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## Fish and Game Commission



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*Wildlife Heritage and Conservation*  
*Since 1870*

### WILDLIFE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Burns and President Sklar

### March 5, 2020 Meeting Summary

Following is a summary of the California Fish and Game Commission (Commission) Wildlife Resources Committee (WRC) meeting as prepared by staff. An audio recording of the meeting is available upon request.

#### Call to order

The meeting was called to order at 1:31 p.m. by Commissioner Burns at the Natural Resources Building, Redwood Room, 1416 Ninth Street, 14<sup>th</sup> Floor, Sacramento, CA 95814. Commissioner Burns gave welcoming remarks.

Wildlife Advisor Ari Cornman outlined meeting procedures and guidelines for participating in Committee discussions, noting that the Committee is a non-decision-making body that provides recommendations to the Commission on wildlife and inland fisheries items. He introduced Commission staff and California Department of Fish and Wildlife (Department) staff. The following Committee members, and Commission and Department staff, attended:

#### **Committee Co-Chairs**

Russell Burns	Present
Eric Sklar	Present

#### **Commission Staff**

Melissa Miller-Henson	Executive Director
Rachel Ballanti	Deputy Executive Director
Ari Cornman	Wildlife Advisor
Craig Castleton	Associate Government Program Analyst
Sherrie Fonbuena	Associate Government Program Analyst

#### **Department Staff**

David Bess	Chief, Law Enforcement Division
Chris Stoots	Captain, Law Enforcement Division
Roger Bloom	Acting Branch Chief, Fisheries Branch
Karen Mitchell	Senior Environmental Scientist (Specialist), Fisheries Branch
Ona Alminas	Senior Environmental Scientist, Regulations Unit

### **1. Approve agenda and order of items**

The Committee approved the agenda and order of items.

### **2. Public comment for items not on the agenda**

There was no public comment.

### **3. Simplification of statewide inland fishing regulations**

Roger Bloom asked if any in attendance had attended one of the town halls previously held by the Department. A show of hands indicated that many had. Roger said that the Department was still receiving input from stakeholders through the week before this meeting, and that the day's discussion is to continue to receive input.

#### *Discussion*

A stakeholder asked if there had been changes to the inland fishing regulations within the last month, and Roger acknowledged that there were. Copies of the current proposal were furnished to meeting participants. Co-chair Sklar assured everyone that there would be other opportunities beyond that day's meeting to provide comment.

Roger stated that the Golden Trout Wilderness had been changed to zero bag limit, barbless hook. A commenter asked for an explanation of section 7.0. Roger explained that section 7.0 held the district regulations and the use of bait by district, and under the proposal the district regulations would be repealed but the bait restrictions would remain.

A stakeholder clarified that in the proposal, the way it is currently written, the statewide regulation would apply to all waters in the state, except for specific protected waters that had different regulations listed individually.

A commenter expressed concern that eliminating size restrictions for rainbow trout on the Kern River would prevent trout restoration. Roger answered that, as a stocked river, the Department elected to propose an increase in opportunity in some areas to help protect other hatchery stock elsewhere. The stakeholder stated that he hoped the Kern River tributaries were protected by the proposal.

A stakeholder asked if the current proposal could be replaced with a system of statewide protection (particularly headwaters and tributaries), with specific waters opened individually. He also suggested a regulatory split between "still waters" and "moving waters". Roger answered that the Department considered the former idea, but it would create problems with changes in stocking regime. Also, such a change would result in more regulations than the currently proposed system. Co-chair Sklar asked about the impact on tributaries that typically close for the season but would be open year-round under the proposed regulations. Roger answered that the additional impacts to the tributaries would not be meaningful because many of the areas are inaccessible, and productivity and catch rates fall off precipitously during certain times of the year. The Department tried to balance increasing angling opportunity with conserving resources.

A commenter spoke about the North Yuba River and its tributaries, offered some history, and stated that the fishery was in decline due to predators and algae blooms. He raised concerns with opening the fishing year-round under the statewide regulation. Co-chair Sklar explained the purpose and reasoning behind simplification. Roger stated that the lower section of the North Yuba below highway 49 is already open year-round. Some of the tributaries are designated Wild Trout Waters. The Department is committed to long-term monitoring to detect overfishing and assess the effectiveness of the regulations. Co-chair Sklar said that the Commission wants to hear from the people that know the waters and that the Commission has a system for instituting emergency regulations when necessary. Ari noted that the Department intends to use adaptive management in managing the waters of the state, and that the menu framework embodied by the proposal allows the flexibility to adapt to changes but still maintain the regulatory system.

A commenter stressed the importance of management plans for rivers. Another commenter stressed that regulations should be based on scientific data.

A representative of Trout Unlimited expressed appreciation for the opportunities to provide feedback during development of the proposed regulations. He stressed that regulations should be based on either the best scientific data or substantial public opinion in favor of the change. He defended the existence of “boutique fisheries” to provide a diversity of angling opportunities. He questioned the need for the proposed regulation, stating the current regulations are not overly complex. Chief Bess explained that game wardens in the field regularly hear that the regulations are too complex, and that court cases have been dismissed because the judge could not understand the regulations.

Co-chair Sklar explained that a huge range of people participate in fishing and need to understand the regulations. A stakeholder stated that he can give advice to people who want to fish and encouraged the Department to develop an app for fishing regulations. Roger explained the complexity of the regulatory effort, and that it was a chance to fundamentally reexamine trout management in the state. Chief Bess explained that he counsels his officers to ask why regulations are in place, what the conservation benefit is, and what is being protected, as guidance for how to exercise their discretion. He added that those present at the meeting are subject matter experts in their local conditions, but much of the regulated public are not.

In response to a question, Co-chair Sklar gave examples of the many complaints the commissioners and Department have received about the complexity of the fishing regulations both from the public and the wildlife officers. He reviewed some of the meeting’s previous comments to ensure they were addressed and explained the need to regularly review the regulations. Co-chair Burns and Roger both reiterated that changes could be made to the regulation in the future as needed.

A commenter said that the East Carson River below Hangman’s Bridge only has one angler “refuge” for barbless artificial lures, which was being changed in the proposal, and asked if it and/or others could be preserved in Alpine County. Co-chair Sklar indicated that he wanted to think about the issue some more. Roger spoke about how aligning expectations with the actual experience creates angler satisfaction. He explained that the proposal struck a compromise to allow some opportunity on a stocked fish, angler experience, and protection of the fish populations, and was guided by Department and Commission policy and management goals.

A stakeholder discussed the upper Owens River and the regulatory changes that have occurred over the years. He agreed with the proposal to change the Owens River to a zero bag limit but had concerns with the change in gear restrictions. Roger answered that the change was in response to public input, and as a compromise the Department tried to balance experiences and protecting the resources. The stakeholder raised concerns about lobbyists, and Co-chair Burns responded that the Commission listens to all concerns, not just those from lobbyists. Roger offered some information about Department stocking and scientific data in the upper Owens River area.

Co-chair Burns asked if there would be changes to the proposed regulations based on the discussion today, and Roger indicated that the Department would consider all comments. A stakeholder praised the Department and Commission for facilitating public participation. Another stakeholder stated his satisfaction with creating a catch-and-release only, artificial bait rule for tributaries to Lake Tahoe.

Stakeholders asked about and expressed concerns about the resources to implement management, and Melissa Miller-Henson explained that the Department has the responsibility for day-to-day management of the fish resources, not the Commission. Roger added that the Department is looking into citizen science and volunteers to get more data.

A commenter asked about protecting upstream areas of the Carson River, and Roger answered that the experience would be different than under current regulations. Members of the public can always petition the Commission for regulation changes, but changes need to be consistent with policy.

A stakeholder asked about the Department's plans for data collection in the future, and Roger answered that the Department will be working on that after the regulation goes into effect.

A stakeholder raised concerns about stocking techniques and suggested spreading fish around during stocking, as opposed to the current practice of concentrating them.

Ari went over the schedule for future actions, including presenting the recommendation at the April 2020 Commission meeting and the notice hearing in June 2020. The Commission encourages comments at the April meeting, and the Department will present any changes to the proposal at that meeting so that the public is clear what will be proposed for the notice hearing.

### *Committee Recommendation*

WRC recommended that the Commission support the proposed regulation changes for the statewide inland sport fishing regulations revision and simplification project, as proposed by the Department and presented in the materials for the meeting.

### **Adjourn**

The Committee adjourned at 2:56 p.m.