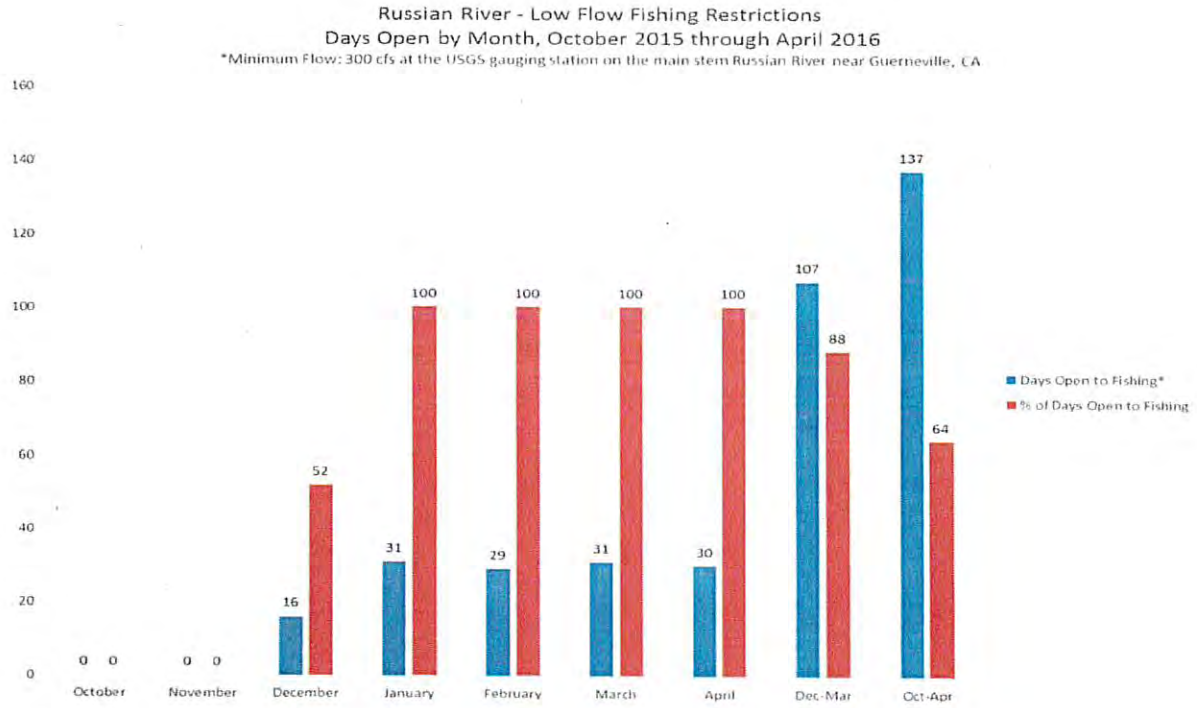


Figure 2. Number of days open to fishing by month and the corresponding percentage, as well as the overall season (October 2015 through April 2016) in Russian River.

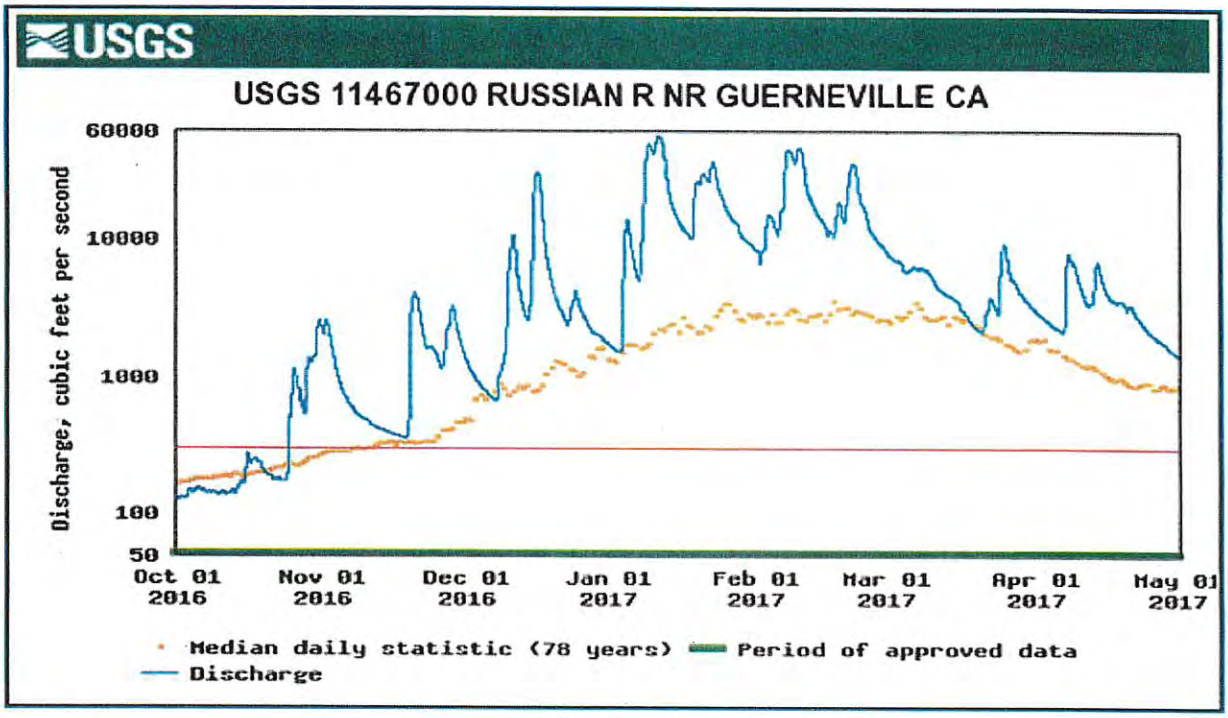


Figure 3. Stream flow measured at the Russian River gauging station near Guerneville from October 2016 through April 2017. Red line indicates the minimum flow level of 300 cfs.

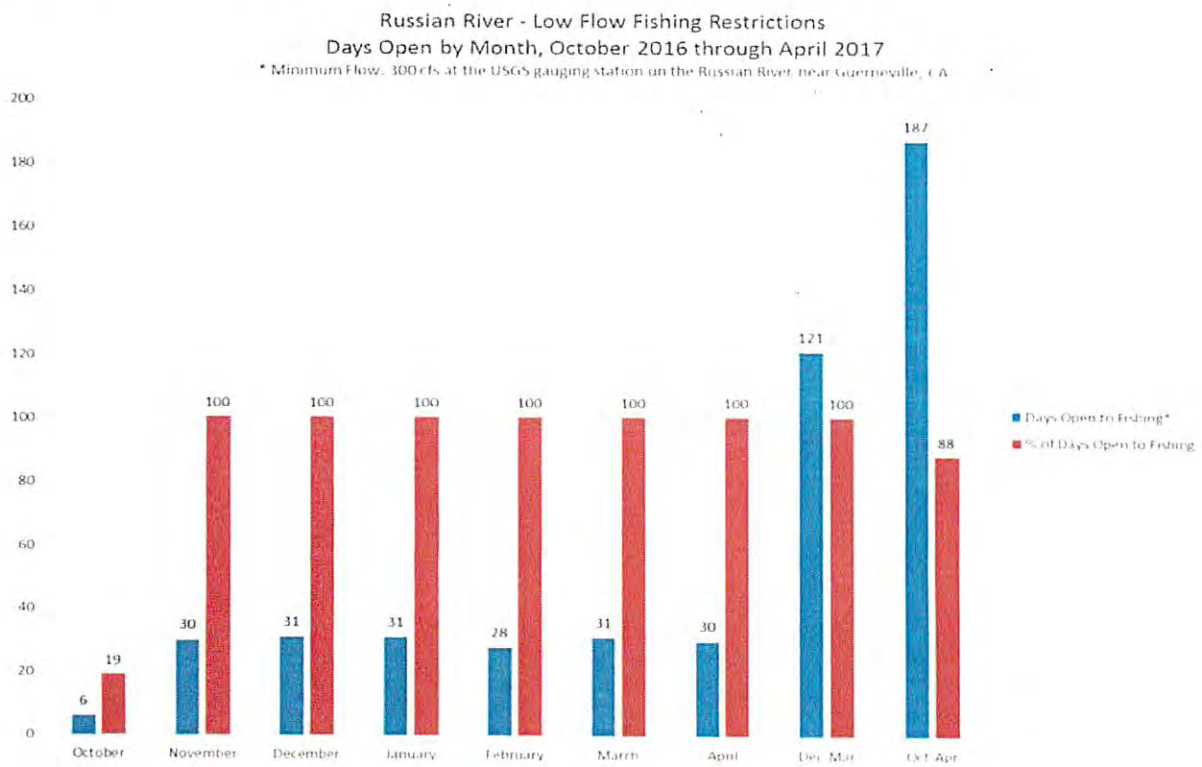


Figure 4. Number of days open to fishing by month and the corresponding percentage, as well as the overall season (October 2016 through April 2017) in Russian River.

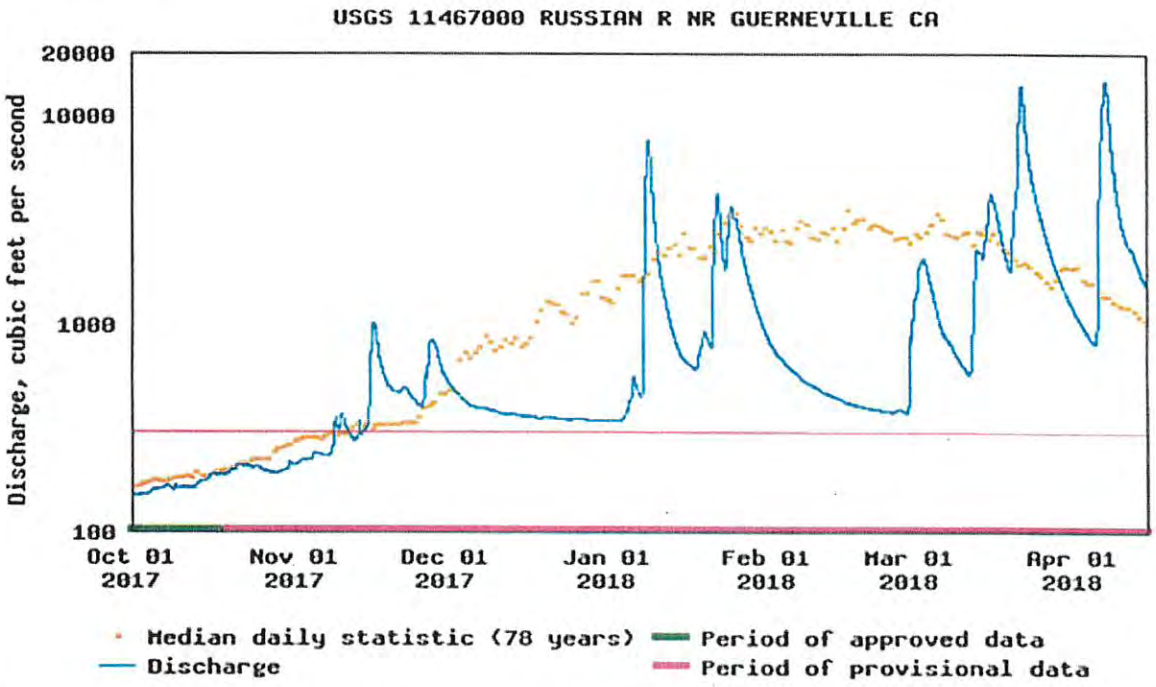


Figure 5. Stream flow measured at the Russian River gauging station near Guerneville from October 2017 through April 2018. Red line indicates the minimum flow level of 300 cfs.

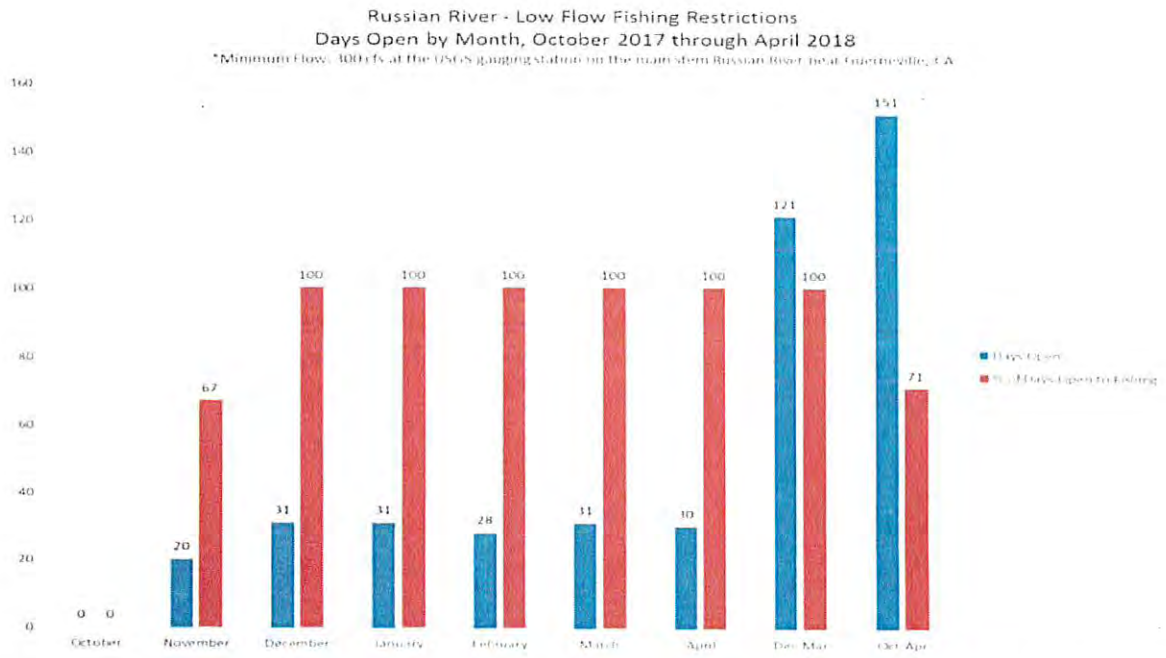


Figure 6. Number of days open to fishing by month and the corresponding percentage, as well as the overall season (October 2017 through April 2018) in Russian River.

R1 and R3 Petition Response: R1 and R3 do not support regulation changes proposed in the petition based upon the following responses.

Proposed: Amend Section 7.50(b) to permit a no take "Catch and Release" of all migratory species including hatchery fish.

Response: R1 and R3 do not support the proposed amendment as it would allow targeted catch and release fisheries for CC Chinook Salmon and CCC Coho Salmon. Allowing such fisheries to occur would counteract objectives and recovery actions identified in NOAA recovery plans for both species. R1 and R3 support the take of hatchery steelhead in the Russian River to reduce potential impacts to wild steelhead within the watershed.

Proposed: Amend Section 7.50(b) to permit a year-round restriction for the use of bait (artificial bait only permitted) and include current hook requirements such as barbless and single.

Response: Current regulation allows use of bait and barbless hooks only from November 1 to March 31, and only artificial lures with barbless hooks may be used from April 1 through October 31 in the subject waters. Bait fishing for steelhead is a frequently used angling method and can be effective during river conditions when there are higher flow and cloudier water. Artificial lures are more effective during lower river flow and clearer water conditions. Amending the regulation for the removal of bait gear would significantly reduce a popular angling opportunity. R1 and R3 do not support this section of the regulation change proposal at this time. Future discussion of gear restrictions should be addressed in the development of new anadromous regulations.

Proposed: Amend Section 7.50(b) to permit a year-round closure from the point of the CDFW Coho Salmon reestablishment monitoring project (near the confluence of Austin Creek) to the Pacific Ocean.

Response: The Russian River Coho Salmon Captive Broodstock Program is a collaborative partnership including the US Army Corps of Engineers, NOAA, CDFW, Sonoma County Water Agency, and the University of California Cooperative Extension/California Sea Grant Extension Program, to recover Coho Salmon within the watershed. Lower Russian River Priority Areas for Coho Salmon are identified in Figure 7 which encompasses an area much larger than the proposed closed area. R1 and R3 cannot evaluate a year-round closure of an area when an objective and rationale has not been provided. The low-flow management tool offers better protection to listed species than a spatial closure because the adverse conditions are temporal (hydrologically driven) rather than spatial. Closures are temporary as needed, and as conditions improve, fishing opportunity returns. Spatial closures close fishing opportunity and shift effort to other areas and do not provide the needed protection for migratory species.

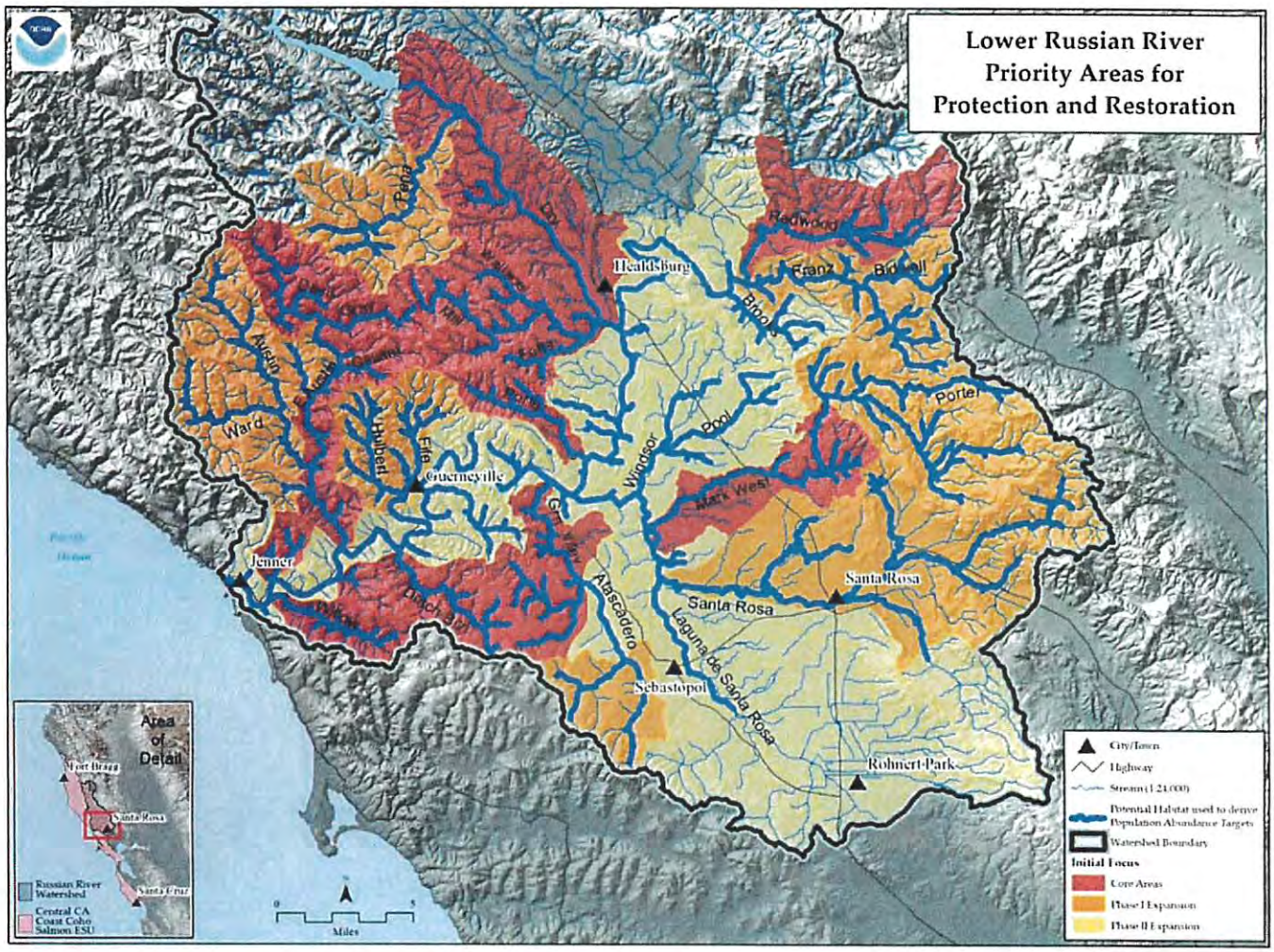


Figure 7. Lower Russian River Coho Salmon priority areas identified in the Final Recovery Plan for Central California Coast Coho Salmon (Oncorhynchus kisutch) Evolutionary Significant Unit.

Proposed: Amend Section 8.00(b) to remove the minimum flow level set forth for the Russian River main stem below the confluence of the East Branch Russian River.

Response: R1 and R3 do not support the removal of the minimum flow level for the Russian River. It would remove protections for listed salmonids from recreational fisheries during stream conditions that are adverse for the fish. The use of low-flow closures is a well-established fishery management tool used on other coastal streams in California. Reversing the implementation of low-flow closure regulations would undo recovery actions listed in NOAA species recovery plans. Title 14 Section 8.00(b)(3) established a low-flow closure season from October 1-April 30, and would only affect fishing under low-flow conditions during that period. Sport fishing outside this period would be unaffected by this regulation. R1 and R3 recognize that some fishing opportunity may be lost during the low-flow season, but due to the low population levels of Chinook Salmon and Coho Salmon in the Russian River these protections are necessary measures to maintain a steelhead fishery with reduced impacts to other

listed salmonids. In respect to the steelhead fishery, R1 and R3 believe ample fishing opportunity was achieved and lost opportunity occurred mainly in the early season before the peak in the steelhead run.

Please contact Allan Renger, 707-725-7194, allan.renger@wildlife,ca,gov; or George Neillands, 707-576-2812, george.neillands@wildlife.ca.gov, if you have questions or concerns regarding this response.

ec: Tony LaBanca, Eric Larson, Allan Renger, George Neillands, Ryan Watanabe, Scott Harris
California Department of Fish and Wildlife
tony.labanca@wildlife.ca.gov, eric.larson@wildlife.ca.gov, allan.renger@wildlife.ca.gov, george.neillands@wildlife.ca.gov, ryan.watanabe@wildlife.ca.gov, scott.harris@wildlife.ca.gov

Tracking Number: (~~Click here to enter text.~~) 2016-028

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. **Person or organization requesting the change (Required)**
   Name of primary contact person: Sean Campbell
   Address: 631 9th Street, Arcata, CA 95521
   Telephone number: 707-825-2000
   Email address: scampbell@arcatafire.org

2. **Rulemaking Authority (Required) -** Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish and Game Code, Section 4341

3. **Overview (Required) -** Summarize the proposed changes to regulations: I believe the new wording could be as follows: ***On duty firefighter of any rank, working for a recognized fire agency within the State of California (Local government Firefighter, Special District Firefighter, County Firefighter, State Firefighter, and Federal Firefighter)***

4. **Rationale (Required) -** Describe the problem and the reason for the proposed change: The code lists a *County fireman at or above the class of foreman* is an approved person to validate deer and elk. This language is outdated and no longer used in the California Fire Service. I believe the intent of this language is to allow on duty firefighters be allowed to validate deer and elk in their fire stations. Our department has been validating deer and elk for over 30 years but has recently discontinued this practice because we are not "County Fireman" and don't have "Foreman's" in our rank structure. We asked our local Wardens and received mixed answers on whether we were allowed to validate deer and elk. There is confusion amongst the response we received. Some believe the intent of the code allows us to validate, while others believe we would be violating the code if we are not County Fireman. If the language was updated, our department would likely continue with the service of deer/elk validation at our fire stations. This is a service that our community appreciated because our personnel were easy to contact and our facilities are centrally located within the community.

SECTION II: Optional Information

5. Date of Petition: 10-26-16

6. Category of Proposed Change

☐ Sport Fishing
☐ Commercial Fishing
☒ Hunting
☐ Other, please specify: Click here to enter text.

7. The proposal is to: (*To determine section number(s), see current year regulation booklet or https://govt.westlaw.com/calregs*)

☒ Amend Title 14 Section(s):708.6 (c)(1.)(C)(1.)
☐ Add New Title 14 Section(s): Click here to enter text.
☐ Repeal Title 14 Section(s): Click here to enter text.

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition Click here to enter text.
Or ☒ Not applicable.

9. Effective date: If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: It would be a benefit to have this change occur before the 2017 Regulations guide is published.

10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Not Applicable

11. Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: None

12. Forms: If applicable, list any forms to be created, amended or repealed:

None

SECTION 3: FGC Staff Only

Date received: Click here to enter text.

FGC staff action:

☒ Accept - complete
☐ Reject - incomplete
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: November 2, 2016

Meeting date for FGC consideration: February 8-9, 2017 - referred to DFW for recommendation
October 11, 2017 - final action

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2016 OCT 26 ~~PM 2:20~~ AM 10:01

FGC action:

☐ Denied by FGC

☐ Denied - same as petition _____
Tracking Number

☒ Granted for consideration of regulation change

From: Phoebe Lenhart
Sent: Friday, September 7, 2018 12:25 PM
To: FGC
Subject: WRC Agenda, Sept. 20, 2018, Items: 3 (A), 5 (A) and 7

Dear WRC (DFW and FGC),

This E-mail is sent in regard to the aforementioned WRC meeting on September 20, 2018. It addresses concerns regarding items: 3 (A) Wildlife Branch; 5 (A) Mammal hunting 2019-2020; and 7 Deer and elk tag validation regulations.

In all due respect, when the 2018-2019 hunting quotas were established for the Roosevelt elk, the DFW/FGC/WRC could not have anticipated the adverse effects of the Chetco Bar Fire of 2017. To date, I have not seen the matter of the impact of new packs of coyotes fleeing into Del Norte County addressed by the DFW/FGC/WRC. There are numerous witnesses who have reported sightings of increased coyote attacks on the "small groups" of Roosevelt elk in the areas of the Smith River. Eyewitnesses have seen the coyotes kill calves. Are you monitoring the impact of this increased predation?

Today, the DFW/FGC/WRC are able to reflect back on the devastating consequences on wildlife and their habitat as the result of the Chetco Bar Fire (2017). Now, you also know (or should know) the disastrous casualties on the wildlife and their habitat as the result of @ 800,000 acres burned this summer of 2018.

As the DFW/FGC/WRC prepare to plan the 2019-2020 hunting quotas for the Roosevelt elk (and ALL hunted animals), I hope you will consider the current distress on our wildlife casualties and their habitat loss. To ignore the present circumstances is to be a fool. When you plan for the next hunting season, you do it with the belief that the environment will be "normal" (the same) as the year before. This is absolutely faulty thinking and cannot be justified now. It is proven again and again by experts that we are entering a period of unprecedented fires, NOT the "typical CA wildfires" due to "climate change".

When the fire chief and the first responders describe these CA wildfires, they are quoted using descriptions like "...this is not a typical wildfire..." due to the way the unpredictable flames are dancing around. Further, in the Carr Fire, there is a record of a giant spinning vortex "...rising as high as 39,000 feet."

In addition, the US National and CA Parks staff state that "...NOTHING survives these fires." Rather than these fires leaving behind the usual "black" charring, what remains after the fires of 2017 and 2018 is GREY; as the result of the heat intensity of the fires. The recovery of the wildlife and their lost habitat is NOT like that predicted in "typical CA wildfires".

Further, the CA Department of Water Resources reports that the "...world is warming." By analyzing years of data, the CA DWR reports, "...the amount of material that we're putting in the environment...traps heat." According to a CA climate change study, the "...volume of acres that will be consumed by wildfires in an average year will soar 77%...".

In correspondence that I have had with the DFW, the DFW appears to be IN DENIAL of the current situation. There is no place for ignorance about what the environment is facing given the aforementioned documentation. I hope that the FGC/WRC will make decisions on behalf of our wildlife (and consequent habitat loss) using good stewardship and modern scientific information (as I provided above).

I believe that, until a full analysis of the impact of the 2018 and 2019 fires is done, there should be NO hunting in 2019-2020. In addition, I would like to request TRANSPARENCY about your agencies be made available to the public; including,

this analysis and the method you use to determine your quotas. I have written to these agencies for 4 years imploring the DFW/FGC/WRC to be good stewards of our land and to be transparent about your agencies.

In these meetings, you make life and death decisions regarding the wildlife that belongs to all of us in CA. It is not possible for you to be good stewards and to set hunting quotas for 2019-2020 without doing research on the present conditions. And it is certainly not acceptable to base any of your decisions on the DFW's recommendations since this agency appears to be in denial of the current conditions existing in our environment.

Sincerely,
Phoebe Lenhart
Supporters of Del Norte Roosevelt Elk

PS: Serious action needs to be taken by the DFW/FGC/WRC to provide the Roosevelt elk in the Smith River area with "corridors" so that they can freely move. The elk in the Smith River area are trapped by farm and ranch lands.

September 4, 2018

TO: WILDLIFE RESOURCES COMMITTEE

FROM: ERIC MILLS, COORDINATOR, ACTION FOR ANIMALS, OAKLAND

TO: 9/20/18 MEETING, ITEM #9 - FROG/TURTLE IMPORTS - LIVE ANIMAL FOOD MARKETS

According to the Dept. of Fish & Wildlife (DFW), California annually imports some two million American bullfrogs (most commercially-raised) and an estimated 300,000-to-400,000 freshwater turtles (most taken from the wild, depleting local populations) for human consumption. These animals are commonly sold in live food markets in Asian communities throughout the state: Sacramento, Oakland, San Jose, San Francisco, Los Angeles, et al. Anyone concerned about these issues should tour the markets.

More than three dozen necropsies since the mid-1990's have shown ALL the market frogs and turtles--non-natives all--to be diseased and/or parasitized, with cases of E. coli, salmonella, pasturella (all potentially fatal in humans), plus giardia, blood parasites, even one case of malaria. It is ILLEGAL to sell such products for human consumption, yet the trade continues unabated. DFW requires that such shipments be either destroyed, quarantined, or returned to point-of-origin, costs to be paid by the importer. Reportedly, enforcement is practically nil.

Many of these animals are routinely bought and released into local waters, where they prey upon and displace our native wildlife**. Worse, the majority of the bullfrogs (62% in one study) carry the dreaded chytrid fungus, *Bactrachochytrium dendrobatidis*,or Bd), implicated in the extinctions of some 200 amphibian species worldwide in recent years.** The Department requisitioned a 11/14 "White Paper" regarding the bullfrog problem, which recommended that the live bullfrog imports cease. (Advice gnored to date.)

The DFW and Commission have received more than 3,000 letters and emails since the mid-1990's in support of a ban on these imports, from organizations such as the California Fish & Game Wardens' Association, Pacific Coast Federation of Fishermen's Associations, United Anglers of California, California Trout, Sierra Club, Center for Biological Diversity, Save the Frogs!, various humane organizations and the general public. Huey Johnson former Secretary of Resources, wrote twice, all to no avail.

To its credit, in 2010 the Fish & Game Commission twice voted unanimously to cease issuing the import permits, but were ignored by the DFW. When challenged by the Commission, the DFW's then-Deputy Director Sonke Mastrup responded, "The Director acts at the pleasure of the Governor." Not acceptable! The Department's mandate is to protect the state's natural

resources, NOT "business-as-usual." Nor would a ban put any markets out of business. I've yet to see a live market which sold ONLY frogs or turtles--many substitutes are available.

Reportedly, the Commission is planning to host an ongoing series of hearings with all the stockholders: importers, merchants, aquaculturists, the pet industry, various fishing, sporting, environmental and humane organizations and individuals. **With all due respect, I consider this a waste of time and effort, and yet another foot-dragging device and delay.** There will NEVER be consensus amongst these diverse groups, as the DFW well knows. The Department would be wise to focus only on the frog/turtle imports for human consumption: an easy fix.

SIMPLE SOLUTION: THE DFW SHOULD IMMEDIATELY CEASE ISSUING THE IMPORT PERMITS FOR THESE NON-NATIVE FROGS AND TURTLES, thereby addressing the concerns of resource protection (the Department's mandate), the public health, and inordinate animal cruelty. The Department assuredly has the authority. (That's why they're called "permits," yes?) On January 3, 2001 the DFG's Steve Taylor left me the following telephone message:

"There is nothing in the DFG regulations that identifies the spiny softshell and red-eared slider as the two turtle species which are permitted. That is something that I just do administratively as the officer that issues the permits."

PRECEDENT: Neither Oregon nor Washington allows the importation of American bullfrogs. Further, Oregon forbids the importation of softshell and slider turtles. Only last month, the Texas Parks & Wildlife Commission voted unanimously to ban commercial collection of the state's wild freshwater turtles, joining Missouri and Nevada. And maybe Arkansas.

From a 8/23/18 news release, Center for Biological Diversity: *"Before that, in March 2017, Iowa adopted new regulations setting closed seasons and possession limits for commercial turtle trappers. In 2012 Georgia approved state rules regulating the commercial collection of turtles, and Alabama completely banned commercial collection. And in 2009 Florida responded by banning almost all commercial collection of freshwater turtles from public and private waters."*

Many of these turtles were destined for the California markets. Twenty-three years and counting.... Talk is cheap. The time for action on this issue is long overdue.

Sincerely,

Eric Mills, coordinator
ACTION FOR ANIMALS
P.O. Box 20184, Oakland, CA 94620
email-afa@mcn.org; tel. 510/652-5603

From: Joseph Belli
Sent: Wednesday, September 5, 2018 10:56 AM
To: FGC
Cc: Wildlife DIRECTOR
Subject: Frog & Turtle Importation

My name is Joseph Belli. I am a lifelong resident of California and a wildlife biologist.

For over 20 years I have worked to improve conditions for a number of imperiled native species, often at my own expense and on my own time. Three such species with which I've worked extensively are California red-legged frogs, Foothill yellow-legged frogs, and Western pond turtles.

I fully support a ban on importations on live bullfrogs and non-native turtles, largely due to the deleterious effects such imports have on natives. Non-native turtles and bullfrogs inevitably make their way into aquatic ecosystems, where they pose a threat to animals already coping with other challenges such as habitat destruction, drought, and pesticide use. Both imported turtles and bullfrogs compete with natives for space and food; worse, they can introduce new pathogens and spread diseases, some of which can be virulent and devastating. Bullfrogs also prey directly on native frogs and young Western pond turtles. Our native species have a tough enough road ahead without the threat posed by introduced species.

Controlling non-natives is unfortunately an ongoing battle at numerous parks, reserves, and conservation properties. Continuing to sanction additional releases of non-natives into the environment by allowing live importation only makes that task harder and more costly. Please help us in our battle to save and restore our natural heritage by banning the importation of live non-native turtles and bullfrogs.

Sincerely,
Joseph Belli
MS Conservation Biology, San Jose State University

From: Jrbuskirk
Sent: Wednesday, September 5, 2018 1:19 PM
To: FGC
Subject: cease bullfrog importation into CA

California Fish and Game Commission
1416 9th St. Rm. 1320
Sacramento, CA
95814

James R. Buskirk

Sept. 5, 2018

To whom it may concern:

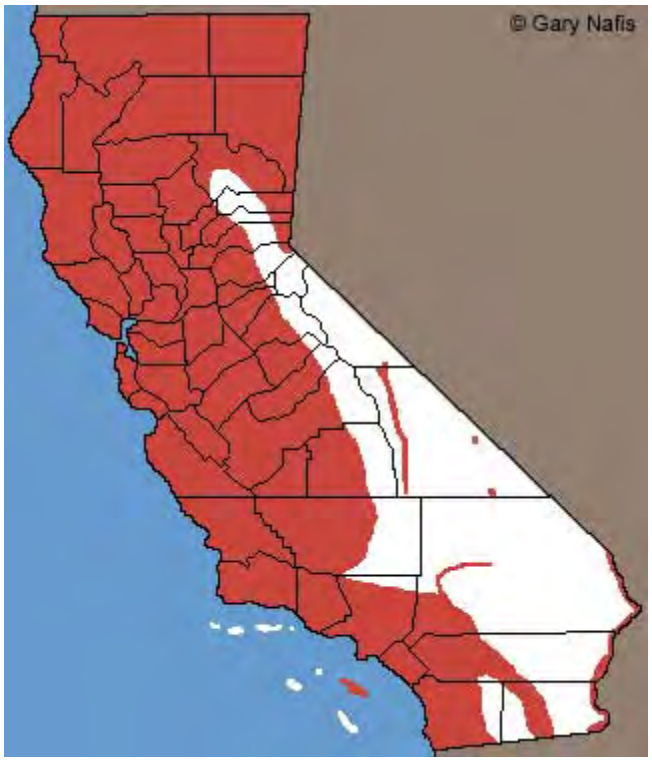
The continued importation of live bullfrogs (*Lithobates catesbeiana*) into live food markets in California poses a serious threat to the survival of the the federally endangered native California red-legged frog *Rana draytonii* and to the vulnerable western (Pacific) pond turtle *Emys* (or *Actinemys*) *marmorata.* The prolific, aggressive bullfrogs are known predators upon both tadpoles and adults of our largest native frog, as documented by the U.S. Fish and Wildlife Service. Furthermore, California's only native freshwater turtle is vulnerable at the juvenile stage to being eaten by these introduced frogs. The published photograph (taken before 1994) shows a juvenile, already about double the size of an inch-long hatchling pond turtle, about to be swallowed by a bullfrog (from **The Western Pond Turtle** Habitat and History, final report U.S. Dept. of Energy, Bonneville Power Administration, Oregon Dept. of Fish and Game, August 1994, by Dan C. Holland, PhD). Even though young pond turtles grow very rapidly, they remain vulnerable to this introduced predator for at least 6 months. Red-legged frogs do not prey upon young turtles.

The immediate and permanent cessation of the importation of live bullfrogs into this state is a timely, lasting solution to the ecological havoc wrought by these aggressive, adaptable frogs. Frozen frogs may continue to be imported to satisfy human taste for this amphibian's flesh.

sincerely yours,
James Buskirk
Field Associate in Herpetology, California Academy of Sciences, San Francisco
Member (since 1982) IUCN Freshwater Turtle and Tortoise Species Group

From: Billy Tu <billy.tu@sjsu.edu>
Sent: Thursday, September 6, 2018 04:46 PM
To: FGC
Subject: Comments regarding Turtle/Bullfrog Importation

Dear Wildlife Resources Committee members,
As you know, the spread of non-native freshwater turtles (primarily red-ear sliders) and American bullfrogs are rampant throughout the State. In fact, red-eared sliders have invaded every continent except Antarctica, while bullfrogs have invaded South America, Asia, Europe, Canada, and Mexico. Both species threatened our native wildlife by spreading diseases, directly consuming native species, and out-competing native species for food and habitat resources. Attached are range maps (from californiaherps.com) of both invasive species found in California.
I have observed bullfrogs in 18 out of my 31 remote research ponds in San Jose and am extremely concern about their impacts on native fauna (particularly the endangered tiger salamander, numerous garter snake species, and the western pond turtle). Additionally, I have observed non-native turtles at a much higher frequency than with our only native turtle - the western pond turtle.
Preventing the sale of non-native turtles and bullfrogs in the live food markets and in pet stores will help control the spread of these highly invasive species but you must act now. I strongly encourage you to ban the importation of non-native turtles and bullfrogs into California live food markets to protect our vulnerable native wildlife.
Sincerely,
Billy Tu
Graduate Student, Environmental Studies
San Jose State University



Some California locations where alien *Trachemys scripta elegans*, Red-eared Sliders, have been observed and may be established.

Friday

TO WHOM IT MAY CONCERN:

If you haven't done so already, please see that a copy of this article is included with the materials for the Sept. 20 WILDLIFE RESOURCES COMMITTEE meeting.

Thanks,

Eric Mills

ACTION FOR ANIMALS

---------- Original Message ----------

Subject: [Fwd: BULLFROG CONTROL - ARIZONA]

From: afa@mcn.org

Date: Sun, September 2, 2018 6:10 pm

To: secretary@resources.ca.gov

director@wildlife.ca.gov

fgc@fgc.ca.gov

ari.cornman@fgc.ca.gov

FYI -

x

Eric Mills, coordinator

ACTION FOR ANIMALS

---------- Original Message ----------

Subject: BULLFROG CONTROL - ARIZONA

From: afa@mcn.org

Date: Sun, September 2, 2018 11:27 am

To: afa@mcn.org

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https://na01 (dot) safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nrdc.org%2Fonearth%2Fbullfrog-great-white-shark-arizonas-wetlands&data=02%7C01%7Cfgc%40fgc.ca.gov%7C015f03f215a84fd84dee08d614edaae6%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C636719408337306134&sdata=er6rO8UjnvVSQvgLq02Vfyhyb14P3qXtMFANJtjhQGE%3D&reserved=0

Bullfrogs and Non-native Turtles

Wildlife Resources Committee Meeting

Ari Cornman, September 20, 2018

The Problem

American Bullfrog

Red-Eared Slider

Threats

- Competition
- Predation
- Disease
  - Chytrid disease (Bd)
  - Ranaviruses
  - E Coli

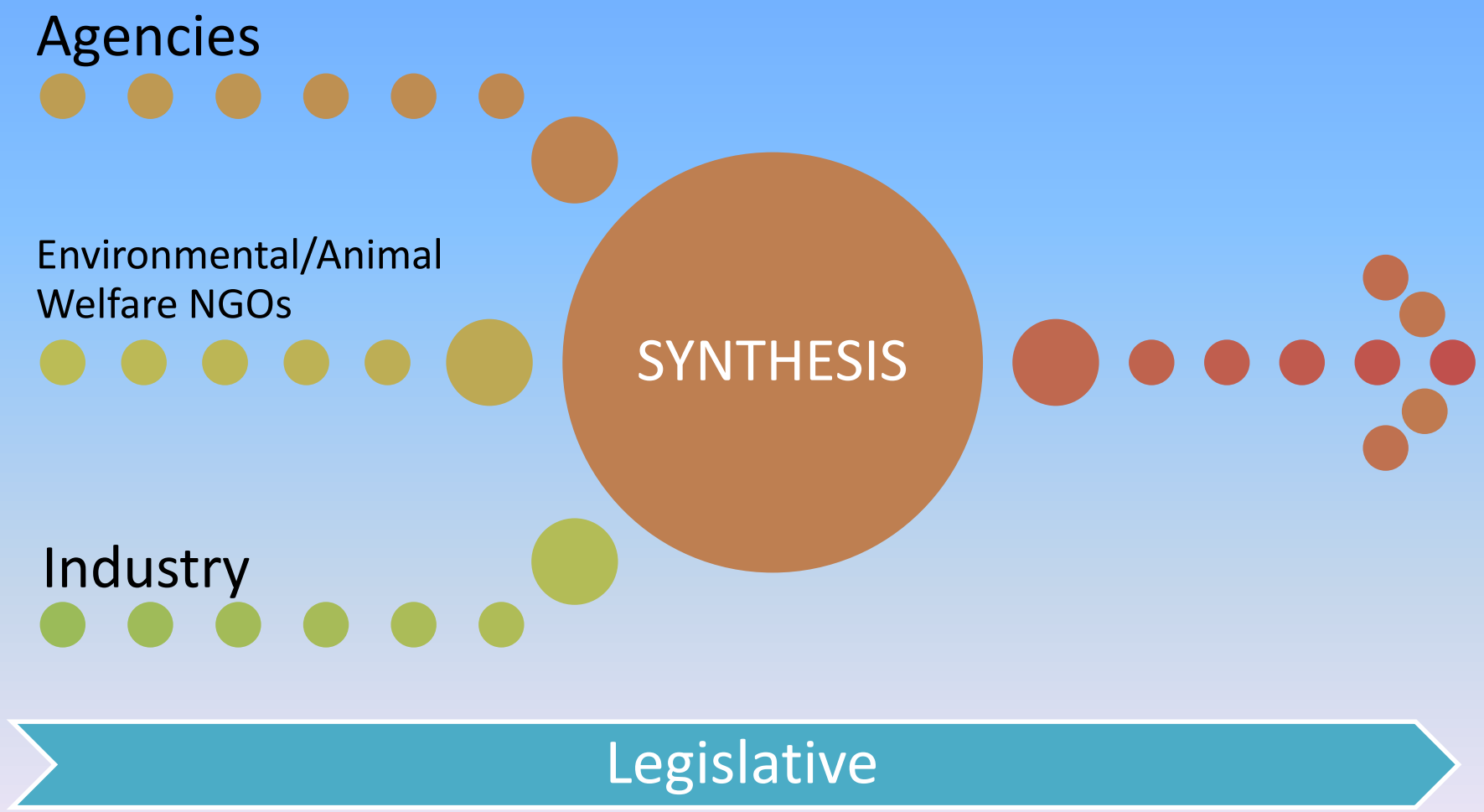
Some Affected Species

- California Red-Legged Frog
- Mountain Yellow-Legged Frog
- Western Pond Turtle
- California Tiger Salamander
- Giant Garter Snake

Uses

- Food
- Classrooms
- Frog Jumping Contests
- Research

Stakeholder Engagement Plan



Updated Timeline

Oct - Dec 2018	• Identify and confirm stakeholders
Jan - Apr 2019	• Agency meetings • Stakeholder meetings
May - Oct 2019	• CDFW and FGC staff draft proposal • Preparation for workshop
Nov 2019	• Public workshop
Dec - Feb 2019	• CDFW and FGC finalize proposal
May 2019	• Staff presentation and possible recommendation by WRC

California Fish and Game Commission
Wildlife Resources Committee

Staff Report on the Delta Fisheries Forum

August 2017

At the direction of the California Fish and Game Commission (Commission), the California Department of Fish and Wildlife (Department) and Commission staff co-hosted a Delta Fisheries Forum to identify potential Commission actions to support and enhance the State's current fisheries management goals for the Sacramento-San Joaquin Delta (Delta). This report provides an overview of the forum, summarizes key findings, and includes four staff recommendations on potential next steps for Commission consideration.

Background

In June 2016, the Commission received a petition from the Coalition for a Sustainable Delta and others requesting regulation changes to increase the bag limit and reduce the minimum size limit for striped bass and black bass in the Delta. The expressed intent of the petition was to reduce predation by non-native bass on fish that are native to the Delta and are listed as threatened or endangered under the federal or California endangered species acts, including winter-run and spring-run Chinook salmon, Central Valley steelhead, and Delta smelt. While the petition was formally withdrawn prior to Commission action, the Commission requested that the Wildlife Resources Committee (WRC) schedule a discussion to explore the issue more comprehensively. WRC directed staff to hold a half-day forum focused on the State's vision for managing fisheries in the Delta for the benefit of native fish species and sport fisheries, the implementation of the State's vision, and soliciting stakeholder input on potential actions the Commission could consider related to this topic.

Held on May 24, 2017 in Sacramento, the forum was publicized and open to the public. Approximately 50 people attended, including WRC co-chairs Commissioner Williams and Commissioner Burns. The forum was structured to include a state agency panel discussion, an overview of the Commission's policies and regulations for sport fisheries in the Delta, and a full group discussion. The full group discussion included two presentations by representatives for the original petition, consistent with direction provided by the Commission in August 2016.

Forum Highlights

State Agency Panel

The state agency panel members included:

- Carl Wilcox, Policy Advisor to the Director, California Department of Fish and Wildlife
- Cindy Messer, Chief Deputy Director, California Department of Water Resources
- Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board
- Rainer Hoenicke, Deputy Executive Officer, Science Program, Delta Stewardship Council

Panel members gave an overview of their agency's role in implementing the State's vision for managing the Delta and answered questions from the audience.

Key Findings

Existing Conditions – the Delta has undergone significant changes, especially in terms of habitat for native fish. Changes in habitat, hydrodynamics, and aquatic vegetation has resulted in a new ecosystem that favors and supports non-native centrarchids, such as largemouth bass, over native fish species, including Chinook salmon and Delta smelt.

Planning for the Future – the Delta Stewardship Council's Delta Plan, California Natural Resources Agency's California EcoRestore, and the multi-agency Ecosystem Restoration Program's Conservation Strategy for Restoration are large-scale planning efforts that provide the long-term vision, management goals, and implementation strategies for the Delta. Other State plans, such as the Delta Smelt Resiliency Strategy, Chinook Salmon Resiliency Strategy, and California Water Action Plan, guide more specific, near-term strategies and actions for management in the Delta.

Management Priorities – there has been a shift in management priorities over the last 30-40 years from managing the Delta for sport fisheries to managing for native species to prioritizing management for threatened and endangered species. During this time, there has also been a growing awareness and understanding of the value of managing the ecosystem as a whole rather than managing for individual species, and a greater emphasis has been placed on addressing stressors more holistically. Restoration objectives have also changed with increased focus on restoring key attributes, such as specific habitat types, habitat diversity, and functional flow regimes, to support native species in the Delta. There is also more emphasis on integrating the adaptive management process into management plans and actions.

Interagency Coordination – a myriad of state and federal agencies have management responsibilities within the Delta, which necessitates a certain level of coordination and collaboration. The Interagency Ecological Program, established in the 1970s, provides a framework for agencies to work together to conduct ecological investigations in the Delta. Two decades later, the CALFED Bay-Delta Program built on that effort, forming a consortium of 25 state and federal agencies working together to improve California's water supply and the ecological health of San Francisco Bay and the Delta. In 2009, the Delta Reform Act established the Delta Stewardship Council to further advance the State's goals for a more reliable water supply and a healthy, protected Delta ecosystem through the development of the Delta Plan. The Delta Reform Act also established the Delta Plan Interagency Implementation Committee, made up of the 17 state and federal agencies responsible for implementing the Delta Plan. Key efforts that support continued interagency coordination in the Delta include:

- Interagency Ecological Program (IEP) – focuses on providing and integrating relevant and timely ecological information for managing the Delta ecosystem through collaborative and scientifically-sound monitoring, research, modeling, and data synthesis efforts.
- IEP Pelagic Organism Decline Management Team – formed in 2005, this team is tasked with designing and managing a comprehensive study to evaluate the causes of the decline of pelagic organisms, including stock-recruitment effects, declines in habitat quality, increased mortality rates, and reduced food availability due to invasive species.

- Delta Plan Interagency Implementation Committee – facilitates work on the Delta Plan through increased coordination and integration between 17 agencies and focuses on the intersection of Delta Plan and California Water Action Plan implementation.
- Collaborative Science and Adaptive Management Program – formed in 2013 under a court order to inform management actions incorporated into the biological opinions for operating the state and federal water projects and considering alternative management actions. The court order ended in 2015; however, the participating agencies agreed to continue the program in an effort to promote the collaborative development of scientific information to inform management decisions.

Implementing Under Uncertainty – there was broad acknowledgement that there will never be enough science to fully inform all management decisions and that an emphasis is needed on approaching management and policy decisions in flexible and adaptive ways. The importance of evaluating the effectiveness of decisions once they have been implemented was highlighted. Key efforts to improve our scientific understanding in the Delta include:

- Delta Science Plan (also known as One Delta, One Science) – establishes a shared vision for Delta science and a framework to guide, organize, and integrate science in the Delta.
- Science Action Agenda – prioritizes near-term actions to achieve the objectives of the Delta Science Plan and identifies priorities for research, monitoring, data management, and communication.
- The State of Bay-Delta Science reports – a periodically updated summary that synthesizes the current science knowledge of the Delta.

Full Group Discussion

This portion of the forum started with two presentations highlighting ideas for potential near-term strategies to reduce scientific uncertainty. The first presentation by Brad Cavallo, president and principle scientist for Cramer Fish Sciences, evaluated non-native predator management opportunities in the Delta with a focus on scientific collecting permits and engaging with the angling public to conduct scientific studies. The second presentation by Doug Demko, president of FishBio, covered key uncertainties and identified data needs related to abundance, distribution, and predation impacts of non-native species, and highlighted opportunities for public-private research partnerships with case studies.

Following the presentations, Commission staff facilitated a discussion with the audience centered on three questions. Stakeholders provided a variety of proposals, which are summarized below. Specific input in response to the three questions included:

Question 1: What are your long-term goals/visions for fisheries management in the Delta?

- Holistically manage fisheries in a way that accounts for the unique life history strategies of individual species
- Reduce impacts from water project operations on fish species in the Delta
- Take a holistic approach to addressing stressors

- Take a holistic, collaborative approach to management that accounts for disparities in funding needs
- Manage the estuary and riverine system as a whole

Question 2: What actions can the Commission take in the near-term (5-10 years) to support the State's vision and management objectives?

- Stress the importance of conducting research
- Be willing to take adaptive actions to test management options
- Implement the existing striped bass policy
- Focus efforts on hatchery operations and predation hotspots
- Clarify the scientific collecting permit process
- Support predation-related pilot projects and research

Question 3: What actions can the Commission take in the long term (10-20 years) to support the State's vision and management objectives?

- Pursue opportunities to ensure adequate funding to complete the full adaptive management cycle

Additional Stakeholder Input

Throughout the forum stakeholders raised concerns and provided input on a number of topics related to Delta management, including:

- predation, while a stressor for listed species is not a primary stressor and management actions should be focused on addressing the primary stressors;
- management actions to reduce predation impacts should be targeted at known predation hot spots;
- management actions to reduce striped bass and black bass populations may have unintended consequences, such as increases in other prey populations that would result in increased competition for limited food resources;
- recommendations to improve hatchery practices to reduce predation on hatchery salmon;
- main issues affecting listed species in the Delta are flow, habitat, and water quality;
- more information on striped bass abundance, distribution, and reproduction is needed to inform any proposed regulation changes;
- more information on direct and indirect loss of fish due to operations of the federal water pumping facility is needed; and
- concerns about management decisions negatively affecting sport fisheries and, in particular, potential economic impacts.

Staff Recommendations

1. *Develop and adopt a Delta Fisheries Management policy* – develop a policy that: (1) aligns with the State's goals for the Delta; (2) supports more holistic management of the Delta; (3) encourages interagency coordination and collaboration; (4) requires

integration of the best available science into decision-making; and (5) clarifies the Commission's management goals for both listed species and sport fisheries in the Delta.

2. *Increase Commission awareness of and participation in interagency coordination efforts in the Delta* – improve communication about Delta activities through:
   - Department updates on outcomes from the Delta Plan Interagency Implementation Committee, as appropriate;
   - staff participation in interagency meetings and conferences, as appropriate; and
   - periodic updates from agencies on key initiatives, such as the Science Action Agenda or the State of Bay-Delta Science updates.
3. *Explore opportunities for targeted predation-related research* – encourage staff engagement in efforts to identify possible research options including:
   - coordinate with the Delta Stewardship Council's Science Program and Department to identify key research questions and possible mechanisms to fund that research, and
   - a collaborative effort to model the effects of various regulatory scenarios.
4. *Continue stakeholder engagement on key uncertainties related to fisheries management in the Delta* – as time allows, use WRC as a forum to further explore some of the key uncertainties and identify possible options to address them.

California Fish and Game Commission
Developing a Delta Fisheries Management Policy

September 12, 2018

Since 2012, the California Fish and Game Commission (Commission) has been engaged with stakeholders and the California Department of Fish and Wildlife (Department) in discussions about managing fisheries in the Sacramento-San Joaquin Delta (Delta). In response to a 2016 petition to change fishing regulations for striped and black bass in the Delta, the Commission requested that its Wildlife Resources Committee (WRC) explore the issue more comprehensively with stakeholders and the Department.

In May 2017, WRC held a half-day forum focused on the State's vision for managing fisheries in the Delta for the benefit of native fish species and sport fisheries, the implementation of the State's vision, and soliciting stakeholder input on potential actions FGC could consider related to this topic. In October 2017, the Commission approved WRC's recommendations from the forum, including a recommendation to develop and adopt a Delta fisheries management policy that:

1. aligns with the State's goals for the Delta,
2. supports more holistic management of the Delta,
3. encourages interagency coordination and collaboration,
4. requires integration of the best available science into decision-making, and
5. clarifies the Commission's management goals for both listed species and sport fisheries in the Delta.

Following the October meeting, representatives from the Coalition for a Sustainable Delta met with Department staff and offered a policy for consideration (see attachment). Commission and Department staff collaborated to incorporate elements of the coalition's draft with stakeholder input from the May 2017 forum to develop a draft policy.

Draft Delta Fisheries Management Policy

It is the policy of the Fish and Game Commission that:

- The Commission and Department shall seek to collaborate and coordinate with other agencies with jurisdiction over species and other resources in the Sacramento-San Joaquin Delta (Delta) and its tributaries as they manage fisheries, state and federally listed fish species, such as salmonids and smelt, and other aquatic resources.
- The Commission and Department shall strive to manage these resources holistically, sustainably, and consistent with the direction of the legislature to protect, restore, and enhance the Delta ecosystem.
- The Department shall rely on the best available science to develop strategies and recommendations for managing fisheries and listed species in the Delta. Using this information, the Department shall strive to improve habitat conditions for and alleviate threats to listed species.

- The Department shall manage listed fish species to protect and enhance each species' abundance, distribution, and genetic integrity to support each species' resiliency and recovery.
- The Department shall manage Delta fisheries in a manner that provides for angling opportunities and minimizes adverse effects to native and listed species and recovery activities.
- Based on current best available science and evaluations of past management of Delta fisheries, the Commission and Department shall not develop or enhance fisheries in the Delta which may pose a direct threat to the survival of, or significantly limit, recovery of a listed species.
- To the extent feasible, the Commission and Department shall support scientific research to help advance the policy goals set forth herein. The Department should consider identified research needs when developing research plans, making research funding decisions, and when reviewing and/or authorizing research projects. The Department may consider the sampling of non-native fish outside sport fishing size and bag limits to advance scientific research to support native species in the Delta, where statutorily permitted and practical. Where feasible, the Department should encourage and permit recreational anglers to contribute to scientific research on predator-prey relationships to help inform efforts to protect native species.

DRAFT

Attachment: Coalition for a Sustainable Delta Proposed Policy

It is the policy of the Fish and Game Commission that:

- The Department shall seek to collaborate and coordinate with other agencies with jurisdiction over species and other resources in the Delta and waterways tributary to the Delta as it manages Central Valley steelhead, Delta smelt, longfin smelt, spring-run Chinook salmon, and winter-run Chinook salmon

- The Department shall strive to manage Central Valley steelhead, Delta smelt, longfin smelt, spring-run Chinook salmon, and winter-run Chinook salmon consistent with the direction of the legislature to protect, restore, and enhance the Delta ecosystem.

- Where practical and appropriate, in the opinion of the Department, the Department shall manage Central Valley steelhead, Delta smelt, longfin smelt, spring-run Chinook salmon, and winter-run Chinook salmon holistically with other fish species and aquatic resources.

- The Department shall manage Central Valley steelhead, Delta smelt, longfin smelt, spring-run Chinook salmon, and winter-run Chinook salmon to protect and maintain the species' populations, including each species' genetic integrity.

- The Department shall strive to improve habitat conditions for and alleviate threats to Central Valley steelhead, Delta smelt, longfin smelt, spring-run Chinook salmon, and winter-run Chinook salmon.

- Non-native fish species will not be planted in locations within the Delta or waters tributary thereto where, in the opinion of the Department, they may adversely affect Central Valley steelhead, Delta smelt, longfin smelt, spring-run Chinook salmon, and winter-run Chinook salmon populations by competing with and preying upon them.

- Fisheries based on non-native species will not be developed or maintained within the Delta or waters tributary thereto where, in the opinion of the Department, they may adversely affect Central Valley steelhead, Delta smelt, longfin smelt, spring-run Chinook salmon, and winter-run Chinook salmon populations by competing with and preying upon them.

- The best available scientific information will be used by the Department to assess Central Valley steelhead, Delta smelt, longfin smelt, spring-run Chinook salmon, and winter-run Chinook salmon populations and to develop management strategies and recommendations for each species.

- The Department shall support scientific research that can reasonably be expected to yield results that will advance the policy goals set forth herein, including when determining the types of research it intends to undertake or fund, as well as when reviewing and/or authorizing research, for example, through the scientific collection permit regulatory program.

DRAFT

- Where practical and appropriate, in the opinion of the Department, the Department shall allow sampling of non-native fish outside sport fishing size and bag limits to support scientific research on predator-prey relationships in order to inform efforts to protect native species.

- Where practical and appropriate, in the opinion of the Department, the Department shall make provisions allowing the angling public to contribute to scientific research informing native species protection.

DRAFT

Wildlife Resources Committee (WRC) 2018-2019 Work Plan: Scheduled topics and timeline for items referred to WRC by the California Fish and Game Commission (updated for Sep 20, 2018 WRC meeting)

		2018			2019
Topic	**Type of Topic**	JAN (Santa Rosa)	MAY *Cancelled*	**SEP (Sacramento)**	JAN (Riverside)
Annual Regulations					
Upland (Resident) Game Birds	Annual	X/R		**X**	X / R
Sport Fishing	Annual	X	X / R		
Mammal Hunting	Annual		X	**X / R**	
Waterfowl	Annual		X	**X / R**	
Central Valley Salmon Sport Fishing	Annual		X	**X / R**	
Klamath River Basin Sport Fishing	Annual		X	**X / R**	
Regulations & Legislative Mandates					
Falconry	Referral for review		X		
Coastal Streams Low-Flow Regulations	Referral for review	X	X	**X**	X / R
Archery/Crossbow	Referral			**X / R**	
Deer/Elk Tag Verification	Referral			**X / R**	
Bullfrogs and Non-native Turtles	Referral			**X**	

Wildlife Resources Committee (WRC) 2018-2019 Work Plan: Scheduled topics and timeline for items referred to WRC by the California Fish and Game Commission (updated for Sep 20, 2018 WRC meeting)

		2018			2019
Topic	**Type of Topic**	JAN (Santa Rosa)	MAY *Cancelled*	**SEP (Sacramento)**	JAN (Riverside)
Emerging Management Issues					
Lead Ban Implementation	DFW project	X	X		
Wild Pig Management	Referral for review				
Special Projects					
Delta Fisheries Forum (May 24, 2017) Recommendations	Referral			**X**	X

KEY **X** Discussion scheduled **R** Recommendation developed and moved to FGC

California Fish and Game Commission – Perpetual Timetable for Anticipated Regulatory Actions

(dates shown reflect the date intended for the subject regulatory action)

Updated: 09/11/18

For FGC Staff Use						2018								2019										
						AUG		SEP	OCT	OCT		NOV	DEC		JAN	FEB	FEB		MAR	APR		MAY	JUN	JUN		JUL	AUG	
						22	23	20	16	17	18	14	12	13	10	5	6	7	19	17	18	16	11	12	13	11	7	8
QUARTERLY EFFECTIVE	DFW/RU ANALYST	FGC ANALYST	LEAD	REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	FGC FORTUNA		WRC SACRAMENTO	TC FRESNO	FGC FRESNO		MRC SACRAMENTO	FGC OCEANSIDE		WRC RIVERSIDE	TC REDDING	FGC REDDING		MRC MONTEREY/ MARINA	FGC FRESNO/ BAKERSFIELD		WRC SACRAMENTO	TC LAKE TAHOE/ SACRAMENTO AREA	FGC LAKE TAHOE/ SACRAMENTO AREA		MRC VENTURA	FGC MAMMOTH/ BISHOP	
					File Notice w/OAL by	06/26/18				08/21/18			10/16/18				12/11/18			02/19/19				04/16/19			06/11/19	
					Notice Published	07/06/18				08/31/18			10/26/18				12/21/18			03/01/19				04/26/19			06/21/19	
					Title 14 Section(s)																							
✱	OA	SF	FB	Commercial Take of Rattlesnakes	42, 43, 651, 703				E 10/1																			
	MR	DT	MR	Recreational Purple Sea Urchin (Emergency)	29.11	180 days						EE 11/7																
	KM	SF	FGC	Tribal Take in MPAs	632(b)(33), (34), (97), (98), (112), (117)	A									E 1/1													
✱	KM	SF	FGC	Rockport Rocks Special Closure	632(b)(17)	A									E 1/1													
	MR	JS	WLB	Sage Grouse Preferential Points and Draw	716		A								E 1/1													
✱	OA	JS	MR	Incidental Take Allowances for Crabs, other than Genus Cancer, in Trap Fisheries	125.1(c)(3), 126, 126.1					D/A					E 1/1													
✱	MR	ST	HCB	Coast Yellow Leptosiphon	670.2						A									E 4/1								
✱	MR	ST	HCB	Lassics Lupine	670.2						A									E 4/1								
	OA	ST	MR	Groundfish	27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.55, 52.10, 150.16	N				D			A		E 1/1													
	MS	ST	MR	Recreational Take of Red Abalone	29.15	N				D			A							E 4/1								
✱	MR	ST	MR	State Logbook Requirement for Federally Managed Fisheries	107, 174 and 176	N							D/A							E 4/1								
	OA	JS	FB	Sport Fishing (Annual)	1.53, 1.74, 5.00		N				D			A	V				E 3/1			R						
✱	MR	ST	MR	Recreational and Commercial Pacific Herring (FMP implementation)	28.60, 28.62, 163, 163.1, 163.5, 164								N					D							A			
	MR	JS	WLB	Mammal Hunting (Annual), if needed	360, 361, 362, 363, 364, 364.1			R						N			D			A		V				E 7/1		
	MR	JS	LED	Archery Equipment and Crossbow	354(f)			R						N			D			A		V				E 7/1		
	MR	JS	WLB	Waterfowl (Annual)	502, 509			R						N			D			A		V				E 7/1		
	OA	SF	FB	Klamath Trinity Salmon (Annual)	7.50(b)(91.1)			R						N			D			A		V				E 7/1		
	OA	SF	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)(5), (68), (156.5)			R						N			D			A		V				E 7/1		
	MR	JS	LED	Deer/Elk Tag Validation	708.6, 708.11			R						N			D			A						E 7/1		
	MR	JS	WLB	Upland (Resident) Game Bird (Annual)	300			V									N			D					A			
RULEMAKING SCHEDULE TO BE DETERMINED																												
✱			MR	Kelp and Algae Harvest Management	165, 165.5, 704														V									
✱				Possess Game / Process Into Food	TBD																							
✱			OGC	American Zoological Association / Zoo and Aquarium Association	671.1																							
				Night Hunting in Gray Wolf Range	474																							
				Shellfish Aquaculture Best Management Practices	TBD							R																
✱		ST		Fisher	670.5																							
✱		ST		Northern Spotted Owl	670.5																							
✱		ST		Tri-colored Blackbird	670.5																							
✱				Ban of Neonicotinoid Pesticides on Department Lands	TBD																							
✱			MR	Commercial Pink Shrimp Trawl	120, 120.1, 120.2																							
✱			MR	Sheephead	TBD																							
✱			MR	Ridgeback Prawn Incidental Take Allowance	120(e)																							

EM = Emergency, EE = Emergency Expires, E = Anticipated Effective Date (RED "X" = expedited OAL review), N = Notice Hearing, D = Discussion Hearing, A = Adoption Hearing, V =Vetting, R = Committee Recommendation, WRC = Wildlife Resources Committee, MRC = Marine Resources Committee, TC = Tribal Committee