

STAFF SUMMARY FOR FEBRUARY 21, 2020

23. DRAFT DELTA FISHERIES MANAGEMENT POLICY AND STRIPED BASS POLICY**Today's Item**Information Action

Discuss and consider adopting an FGC Delta Fisheries Management Policy and an amended FGC Striped Bass Policy.

Summary of Previous/Future Actions

- | | |
|--|---------------------------------|
| • Delta Fisheries Forum | May 24, 2017 |
| • WRC vetted draft policy | Sep 2018 – May 2019 |
| • FGC accepted WRC recommendation to schedule policy for consideration | Jun 12-13, 2019; Redding |
| • FGC discussed draft policy and postponed consideration to allow stakeholder discussions | Aug 7-8, 2019; Sacramento |
| • Received update on progress with stakeholder discussions | Oct 9-10, 2019; Valley Center |
| • Received update and discussed draft policy and revisions to striped bass policy | Dec 11-12, 2019; Sacramento |
| • Today discuss and potentially adopt draft policy and revisions to striped bass policy | Feb 21, 2020; Sacramento |

Background

An effort to review existing policy and potentially adopt a new policy concerning fisheries management in the Sacramento San-Joaquin Delta (Delta) has been underway since 2017. Throughout 2019, effort focused on WRC vetting and FGC discussion of a draft Delta Fisheries Management Policy. See Exhibit 1 for a more detailed background.

In Aug 2019, FGC received a revised draft Delta Fisheries Management Policy (Exhibit 2), vetted through the WRC, for discussion and potential adoption. Following extensive public comment, FGC directed staff to continue discussions with stakeholders and DFW regarding both the draft policy and potential changes to the existing FGC Striped Bass Policy (Exhibit 3).

Staff provided an update on progress at FGC's Oct 2019 meeting and FGC discussed the policies at its Dec 2019 meeting, where staff and stakeholders indicated support for the draft Delta policy in its current state as well as differences in potential revisions to the FGC Striped Bass Policy. Three options for a revised FGC Striped Bass Policy were presented (two stakeholder options and one staff option). FGC did not take any action; commissioners expressed a desire to act on both policies in tandem and directed staff to continue to work with stakeholders on revisions to the FGC Striped Bass Policy.

Update on Striped Bass Policy Discussions

As requested by FGC, in Jan 2020 FGC staff held a conference call with DFW and a broad group of stakeholders and organizations representing fishing and water interests to discuss the three policy options presented in Dec 2019. Discussion focused on the appropriateness of specifying a numeric population target within the policy; no collective solution was identified.

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The current FGC Striped Bass Policy, adopted in 1996, is shown in Exhibit 3. The three proposals for revisions—two from stakeholders and one from staff—are in exhibits 4-6, reflecting the results of stakeholder input over the course of the policy discussions. Some proposed changes are common to the three versions and others are unique, reflecting the ongoing differences in perspectives.

Where There is Agreement

1. In section II, all drafts add language about a robust recreational fishery or maintaining/increasing striped bass recreational angling opportunities. Staff believes the language is sufficiently similar.
2. Remove section III, the three million striped bass long-term goal. DFW's estimate of striped bass before declines started in the 1970s was between 1.5 and 1.9 million fish. Under the prior regime with striped bass stocking activities, the 1994 estimate was only 600,000 fish. A three million fish goal is likely not achievable by DFW in any realistic time frame nor under the current conditions in the Delta.
3. In section IV, remove pen rearing and artificial propagation of striped bass as recommended practices; past efforts using these methods were not successful in reversing declines, and conditions in the Delta have worsened since. Pen rearing is not a current DFW practice in inland waters.
4. In section IV, add activities that DFW is encouraged to undergo to support striped bass, including habitat improvement, controlling invasive aquatic vegetation, improving water quality, reducing striped bass loss, and monitoring the status/population of striped bass.

Where There are Differences

1. In section I, the language "stabilizing and restoring" striped bass is revised to "monitor and manage" in the staff draft and stakeholder draft 2. The language is retained in stakeholder draft 1; further, in that version, DFW is charged with restoring the striped bass population to a "growing" population, which imparts to DFW a responsibility to undertake active enhancement efforts. Staff believes that the State's limited resources, and DFW's in particular, should be focused primarily on species that are native, threatened, endangered or of greatest conservation need, without forclosing options to stabilize and ultimately restore the striped bass fishery where compatible with these goals; many efforts can benefit both.
2. In section II, the short-term goal of 1.1 million striped bass is removed in the staff draft and stakeholder draft 2, and retained in stakeholder draft 1. Consistent with the proposed Delta fisheries policy, which is focused on balancing the needs of native, listed, and game species, staff believes a more appropriate policy for the Department's management of striped bass is "a healthy, self-sustaining striped bass population" and "a robust recreational fishery." The proposed language reflects the stated aims of recreational fishing interests in the Delta, with one part common to stakeholder draft 1 and the other stakeholder draft 2.

In stakeholder draft 2, the numeric target and fixed time frame are retained, though the short-term goal becomes the fundamental target instead of the current policy's three million; the goal is modified by consideration of available habitat. The language gives a

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concrete, measurable goal for DFW to meet but, without a better understanding of the current state of the fishery and striped bass habitat, it is relatively unhelpful as the Delta has changed so significantly since the original policy was adopted. A numerical goal is one that will necessarily change over time and is best identified with other management goals and objectives that can be developed and adapted by DFW in concert with stakeholders as more information is gathered and as conditions and knowledge change.

3. In section II, the staff draft adds the last sentence, which includes “to develop appropriate goals and objectives to achieve these broad aims,” consistent with FGC’s Cooperation Policy. The sentence is intended to help ensure that applicable management goals and objectives, tiered to the guidance in the policy, will be developed in consultation with affected interests.

Next Steps

FGC staff agrees with the stakeholders that striped bass is an economically significant and recreationally important fishery in the Delta, and also understands and supports the desire to identify a numeric target and specific strategies that will be used to ensure a robust recreational fishery. Where staff does not agree is that having a numeric target in a public policy will lead to anything different from what has occurred over the last 25 years with the existing numeric targets.

Policies provide guidelines for how FGC and DFW operate, and their eventual success or failure is contingent upon the relationship between the two organizations, the management processes that convert such policies into action, and the relationships with other organizations and stakeholders that help create success or failure. To be successful, policies must be realistic and attainable, standards not met by the current striped bass policy. DFW has indicated a willingness to work with stakeholders to discuss those actions that will benefit striped bass, such as specific goals, objectives and projects, understanding that activities may be targeted to listed species where DFW has resources available (DFW does not currently receive funding for work specific to striped bass). However, many projects DFW implements or funds to help restore the Delta ecosystem is of benefit to striped bass.

Today, FGC is being asked to adopt the draft FGC Delta Fisheries Management Policy as amended by staff and to adopt revisions to the FGC Striped Bass Policy. Staff also recognizes that FGC may not be prepared to adopt the new policy and/or make revisions to the striped bass policy, and stands ready to implement any direction or actions.

Significant Public Comments

1. Dr. Peter Moyle states that striped bass can be a surrogate for the overall health of the Delta and that regulations should not be aimed at reducing its population (Exhibit 7).
2. The Delta Protection Commission supports language from stakeholder draft 1, a goal of 1.1 million striped bass, the inclusion of support for interagency research efforts, and studies on the relationship between striped bass and listed species. It urges adoption of the Delta Fisheries Management Policy (Exhibit 8).
3. A property owner’s association supports a measurable target and the “restore and enhance” language; it asks FGC to support local businesses in the Delta (Exhibit 9).

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4. A coalition of angling associations, sporting groups, and scientists express their view that a numeric target is important for the policy. They also urge retention of "restore and enhance" instead of "monitor and manage" (Exhibit 10).
5. A fishing association supports a numeric target of 1 million and notes that other policies which do not have numeric goals have management plans; it requests an assessment of striped bass before making changes to the policy. It questions statements made by FGC staff (Exhibit 11).
6. An individual supports a numeric goal of 1 million striped bass, urges population assessments, questions "credible science" of the policy, and asks that FGC consider the economic impacts of its decisions (Exhibit 12).
7. Over 50 emails in support of striped bass; the various concerns and criticisms from the public are generally identified in exhibits 7-12.

Recommendation

FGC staff: Adopt the draft Delta Fisheries Management Policy as presented today and approve the staff draft of proposed revisions to the FGC Striped Bass Policy.

Exhibits

1. [Staff summary from Aug 7-8, 2019 FGC meeting](#) (for background only)
2. [Draft Delta Fisheries Management Policy](#), updated Feb 14, 2020
3. [FGC's Striped Bass Policy](#), adopted Apr 5, 1996
4. [Stakeholder draft 1](#) for a revised striped bass policy
5. [Stakeholder draft 2](#) for a revised striped bass policy
6. [Staff Draft](#) for a revised Striped Bass Policy
7. [Letter from Dr. Peter Moyle](#), Center for Watershed Sciences, received Dec 9, 2019
8. Letter from the Delta Protection Commission, received Jan 16, 2020
9. [Letter from the Long Island Property Owner's Association](#), received Feb 6, 2020
10. [Letter from a coalition of angling and sporting associations and scientists](#), received Feb 7, 2020
11. [Letter from James Cox, California Striped Bass Association](#), received Feb 7, 2020
12. [Letter from Roger Mammon](#), received Feb 7, 2020

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the draft Delta Fisheries Management Policy and approves the staff draft version of proposed revisions to the California Fish and Game Commission Striped Bass Policy.

OR

Moved by _____ and seconded by _____ that the Commission adopts the draft Delta Fisheries Management Policy and approves the _____ draft version revisions to the California Fish and Game Commission Striped Bass Policy, with the following changes: _____.

STAFF SUMMARY FOR AUGUST 7-8, 2019
(For background purposes only)

11. DELTA FISHERIES MANAGEMENT POLICY

Today's Item

Information

Action

Discuss the potential adoption of a Delta Fisheries Management Policy and compatibility of the FGC Striped Bass Policy.

Summary of Previous/Future Actions

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|---|----------------------------------|
| • Delta Fisheries Forum | May 24, 2017; Sacramento |
| • WRC discussion | Sep 20, 2018; WRC, Sacramento |
| • WRC discussion | Jan 10, 2019; WRC, Ontario |
| • WRC discussion and recommendation | May 16, 2019; WRC, Sacramento |
| • FGC accepted WRC recommendation to schedule | Jun 12-13, 2019; Redding |
| • Today's discussion | Aug 7-8, 2019; Sacramento |

Background

In Jun 2016, FGC received a regulation change petition (Tracking Number 2016-011) from the Coalition for a Sustainable Delta and others requesting 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 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 regulation change petition was formally withdrawn prior to FGC action, FGC requested that WRC schedule a discussion to explore the issue more comprehensively; the request also included a review of the existing FGC Striped Bass Policy that was adopted in 1996 and focuses on restoring and maintaining striped bass for recreational fishing opportunity (Exhibit 6). FGC staff was directed 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 in May 2017, 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 discussion included two presentations by representatives for the original petition, consistent with direction provided by FGC. One of the recommendations that emerged from that forum was FGC adoption of a policy for fisheries management in the Delta that would provide science-based guidance to balance native fish needs with sport fishing opportunities in management decisions. The Coalition for a Sustainable Delta offered a proposed draft policy which, together with stakeholder and DFW input, formed the basis for the initial draft policy.

At its Sep 2018, Jan 2019, and May 2019 meetings, WRC discussed the draft policy and in May developed a recommendation that FGC schedule consideration of the draft policy. At its Jun

STAFF SUMMARY FOR AUGUST 7-8, 2019
(For background purposes only)

2019 meeting, FGC received the draft Delta Fisheries Management Policy advanced from WRC (Exhibit 5). At that meeting and following, stakeholders raised several significant issues with the draft policy. Following considerable public comment regarding the draft policy and current Striped Bass Policy, FGC accepted WRC's recommendation and directed staff to add the draft policy to the Aug 2019 meeting for discussion.

At this time, staff believes that additional discussions between stakeholders and staff of DFW and FGC are warranted to explore how to resolve the identified issues before FGC considers the draft Delta Fisheries Management Policy and any potential changes to the FGC Striped Bass Policy. Postponing discussion would allow dialogue to proceed and give additional stakeholders the chance to participate in ongoing discussions. Staff recommends that FGC consider new draft policies (based on discussions with stakeholders) at its Dec 2019 meeting in Sacramento, which will facilitate participation by stakeholders from in and around the Delta. If approved, FGC staff will provide a progress update at FGC's Oct 2019 meeting.

Significant Public Comments

1. The American Sportfishing Association and Coastside Fishing Club ask FGC to focus on the root causes of poor Delta health and oppose any effort to reduce long-term recreational fishing opportunities (Exhibit 1).
2. The California Sportsfishing League emphasizes the economic importance of striped bass, states that predation from non-native game fish in the Delta is a "red herring", and opposes a repeal of the FGC Striped Bass Policy. The league states that reductions in fishing opportunity run counter to the State's R3 project and ask that discussions be scheduled near the greater Sacramento area (Exhibit 2).
3. The Northern California Guides and Sportsmen's Association states that predation on salmonid species is a minor stressor. The association asks that the item be tabled until Dec to allow for ongoing discussions to ensue, and that any further FGC conversations take place in the vicinity of the potential impacts of the draft Delta Fisheries Management Policy (Exhibit 3).
4. The Congressional Sportsman's Foundation states that striped bass contribute to a healthy Delta ecosystem and that predation is not a significant factor driving Delta fish population abundances. They oppose the repeal of the Striped Bass Policy (Exhibit 4).

Recommendation

FGC staff: Postpone discussion of the draft policy to the Dec 2019 FGC meeting to allow FGC and DFW staff time to work with stakeholders on ways to address the issues that have been raised.

Exhibits

1. Letter from the American Sportfishing Association and Coastside Fishing Club, received Jul 25, 2019
2. Letter from the California Sportsfishing League, received July 25, 2019
3. Letter from the Northern California Guides and Sportsmen's Association, received July 25, 2019

STAFF SUMMARY FOR AUGUST 7-8, 2019
(For background purposes only)

4. Letter from the Congressional Sportsman's Foundation, received July 25, 2019
5. Draft Delta Fisheries Management Policy, revised Aug 1, 2019
6. FGC Striped Bass Policy, adopted Apr 5, 1996

Motion/Direction

Moved by _____ and seconded by _____ that the Commission postpones discussion of the draft Delta Fisheries Management Policy and Commission's Striped Bass Policy until the December 2019 meeting.

California Fish and Game Commission

Draft Delta Fisheries Management Policy

Version date: February 14, 2020

This version of the draft policy reflects the December 3, 2019 version with additional minor clean-up proposed by staff; proposed changes are shown in strike-out (deletion) and underscore (addition).

The Sacramento-San Joaquin Delta has faced, and continues to experience, declines in pelagic fishes and anadromous salmonids. This policy is intended to guide management decisions that could affect fish species and other aquatic resources. ~~The Delta, for~~For the purposes of this policy, the Delta means the Sacramento-San Joaquin Delta as defined in Section 12220 of the California Water Code. "Delta fisheries" includes listed species, species of greatest conservation need, native species, and game fish.

It is the policy of the California Fish and Game Commission (Commission) that:

- I. The Commission and California Department of Fish and Wildlife (Department) shall seek to collaborate and coordinate with other agencies whose actions may affect species and other resources in the Delta and its tributaries as the Department manages Delta fisheries and other aquatic resources. The Commission and Department will provide feedback to other agencies on any actions in the Delta that could have significant, adverse impacts to California's fisheries.
- II. The Commission and Department shall strive to manage ~~these~~fisheries and aquatic resources holistically, sustainably, and consistent with the direction of the legislature to protect, restore, and enhance the Delta ecosystem.
- III. The Department shall rely on credible science (as defined by Section 33 of the California Fish and Game Code) to develop strategies and recommendations for managing Delta fisheries; using this information, the Department shall strive to improve habitat conditions (such as water temperature and flows, water quality, and food) and manage other stressors (such as disease, predation and prey availability, and competition) to promote recovery of Delta fisheries, ~~(where applicable)~~.
- IV. Recognizing that listed species have highest priority, the Department shall manage Delta fisheries to protect and enhance each species' abundance, distribution, and genetic integrity to support ~~their~~resiliency and, ~~(where applicable)~~, recovery.
- V. The Department shall manage Delta fisheries in a manner that provides for maximizing sustainable recreational angling opportunities while avoiding or minimizing adverse effects to native and listed species, species of greatest conservation need, and recovery activities.
- VI. To the extent feasible, the Commission and the Department shall support scientific research on habitat or species improvement projects and investments to help the policy goals set forth herein. The Department ~~should~~shall ~~determine and~~ identify clear, objective-based research needs when developing research and recovery project plans, making research investments, making research and recovery funding decisions, and when reviewing and/or authorizing research projects. Where feasible, the Department should encourage and permit recreational anglers to contribute to

scientific research of native and non-native species to help inform efforts to protect and enhance Delta fisheries; such studies should be carefully considered in light of the overall population goals for, and effect on, both the study target and related species.

California Fish and Game Commission
Striped Bass Policy

Adopted April 5, 1996

It is the policy of the Commission that:

- I. The Department of Fish and Game shall work toward stabilizing and then restoring the presently declining striped bass fishery of the Sacramento-San Joaquin Estuary. This goal is consistent with Commission policy that the Department shall emphasize programs that ensure, enhance, and prevent loss of sport fishing opportunities.
- II. The Department shall ensure that actions to increase striped bass abundance are consistent with the Department's long-term mission and public trust responsibilities including those related to threatened and endangered species and other species of special concern. Recognizing issues associated with potential incidental take of these species, an appropriate interim objective is to restore the striped bass population to the 1980 population level of 1.1 million adults within the next 5-10 years.
- III. The long-term striped bass restoration goal, as identified in the Department's 1989 Striped Bass Restoration Plan, is 3 million adults.
- IV. The Department shall work toward these goals through any appropriate means. Such means may include actions to help maintain, restore, and improve habitat; pen-rearing of fish salvaged from water project fish screens; and artificial propagation.

California Fish and Game Commission
Proposed Changes to the Striped Bass Policy:
Stakeholder Draft 1

Version date: December 3, 2019

Proposed changes to the policy are shown in strike-out (deletion) and underscore (addition).

It is the policy of the Commission that:

- I. The Department of Fish and ~~Game~~ Wildlife shall work toward stabilizing and then restoring the presently declining striped bass fishery of the Sacramento-San Joaquin Estuary. This ~~goal~~ is consistent with Commission policy that the Department shall emphasize programs that ensure, enhance, and prevent loss of sport fishing opportunities.
- II. The Department shall ensure that actions to increase striped bass abundance are consistent with the Department's long-term mission and public trust responsibilities including those related to threatened and endangered species and other species of special concern. Recognizing issues associated with potential incidental take of these species, the department's goal is to restore the striped bass population to a healthy, self-sustaining growing population and robust recreational fishery. An appropriate interim target objective is to restore the striped bass population to the 1980 population level of 1.1 million adults within the next 5-10 years, taking into account the availability of habitat to support the species.
- ~~III. The long-term striped bass restoration goal, as identified in the Department's 1989 Striped Bass Restoration Plan, is 3 million adults.~~
- ~~IV.~~III. The Department shall work toward these goals through any appropriate means. Such means may include actions to help maintain, restore, and improve habitat; beneficial to striped bass, reduce impacts of invasive aquatic vegetation, improve water quality, reduce loss of striped bass pen-rearing of fish salvaged from water projects and diversions fish screens; and artificial propagation and assess the status and population of striped bass in the Delta.

California Fish and Game Commission
Proposed Changes to the Striped Bass Policy:
Stakeholder Draft 2

Version date: December 3, 2019

Proposed changes to the policy are shown in strike-out (deletion) and underscore (addition).

It is the policy of the Commission that:

- I. The Department of Fish and ~~Game~~ Wildlife shall ~~work toward stabilizing and then restoring the presently declining~~ monitor and manage striped bass fishery of in the Sacramento-San Joaquin Estuary. This goal is consistent with Commission policy that the Department shall emphasize programs that ensure, enhance, and prevent loss of ~~sport fishing~~ recreational angling opportunities.
- II. The Department shall ensure that actions to increase striped bass abundance are consistent with the Department's long-term mission and public trust responsibilities including those related to threatened and endangered species and other species of ~~special concern~~ greatest conservation need. ~~Recognizing issues associated with potential incidental take of these species, an appropriate interim objective is to restore the striped bass population to the 1980 population level of 1.1 million adults within the next 5-10 years.~~ In light of the foregoing, the Department will seek to achieve a sustainable striped bass population in order to maintain or increase recreational angling opportunities, taking into account the availability of habitat to support the species as well as the need to avoid taking any action that would result in incidental take of listed species.
- III. ~~The long-term striped bass restoration goal, as identified in the Department's 1989 Striped Bass Restoration Plan, is 3 million adults.~~
- ~~IV.~~ III. The Department shall work toward these goals through any appropriate means. Such means may include actions to help maintain, restore, and improve habitat; beneficial to striped bass, reduce impacts of invasive aquatic vegetation, improve water quality, reduce loss of striped bass, pen-rearing of fish salvaged from water projects and diversions, fish screens; and artificial propagation and assess the status and population of striped bass in the Delta.

California Fish and Game Commission
Proposed Changes to the Striped Bass Policy:
Staff Draft

Version date: February 14, 2020

Proposed changes to the policy are shown in strike-out (deletion) and underscore (addition).

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

- I. ~~The Department of Fish and Game shall work toward stabilizing and then restoring the presently declining~~ monitor and manage the striped bass fishery of the Sacramento-San Joaquin Estuary ~~Delta.~~ This goal is consistent with Commission policy that the Department shall emphasize programs that ensure, enhance, and prevent loss of sport fishing opportunities.
- II. The Department shall ensure that actions to increase striped bass abundance are consistent with the Department's long-term mission and public trust responsibilities including those related to threatened and endangered species and other species of ~~special concern~~ greatest conservation need. Recognizing issues associated with potential incidental take of these species, ~~an appropriate interim objective is to restore the striped bass population to the 1980 population level of 1.1 million adults within the next 5-10 years~~ the Department shall strive to maintain a healthy, self-sustaining striped bass population in support of a robust recreational fishery. Consistent with the Commission Policy on Cooperation, the Department shall work with relevant stakeholders, organizations, and the public to develop appropriate goals and objectives to achieve these broad aims.
- III. ~~The long-term striped bass restoration goal, as identified in the Department's 1989 Striped Bass Restoration Plan, is 3 million adults.~~
- ~~IV.~~ III. The Department shall work toward these goals through any appropriate means. Such means may include actions to help maintain, restore, and improve habitat; beneficial to striped bass, reduce impacts of invasive aquatic vegetation, improve water quality, reduce loss of striped bass from; ~~pen-rearing of fish salvaged from water projects and diversions, fish screens; and artificial propagation~~ and assess the status and population of striped bass in the Delta.



JOHN MUIR INSTITUTE OF THE ENVIRONMENT
CENTER FOR WATERSHED SCIENCES

December 9, 2019

ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8527

To: Fish & Game Commission (December 7 2019)

Re: Draft Delta Fisheries Management Policy and Draft Striped Bass Management Policy

I appreciate the efforts of the Commission to develop a holistic fisheries management policy for the Delta and for striped bass in particular. I encourage you to treat the striped bass as an important member of the San Francisco Estuary ecosystem, including the Delta, and to avoid regulations designed to reduce its declining abundance even further. I write this as an academic researcher who has studied fishes of the estuary for nearly 50 years, including establishing a Suisun Marsh monitoring program that has sampled fish on a monthly basis since January, 1979. One of the principal fishes captured in our samples over the decades is striped bass, which has given me an appreciation of their importance to the estuary ecosystem.

I must admit that in the past, my attitude towards striped bass has been ambiguous because they are a non-native species and much of my research has focused on conservation of native species. However, striped bass are also one of the best studied species, whose population fluctuations, with a mostly downward trend, are a good indicator of the 'health' of the estuary, including its ability to support native fishes. The importance of striped bass for monitoring started when regular fish sampling programs were established to determine the impacts of the State Water Project and the Central Valley Project on fisheries (e.g. Fall Midwater Trawl Survey, Summer Tow Net Survey). These surveys were focused on striped bass and are still ongoing; they have been the principal source of status information on other species such as delta smelt, as well as striped bass. In fact, the trends in juvenile striped bass numbers closely follow those of delta and longfin smelt, indicating all have a similar response to the major changes that have taken place in the Delta in the past couple of decades. I recognized this in my 2002 book *Inland Fishes of California* where I conclude the striped bass account with:

“The striped bass is a very resilient species and is now a permanent part of the California fish fauna....The best thing that can be done for striped bass is to restore the estuary to a condition that allows it to support more fish of all kinds, but especially native species (p 362).”

Striped bass were introduced into California in 1879 with explosive success and have become naturalized, adapting to an estuary that bears little resemblance to the one into which they were introduced. There are 23 other non-native fish species permanently established in the estuary, as well as over 150 invertebrate species. Today's Delta ecosystem is best termed a novel ecosystem cause of the strong presence of non-native species from all over the world and the extensive alteration of its physical structure. But striped bass remain one of the best species for monitoring this novel system because they use the entire estuary to complete their life cycle.

Earlier this year, I was part of an Independent Scientific Advisory Panel which wrote a report for the Delta Science Program on *Developing Biological Goals for the Bay-Delta Plan*. In this report, we recommended getting away from using endangered fishes as the principal species to monitor to determine actions to improve the Delta as habitat for desirable fishes. We recommended instead that new metrics be developed that integrate information from multiple species, native and non-native, including striped bass.

The importance of striped bass stems from our extensive knowledge of its life history and the fact that its population tracks the condition of the pelagic portions of the ecosystem well.

The upshot of all this background, is that regulations for managing striped bass should not be aimed at reducing its population, especially regulations that might increase the removal of large fish from the system. The largest fish are females that produce the most eggs that ultimately become juvenile fish so sensitive to annual changes in estuarine condition. The striped bass should be treated as a species that not only supports an important fishery but is an important indicator of estuarine health.

I appreciate your considerable efforts to design regulations that are flexible and science- based.

A handwritten signature in black ink, appearing to read 'P. B. Moyle' with a stylized flourish at the end.

Peter B. Moyle
Distinguished Professor, Emeritus
Center For Watershed Sciences
Department of Wildlife, Fish, and Conservation Biology
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DELTA PROTECTION COMMISSION

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January 16, 2020

Mr. Eric Sklar, President
 California Fish and Game Commission
 1416 Ninth Street, Suite 1320
 Sacramento, CA 95814

RE: Comments on proposed Striped Bass Policy

Dear Mr. Sklar,

The Delta Protection Commission serves as a forum for Delta residents and fosters communication between public agencies and private entities to encourage increased recreation and tourism in the Delta. The Delta Protection Commission supports efforts to maintain the striped bass population as important to Delta recreational and economic values, and approved this letter at its January 16, 2020 meeting by a unanimous vote.

At the December 2019 California Fish and Game Commission (CFGC) meeting, your Commission heard public comment on the proposed amended Delta Fisheries Management Policy and Striped Bass Policy. Many of the speakers at the meeting were concerned the Delta striped bass fishery will no longer be supported because of concerns over bass predation of listed fish species. Fish researchers also commented that striped bass were unlikely to be the primary cause of listed species declines. We ask that you consider the following comments as you work with stakeholders to revise the Striped Bass Policy:

- Include the language from Stakeholder Draft Version 1: "...the department's goal is to restore the striped bass population to a healthy, self-sustaining growing population and robust recreation fishery...reduce impacts of invasive aquatic vegetation, improve water quality, reduce loss of striped bass...and assess the status and population of striped bass in the Delta." Further, incorporate the 1.1 million striped bass fish population numeric target as a replacement for the existing numeric target, as supported by many members of the stakeholder group.

- Include language supportive of interagency research efforts to identify steps to manage a successful striped bass fishery and what the striped bass population needs to be self-sustaining.
- In order to address the questions about predation, the CFGC should promote additional studies on the relationship between striped bass and listed species, including predation, habitat needs, and how to manage game fish and species of conservation need.

Our Commission also recognizes the broad agreement on the Delta Fisheries Management Policy and urges its adoption as well.

We appreciate the opportunity to comment on the CFGC proposed policy. We understand the important need to balance all of the species in the Delta and look forward to future engagement opportunities. Please contact me at (916) 376-8941 or at erik.vink@delta.ca.gov if I can provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Vink', written in a cursive style.

Erik Vink
Executive Director

cc: Chairman Oscar Villegas and members, Delta Protection Commission

**LONG ISLAND PROPERTY OWNER'S ASSOCIATION
LONG ISLAND – ON THE SACRAMENTO RIVER
WALNUT GROVE, CALIFORNIA**

Eric Sklar, President
California Fish and Game Commission
1416 Ninth Street Suite 1320
Sacramento, California 95814

February 6, 2020

Dear President Sklar and Members of the Commission,

The Long Island Property Owner's Association strongly urges you to reject the proposed modification of the Striped Bass Policy. Our Delta and the local business will be significantly adversely impacted by modification of the policy.

TWO SPECIFIC THOUGHTS

We urge you to include language that requires an objective and measurable target for Striped Bass (our observation is that the population has significantly declined)

We urge you to have language in the policy that provides for "Restore and Enhance" this fishery, NOT "monitor and manage."

We write you to express our strong opposition to the proposed update to the Striped Bass Policy. We are a group of neighbors of very diverse backgrounds and interests. The 32 homes on our island sit between Rio Vista and Isleton on the Sacramento river. One issue we all agree upon is our love for the Delta and helping the area stay vibrant. Many of our residents have lived and fished the area of the Sacramento River Delta for decades. We know this river and support the recreation and the businesses that depend on anglers who come to this area.

Many of our residents are active anglers and daily we see many recreational anglers and guide boats fishing in front of Long Island. We know how businesses struggle to survive in the Delta. Modification of the Striped Bass policy and eventual eradication of the species in the Delta undermines the quality of life and will be devastating to the businesses that depend on striped bass fishing as part of their livelihood.

Local businesses in the Delta struggle and need your help. Declining fish numbers, weed growth in the Sacramento river, sediment in the river and struggling local businesses all are big impacts. Do not add yet another impact. The recent designation of this area as the **Delta National Heritage Area underscores the importance of this region**. Commerce and quality fishing, as well as protection of our waterway is critical.

You certainly will hear all the science experts, but we are here to talk about quality of life for our residents, the many people who love to fish here and the businesses who depend on this fishery.

Please say NO, we are not going to modify the Striped Bass Policy.

The Long Island Property Owner's strongly urge you to say NO and instead say, "what can we do proactively to help this important area and incorporate several changes above?"

Sincerely,

A handwritten signature in black ink, appearing to read "John Ford". The signature is fluid and cursive, with the first name "John" and the last name "Ford" clearly distinguishable.

John Ford, President of the Long Island Property Owner's Association



Mr. Eric Sklar, President
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

February 7, 2020

RE: Striped Bass and Delta Fisheries Management Policies

Dear President Sklar and Members of the Fish and Game Commission:

The undersigned recreational fishing organizations (Coalition) write to express our continued opposition to the update of the Striped Bass Policy without an objective, measurable numeric target for striped bass management in the Delta. Additionally, our organizations strongly urge you to strengthen the management language in section 3 of the Delta Fisheries Management Policy.

Collectively, our organizations represent more than 50,000 members of the recreational fishing community. Recreational anglers generated \$61.83 million in fishing license sales for the California Department of Fish and Wildlife in 2018, raising \$16.51 million in federal aid through the Dingell-Johnson/ Wallop-Breaux Acts.

Striped bass were introduced in California back in 1879. Since that time, striped bass has been an economically significant and recreationally important fishery in the Delta. Recreational striped bass fishing is an economic driver creating revenue and jobs, supporting industry and local businesses, and draws tourism and competitive events. A numeric striped bass population target is necessary to ensure proper fisheries management of this important fishery.

The California Fish and Game Commission received the responsibility for promulgating regulations to manage sport fishing in 1945 through a constitutional amendment. The Department of Fish and Wildlife is charged with implementing and enforcing the regulations set by the Fish and Game Commission, as well as providing biological data and expertise to inform the Commission's decision-making process.

Furthermore, under the "About the California Fish and Game Commission – Historical Background" states, the "Department shall, upon request by the Commission, report on the subject of departmental adherence to specified Commission policies, and any administrative problems posing a need for

modifying, repealing or adding Commission policies.” It seems to clearly be within the purview of the California Fish and Game Commission to implement policies that include numeric management goals, as well as provide reports on how well the Department is meeting the goals outlined in a given policy.

Since 1996, the Department has been tasked with ensuring their actions increase striped bass abundance and restore the population to the 1980 population level of 1.1 million, with a long-term goal of 3 million adults under the Striped Bass Policy. The Department has not done so, and the population of striped bass continues to decline, despite the Department’s long-term mission and public trust responsibilities. Numeric targets are critical to hold the Department accountable in public trust and to the Commission.

In conclusion, the Coalition respectfully requests the Department include an objective, measurable numeric target be included in the Striped Bass Policy. Our support for the Delta Fisheries Management Policy is contingent on inclusion of a numeric target for striped bass populations in the Delta. In addition, we request replacement of “monitor and manage” language with “restore and enhance” language in the Delta Fisheries Management Policy to ensure more active management and commitment to recreational striped bass fishing opportunities in the interest of the public-trust and the fishery.

Sincerely,

Aoibheann Cline
Western States Coordinator, Congressional Sportsmen’s Foundation

James Stone
President, Nor-Cal Guides and Sportsmen’s Association

Dr. Cynthia Le Doux-Bloom
Senior Scientist, retired, State of California

Marko Mlikotin
Executive Director, California Sportfishing League

David Ostrach
Science Advisor, Allied Fishing Groups & Nor-Cal Guides and Sportsmen’s Association

Chad Tokowicz
Inland Fisheries Policy Manager, American Sportfishing Association

Capt. Jim Cox, retired
California Striped Bass Association

Gerald Neuburger
President 2017-2019, Delta Fly Fishers

Bill Jennings
Chairman/ Executive Director, California Sportfishing Protection Alliance

Fish and Game Commission
1416 Ninth St. Sacramento, Ca 95814

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COMMISSION

2020 FEB -7 PM 2:00

Commissioners,

I am Capt James Cox. I am President of the State Board of the California Striped Bass Assoc. I am also a retired sport fishing charter boat Captain.

I am writing you regarding the upcoming possible changes to the Striped Bass policy

The California Striped Bass Assoc, feels any changes to the current striped bass policy must include the following. An appropriate target objective is to restore the population to 1 million adults within the next 5 to 10 years taking into account the availability of habitat to support the species."

All other species that have policies without numeric goals ALL have management plans except striped bass. Management plans usually will have the goals included in them. Without a management plan the goal must be included in the policy.

The species that do not have goals in the policies are mostly commercial species with landing receipts and or hatchery tags , as in the case of salmon, that help to monitor the health of the specie. No such reporting for the strictly recreational take of striped bass.

The Dept of F&W has not even done a striped bass count in over ten years. There is no current information on the status of the striped bass population

We are not opposed to changes to the striped bass policy, but want to see at least a striped bass count done before making changes. As the new Delta Fisheries Policy and Fish and Game code require that "credible science" be used in to develop strategies and recommendations for managing delta fisheries.

Without a study or a count not only will credible science not be used but no science at all. If you arbitrarily take the target goal out of the striped bass policy, you are telling every striped bass fisherman in California that "credible science" applies to every specie in the delta except striped bass. To make changes to the striped bass policy without using credible science you will be violating your new delta fisheries policy and VIOLATING FISH AND GAME CODE!

I am one of the stakeholders involved in the negotiation of this new delta fisheries policy. The only votes against including a target number in the striped bass policy were the lawyers for the Coalition for a sustainable delta, all the sporting groups voted in favor of the 1 million goal number. This number is important to the policy for these reasons.

The Dept of Fish and Wildlife has not done a thing for striped bass for over two decades. Without a target number in the policy, this becomes a policy that will excuse another two decades of inaction.

I would like to make some comments about these negotiating sessions. A negotiation is a give and take between parties to come to a mutual agreement. To say these sessions were a negotiation is a misnomer. The sporting groups and the Coalition negotiated in earnest giving up points both wanted to come to a solution. Not so Fish and Game commission. Your representatives never gave up a single point, and continue to insist that there would only be one outcome to this, a policy with no goal. I feel the Commission representatives were disingenuous at best.

Your representatives, Ari Corman and your executive director kept giving us information regarding the commission that was very misleading. Both were trying to tell us, on a number of occasions, that the Commission does not get involved in management decisions. Your executive director went so far as to tell us that the "commission has no authority over the Dept"

Upon further investigation we have found that this information is not correct. This is the first paragraph on your commissions website.

Established by the California State Constitution, the [Fish and Game Commission](#) is composed of five commissioners appointed by the Governor and confirmed by the Senate. The Commission has been involved in the management and wise use of California's fish and wildlife resources since 1870. The Commission has general regulatory powers, under which it decides seasons, bag limits and methods of take for game animals and sport fish. With the passage of the Marine Life Management Act (MLMA) in 1998, management authority for many commercial fisheries has been transferred from the state Legislature, and now resides with the Commission. Many Californians are not fully aware of the identity, function or responsibilities of the California Fish and Game Commission, and consider it synonymous with the California Department of Fish and Wildlife. Actually, the Commission is a separate entity. Some have criticized the Commission's regulatory actions as being nothing more than a rubber stamp for CDFW's recommendations. A review of the Commission's actions on various Department recommendations indicates that this is not the case. In many instances, the Commission rejects or substantially modifies actions recommended by CDFW, but only where it is convinced that such action is in the best interest of the resource and truly reflects the wishes and needs of the people. It is only natural that the Commission often relies heavily on CDFW's biological data and recommendations, since CDFW has the largest staff of experts for compiling data on California's wildlife.

Sentence #2. "the commission has been involved in the MANAGMENT and wise use of California's fish and wildlife resources since 1870." So the commission does make management decisions

Sentence #5 says that the "commission now has management authority for many commercial fisheries". So the commission does have management authority, and management is not solely the Dept of F&W

Sentence #9 . In many instances, the Commission rejects or substantially modifies actions recommended by CDFW, but only where it is convinced that such action is in the best interest of the resource and truly reflects the wishes and needs of the people. So again you are suppose to be taking "the wishes and needs of the people" into account. I believe you have seen from the times striped bass fisherman have flooded your chambers that the majority of the fishing public do not want these changes.

Please make a decision that shows striped bass fisherman that you value striped bass as much as they do. You can do this by delaying any decision until a striped bass count is done, or accept the 1 million target goal in the policy.

Thank you,

Capt James R. Cox

A handwritten signature in cursive script that reads "James R. Cox". The signature is written in dark ink and is positioned below the typed name.

February 3, 2020

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COMMISSION

2020 FEB -7 PM 2:00

Melissa Miller-Henson, Executive Director
Eric Sklar, President
California Fish & Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Striped Bass Policy

Dear Executive Director Miller-Henson and President Sklar:

It is my understanding that the Commission does not want any numeric goals in a proposed new Striped Bass policy. It is difficult to understand how a policy does not set goals. An appropriate target objective is to restore the adult population of adult Striped Bass to 1 million fish within a 5 to 10 period taking into account the availability of habitat to support the species. This objective is far below the Departments 1989 goal of 3 million adults.

The DFW has not performed any population assessments on Striped Bass in over 10 years and has done nothing for Striped Bass in over 20 years... Most researchers estimate the adult population of adult Striped Bass to be around 250,000 fish. For any policy to be effective it must first know the current population of the species and have a target goal.

Paragraph III of the proposed Delta Fisheries Management Policy states that "The Department shall rely on credible science (as defined by Section 33 of the Fish and Game code) to develop strategies and recommendations for managing delta fisheries". If the Striped Bass Policy is changed without an adult population survey taken it would appear that there would be a violation of paragraph III of Delta Fisheries Management Policy. Section 33 of the F&G code also requires "credible science" to be used in any changes made to the Striped Bass Policy.

I am not opposed to changes in the existing Striped Bass Policy as long as it starts at the beginning, that being a comprehensive survey to establish the current adult population. From there changes can be made from an informed perspective.

Without a target number the Striped Bass Policy has no goal. Without a goal this is a policy of no action on Striped Bass and their recovery.

The Delta Fishery Management Policy and Striped Bass Policy were brought about by a petition filed by the Coalition for a Sustainable Delta and other water contractors who wish to drain the Delta for personal gain. If they were truly concerned about the state of Delta fisheries, why haven't they constructed the state of the art fish screening facilities at the pumps which were part of a settlement agreement?

The three most popular fisheries in California are: #1 trout; #2 Black Bass and #3 Striped Bass. The Delta Fisheries Management and Striped Bass Policy both target the second and third most popular fisheries in our State. Here is a link to Fish Bio outlining the decline of our fishery and anglers in our State;
<https://fishbio.com/field-notes/the-fish-report/decline-recreational-fishing-california>.

It is incumbent upon the Commission to do what is right for our public trust resource and the remaining anglers whose hard earned dollars support the Department of Fish & Wildlife. The current cost of a basic California fishing license is \$51.02. Also taken into consideration must be the related economic benefit to all industries and businesses which depend on the dollars expended by anglers. It is in the hundreds of millions of dollars.

Thank you for taking my comments into consideration.

Very Truly Yours,



Roger S. Mammon
4720 Oak Forest Avenue
Oakley, CA 94561
925-354-1125