

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-adoption Statement of Reasons)

Amend Subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50
Title 14, California Code of Regulations
Re: Central Valley Salmon Sport Fishing

- I. Date of Initial Statement of Reasons: November 20, 2018
- II. Date of Pre-adoption Statement of Reasons: May 6, 2019
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 13, 2018
Location: Oceanside
 - (b) Discussion Hearing: Date: February 6, 2019
Location: Sacramento
 - (c) Discussion Hearing: Date: April 17, 2019
Location: Santa Monica
 - (d) Adoption Hearing: Date: May 16, 2019
Location: Teleconference
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made to the originally proposed regulatory language.

- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made to the originally proposed regulatory language. However, the Pacific Fishery Management Council (PFMC) has reviewed west coast salmon stocks and has projected the in-river recreational harvest impact to be 28,263 adult Sacramento River fall-run Chinook-Salmon for the 2019-2020 season. Regulatory options 1-3 in the Initial Statement of Reasons (ISOR) encompassed varying ranges of recreational bag and possession limits based on PFMC's allocation. To target PFMC's projection, the Department of Fish and Wildlife (Department) is recommending Option 1 in the ISOR, which allows for take of any size Chinook Salmon within the specified bag limit of two fish and possession limit of four fish. The Department is not recommending

Option 2 (limited adult, and grilse fishery – jacks or jills) or Option 3 (grilse-only fishery). Thus, the Department recommends a daily bag limit of two fish, and a possession limit of four fish of any size for the American River, Feather River, Sacramento River, and Mokelumne River. Because of a more favorable salmon abundance forecast, the Department’s judgement is that the in-river recreational fishery can support a higher harvest rate than in 2018 and still achieve PFMC’s minimum escapement goal of 160,159 hatchery and natural-area adult spawners. The Commission will adopt specific bag and possession limits for Chinook Salmon in the Central Valley during the Commission teleconference on May 16, 2019.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

Comment by James Stone, President of the NorCal Guides and Sportsmen’s Association, received at the February 6, 2019 Commission meeting: Mr. Stone supports the inclusion of options for a jack fishery in the ISOR.

Comment by George Osborn, received at the February 6, 2019 Commission meeting: Mr. Osborn supports the inclusion of options for a jack fishery in the ISOR.

Response: The Department is recommending Option 1 in the ISOR which allows for harvest of salmon of any size and is proposing a two-fish daily bag limit and a four-fish possession limit. The Department is not recommending Option 2 or Option 3, both of which would allow for a jack fishery. The Department’s intent was to recommend Option 2 or Option 3 only if adult salmon return estimates were similar to 2018 and the Department had to again constrain in-river harvest of adults. The NorCal Guides and Sportsmen’s Association, whom Mr. Stone represents, was in support of this approach. In a letter dated December 11, 2018, Mr. Stone, President of the NorCal Guides and Sportsmen’s Association, states that he supports the option for a jack salmon fishery in the Central Valley “...should the forecast escapement number not allow retention of two adults.”

Although fishery returns are modestly better, we are still in the fall-run Chinook Salmon stock rebuilding phase and allowing a jack fishery could result in higher than expected harvest of adults relative to overall escapement. The Department would like to eventually give anglers access to jacks and will consider a jack fishery in the future when salmon abundance is higher.

Comment by Jeanne Wallen, email dated March 25, 2019: Ms. Wallen asks that the Commission keep the Chinook Salmon bag limit in the Central Valley at one fish to let the salmon run fully recover to get a more accurate sense of the real number of fish returns.

Response: For the 2019 recreational salmon fishery in the Central Valley, the Department is recommending a two-fish daily bag limit and a four-fish possession limit (Option 1 in the ISOR). Based on PFMC’s stock abundance forecast, there is no need to limit in-river harvest of adult Chinook Salmon to a one-fish daily bag limit and a two-

fish possession limit for the 2019 fishing season. The Department's judgement is that the in-river recreational fishery can support a higher harvest rate than in 2018 and still achieve PFMC's minimum escapement goal of 160,159 hatchery and natural-area adult spawners.

Comment by Mike Brown, email dated April 16, 2019. Mr. Brown states three concerns:

- He opposes Option 2 and Option 3 in the ISOR. He states the proposed regulation to allow the take of grilse after the retention of an allowable adult Chinook Salmon is a detriment to the fishery. Grilse size criteria is not constant, and changes year to year based on ocean conditions and growth rates, so the unpredictability of adult and grilse size for a bag limit could make it difficult to manage the fishery and set quotas.
- Mr. Brown is concerned about potential incidental take of adult salmon after the adult salmon bag had been reached. He states that between 4-35% of the returning run is grilse, which would mean an angler would on average have to catch three salmon, two of which would be adults to reach the grilse bag. He states that this example is the best case with grilse rates high at 35%, the lower the grilse rate would mean the greater incidental contact of adults. Mr. Brown states that this incidental contact brings about hook and line mortality limiting the amount of salmon to return to the hatcheries or native spawning areas, and that in the ocean hook mortality is as high as 50%.
- Mr. Brown is also concerned about enforcement and states that a size limit on salmon would mean that wardens would need to board boats to measure fish, which may present a safety issue, and open up the possibility for damage to boats.

Response: The Department is recommending Option 1 in the ISOR, which allows for harvest of salmon of any size. The Department is not recommending Option 2 or Option 3, both of which would allow for a grilse/jack fishery. The Department's intent was to recommend Option 2 or Option 3 only if adult salmon return estimates were similar to 2018 and the Department had to again constrain in-river harvest of adults. PFMC is predicting a higher return of adult spawners to the Sacramento River system than last year. As a result, the Department's judgement is that the in-river recreational fishery can support a higher harvest rate than in 2018 and still achieve PFMC's minimum escapement goal of 160,159 hatchery and natural-area adult spawners.

If the Commission adopts Option 2 or Option 3 in the ISOR, the Department would recommend that fishing cease once the adult daily bag limit has been reached. As fishing would have to cease once the adult daily bag limit has been reached, even if a jack has not been retained, this would prevent the incidental take of adult salmon after the adult daily bag limit had been reached.

The Department states that there is not a safety issue with law enforcement officers boarding boats, nor is there a risk of damage to boats.

Comment by Mark Smith, representing the American Sportfishing Association and NorCal Guides and Sportsmen's Association, received at the April 17, 2019 Commission meeting and email received April 22, 2019. The guides proposed a two adult, and also a one jack bag limit for Central Valley salmon season. Mr. Smith states he seeks parity with the Klamath season (3 total, with two adults and one jack) or a "bonus fish" situation (2 adults, and a jack if caught before two adults), which would minimize hooking and releasing additional adults in the quest for a jack.

Response: The Department is recommending Option 1 in the ISOR which allows for harvest of salmon of any size and is proposing a two-fish daily bag limit and a four-fish possession limit. The Department is not recommending Option 2 or Option 3, both of which would allow for a jack fishery. The Department's intent was to recommend Option 2 or Option 3 only if adult salmon return estimates were similar to 2018 and the Department had to again constrain in-river harvest of adults. The NorCal Guides and Sportsmen's Association, whom Mr. Smith represents, was in support of this approach. In a letter dated December 11, 2018, Mr. Stone, President of the NorCal Guides and Sportsmen's Association, states that he supports the option for a jack salmon fishery in the Central Valley "...should the forecast escapement number not allow retention of two adults."

Although fishery returns are modestly better, we are still in the fall-run Chinook Salmon stock rebuilding phase and allowing a jack fishery could result in higher than expected harvest of adults relative to overall escapement. The Department would like to eventually give anglers access to jacks and will consider a jack fishery in the future when salmon abundance is higher.