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 ______________ 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 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).

- 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
Russell E. Burns Chair (Napa)

COMMISSION STAFF
Melissa Miller-Henson Acting Executive Director
Ari Cornman Wildlife Advisor
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
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)
WILDLIFE RESOURCES COMMITTEE
Committee Chair: Commissioner Burns

Meeting Agenda
January 10, 2019, 8:30 a.m.

California Department of Fish and Wildlife – Inland Deserts Regional Office
Ontario Large Conference Room
3602 Inland Empire Blvd., Suite C-220, Ontario

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. Committee recommendations for 2019-20 regulations
   Discuss and consider approving recommendations for upland game bird hunting regulations for the 2019-20 seasons.
5. **Initial recommendations for Department lands regulations**
   Identify and discuss initial recommendations for changes to public use regulations on Department lands.

6. **Statewide sport fishing revision and simplification for 2020**
   Receive an update, discuss, and consider approving recommendations for statewide sportfish regulations revision and simplification.

7. **Delta Fisheries Management Policy**
   Discuss a potential delta fisheries management policy and repeal of the Commission's striped bass policy.

8. **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  
2019 Meeting Schedule

Note: As meeting dates and locations can change, please visit [www.fgc.ca.gov](http://www.fgc.ca.gov) for the most current list of meeting dates and locations. In 2019, wildlife and inland fisheries items will be heard on the first day of Commission meetings, and marine items will be heard on the second day; administrative items will be heard on either day.

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Commission Meeting</th>
<th>Committee Meeting</th>
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<tr>
<td>February 5</td>
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<td>Natural Resources Building</td>
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<td>Director's Conference Room</td>
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<td>1416 Ninth Street, Room 1241</td>
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<td>February 6</td>
<td>Natural Resources Building Auditorium, First Floor</td>
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<td>March 20</td>
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<td>April 17-18</td>
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<td>May 16</td>
<td>Wildlife Resources</td>
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<td>Natural Resources Building Auditorium, First Floor</td>
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<td>May 16</td>
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| September 5  |                    | **Wildlife Resources**  
|              |                    | Justice Joseph A. Rattigan State Building  
|              |                    | Conference Rm 410 (4th Floor)  
|              |                    | 50 D Street  
|              |                    | Santa Rosa, CA 95404 |
| October 8    |                    | **Tribal**  
|              |                    | San Diego |
| October 9-10 | San Diego          |                  |
| November 5   |                    | **Marine Resources**  
|              |                    | Sacramento |
| December 11-12 | Natural Resources Building Auditorium, First Floor  
|           |                    | 1416 Ninth Street  
|           |                    | Sacramento, CA 95814 |

**OTHER MEETINGS OF INTEREST**

**Association of Fish and Wildlife Agencies**
- September 22-25, Saint Paul, MN

**Pacific Fishery Management Council**
- March 5-12, Vancouver, WA
- April 9-16, Rohnert Park, CA
- June 18-25, San Diego, CA
- September 11-18, Boise, ID
- November 13-20, Costa Mesa, CA

**Pacific Flyway Council**
- March 5, Denver, CO
- August 23, TBD

**Western Association of Fish and Wildlife Agencies**
- July 11-16, Manhattan, KS

**Wildlife Conservation Board**
- March 7, Sacramento, CA
- May 22, Sacramento, CA
- August 28, Sacramento, CA
- November 21, Sacramento, CA
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 December 27, 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 January 7, 2019. 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. GENERAL PUBLIC COMMENT

Today’s Item Information ☒ Action ☐
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 directed 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 8, Future Agenda Items.

Exhibits (N/A)

Motion/Direction (N/A)
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: Kari Lewis, Chief, will provide updates and highlight recent activities.

(B) Fisheries Branch: Kevin Shaffer, Chief, will provide updates and highlight recent activities.

(C) Law Enforcement Division: Patrick Foy, Captain, will provide updates and highlight recent activities.

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits (N/A)

Committee Direction/Recommendation (N/A)
4. **UPLAND GAME BIRD (RESIDENT) HUNTING**

**Today’s Item**

Discuss and consider approving recommendations for 2019-20 upland game bird hunting regulations.

**Summary of Previous/Future Actions**

- Previous discussion: Sep 20, 2018; WRC, Sacramento
- **Today’s discussion and potential recommendation**: Jan 10, 2019; WRC, Ontario
- Notice hearing: Feb 6, 2019; Sacramento

**Background**

This item is to provide the public an opportunity to discuss proposed regulation changes for the 2019-20 upland game bird season. Upland game birds include species such as pheasant, quail, sage grouse, and dove.

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

This meeting is the last opportunity for WRC to make recommendations to FGC regarding potential changes to consider in this rulemaking, for the notice hearing in Feb 2019.

**Significant Public Comments (N/A)**

**Recommendation**

*FGC staff:* Consider recommendations provided by DFW during the meeting and public comments.

**Exhibits (N/A)**

**Committee Direction/Recommendation**

WRC recommends that the Commission authorize publication of a notice of its intent to amend upland game bird regulations for the 2019-20 seasons, consistent with changes discussed during today’s meeting.
5. DEPARTMENT LANDS

Today's Item Information ☒ Action ☐

Identify and discuss initial recommendations for changes to public use regulations on DFW lands.

Summary of Previous/Future Actions

- Today's discussion Jan 10, 2019; WRC, Ontario
- Discussion and potential recommendation May 16, 2019; WRC, Sacramento

Background

Section 550 et seq. regulates the public uses on all lands under the jurisdiction of DFW. DFW is expected to propose regulations to designate recently-acquired properties as ecological reserves or wildlife areas, and to designate the allowable public activities on those properties. DFW may also propose changes to existing regulations that implement public uses on lands under its jurisdiction. Today, WRC will have an initial discussion of the proposed regulation changes.

Significant Public Comments

One commenter expressed concern about the termination of an agreement underlying establishment of the Yaudanchi State Ecological Reserve (Tulare County), and the potential for DFW to request that FGC remove the ecological reserve designation; the commenter wishes to discuss the matter with WRC and FGC (Exhibit 1).

Recommendation (N/A)

Exhibits

1. Email from Laurie Schwaller regarding the Yaudanchi State Ecological Reserve, received Dec 25, 2018

Committee Direction/Recommendation (N/A)
6. STATEWIDE SPORT FISHING REVISIONS AND SIMPLIFICATION FOR 2020

Today’s Item Information ☐ Action ☒

Discuss the inland statewide sport fishing revisions and simplification for 2020 rulemaking, and potentially recommend approval of a "menu" concept for trout waters.

Summary of Previous/Future Actions

- Initial WRC introduction Sep 20, 2018; WRC, Sacramento
- **Today’s discussion and potential recommendation** Jan 10, 2019; WRC, Ontario
- Discuss and potentially make a recommendation regarding specific regulation changes May 16, 2019; WRC, Sacramento

Background

For years, DFW has received complaints from anglers about the complexity of freshwater sport fishing regulations. Some anglers (or potential anglers) may be dissuaded from fishing due to actual or perceived difficulty in complying with the regulations. For example, currently there are 212 special regulation waters in Section 7.50(b), including 88 different seasons, 13 different size restrictions, 10 different gear restrictions, and 6 different bag and possession limits.

DFW is proposing a new structure or framework, in large part to simplify inland sportfishing seasons and bag limits for trout waters only; the proposal excludes anadromous waters. The goals for the revisions are:

- maintain or increase angling opportunity;
- improve regulatory consistency across waters;
- align sport fishing regulations with DFW’s fisheries management goals and objectives;
- reduce complexity and confusion; and
- protect fishery resources.

In basic terms, the framework is based on a “menu” concept, where one of several pre-defined season and bag limit combinations would be chosen for defined river reaches (Exhibit 1). Today, WRC will continue discussion on this proposal, and potentially recommend that FGC endorse the menu both in concept and in substance. Note that the full rulemaking proposal (i.e., which menu items would be applied to specific trout waters) is still under development, so today DFW’s endorsement recommendation applies only to the menu approach; a recommendation for applying the menu to specific trout waters will be discussed at the May 2019 WRC meeting.

Significant Public Comments (N/A)

Recommendation

**FGC staff:** Recommend to FGC that it endorse the menu concept, as proposed by DFW and consistent with discussion and comments made during today’s meeting.
DFW: Endorse the menu concept as proposed.

Exhibits

1. Memo from DFW, received Jan 2, 2019

Committee Direction/Recommendation

The Wildlife Resources Committee recommends that the Commission endorse the “menu” concept as proposed by DFW.

OR

The Wildlife Resources Committee recommends that the Commission endorse the “menu” concept as proposed by DFW, with the following changes: ________________________.
7. DELTA FISHERIES MANAGEMENT POLICY

Today’s Item ✗ Information ☐ Action □
Discuss a draft Delta fisheries management policy and potential repeal of the Commission’s Striped Bass Policy.

Summary of Previous/Future Actions
- Delta Fisheries Forum May 24, 2017; Sacramento
- WRC vetting Sep 20, 2018; WRC, Sacramento
- Today’s discussion Jan 10, 2019; WRC, Ontario
- Further WRC vetting May 16, 2019; 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, 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. The Coalition for a Sustainable Delta offered a proposed draft policy which, together with stakeholder input, formed the basis for the final draft policy.

Today, WRC will continue the discussion of one of the staff recommendations from the forum, a draft Delta fisheries management policy (Exhibit 2) and the potential repeal of the Commission’s Striped Bass Policy.

Significant Public Comments (N/A)

Recommendation (N/A)
Exhibits

2. Draft Delta fisheries management policy, revised Dec 18, 2018 (only introductory text was revised)

Committee Direction/Recommendation (N/A)
8. FUTURE AGENDA ITEMS

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<thead>
<tr>
<th>Today's Item</th>
<th>Information</th>
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<tr>
<td>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.</td>
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**Summary of Previous/Future Actions**

- **Today's discussion** | Jan 10, 2019; WRC, Ontario
- **FGC potentially approves WRC recommendations** | Feb 6, 2019; Sacramento
- **Next WRC meeting** | May 16, 2019; WRC, Sacramento

**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**

Agenda topics identified for the May 2019 WRC meeting include:

1. Agency updates
2. Department lands regulations
3. Statewide sport fishing revision and simplification for 2020
4. Bullfrogs and non-native turtles
5. Draft Delta Fisheries Management Policy

**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.

**Significant Public Comments (N/A)**

**Recommendation**

**FGC staff:** Review WRC work plan (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 May 2019, and decide whether to request FGC refer any new topics for WRC evaluation.

**Exhibits**

1. WRC work plan, updated Jan 2, 2019
2. *Perpetual Timetable for California Fish and Game Commission Anticipated Regulatory Actions*, updated Dec 20, 2018
Committee Direction/Recommendation (N/A)
From: Laurie Schwaller  
Sent: Tuesday, December 25, 2018 07:51 PM  
To: FGC  
Subject: RE: Wildlife Resources Committee Meeting Agenda -- January 10, 2019

Dear Fish and Game Commission:

We are very concerned about the future of Yaudanchi State Ecological Reserve. In the autumn of 2017, the Porterville Developmental Center (PDC) terminated its Memorandum of Understanding with the California Department of Fish and Wildlife (CDFW), thereby ending over 40 years of the Department's management of the Reserve for habitat, wildlife, and the public. PDC provided no public notice of this action, involved no public stakeholders, invited no public comment, prepared no CEQA documents for this radical change in land use, and has evaded requests for information, meetings, and participation by the public ever since (although a meeting has finally been scheduled with the Deputy Director of the Department of Developmental Services [DDS] on January 4, 2019).

We have written to the Commission and to CDFW and to PDC/DDS expressing our concerns and asking that the Reserve be re-opened to the public, that its management for habitat, wildlife, and public educational and recreational activities be resumed, and that the Commission will not act to dis-establish the Reserve.

It is our understanding that probably sometime in 2019 the matter of dis-establishing the Reserve will come before the Commission. Unfortunately, we cannot tell from the agenda for the January 10, 2019 Wildlife Resources Committee meeting whether any of the items might include the possibility of consideration of or action on the status of Yaudanchi Ecological Reserve.

Can you please tell us whether Yaudanchi ER may be a candidate for discussion or action at the January 10 meeting?

Will all the agendas for 2019 be this general, without mentioning which Reserves might be specifically affected?

If the Commission is going to consider dis-establishing a Reserve, would that always be a specific line item on the agenda, with all the Reserves under consideration being specifically named?

We want to speak for Yaudanchi if the Commission is going to address its status in any way, so please let us know right away how we will be able to know in time if this is going to happen. We are in the San Joaquin Valley, and none of the Commission meetings are held in our area, so we would have to make overnight travel plans in order to have the opportunity to address the Commission.

(We received the agenda for the January 10, 2019, meeting via email from you dated December 24, 2018. The written comment deadline stated in the Procedures Information is December 27, 2018. That seems like a remarkably short deadline for preparation of written comments to be made available to Commissioners prior to the meeting.)

Thank you very much for your prompt response to our questions.

Happy holidays to you, and best wishes for the New Year.
"Friends of Yaudanchi Ecological Reserve"

Richard Garcia, Kern-Kaweah Chapter, Sierra Club
Barbara Brydolf, President, Alta Peak Chapter, California Native Plant Society
Joan Parker, Tulare County Audubon Society Board
D. Mehmet McMillan, Founder, WildPlaces
Laurie Schwaller and Greg Schwaller, concerned citizens
Memorandum

Date: January 2, 2019

To: Melissa Miller-Henson
   Acting Executive Director
   Fish and Game Commission

From: Charlton H. Bonham
   Director

Subject: Agenda Item for January 10, 2019 Wildlife Resource Committee Meeting; Sport Fishing Regulations Revision and Simplification Project – Request for Endorsement of Trout Regulations Menu

Attached please find an overview of the Sport Fishing Regulations Revision and Simplification Project “menu” of regulatory options. This menu is comprised of angling seasons, bag and possession limits, size limits, and gear restrictions, to standardize and reduce the number of Special Fishing Regulations in Title 14, Section 7.50(b) and eliminate inland waters from District General Regulations in 7.00(a-g). This menu is the foundation of the Regulations Revision and Simplification Project. As such, the Department is requesting the Commission endorse the menu of inland trout regulations, so the Department can then select from a standardized suite of established management approaches. Once the menu is established, Department staff can work with stakeholders to assess and select the most appropriate regulations for inland trout waters.

If you have any questions regarding this item, please contact Kevin Shaffer, Chief, Fisheries Branch, at (916) 327-8841 or by e-mail at Kevin.Shaffer@wildlife.ca.gov.

Attachment

ec: Stafford Lehr, Deputy Director
    Wildlife and Fisheries Division
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Regulations Revision and Simplification Project
Request for California Fish and Game Commission
Endorsement of Trout Regulations Menu

History
In 2012, the Department presented to the Commission its proposal to conduct a comprehensive evaluation of the sport fishing regulations to address complaints from anglers regarding the freshwater sport fishing regulations. Many waters have not been monitored for regulation effectiveness and changes in hatchery stocking and angling practices warranted an updated evaluation of the sport fishing regulations. The Commission agreed the regulations were complex and gave its support for this Regulations Revision and Simplification Project (Project). The Department has been working to develop a process to simplify sport fishing regulations guided by five tenets:

1. Maintain or increase angling opportunity;
2. Improve regulatory consistency across waters;
3. Align sport fishing regulations with the Department’s current fisheries management goals and objectives;
4. Reduce complexity and confusion; and
5. Protect the resources.

Purpose
As part of the Project, the Department has developed a suite of regulations, or “menu,” comprised of angling seasons, bag and possession limits, size limits, and gear restrictions, to standardize and reduce the number of Special Fishing Regulations in Title 14, Section 7.50(b) and eliminate inland waters from the District General Regulations in Title 14, Section 7.00(a-g). This menu is the foundation of Project. As such, the Department is requesting the Commission endorse the menu of inland trout regulations, as described below, so the Department can then select from a standardized suite of established management approaches. Once the menu is established, Department staff can work with stakeholders to assess and select the most appropriate regulations for inland trout waters.

Trout Regulations Menu
After significant review of Special Fishing Regulations in Title 14, Section 7.50(b) it became apparent much of the complexity and associated public frustration stemmed from the diversity of different regulations established over decades that had limited alignment or consistency. The use of District Fishing Regulations in Title 14, Section 7.00 increases confusion and inconsistency by applying political boundaries in contrast to the watershed approach found within the Special Fishing Regulations. Although some of the regulations fit with apparent management objectives, others did not or were no longer valid for current fisheries. The regulations menu described below is the result of
a collaborative effort by fisheries biologists throughout the state to standardize the Special Fishing Regulations based on fisheries management goals, which include maximizing fishing opportunity (most liberal) and protecting sensitive fishery populations (most conservative). The process for developing the menu started with identifying the frequency of the most commonly used special regulations, identifying valid/invalid regulations, and then consolidating the valid regulations into a suite of biologically justifiable regulations that most effectively manage California’s trout populations. By achieving statewide consistency across inland trout waters within Special Fishing Regulations, District General Regulations in Title 14 Section 7.00 can be eliminated. District General Regulations will be replaced by a Statewide Regulation for all inland trout waters.

Statewide Regulation

Open year-round, 5 fish bag, 10 fish possession limit, no gear restrictions =
Robust, self-sustaining and stocked fisheries w/ maximum sustainable harvest with emphasis on high natural yield and or elevated stocking rates.

Seasons

- **All year** = Most liberal and focused on maximizing opportunity.
- **Closed to fishing all year** = Most conservative and used to protect populations that are state or federally listed under either Endangered Species Act or imperiled populations that angling could have a significant negative effect.
- **September 1 through November 30** = Fall season to either protect fall spawning fish aggregations or allow angling during the fall when summer temperatures make angling impacts more significant.
- **Saturday preceding Memorial Day through September 30** = Summer season where both spring and fall spawning fish aggregations occur.
- **Saturday preceding Memorial Day through the last day in February** = Spring fishing closure to protect spring spawning fish.
- **October 1 through the Friday preceding Memorial Day** = For use in conjunction with a summer season to implement more restrictive bag limits and gear restrictions during spring and fall spawning.

Bag and Possession Limits and Gear Restrictions

- **5 trout, no gear restrictions** = (most liberal) Robust, self-sustaining fisheries with low to moderate angling, or stocked fisheries with maximum sustainable harvest.
- **2 trout per day, 4 trout in possession, no gear restrictions** = Limited daily harvest but with additional possession, set for limited effect to hatchery supplemented or productive self-sustaining fisheries to allow some harvest. Moderate concern regarding harvest with no threat to total population or target catch rate.
• **2 trout, artificial lures with 14” minimum** = Limited selected harvest with protection for smaller age classes. Allows most individuals to spawn prior to entering the fishery.

• **2 trout, artificial lures w/18” min** = Limited selected harvest with protection for smaller age classes in high productivity systems that can produce large fish. Allows individuals to spawn prior to trophy sized harvest.

• **0 trout, barbless artificial lures** = (most conservative) Reduce angling impacts to listed or sensitive populations, mitigate high use areas, seasonally eliminate harvest of spawning fish, or to achieve fast action or trophy fisheries.
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.
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 recommendation to approve the recommendations from the forum, including developing and adopting 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.

A draft policy has been developed to reflect the stated goals, taking into consideration the original petition and stakeholder input.

**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.
Wildlife Resources Committee (WRC) Work Plan
Scheduled Topics and Timeline for Items Referred to WRC by the California Fish and Game Commission

*Updated January 2, 2019*

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KEY:  
X  Discussion scheduled  
X/R  Recommendation developed and moved to the Commission
California Fish and Game Commission – Perpetual Timetable for Anticipated Regulatory Actions  
(dates shown reflect the date intended for the subject regulatory action)

Updated: 12/20/18

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**Title 14 Section(s)**

- **OA SF FB:** Commercial Use and Possession of Rattlesnakes - Resubmittal
- **OA SF:** Tribal Take in Marine Protected Areas
- **SF FGC:** Rockport Rocks Special Closure
- **MR JS WLB:** Sage Grouse Preferential Points and Draw
- **MR JS:** Incidental Take Allowances for Crabs, other than Genus Cancer, in Trap Fisheries
- **MR JS MR:** Groundfish
- **MR ST:** Coast Yellow Lepidotrophon and Lascasia Lupine
- **MR JS WLB:** Mammal Hunting, including deer/elk tag validation
- **MR JS LED:** Archery Equipment and Crossbow
- **MR JS/CC:** Upland (Resident) Game Bird (Annual)
- **MR ST:** Sheephead Fillet
- **MR SJ:** Recreational Take of Red Abalone
- **MR ST:** Commercial Logbooks
- **MR JS FB:** Sport Fishing (Annual)
- **MR DT:** Recreational Purple Sea Urchin (Emergency) (1st 90-day extension)
- **MR DT:** Recreational Purple Sea Urchin (Regular Rulemaking)
- **MR SJ:** Mammal Hunting, including deer/elk tag validation
- **MR SJ LED:** Archery Equipment and Crossbow
- **MR SJ WLB:** Waterfowl (Annual)
- **DA SF/CC:** Central Valley Salmon Sport Fishing (Annual)
- **MR SF/CC:** Central Valley Sport Fishing (Annual)
- **MR SJ:** Sheephead Fillet
- **MR SJ:** Commercial and Commercial Pacific Herring (fishery management plan implementation)

**Rulemaking Schedule to be Determined**

- **MR:** Commercial Keel and Algae Harvest Management
- **MR:** Possess Game / Process Into Food
- **OGC:** American Zoological Association / Zoo and Aquarium Association
- **ST:** Sheephead Fillet
- **ST:** Humboldt Merlan
- **ST:** Northern Spotted Owl
- **ST:** Tricolored Blackbird
- **ST:** San Diego Commercial Pink Shrimp Trawl
- **ST:** Ridgeback Prawn Incidental Take Allowance

**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**