

STAFF SUMMARY FOR FEBRUARY 21, 2020

11. WILD TROUT WATERS POLICY (CONSENT)**Today's Item****Information** ☐**Action** ☒

Potentially approve proposed amendments to FGC's policy on Commission Designated Wild Trout Waters.

Summary of Previous/Future Actions

- Consider designation of Wild Trout Waters Dec 11-12, 2019; Sacramento
- **Today reconsider designation of wild trout waters Feb 6, 2019; Sacramento**

Background

California Fish and Game Code Section 1727 requires that DFW annually submit to FGC a list of no less than 25 miles of stream or stream segments and at least one lake deemed suitable for designations as "Wild Trout Waters". Wild Trout Waters: (1) must be open to the public; (2) must be able to support, with appropriate angling regulations, wild trout populations of sufficient magnitude to provide satisfactory trout catches; and (3) not be planted with domestic strains of catchable-size trout, though suitable hatchery-produced wild or semi-wild strains may be planted if necessary to supplement natural reproduction.

Further, Fish and Game Code Section 7260(c) gives FGC authority to designate "Heritage Trout Waters" to recognize the beauty, diversity, historical significance, and special values of California's native trout. Heritage Trout Waters are waters supporting populations that best exemplify indigenous strains of native trout within their historic drainages, and are able to provide anglers with the opportunity to catch native trout consistent with the conservation of the native trout present.

FGC also established a *Commission Designated Wild Trout Waters* policy to further define the criteria for eligible waters and for their management under the two designations (Exhibit 1). The policy includes the list of FGC-designated Wild Trout Waters and Heritage Trout Waters, and is amended annually if FGC designates waters recommended by DFW.

At FGC's Dec 2019 meeting, DFW proposed the addition of two new waters:

1. North Fork Smith River, from the confluence with Middle Fork Smith River upstream to the Oregon state line, including Stony Creek, Diamond Creek, North Fork Diamond Creek, and excluding all other tributaries (Del Norte County); and
2. Hilton Lake # 5 (Mono County).

DFW further proposed that the segment of the North Fork Smith River and its tributaries as described also be designated as a Heritage Trout Water. DFW provides in Exhibit 2 an overview of its rationale for each recommended designation.

At its Dec 2019 meeting, FGC received a comment from the Del Norte County Board of Supervisors expressing concerns with the proposed designation of Wild Trout Waters within the county (Exhibit 3). FGC requested that DFW consult with the county to better understand, and

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potentially address, its concerns; FGC continued the agenda item to today's meeting to allow for the discussion.

Following the Dec meeting, DFW reached out to the county and discussions are ongoing. Therefore, FGC staff recommends that FGC only designate the Modoc County portion of DFW's recommendation at this time (see below).

Significant Public Comments

As noted at the Dec 2019 FGC meeting, the Del Norte County Board of Supervisors expresses concerns regarding the designation of Wild Trout Waters on the portions of the Smith River, as proposed (Exhibit 2). The county ask that the reach be withdrawn from consideration.

Recommendation

FGC staff: Under a motion to adopt the consent calendar, approve the amendment to designate and add Hilton Lake #5 to the policy on Commission Designated Wild Trout Waters.

Exhibits

1. [Commission Designated Wild Trout Waters Policy](#)
2. [DFW memo and attachments](#), received Nov 22, 2019
3. [Letter from Del Norte County Board of Supervisors, received Dec 10, 2019](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendations for items 5-11 under the consent calendar.

Commission Designated Wild Trout Waters

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

- I. Designate certain state waters to be managed exclusively for wild trout. Commission designated wild trout waters should provide a quality experience by providing the angler with an opportunity to fish in aesthetically pleasing and environmentally productive waters with trout populations whose numbers or sizes are largely unaffected by the angling process.

Waters designated by the Commission for wild trout management shall meet the following criteria:

- A. Angler Access
 1. Open for public angling with unrestricted access when of sufficient dimensions to accommodate anglers without overcrowding.
or
 2. Open for public angling with controlled access under a plan approved by the Commission setting forth the number of anglers and the method of distribution.
 - B. Able to support, with appropriate angling regulations, wild trout populations of sufficient magnitude to provide satisfactory trout catches in terms of number or size of fish.
- II. Wild trout waters shall be managed in accordance with the following stipulations:
 - A. Domestic strains of catchable-sized trout shall not be planted in designated wild trout waters.
 - B. Hatchery-produced trout of suitable wild and semi-wild strains may be planted in designated waters, but only if necessary to supplement natural trout reproduction.
 - C. Habitat protection is of utmost importance for maintenance of wild trout populations. All necessary actions, consistent with State law, shall be taken to prevent adverse impact by land or water development projects affecting designated wild trout waters.
 - III. The Department shall prepare and periodically update a management plan for each water designated as a wild trout water.
 - IV. Certain designated wild trout waters may be further designated by the Commission as "Heritage Trout Waters", to recognize the beauty, diversity, historical significance, and special values of California's native trout. Heritage Trout Waters shall meet the following additional criteria:
 - A. Only waters supporting populations that best exemplify indigenous strains of native trout within their historic drainages may qualify for designation.
 - B. Heritage Trout Waters shall be able to provide anglers with the opportunity to catch native trout consistent with the conservation of the native trout present.
 - V. Recognizing the importance of native trout to California's natural heritage, the Department shall emphasize education and outreach efforts to inform the public about our native trout,

their habitats, and the activities for restoration of native trout when implementing the Heritage Trout Program.

- A. Implement a Heritage Trout Angler Recognition Certificate through which anglers will have the opportunity to have their catches of California native trout recognized by the Commission. The criteria for receiving the formal recognition shall be maintained by the Department's Heritage and Wild Trout Program. To receive a certificate of recognition, anglers shall submit an application with supporting materials to the Department for review.

The following waters are designated by the Commission as "wild trout waters":

1. American River, North Fork, from Palisade Creek downstream to Iowa Hill Bridge (Placer County).
2. Carson River, East Fork, upstream from confluence with Wolf Creek excluding tributaries (Alpine County).
3. Clavey River, upstream from confluence with Tuolumne River excluding tributaries (Tuolumne County).
4. Fall River, from Pit No. 1 powerhouse intake upstream to origin at Thousand Springs including Spring Creek, but excluding all other tributaries (Shasta County).
5. Feather River, Middle Fork, from Oroville Reservoir upstream to Sloat vehicle bridge, excluding tributaries (Butte and Plumas counties).
6. Hat Creek, from Lake Britton upstream to Hat No. 2 powerhouse (Shasta County).
7. Hot Creek, from Hot Springs upstream to west property line of Hot Creek Ranch (Mono County).
8. Kings River, from Pine Flat Lake upstream to confluence with South and Middle forks excluding tributaries (Fresno County).
9. Kings River, South Fork, from confluence with Middle Fork upstream to western boundary of Kings Canyon National Park excluding tributaries (Fresno County).
10. Merced River, South Fork, from confluence with mainstem Merced River upstream to western boundary of Yosemite National Park excluding tributaries (Mariposa County).
11. Nelson Creek, upstream from confluence with Middle Fork Feather River excluding tributaries (Plumas County).
12. Owens River, from Five Bridges crossing upstream to Pleasant Valley Dam excluding tributaries (Inyo County).
13. Rubicon River, from confluence with Middle Fork American River upstream to Hell Hole Dam excluding tributaries (Placer County).
14. Yellow Creek, from Big Springs downstream to confluence with the North Fork of the Feather River (Plumas County).
15. Cottonwood Creek, upstream from confluence with Little Cottonwood Creek, including tributaries (Inyo County).
16. Klamath River, from Copco Lake to the Oregon border (Siskiyou County).
17. McCloud River, from Lake McCloud Dam downstream to the southern boundary of Section 36, T38N, R3W, M.D.B. & M. (Shasta County).
18. Deep Creek, from confluence with Green Valley Creek downstream to confluence with Willow Creek (San Bernardino County).

19. Middle Fork Stanislaus River, from Beardsley Afterbay Dam to Sand Bar Diversion Dam (Tuolumne County).
20. Truckee River, from confluence with Trout Creek downstream to the Nevada State line (excluding the property owned by the San Francisco Fly Casters Club) (Nevada and Sierra counties).
21. Sespe Creek, a 25-mile section between the Lion Campground and the boundary of the U.S. Forest Service, Los Padres National Forest (Ventura County).
22. East Fork Carson River, from Hangman's Bridge near Markleeville downstream to the Nevada state line (Alpine County).
23. Bear Creek, Bear Valley Dam (impounding Big Bear Lake) downstream to the confluence with the Santa Ana River (San Bernardino County).
24. Lavezolla Creek (Sierra County).
25. Laurel Lake #1 and Laurel Lake #2 (Mono County).
26. Middle Fork San Joaquin River - Northern boundary of the Devils Postpile National Monument downstream to the Lower Falls (3.6 miles); and footbridge just above the confluence with Shadow Creek downstream to the footbridge just above upper Soda Springs Campground (4 miles) (Madera County).
27. South Fork Kern River watershed from its headwaters downstream to the southern boundary of the South Sierra Wilderness (Tulare County).
28. Golden Trout Creek drainage, including tributaries, from confluence with the Kern River upstream to the headwaters (Tulare County).
29. Eagle Lake, north of Susanville (Lassen County).
30. Upper Kern River, from the Forks of the Kern, upstream to Tyndall Creek in Sequoia National Park (Tulare County).
31. Heenan Lake, near Markleeville and Monitor Pass (Alpine County).
32. Upper Truckee River, including tributaries, upstream from the confluence with Showers Creek (El Dorado and Alpine counties).
33. Sacramento River, including tributaries, from Box Canyon Dam downstream to Scarlett Way in Dunsmuir (Siskiyou County) and from the county bridge at Sweetbriar downstream to Lake Shasta (Shasta County).
34. Long Lake (Plumas County).
35. Piru Creek, including tributaries, upstream of Pyramid Lake (Ventura and Los Angeles counties).
36. Upper Stony Creek including tributaries, upstream from Mine Camp Campground (Colusa, Glenn, and Lake counties).
37. Lower Honeymoon Lake (Fresno County).
38. Upper East Fork San Gabriel River, including tributaries, upstream from Heaton Flat (Los Angeles County).
39. Royce Lake #2 (Fresno County).
40. Lower Yuba River, from Englebright Dam to the confluence with the Feather River (Yuba and Nevada counties).
41. Parker Lake (Mono County).

42. South Fork San Joaquin River and all tributaries from Florence Lake upstream to the boundary of Kings Canyon National Park including the Piute Creek drainage (Fresno County).
43. Sallie Keyes Lakes (Fresno County).
44. Sacramento River from Keswick Dam downstream to the Red Bluff Diversion Dam (Shasta and Tehama counties)
45. Pauley Creek from the confluence with the Downie River upstream to the headwaters (Sierra County).
46. Caples Creek from the confluence with the Silver Fork American River upstream to Caples Lake Dam (El Dorado and Alpine counties).
47. Putah Creek from Lake Solano upstream to Monticello Dam on Lake Berryessa (Solano and Yolo counties).
48. Lake Solano (Solano and Yolo counties).
49. Milton Reservoir (Nevada and Sierra counties).
50. Gerle Creek Divide Reservoir (El Dorado County).
51. Manzanita Lake (Shasta County).
52. Maggie Lake (Tulare County).
53. Little Kern River drainage, including tributaries, from the confluence with the Kern River upstream to the headwaters (Tulare County).
54. Hilton Lake #1 (Davis Lake) (Mono County).
55. South Fork Smith River, from the confluence with Blackhawk Creek upstream to the Island Lake Trail crossing, including the following tributaries: Buck Creek, Quartz Creek, Eight Mile Creek, Williams Creek, Harrington Creek and Prescott Fork and excluding all other tributaries (Del Norte County).
56. South Fork Smith River, from the confluence with Goose Creek upstream to Blackhawk Creek, including Goose Creek and Hurdgyurdy Creek and excluding all other tributaries (Del Norte County).
57. Hilton Lake #2 (Mono County).
58. South Fork Smith River, from the confluence with Craigs Creek upstream to the confluence with Goose Creek, including Craigs Creek, Rock Creek, and Coon Creek and excluding all other tributaries (Del Norte County).
59. Hilton Lake #4 (Mono County).
60. North Fork Smith River, from the confluence with Middle Fork Smith River upstream to the Oregon state line, including Stoney Creek, Diamond Creek, North Fork Diamond Creek, and excluding all other tributaries (Del Norte County).
61. Hilton Lake # 5 (Mono County). Hilton Lake #5 is located at the latitude/longitude of 37°28'37.99"N, 118°45'39.39W and elevation of 10,700 feet, in the Hilton Creek drainage, near Tom's Place.

The following "wild trout waters" are further designated by the Commission as "heritage trout waters".

1. Clavey River, upstream from confluence with Tuolumne River, excluding tributaries (Tuolumne County).

2. Golden Trout Creek drainage, including tributaries, from confluence with the Kern River upstream to the headwaters (Tulare County).
3. Eagle Lake, north of Susanville (Lassen County).
4. Upper Kern River, from the Forks of the Kern, upstream to Tyndall Creek in Sequoia National Park (Tulare County).
5. Heenan Lake, near Markleeville and Monitor Pass (Alpine County).
6. Upper Truckee River, including tributaries, upstream from the confluence with Showers Creek (El Dorado and Alpine counties).
7. Piru Creek, including tributaries, upstream of Pyramid Lake (Ventura and Los Angeles counties).
8. Upper Stony Creek including tributaries, upstream from Mine Camp Campground (Colusa, Glenn, and Lake counties).
9. Upper East Fork San Gabriel River, including tributaries, upstream from Heaton Flat (Los Angeles County).
10. Lower Yuba River, from Englebright Dam to the confluence with the Feather River (Yuba and Nevada counties).
11. Little Kern River drainage, including tributaries, from the confluence with the Kern River upstream to the headwaters (Tulare County)
12. South Fork Smith River, from the confluence with Blackhawk Creek upstream to the Island Lake Trail crossing, including the following tributaries: Buck Creek, Quartz Creek, Eight Mile Creek, Williams Creek, Harrington Creek and Prescott Fork and excluding all other tributaries (Del Norte County).
13. South Fork Smith River, from the confluence with Goose Creek upstream to Blackhawk Creek, including Goose Creek and Hurdgyurdy Creek and excluding all other tributaries (Del Norte County).
14. South Fork Smith River, from the confluence with Craigs Creek upstream to the confluence with Goose Creek, including Craigs Creek, Rock Creek, and Coon Creek and excluding all other tributaries (Del Norte County).

(Amended: 01/04/94; 06/22/95; 03/06/97; 11/06/98; 04/02/99; 12/08/00; 04/03/03; 12/12/08, 11/04/09, 10/21/10, 11/17/11; 11/07/12, 11/06/13, 12/03/14; 12/10/15; 10/20/16; 12/06/17; 12/13/18)

Memorandum

Date: November 19, 2019

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

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the December 11, 2019 Fish and Game Commission Meeting:
*Recommendations for Designation of new Wild Trout Waters for 2019***

Fish and Game Code, Section 7260(c), grants the Fish and Game Commission (Commission) the authority to designate Heritage Trout Waters recognizing the beauty, diversity, historical significance, and special value of California's native trout. Designations are limited to waters that: support populations that best exemplify indigenous strains of native trout within their historic drainages; provide anglers with an opportunity to catch native trout in a manner that promotes the conservation of native trout; where stocking of hatchery trout has been restricted; and where angling regulations maintain the wild trout fishery through natural reproduction.

Fish and Game Code, Section 1727(b), requires the Department of Fish and Wildlife (Department) to annually prepare a list of no less than 25 miles of stream or stream segments and at least one lake deemed suitable for designation as Wild Trout Waters and to submit this list to the Commission. To comply with these requirements, the Department proposes the following waters:

North Fork Smith River, from the confluence with Middle Fork Smith River upstream to the Oregon state line, including Stoney Creek, Diamond Creek, North Fork Diamond Creek, and excluding all other tributaries (Del Norte County).

This proposed Heritage Trout Water designation incorporates approximately 33 miles of perennial stream habitat, most of which are located on public lands administered by the U.S. Forest Service, Six Rivers National Forest. The North Fork Smith River and its tributaries contain self-sustaining populations of both Coastal Cutthroat Trout and Coastal Rainbow Trout within their historic range/native drainages and is a fast-action fishery (> 2 fish per hour), with trophy trout (>18") potential. The Smith River watershed is of state and national importance with National Recreational Area and Wild and Scenic River designations, prized salmonid fisheries, and the prestigious status of the longest free-flowing, undammed river system in the United States - making this fishery a unique resource in the state and a quintessential candidate for Heritage Trout designations.

The Department has conducted annual direct observation (snorkel) and intermittent angling surveys of this portion of the Smith River drainage, both of which support designation as a high-quality stream fishery, with robust populations of both Coastal Cutthroat and Rainbow trout. This designation will expand upon, and be contiguous with, the 2016, 2017, and 2018 designations in the South Fork Smith River drainage, which included: South Fork Smith River, from the confluence with Blackhawk Creek upstream to the Island Lake Trail crossing, including the following tributaries: Buck Creek, Quartz Creek, Eightmile Creek, Williams Creek, Harrington Creek and Prescott Fork and excluding all other tributaries (Del Norte County) (2016,2017); South Fork Smith River, from the confluence with Goose Creek upstream to the confluence with Blackhawk Creek, including Goose Creek and Hurdgyurdy Creek and excluding all other tributaries; and South Fork Smith River, from the confluence with Craigs Creek upstream to Goose Creek, including Craigs Creek, Rock Creek and Coon Creek and excluding all other tributaries (Del Norte County) (2018). The Department has consulted both Del Norte County Fish and Game Advisory Committee and Smith River Alliance regarding previous and current designations within the Smith River watershed.

Hilton Lake # 5 (Mono County). Hilton Lake #5 is located at the latitude/longitude of 37°28'37.99" N, 118°45'39.39W and elevation of 10,700 feet, in the Hilton Creek drainage, near Tom's Place.

Hilton Lake #5 is part of an interconnected lake complex known as Hilton Creek Lakes and is a fast-action fishery (>2 fish per hour) for Brook Trout. There are 10 lakes within this basin, eight of which support self-sustaining trout fisheries with varying species composition. Anglers have the opportunity to achieve a so-called "Sierra Grand Slam" (catching four trout species within the same day, including Brown, Brook, Rainbow and Golden trout in the Hilton Creek Lakes basin).

The basin is located in a remote and scenic wilderness setting. This Wild Trout designation expands upon the 2018 designation of Hilton Lake #4 and Hilton Lake #1 (aka Davis Lake) and 2017 designation of Hilton Lake #2 and incorporates approximately 6 surface acres of aquatic habitat. The HWTP has conducted angling assessments and visual reconnaissance of spawning habitat, both of which support designation as a high quality, self-sustaining, lake fishery. Future proposed designation of other lakes in the drainage is planned, with the long-term intent of having all the lakes supporting self-sustaining trout fisheries within the basin designated as Wild Trout Waters. Further evaluation of the visitor use patterns, fishing pressure, and potential harvest in Hilton Lake #3 is required.

The Department has verified that no restoration of amphibians or other native aquatic species is planned within the drainage; thus, no conflict exists with managing this area for recreational angling into the future.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
November 19, 2019
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The recommended streams and lakes meet existing criteria to satisfy the requirements for designation as Wild and/or Heritage Trout Waters and no changes in angling regulations are necessary at this time.

If you have any questions or need additional information, please contact

Kevin Shaffer, Chief, Fisheries Branch at (916) 327-8841 or
kevin.shaffer@wildlife.ca.gov.

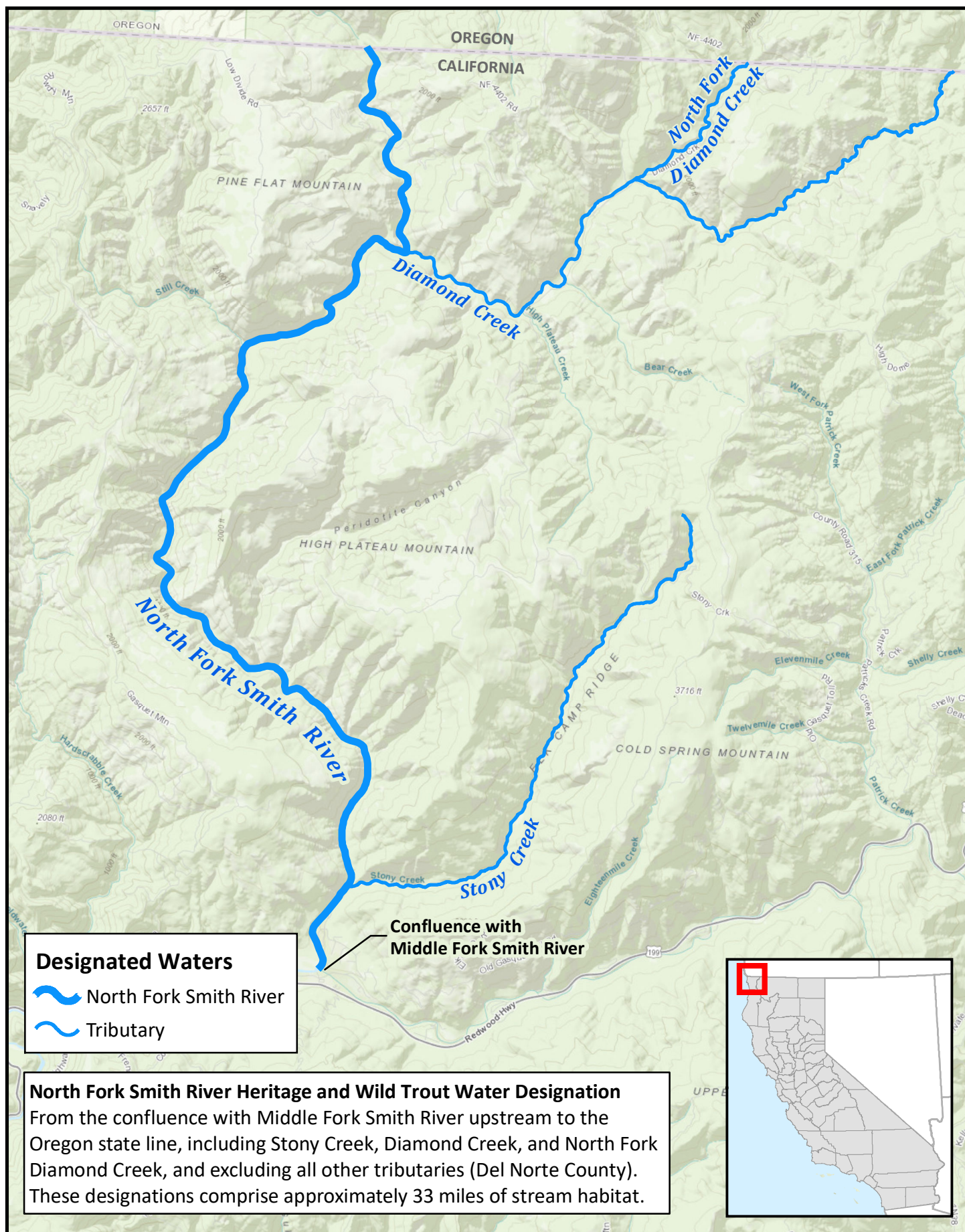
Attachments

cc: Stafford Lehr, Deputy Director
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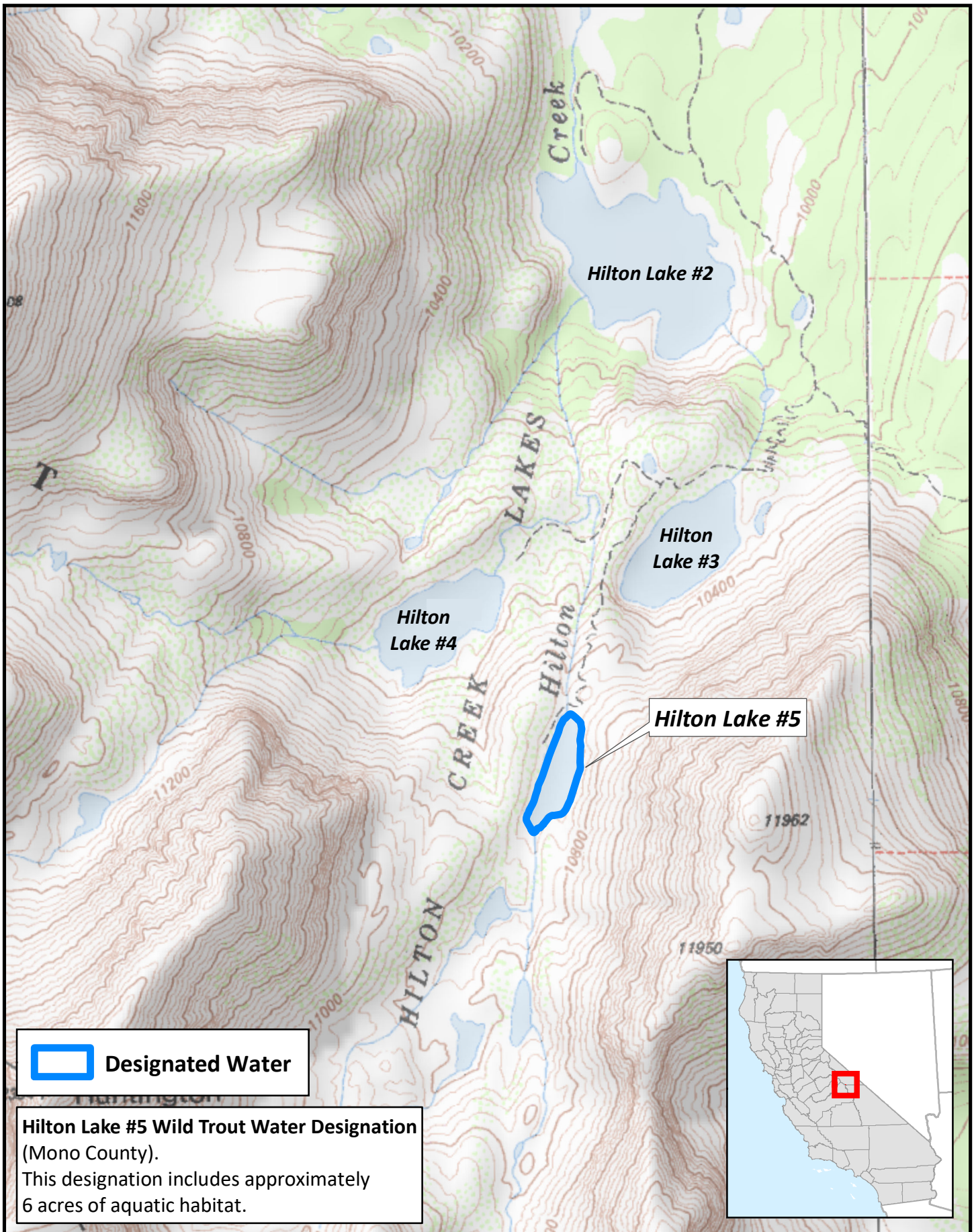
North Fork Smith River Designated Heritage and Wild Trout Waters - 2019



0 2 Miles



Hilton Lake #5 Designated Wild Trout Water - 2019





COUNTY OF DEL NORTE BOARD OF SUPERVISORS

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December 10, 2019

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California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Submitted via email to: fgc@fgc.ca.gov

Subject: Potential North Fork Smith River Heritage Trout Designation

Dear Commissioners:

The Del Norte County Board of Supervisors (Board) wishes to comment on the proposed North Fork Smith River Heritage Trout Designation. We do have concerns that have not been addressed by the California Department of Fish and Wildlife (Department) regarding this proposal.

Primarily, we are concerned with the fact that the Board received notice of the proposed designation on November 18; less than a month in advance of the Fish and Game Commission agenda date for this item, on December 11. The lack of notice on the Department's part does not provide the Board with enough time to acceptably deliberate these important issues that affect our Smith River watershed. As has been noted in our September 27, 2016 letter to the Department regarding the Upper South Fork Smith River Heritage Trout Designation, we take these proposals seriously and hope that the Department decides to provide us with additional notice in the future. For this reason, we must object to the designation of the entire North Fork Smith River without more time to properly consider its effects.

The Board is also concerned about the lack of information on how these designations may impact private property located along these reaches. It does not appear that any analysis was conducted in the *South Fork Smith River Fishery Management Guidelines* prepared in 2017 with regard to Heritage Trout designation effects on adjacent landowners. This is essential information for the Board to have while deliberating. Related to this, the Board is troubled by the fact that new designations are being proposed before Management Plans are adopted and circulated for past designations.

At this time, we are unable to support the proposed designation of the North Fork Smith River as a "Heritage Trout" water. We further request that this reach be withdrawn from designation until such time the Board can properly deliberate, with the information that was supposed to be provided to us in 2016, about how this looks from a regulatory perspective. We look forward to this information and hope that in the future, the Department seeks to coordinate with us early and often.

Regards,



Lori L. Cowan, Chair
Del Norte County Board of Supervisors

ec: California Department of Fish and Wildlife
Tina Bartlett, Northern Regional Manager
Tina.Bartlett@wildlife.ca.gov