

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Sections 3.00, 4.00, 5.00, 5.41, 5.85, 7.00, 7.50, 8.10

Add Sections 5.84, 5.89, 7.40

Title 14, Code of Regulations

Re: Simplification of Statewide Inland Sport Fishing Regulations

I. Date of Initial Statement of Reasons: May 6, 2020

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: June 25, 2020

Location: Teleconference

(b) Discussion Hearing

Date: August 20, 2020

Location: Teleconference

(c) Adoption Hearing

Date: October 15, 2020

Location: Teleconference

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Purpose

Regulations on the take of sport fish in California have been enacted since the late 1800s. Uncontrolled fishing can have a dramatic, negative impact on sport fishing resources. Considering the size, diversity, and conservation of California's inland (freshwater) fisheries and waters, in the past hundred years as the number of anglers in California increased, the number and complexity of fishing regulations likewise increased. For years, the Fish and Game Commission (Commission) and the California Department of Fish and Wildlife (Department) have heard concerns from anglers about the complexity of freshwater sport fishing regulations. Some anglers (or potential anglers) may be dissuaded from fishing due to actual or perceived difficulty in complying with the regulations. This regulatory package represents Phase I of the proposed process and focuses on simplifying and streamlining the sport fishing regulations for inland trout waters. The Department will prepare a separate regulatory package in the near future (i.e., Phase II) to address the complexity of the sport fishing regulations for those inland waters that are utilized by adult fish for migration and spawning after spending the majority of their lives in the ocean (i.e., anadromous waters) .

The purpose and necessity of the proposed regulation changes is to address anglers' concerns regarding the complexity of the inland sport fishing regulations by simplifying the various regulatory options, and to align the inland trout regulations with the Department's current fisheries management goals and objectives. Major proposed changes aim to:

- Separate regulations for inland trout (i.e., non-anadromous waters) from those for steelhead and salmon (i.e., anadromous waters), a process that facilitates the production of separate regulations booklets to help provide clarity to anglers;
- Replace the District Regulations (Section 7.00) with statewide regulations separated for trout; and
- Standardize and consolidate the Special Fishing Regulations (Section 7.50).

The proposed changes aim to increase regulatory consistency statewide, reduce complexity of the inland sport fishing regulations, and remove regulations that are no longer biologically justifiable.

A. Regulatory Elements

Regulations are important because they:

- (1) Protect sport fish from overharvest, including species that are designated as threatened, endangered, or species of special concern;
- (2) Enhance trophy or quality trout fishing as part of the Department's Wild Trout or Catch and Release Program; and
- (3) Provide for equitable distribution of the catchable-sized trout that comprise the Department's put-and-take program.

Normally, no single element of a regulation controls a sport fishery. For example, most trout streams in California have both a closed season and bag limit. The type of gear, legal fishing hours, and use of bait are also part of the regulatory equation. Most often, combinations of elements of regulations apply to a given water. The following is a description of each element of regulation used to manage trout populations in California.

1) Seasons (Specified Opened or Closed Seasons)

The "general trout season" runs all year for lakes and reservoirs, and from the last Saturday in April through November 15 for most streams and rivers. Trout stream closures are normally applied to maintain an adequate breeding population. Streams are commonly closed during the trout reproductive seasons of either fall or spring to protect spawning fish, at a time when the population is especially vulnerable to harvest. However, there are exceptions based on the location of the water, species, and life history. The closure through the spring (in some waters, through the end of April, in other waters, through the end of May) tends to protect Rainbow, Golden and Cutthroat Trout, whereas the fall closures protect Kokanee Salmon, Brown, and Brook Trout. Since trout spawn over a period of several weeks which extends into the open season, the late spawning fish are generally not protected from the sport fishing closures. Spring spawning trout normally spawn from March through May, but some high elevation Golden Trout populations may spawn as late as July. Snow and ice cover protect many late spawning trout in high elevation streams. Fall-spawning trout may spawn from October through December. Thus, the stream trout seasons that start on the last Saturday in April through either October 31 or November 15 protect some, but not all spawners.

2) Bag and Possession Limits

The key purpose for restricting the number of trout an angler can take (“bag limit”) and possess (“possession limit”) is to prevent a given fish population from becoming overharvested. That is, the population is so reduced in density by fishing that remaining fish are too small to be desirable, or so few that fishing success declines to unacceptable levels. Bag limits are also deemed necessary to help spread the catch among anglers. This is the principal reason for the current five fish or less daily bag limit for most trout.

On a water with a 10 trout possession limit and five trout bag limit, an angler may take up to five trout on the first day of fishing, and five trout on the second day to comprise the 10 fish possession limit. Except for areas where a Brook Trout bonus bag limit is allowed, it is unlawful for an individual angler to take more than five trout on any single day or have more than 10 trout in possession on such a water. Thus, in this example, an angler with 10 fish in possession cannot fish on the third day unless one or more of the 10 fish have been consumed or given away.

3) Size Limits

Minimum size limits have been imposed on a growing number of trout lakes and streams in California. These are invariably combined with reduced bag limits and the requirement that only artificial lures and/or flies with barbless hooks may be used. In almost all instances, such waters are officially designated Wild Trout or catch and release waters. The basic purpose is to provide more trophy trout for the sport anglers.

4) Gear and Bait Restrictions

Gear and bait restrictions are applied to waters with listed or sensitive trout populations. Fish caught using bait have the highest rate of mortality. Bait-caught fish tend to be more deeply hooked, which makes release more difficult, and increases the risk of injury to vital organs. Therefore, bait is generally permitted for use only on waters with minimal restrictions on harvest. Waters with sensitive trout populations require conservative gear restrictions to reduce angling impacts. Reducing fish mortality requires the safe release of captured trout. Trout caught using artificial lures can be released with a greater chance of survival than fish caught on bait of some kind. Barbless hooks tend minimize potential injury to the fish and makes their release easier. Artificial lures or flies with barbless hooks are normally required in catch and release waters to reduce injuries to fish and make it easier to release fish. With rare exception, artificial lures or flies are required wherever size limits are in force.

B. Comprehensive Evaluation: Trout Menu

In 2013, the Department initiated a comprehensive evaluation of the inland sport fishing regulations to address concerns from anglers regarding years of complex regulations. For example, currently there are 212 inland special regulation waters in Section 7.50(b), including 88 different seasons, 13 different size restrictions, 10 different gear restrictions, and 6 different bag and possession limits, for both anadromous and non-anadromous waters. Furthermore, many waters have not been monitored for regulation effectiveness, and changes in hatchery stocking and angling practices warrant an updated evaluation of the sport fishing regulations.

The Department has been working to develop a framework to simplify sport fishing regulations guided by five goals, or tenets:

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

After significant review of Special Fishing Regulations in Title 14, subsection 7.50(b), it became apparent much of the complexity and associated public frustration stemmed from the diversity of different regulations established over decades that had limited alignment or consistency. The use of District Fishing Regulations in Title 14, Section 7.00 increases confusion and inconsistency by applying political boundaries in contrast to the watershed approach found within the Special Fishing Regulations. Although some of the regulations fit with apparent management objectives, others did not, or were no longer appropriate for current fisheries.

As part of this effort, the Department developed a suite of regulations, or "menu," comprised of angling seasons, bag and possession limits, size limits, and gear restrictions, to standardize the Special Fishing Regulations in Title 14, subsection 7.50(b) and uncouple the inland trout waters from the District General Regulations in Title 14, subsections 7.00(a)-(g) and from anadromous waters. This menu represents the foundation of this rulemaking. At its February 2019 meeting, the Commission endorsed the menu concept for simplifying and organizing the inland trout regulations and allowed the Department to select from a standardized suite of established management approaches. As the menu evolved between 2019 and 2020, Department state, regional and local staff have worked with stakeholders to assess and select the most appropriate regulations for inland trout waters statewide as outlined in the following pages.

The regulations menu described below is the result of a collaborative effort by partners and fisheries biologists throughout the state to standardize the Special Fishing Regulations based on fisheries management goals, which include maximizing fishing opportunity (most liberal) and protecting sensitive fishery populations (most conservative). The process for developing the menu started with identifying the statewide regulations for trout, evaluating the frequency of the most used special regulations, identifying which regulations continue to be biologically and locally relevant, and which are no longer relevant, and then consolidating the relevant regulations into the menu suite of biologically justifiable regulations that most effectively manage California's trout populations. To help achieve statewide consistency across inland trout waters within the Special Fishing Regulations, the District General Regulations in Title 14 Section 7.00 have been replaced by a Statewide Regulation for all inland trout waters under the proposed amended Section 5.85.

1) Trout Menu Coding

The trout menu primarily applies to amended sections 5.85, 7.00 and 7.50, and added Section 7.40. The menu described below is divided into three categories of a standardized suite of

management approaches reflected as regulatory elements for the 200+ special inland waters in California:

- An updated Statewide Regulation;
- Seasons; and
- Bag/ Possession Limits (plus gear restrictions and size limits).

Statewide Regulations

“**SL**” for Lakes and Reservoirs (proposed in amended subsection 5.85(a)(1)):

Open all year, five trout daily bag limit, 10 trout in possession.

- Slow-moving waters subject to this statewide regulation represent robust, self-sustaining, and stocked fisheries with a maximum sustainable harvest with emphasis on high natural yield and/or elevated stocking rates.

“**SR**” for Rivers and Streams (proposed in amended subsection 5.85(a)(2)):

From the last Saturday in April through November 15, five trout daily bag limit, 10 trout in possession; and, from November 16 through the Friday preceding the last Saturday in April, 0 trout bag limit, artificial lures with barbless hooks only and trout must be released unharmed and not removed from the water.

- Fast-moving waters subject to this statewide regulation align with the traditional trout season, previous district regulations, and Commission Policy¹, for both wild and stocked fisheries with a goal of sustainable harvest, while allowing catch and release during the fall and early spring in an effort to increase angling opportunities, while also reducing population level effects stemming from over-harvest and/or associated hooking mortality.

Seasons

Seasons are described as follows, and designated by capital letters A-J (under “Menu Option” column shown in the amended subsection 7.50(b) table):

- A. All year** = Most liberal and focused on maximizing angling opportunities.
- B. Last Saturday in April through November 15** = Spring and summer angling season for both stocked and wild trout. Alignment with traditional trout season and Commission Policy for trout opener. Limited protections for spring and fall spawning trout.
- C. November 16 through the Friday preceding the last Saturday in April** = For use in conjunction with a spring and summer angling season (**B**) to implement more restrictive bag limits and gear restrictions during spring and fall spawning.
- D. Last Saturday in April through July 31** = Alignment with a “traditional” trout opener (**A**) to support local communities for seasonal economic and fiscal needs (i.e., spring and summer tourism), and public safety concerns.

¹ Fish and Game Commission Policy, Amended January 4, 1994. Trout. Available from: <https://fgc.ca.gov/About/Policies/Fisheries#Trout>

- E. August 1 through November 15 = Summer and fall angling season to allow for limited/selected harvest or closures to protect spawning runs, thermal refuges, or periods of elevated water temperatures.
- F. Saturday preceding Memorial Day through September 30 = Summer angling season where both spring and fall spawning trout aggregations occur.
- G. Saturday preceding Memorial Day through the last day in February = Spring fishing closure to protect spring spawning trout.
- H. September 1 through November 30 = Fall angling season to either protect fall spawning trout aggregations or allow angling during the fall when summer temperatures make angling impacts more significant.
- I. October 1 through the Friday preceding Memorial Day = For use in conjunction with a summer angling season (F) to implement more restrictive bag limits and gear restrictions during spring and fall spawning.
- J. Closed to fishing all year = Most conservative and used to protect populations that are listed species under the state or federal Endangered Species Act or imperiled populations upon which angling could have a significant negative effect.

Bag and Possession Limits and Gear Restrictions

Bag and Possession Limits and Gear Restrictions are described as follows, and designated by numbers 1-7 (under "Menu Option" column shown in the amended subsection 7.50(b) table):

1. 5 trout, no gear restrictions = (most liberal) Robust, self-sustaining fisheries with low to moderate angling, or stocked fisheries with maximum sustainable harvest.
2. 2 trout per day, 4 trout in possession, no gear restrictions = Limited daily harvest but with additional possession, set for limited effect to hatchery supplemented or productive self-sustaining fisheries to allow some harvest. Moderate concern regarding harvest with minimal threat to total population.
3. 2 trout, artificial lures = Limited daily harvest without additional possession, set for limited effect to less productive self-sustaining fisheries to allow some harvest. Moderate concern regarding harvest with minimal threat to total population.
4. 2 trout with 14" total length minimum, artificial lures = Limited selected harvest with protection for smaller age classes. Allows most individuals to spawn prior to entering the fishery.
5. 2 trout with 18" total length minimum, artificial lures = Limited selected harvest with protection for smaller age classes in high productivity systems that can produce large trout. Allows individuals to spawn prior to trophy sized harvest.
6. 0 trout, artificial lures with barbless hooks = Reduce angling impacts to listed or sensitive populations, mitigate high use areas, seasonally eliminate harvest of spawning fish, or to achieve fast action or trophy fisheries.
7. 0 trout, artificial flies with barbless hooks = (most conservative) Reduce angling impacts to listed or sensitive populations, mitigate high use areas, seasonally eliminate harvest of

spawning trout, achieve fast action or trophy fisheries, and/or promote/retain unique angling experiences.

2) Trout Menu Codes Applied

For the proposed Section 7.50 regulatory language “Alphabetical List of Trout Waters with Special Fishing Regulations,” in the table encompassing subsection 7.50(b), a right-hand column has been added called “Menu Option” to serve as an easy reference to the assigned management approach of each special regulation water. This column is only shown for the purpose of clarity for the ISOR to indicate any changes affecting a water. The options are either assignment to one of the two statewide regulations (SL, or SR), a combination from the trout menu of season, bag/possession and gear limitations for each state water, or coding showing the water has been moved to another section or deleted. The coding is also shown by special water in the Decision Matrix, Summary Table of Changes for the subsection 7.50(b) regulatory table (**Appendix A**).

Combined options for season (letter) and bag/possession limit and gear limitation (number) present as a capital letter-number code. For example, “B5” would signify a water with a season from the last Saturday in April through November 15, a bag/possession limit of 2 trout with 18” minimum size, and a gear restriction of artificial lures.

Two other codes in the right-hand column in the subsection 7.50(b) table inform anglers of how that particular water is considered, if it doesn’t fall under one of the above codes.

“**HSS**” Refers to waters moved to the newly added Section 7.40 of Title 14 under the anadromous table for salmon and steelhead, proposed for naming as “Alphabetical List of Hatchery Steelhead and Salmon Waters with Special Fishing Regulations.” Those waters with HSS coding are shown as ~~strikeout~~ in Section 7.50 because they are proposed for relocation to Section 7.40.

“**Del##**” Refers to a special water or regulation that is proposed for removal entirely from the Section 7.50(b) special regulations table, and justification for the removal is outlined by numerical increment below under the description for amendment of Section 7.50.

C. Presentation of The Proposed Regulations

The proposed regulatory revisions by section fall under three general categories, and are described in this ISOR in the following order:

1. Proposed for Amendment
 - a. Sections 5.00, 5.41, 5.85, 7.00, 7.50 (with expanded discussion on application of the trout menu), and 8.10
2. Proposed for Addition
 - a. Sections 5.84, 5.89, and 7.40
3. Proposed Changes Without Regulatory Effect (e.g., re-numbering, re-ordering, or relocating a regulatory provision)
 - a. Sections 3.00 and 4.00

D. Proposed for Amendment

Amend subsection 5.00(b) Black Bass, Special Regulations

- Remove subsections (b)(3) Lassen County; (b)(4) Modoc County; (b)(7) Shasta County; (b)(9) Big Lake (Shasta County); (b)(13) Diamond Valley Lake; (b)(15) El Capitan Reservoir; (b)(22) Perris Lake; (b)(25) Silverwood Lake; (b)(26) Skinner Lake; and (b)(28) Trinity Lake.

The Department is proposing to remove these subsections from the bass special regulations. Therefore, these waters will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit. Specifically, two changes of non-regulatory effect include removal of (b)(15) El Capitan Reservoir, and (b)(22) Perris Lake as listed in the table, due to existing redundancy with the statewide standard because the season (all year), size (12-inch minimum), and bag limit already matches that of the statewide standard. It is necessary to remove the remaining subsections from the bass special regulations because there is no longer a biological reason to support a special regulation on these waters, so these waters will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit. This will allow anglers to harvest bass of a size relatively safer to consume given the advisories for consumption set forth through the Office of Environmental Health Hazard Assessment (OEHHA) and Water Quality Control Boards due to bioaccumulation of mercury and other concerning substances. The predominant catch and release culture in the bass fishing community also makes increased protection afforded by reduced bag limits and increased size limits unnecessary and moot.

- Remove Subsection (b)(29) Trout Lake

The Department is proposing to amend the exiting bass fishing season on Trout Lake to align with the proposed new trout fishing season under the Statewide Regulation "SL" as listed in subsection 7.50(b)(195.5) for Trout Lake. Under existing regulations, the fishing season for trout and bass is limited to Wednesdays and weekends from the last Saturday in April through September 30. This season is in place to restrict fishing in the Shasta Valley Wildlife Area during the waterfowl hunting season. There is no longer a biological reason for restricting the fishing season on this lake. In addition, the Department no longer manages Trout Lake as a trophy bass fishery, thus the current 22-inch minimum size limit and one fish bag limit is no longer necessary. Therefore, the Department is proposing to remove Trout Lake from the Special Black Bass fishing regulations. The Department's Lands division would be responsible for restricting access to Trout Lake, and any special closures will be addressed in the Wildlife Area regulations. This change will align the fishing seasons for bass and trout on the lake and, thus, eliminate potential law enforcement issues. With the removal of Trout Lake from 5.00(b), the regulation for bass fishing on that lake will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit.

- Amend subsections (b)(2) for waters in Inyo County, and (b)(5) and (b)(16) for waters in Mono County.

The Department is amending subsections (b)(2) and (b)(5) for waters in Inyo County to include reference to Inyo County streams and rivers in the Special Fishing Regulations in subsection 7.50(b). Subsection (b)(2) and (b)(5) amendments also clarify the closure to black bass fishing from November 16 to the Friday preceding the last Saturday in April to ensure anglers understand the open season is late April through November 15. Subsection (b)(16) similarly includes reference to Mono County streams and rivers in the Special Fishing Regulations in subsection 7.50(b), while correcting a reference for Fish Slough to the boundaries from Owens Valley Native Fishes Sanctuaries to the BLM Spring. These changes are necessary to ensure anglers are clear on season dates, geographic boundaries, and other considerations for Inyo and Mono counties.

- Re-numbering of the waters in 5.00(b)

The resulting proposed list of special black bass waters is re-numbered by paragraph for clarity and consistency.

Amend Section 5.41. Landlocked Salmon.

Subsection (e) is amended so that the same exceptions formerly referenced in subsection 7.50(b) are specifically listed within this subsection with a daily bag limit of ten salmon, and possession limit of twenty. It is necessary to make this change since the regulation of landlocked salmon is no longer indicated in subsection 7.50(b).

Amend Section 5.85. Trout.

The name of this section is changed to reflect that only trout (and not salmon) are covered under this general regulation. Additional introductory language is added to clarify how the bag and possession limits should be interpreted, for the total number of trout in combination.

- Under subsection (a)(1), the Department is proposing to remove all “non-special” trout fishing regulations for inland lakes and reservoirs from Section 7.00 District General Regulations and move them to Section 5.85, Trout. This addition of subsection (a)(1) to Section 5.85 provides the new proposed statewide regulation for slow-moving waters, or inland lakes, reservoirs, and ponds, as described in the trout menu and noted by the coding “SL.” These Statewide Regulation waters will be open to fishing year-round, with a five trout daily bag limit, a 10 trout possession limit, no size limit, and no gear restrictions. This Statewide Regulation is intended to be applied to those waters that have self-sustaining and/or stocked fisheries where the maximum catch can be harvested sustainably, based on high natural yield and/or elevated stocking rates. Therefore, the most liberal angling regulations can be applied to these waters.
- Under subsection (a)(2), the Department is proposing to remove all trout fishing regulations for inland rivers and streams from the Section 7.00 District General Regulations and move them to Section 5.85, Trout. This addition of subsection (a)(2) to Section 5.85 provides the new proposed statewide regulation for fast-moving waters, or rivers, streams, creeks, and

canals as described in the trout menu and noted by the coding “SR.” Under the new Statewide Regulation, these waters will be open to fishing from the last Saturday in April through November 15, with a five trout daily bag limit, and a 10 trout possession limit; and, from November 16 through the Friday preceding the last Saturday in April, with a zero trout bag limit, a gear restriction of artificial lures with barbless hooks only, and a requirement that trout must be released unharmed and should not be removed from the water. These waters have self-sustaining and/or stocked fisheries where the maximum catch can be harvested sustainably and, therefore, the most liberal angling regulations can be applied to these waters. The changes will increase fishing opportunities in areas where waters are closed to fishing in the winter and decrease fishing opportunities in areas where waters are currently open to fishing in the winter with allowable harvest. A detailed description of the effects is provided below.

- Subsection (a)(3) describes exceptions to the statewide regulations, and under paragraph (A) refers readers to Section 7.50, Alphabetical List of Waters with Special Fishing Regulations for individual trout waters with special regulations that would not fall under the statewide regulation. Paragraph (B) further clarifies that Brook Trout bag and possession limits may be in addition to the statewide trout bag and possession limits.

This proposal will result in either no change to the current regulations or an added possession limit for waters moved to the statewide regulation. Below is a description of changes to the district waters, Section 7.00.

Subsection (a) is necessary to inform anglers of the statewide standard season, bag, possession limit for lakes, reservoirs, and ponds, as well as streams, rivers, creeks, and canals that are not subject to a special regulation in subsection 7.50(b).

Amend Section 7.00. District General Regulations

To address anglers’ concerns regarding the complexity of the 7.00 District General Regulations, the Department is proposing to uncouple the state’s inland trout waters from the District General Regulations. Most trout waters currently under the District General Regulations will be moved to either the new subsection 5.85(a)(1), Statewide Regulation for lakes and reservoirs, or to subsection 5.85 (a)(2), Statewide Regulation for rivers, streams, and creeks. Some individual trout waters will require special restrictions and reduced bag limits and, therefore, will be moved to Section 7.50, Special Fishing Regulations. The amendments will result in little or no substantive change to the regulations for most waters currently under the District General Regulations. Clarifications are made to the opening paragraph prior to subsection 7.00(a) to ensure that hatchery trout and hatchery steelhead are covered under Section 7.00.

The Department proposes to remove or amend the following subsections:

- (a)(1) and (b)(3), delete these subsections: Waters under the North Coast District and Sierra District subsections are currently open to fishing all year, with a five-trout daily bag limit, a 10 trout possession limit, no size limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(1), the new

Statewide Regulation for lakes and reservoirs. In effect, there will be no substantive change to the existing regulations for these waters.

- (a)(4), (b)(4), and (b)(7), delete these subsections: Waters under the North Coast District and Sierra District subsections are currently open to fishing from the last Saturday in April through November 15, with a five-trout daily bag limit, a 10 trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers, and streams, which will extend the fishing season on these waters to year-round with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April. This proposed change will increase fishing opportunities on these waters during the winter and early spring while protecting spawning wild trout.
- (a)(5) and (b)(9), delete these subsections: The current bonus bag limit for Brook Trout under the North Coast and Sierra District subsections will move/ revert to a new Section 5.84, Statewide Regulation for Brook Trout. The new Statewide Regulation for Brook Trout will apply to all inland trout waters not listed under the Special Fishing Regulations, with the exception of Red Lake in Alpine County which is managed for trophy-sized trout by stocking effort.
- (b)(5), delete this subsection: Waters under this subsection in Shasta County are currently open to fishing from the last Saturday in April through November 15, with a two-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This proposed change will increase the current daily bag limit to five trout and add a 10 trout possession limit. In addition, the fishing season will be extended to year-round, with catch and release fishing only allowed from November 16 through the Friday preceding the last Saturday in April. This proposed change will increase fishing opportunities on these waters in the winter and early spring while protecting wild trout populations.
- (b)(6), delete this subsection: Waters under this subsection in Lassen and Modoc counties are currently open to fishing from the Saturday preceding Memorial Day through November 15, with a five-trout daily bag limit, a 10 trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This will extend the fishing season to year-round, with catch and release fishing only allowed from November 16 through the Friday preceding the last Saturday in April. This proposed change will increase fishing opportunities on these waters in the winter and early spring while protecting wild trout populations.
- (c)(1), (d)(1), (e)(1), (f)(1), and (g)(2), delete these subsections: Waters under these subsections in the North Central District, Valley District, South Central District, Southern District, and Colorado River District are currently open to fishing all year, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(1), Statewide Regulation

for lakes and reservoirs. As a result, the possession limit on these waters will increase from five trout to 10 trout.

- (d)(3), (f)(3), (f)(5), and (g)(2), delete these subsections: Waters under these subsections in the Valley District, Southern District, and Colorado River District are currently open to fishing all year, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. As a result, the possession limit will increase from five trout to 10 trout from the last Saturday in April through November 15. Catch and release fishing only will be allowed from November 16 through the Friday preceding the last Saturday in April. While this proposed change will remove the opportunity to harvest trout in the winter and early spring to protect spawning wild trout, moving these subsections to the Statewide Regulations fulfills the goals of simplification and management.
- (e)(3) amend this subsection: Waters under this subsection for Alameda, Contra Costa, and Santa Clara counties are currently open to fishing from the last Saturday in April through November 15, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams for trout. This will increase the possession limit to 10 trout and extend the fishing season to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April. This proposed change will increase fishing opportunities on these waters in the winter and early spring while protecting spawning wild trout. The amendment to this subsection also clarifies that waters under these three counties are closed to the take of salmon.
- (g)(1), delete this subsection: Waters under this subsection are currently open to fishing year-round, with a 10 trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. This will reduce the daily bag limit from 10 trout to five trout from the last Saturday in April through November 15 and restrict fishing to catch and release only from November 16 through the Friday preceding the last Saturday in April. While this proposed change will remove the opportunity to harvest trout in the winter and early spring to protect spawning wild trout, moving these subsections to the Statewide Regulations fulfills the goals of simplification and management.
- (b)(8), delete this subsection: This language is no longer needed under Section 7.00(b) as all Mono County waters under the District General Regulations will be subject to the new Statewide Regulations for trout (i.e., Section 5.85(a) or Section 5.85(b)), or to Section 7.50(b), Special Fishing Regulations. This language does not need to be moved to Section 5.85 or Section 7.50 as waters under the new Statewide Regulations will be open to fishing year-round and similar language already exists under subsection 7.50(a)(3) of the Special Fishing Regulations.
- (b)(2), amend this subsection: Anadromous waters under this subsection for Tehama and Shasta counties are currently open to fishing from the last Saturday in April through

November 15, with a two-trout or steelhead daily bag and possession limit, and artificial lures with barbless hooks restriction. This subsection is amended for section and paragraph numbers, and to clarify the artificial lures possess hooks that are barbless.

- Edits for clarity and consistency: These edits include re-numbering of paragraphs within District Regulations in subsections 7.00(b) through (g), adjusted capitalization of certain words throughout Section 7.00, and specification of the referenced Section number to clarify interpretation from the previous 7.50 to the newly added 7.40 section.

Amend Section 7.50. Alphabetical List of Trout Waters with Special Fishing Regulations

It is necessary to streamline the Special Regulations for trout waters by utilizing the trout menu described above to align the regulations with the Department's current fisheries management goals and objectives. The regulations proposed herein were tailored to each individual water, and include a variety of combinations of regulation elements, such as bag limits, gear restrictions, season restrictions, and size limits. Upon review of the extensive public input received during pre-notice outreach efforts (Appendix B), Department fisheries biologists and managers, often in consultation with fishing groups or individuals, assigned waters to the trout menu based on their expertise and knowledge of specific waters in their management area.

As a result of this streamlining process, the number of:

- Special fishing seasons for trout-only waters will be reduced from 30 to 10;
- Special size limits will be reduced from 8 to 2;
- Different gear restrictions will be reduced from 10 to 7;
- Different bag/ possession limits will be reduced from 6 to 4; and
- Fishing opportunities will be expanded on nearly 50 percent of the existing special regulation waters from a reduced season to year-round.

As noted in **Appendix A**, proposed amendments and additional comments and considerations are summarized for Section 7.50(b), Alphabetical List of Waters with Special Fishing Regulations. This table includes the biological and management rationale for proposed changes to each special water, as well as other considerations such as public input, socio-economic considerations, traditional values, access, public safety, etc.

For those special waters without a special assigned management approach from the menu listed in Appendix A, the proposed regulatory text outlining the "Menu Option" in the right-hand column indicates the assigned management approach of each water (assignment to Statewide lakes/reservoirs, or "SL", statewide rivers and streams, or "SR", etc.)

Truckee River Management Options, Section 7.50(b), Subsections (196)(B), (196)(C), and (196)(D)

At the Commission's April 15, 2020 meeting, George Osborn, representing Mr. Montna, requested that the Commission consider Mr. Montna's proposal as an alternative to the Department's proposed regulations for the Truckee River, subsections (196)(B), (C), and (D). The Commission directed the Department to add a regulatory option to allow further consideration of Mr. Montna's proposal.

Option 1 – Department Proposal

The Department is proposing to amend the current regulations on the Truckee River from Trout Creek downstream to the mouth of Prosser Creek (subsections 7.50(b)(196)(B) and (C) are combined and re-numbered subsection 7.50(b)(153)(B)), to open all year, zero trout daily bag limit, and artificial lures with barbless hooks. This will remove the current two-trout daily bag and possession limit from the last Saturday in April through November 15. It will also change the gear restriction from artificial flies to artificial lures between Glenshire Bridge and the mouth of Prosser Creek. The Department is also proposing to amend the current regulation from the mouth of Prosser Creek downstream to the Nevada State Line (Subsection 7.50(b)(196)(D) is re-numbered subsection 7.50(b)(153)(C)) to open all year, two trout daily bag and possession limit, and artificial lures. This will increase the daily bag limit from zero trout to two trout from November 16 through the Friday preceding the last Saturday in April. This will also change the gear restriction from artificial lures with barbless hooks to artificial lures, thus removing the requirement for barbless hooks.

Option 2 – Mr. Montna's Proposal

Mr. Montna supports the Department's proposed changes to the current regulations on the Truckee River from Trout Creek downstream to the mouth of Prosser Creek to open all year with a zero trout daily bag limit, but requests that the Department change the proposed gear restriction from artificial lures with barbless hooks to artificial barbless flies. Mr. Montna also requests that the regulations from the mouth of Prosser Creek downstream to the Nevada State Line be changed to open all year, zero trout daily bag limit, and artificial lures with barbless hooks. This will reduce the current daily bag limit from two to zero trout from the last Saturday in April through November 15 and keep the requirement for barbless hooks in place.

Summary of Changes to Special Waters (7.50 table)

SL: Moving to statewide lakes and reservoirs regulation (subsection 5.85(a)(1)): 16

SR: Moving to statewide rivers and streams regulation (subsection 5.85(a)(2)): 28

Waters being moved from 7.00, District General Regulations, to Section 7.50, Special Fishing Regulations, as a result of the goal to provide new opportunity and for the simplification project, summarized by the new trout menu coding (asterisks indicate waters new since Feb. 2020 Commission meeting):

1. NEW 7.50(b)(15) Boulder Creek (San Diego Co.) upstream of El Capitan Reservoir, and all of its tributaries – **A3**
2. NEW 7.50(b)(24) Caples Creek from the confluence with the Silver Fork American River upstream to Caples Lake Dam (El Dorado and Alpine cos.) – **A6**
3. NEW 7.50(b)(43) Dismal Creek (Modoc Co.). – **G6**
4. NEW 7.50(b)(52) Goose Lake and tributaries (Modoc Co.) excluding Pine Creek and Davis Creek. – **G6**
5. NEW 7.50(b)(54) Gull Lake (Mono Co.). – **B1**
6. NEW 7.50(b)(72) Kitchen Creek (San Diego Co.) upstream of Lake Morena, and all its tributaries. – **A3**

7. NEW 7.50(b)(81) Los Gatos Creek (Santa Clara Co.) upstream of Camden Avenue drop including Lexington Reservoir and all tributaries. – **A6**
8. NEW 7.50(b)(107) Pine Valley Creek (San Diego Co.) upstream of Barrett Lake, and all its tributaries. – **A3**
9. NEW 7.50(b)(109)(A) Pit River, South Fork (Modoc Co.) and tributaries upstream of the Highway 395 bridge in Likely – **G1**
10. NEW 7.50(b)(109)(B) – Pit River, North Fork (Modoc Co.) and tributaries from the confluence with the South Fork in Alturas upstream to (including) Franklin Creek – **G3**
11. NEW 7.50(b)(123) – Rush Creek (Mono Co.) between Silver Lake and Grant Lake – **F1**
12. NEW 7.50(b)(129) – San Luis Rey River West Fork (San Diego Co.) – **A3**
13. NEW 7.50(b)(147) – Stevens Creek and all tributaries upstream of Stevens Creek Reservoir (Santa Clara Co.). – **A6**
14. NEW 7.50(b)(X) – Twelvemile Creek (Modoc Co.) – **G6**
15. NEW 7.50(b)(156) Twin Lakes, Upper and Lower (Bridgeport, Mono Co.) – **B1**
16. *NEW 7.50(b)(16) Bridgeport Reservoir and tributaries (Mono Co.) – **B1**
17. *NEW 7.50(b)(30) – Convict Lake (Mono County) – **B1**
18. *NEW 7.50(b)(50) – George Lake (Lake George, Mono Co.) – **B1**
19. *NEW 7.50(b)(53) – Grant Lake (Mono Co.) – **B1**
20. *NEW 7.50(b)(54) – Gull Lake (Mono Co.) – **B1**
21. *NEW 7.50(b)(60) – Horseshoe Lake (Mono Co.) – **B1**
22. *NEW 7.50(b)(65) – Isabella Lake (Lake Isabella, Kern Co.) – **A1**
23. *NEW 7.50(b)(67) – June Lake (Mono Co.) – **B1**
24. *NEW 7.50(b)(82)- Lundy Lake (Mono County)– **B1**
25. *NEW 7.50(b)(83) Lytle Creek and tributaries upstream of Interstate 15 bridge. (San Bernardino Co.) – **A1**
26. *NEW 7.50(b)(85)- Mamie Lake (Lake Mamie, Mono County) – **B1**
27. *NEW 7.50(b)(89) – Mary Lake (Lake Mary, Mono Co.) – **B1**
28. *NEW 7.50(b)(96) Miller Canyon from Silverwood Lake upstream (San Bernardino Co.) – **A1**
29. *NEW 7.50(b)(121) – Rock Creek Lake (Mono Co.) – **B1**
30. *NEW 7.50(b)(124) – Sabrina Lake (Lake Sabrina, Inyo Co.) – **B1**
31. *NEW 7.50(b)(127) Salmon Creek and tributaries above Highway 1 (Monterey Co.). – **F6**
32. *NEW 7.50(b)(157)- Twin Lakes (Mammoth, Mono Co.) – **B1**
33. *NEW 7.50(b)(137) – Silver Lake (Mono Co.) – **B1**
34. *NEW 7.50(b)(144) – South Lake (Mono Co.) – **B1**
35. *NEW 7.50(b)(161) – Virginia Lakes, Upper and Lower (Mono Co.) – **B1**

The last coding, “Del##” listed in the right-hand column in the subsection 7.50(b) table shows which waters or segments of waters are outright deleted. The “##” signifies numerically assigned waters that are listed in the table below, which also provides the justification for removal of these waters from the 7.50 table.

Table 2. List of special water removals and justification as noted under the “Menu Option” column shown in the amended subsection 7.50(b) table.

| Deletion ## | Necessity for removal in Section 7.50(b) |
|--------------------|--|
| Del01 | (13) Balm of Gilead Creek is removed because it has its own standalone regulation under the newly added Eel River regulation above Lake Pillsbury |
| Del02 | (26.5) Bridgeport Reservoir with the season of Saturday preceding Memorial Day through Sept.30 is removed because this same subparagraph was expanded for the tributaries and the proposed amended season of last Saturday in April through November 15. |
| Del03 | (39.3) for Castle Creek regulation was consolidated into 7.50(b)(156.5) for the Sacramento River. |
| Del04 | (43)(B) Convict Creek downstream of U.C. Study area season is removed because the former minimize trout size and split regulation of seasons is replaced with a simplified season of Saturday preceding Memorial Day through September 30. |
| Del05 | (48)(A) through (B) Cottonwood Creek is removed because of simplification of this water through consolidation of this subparagraph with (A) into the previous paragraph. |
| Del06 | (49.5) Cottonwood Creek and tributaries is removed because it is now covered under the “Goose Lake tributaries” special regulation. |
| Del07 | (62.5) Edson Creek and all tributaries is removed because it is already covered under the McCloud River regulation (115)(C) |
| Del08 | (77.3) Hilton Creek (A) downstream of Crowley Lake Drive is removed because the former minimize trout size and split regulation of seasons is replaced with a simplified season of Saturday preceding Memorial Day through September 30. |
| Del09 | (86) Kern River, (C) the U.S. Forest Service trail is removed because of simplification of this water through consolidation of this subparagraph with (B). (C) is further replaced with a reach of Kern River downstream of Lake Isabella. |
| Del10 | (90) Kirman (Carmen) Lake tributaries is removed because duplicative with (89) Kirman (Carmen) Lake. |
| Del11 | (91) Klamath River, (B) Shovel Creek and tributaries above mouth of Panther Creek (C) Shovel Creek and tributaries up to and including Panther Creek are removed because of simplification of this water through consolidation of these subparagraph with (A) for all tributaries above Iron Gate Dam. |
| Del12 | (98) Lassen Creek and tributaries is removed because it is now covered under the “Goose Lake tributaries” special regulation. |
| Del13 | (103.5) Little Truckee River from Stampede Reservoir Dam downstream to Boca Reservoir for Nov. 15 through the Friday preceding the last Saturday in Apr. is removed because the previous paragraph changed this water to a year-round regulation. |
| Del14 | (115) McCloud River and tributaries (B) McKay Creek and all tributaries including Sheepheaven Spring is removed because Sheepheaven Creek |

| | |
|-------|---|
| | has been officially named by the USGS, and now has its own regulation under (115)(E) to provide the intended protection with a year-round closure. |
| Del15 | (115) McCloud River and tributaries (G) McCloud River from the lower boundary of the U.S. Forest Service loop is consolidated into subsection (F) and is removed for consistency with lower McCloud regulations. |
| Del16 | (115.3) McGee Creek (A) McGee Creek downstream from Highway 395 is removed because the former minimum trout size and split regulation of seasons is replaced with a simplified season of Saturday preceding Memorial Day through September 30. |
| Del17 | (115.4) McKay Creek and all tributaries is removed because of the removal of (115)(B) for McKay Creek. |
| Del18 | (125.5) Moosehead Creek and tributaries is removed because Moosehead Creek is already covered under (115)(A) for McCloud River tributaries. |
| Del19 | (134) Owens River (C) Upper Owens River from fishing monument is removed because of simplification of this water through consolidation of this subparagraph with (B). |
| Del20 | (138) Pillsbury Lake tributaries is removed because it is covered under Eel River regulations in subsection (63)(A)(3), which is moving to the 7.40 HSS table. |
| Del21 | (139) Pine Creek and Pine Creek Slough is removed because it is covered under the (61)(C) Eagle Lake regulations. |
| Del22 | (141) Pit River (D) From Pit No. 7 dam downstream to Shasta Lake is removed because of simplification of this water through consolidation of this subparagraph with (C). |
| Del23 | (156) Sacramento River and tributaries above Keswick Dam, (D) Sacramento River and tributaries excluding Castle Creek is removed because of simplification of this water through consolidation of this subparagraph with (C). |
| Del24 | (176.5) Sheepheaven Spring is removed because it has its own regulation under (115)(E) to provide the intended protection with a year-round closure. |
| Del25 | (177) Shovel Creek and tributaries is removed because angler use in this water is minimal and restricted; further, this water is now covered under (91) Klamath River regulations. |
| Del26 | (180.5) Soda Creek is removed because this water is now covered under (156)(B) Sacramento River. |
| Del27 | (189) Stony Creek, and tributaries, (A) From the headwaters downstream to the diversion dam west of Stonyford, and (B) Stony Creek Middle Fork from Red Bridge upstream are removed because of simplification of this water through consolidation of this subparagraph with paragraph (A) into (189) for Stony Creek. |
| Del28 | (189.8) Swamp Creek and all tributaries is removed because it is covered under (115)(D). |
| Del29 | (191) Swonger Lake tributaries is removed because it is essentially a duplicate of subsection 177.5. |
| Del30 | (196) Truckee River (C) Truckee River from the Glenshire Bridge downstream to the mouth of Prosser Creek is removed because of simplification of this water through consolidation of this subparagraph with paragraph (C) into (B). |

| | |
|-------|---|
| Del31 | (198) Tuolumne River (A) From O'Shaughnessy Dam (Hetch Hetchy Reservoir) downstream to Early Intake Dam is removed because of simplification of this water through consolidation of subparagraph (A) through (C) into 198 (Tuolumne River). |
| Del32 | (208) Willow Creek and tributaries is removed because it is now covered under the "Goose Lake tributaries" special regulation. |

Amend Section 8.10, Youth Fishing Derby, Susan River (Lassen County)

The Youth Fishing Derby on the Susan River is held every year one week before the trout season opener, which currently is the Saturday preceding the last Saturday in April. The Department is proposing to move the season opener on Susan River from the last Saturday in April to the Saturday preceding Memorial Day. The Department will continue to hold the derby on the Saturday before the season opener and, therefore, it is necessary to change the youth fishing derby date from the Saturday preceding the last Saturday in April to the Saturday preceding the trout season opener in May. Added language refers to subsection 7.50(b)(149) for regulations on the Susan River. These clarifications are necessary to ensure anglers understand the date of the new season opener.

E. Proposed for Addition

Add Section 5.84. Brook Trout.

Currently under the North Coast and Sierra District General Regulations (subsections 7.00(a)(5) and (b)(9)) up to 10 Brook Trout less than 8 inches and 10 inches, respectively, may be harvested per day, in addition to the daily bag and possession limits for trout. This regulation will be removed from Section 7.00 under the current proposal to uncouple the trout regulations from the District General Regulations. In its place, the Department is proposing a new Statewide Regulation for Brook Trout in Section 5.84 which will allow the harvest of up to 10 Brook Trout less than 10 inches per day in all inland trout waters, year-round. Brook Trout are a cold-water species found in high elevation lakes and streams in remote wilderness areas. Many of these wilderness fisheries contain overpopulated, undersized fish and are not attractive or targeted fisheries for anglers due to the size and poor condition of the fish (skinny). The Department initiated the Brook Trout bonus bag and possession limit to both increase fishing opportunity and reduce the numbers of fish in overpopulated lakes in hopes of increasing condition (fatter, heavier, and bigger fish). Although most Brook Trout fisheries occur in the North Coast and Sierra districts, these wilderness fisheries also occur in other areas of the state, but are hard to access for most anglers. Because of the remoteness of these fisheries and for simplification purposes, the Department is proposing to expand the Brook Trout bonus bag and possession limit to inland trout waters statewide. Exceptions to this Brook Trout bonus bag limit include all waters listed in Section 7.50, Trout Waters with Special Fishing Regulations, and Red Lake in Alpine County, which is managed as a trophy Brook Trout fishery.

Add Section 5.89. Salmon

This Section will be added only to refer readers to the appropriate regulatory sections for salmon and steelhead, which are not the focus of this current rulemaking, but may be for a subsequent one (i.e., Phase II).

Add Section 7.40. Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations

For simplification purposes, the Department is proposing to separate the trout special fishing regulation waters (inland waters) from the salmon and steelhead special fishing regulation waters (anadromous waters). The special fishing regulations for trout will remain in Section 7.50. This requires a new regulatory section be created for the hatchery trout, hatchery steelhead and salmon special fishing regulation waters (abbreviated “HSS” per the coding outlined in the trout menu). The proposed new section is Section 7.40, “Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations.” The existing language in subsections 7.50(a)(1)-(6) will be included in the new Section 7.40, but references to trout will be replaced with salmon and steelhead. All the special waters indicated by the coding “HSS” in the subsection 7.50(b) table are moved into the new 7.40 table, and aside from this move, are not proposed to be altered as part of this rulemaking. Approximately 185 individual waters, or reaches of waters, are proposed to be moved from subsection 7.50(b) to the new 7.40 table. Moving these special waters to a separate regulation section is necessary to fulfill the goals of separating and consolidating regulations for inland trout (i.e., non-anadromous waters) from steelhead and salmon (i.e., anadromous waters).

F. Proposed Changes Without Regulatory Effect

Below are minor changes to clarify and correct various sport fishing regulations in Title 14.

Amend Section 3.00. Fishing Hours.

The reference in subsection (a)(1)(B) Heenan Lake, (Alpine Co.) is changed to subsection 7.50(b)(56) because of renumbering in the section.

Amend Section 4.00. Bait - General.

The reference in subsection (d) Hat Creek is changed to subsection 7.50(b)(55) because of renumbering in the section.

Amend Section 5.00 Black Bass Special Regulations.

Remove the special closure language (b)(14), Eastman Lake. This language was removed from the sport fishing regulations in 2017.

Subsection (a) title, General Statewide Restrictions, is changed to read General Statewide Regulations to be more accurate and consistent with other statewide regulations sections in Title 14.

Subsection (a)(1) is being amended to specify that the black bass 12 inch minimum size limit is to be measured in total length. This requirement is already specified in subsection 5.00(b). It is being added to Section 5.00(a)(1) to provide additional clarity.

(b) Goals and Benefits of the Regulation

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout seasons, size limits, and bag and possession limits provide for the maintenance of sufficient populations of trout to ensure their continued existence.

The benefits of the proposed regulations include up to date and streamlined trout fishing regulations that are consistent statewide, consistency with federal fishery management goals, sustainable management of California's trout fisheries, promotion of the general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout the state. The proposed changes will provide benefits by maximizing trout fishing opportunity, where possible, through the proposed extensions of fishing seasons and increases in bag and possession limits on both district and special regulations waters without adversely affecting native and non-native wild trout populations. The proposed regulatory changes may increase participation in sport fishing by new anglers, and increased retention of existing angler through simpler regulations facilitating ease of compliance and comprehension.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Section(s) 200, 205, 265, 270, 275, 315, 316.5, 399, and 2084, Fish and Game Code

Reference: Section(s) 200, 205, 265, 270, 316.5, and 2084, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

None.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

The Department held a series of public information meetings in 2018 and 2019 to inform stakeholders about the Project and solicit input and suggestions. In addition, the Department regularly provided Project updates at Commission subcommittee and full Commission meetings. See **Appendix B**, Public Outreach, for detailed information.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

The purpose for separating the inland trout waters in Title 14, Section 7.50(b), Special Fishing Regulations and anadromous waters into two tables is to make it easier for anglers to locate the body of water they intend to fish. An alternative to the proposed regulation changes is to not separate the inland trout water regulations from the anadromous (i.e., salmon and steelhead) regulations which are currently in the same table.

Alternatives on a per-water basis are outlined the Section 7.50(b) Special Fishing Regulations table in **Appendix A**. **Appendix A** shows the current open season and special regulations, bag and possession limit, the proposed regulations developed before the 2019 statewide public outreach meetings (i.e., “2019 Proposed Open Season or Daily Bag, Possession Limit, & Gear Restrictions”), and the final proposed regulations (i.e., 2020 “Proposed Regula Open Season or Daily Bag, Possession Limit, & Gear Restrictions”). Many alternatives to the 2019 proposed regulations, by special water, were considered based on public input and further evaluation of the regulations by regional Department staff biologists. As a result, some revisions to the “2019 Proposed Regulations” were made and are presented in the table under “2020 Proposed Regulations.”

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

(b) No Change Alternative

The no change alternative would leave existing regulations in place. The current regulations for inland trout waters would remain under the District General Regulations and anglers’ concerns regarding the complexity of the trout fishing regulations would not be addressed. Anglers would continue to be frustrated with the regulations to the point that some may choose to not go fishing as a result. In addition, outdated regulations in the Special Fishing Regulations would not be updated and, thus, would result in less efficient and effective regulations for California’s trout fisheries.

V. Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

The proposed regulation will directly impact individual inland sport fisheries and only indirectly affect businesses, many of which are likely to be “small businesses” (per Government Code, Article 2, Section 11342.610). In response to public input and in accordance with Government Code Section 11346.2(b)(4)(B), several originally proposed changes were modified to lessen the potential for adverse impacts on small businesses that serve sportfishing activities, as noted in the right-hand column “Additional Comments and Considerations” in **Appendix A**. These alternatives were location-specific, such as for specific waters in the Sierra District, and elsewhere, to support local economic needs, public safety concerns, and local business operations.

VI. Mitigation Measures Required by Regulatory Action

The proposed regulatory changes may lead to potential localized impacts on the environment by opening some waters year-round, and modifying certain bag and possession limits, which could result in additional angler access to certain fishing areas, or increased take of trout, depending on the behavior of anglers in response to the regulations. While the proposed regulations would provide year-round openings for some waters, they are expected to result in no change or a small increase in angler days per year, which are anticipated to lead to less-than-significant impacts to the environment. The way the proposed regulations are structured ensure that the amount of take allowed will not exceed the sustainable yield level, and the populations will be maintained in equilibrium.

VII. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The Commission anticipates neutral to positive impacts on the creation of jobs, no elimination of jobs or existing businesses, and neutral to positive impacts on the creation of new businesses or the expansion of businesses in California. The proposed regulatory changes will result in increased fishing opportunities that along with easier to comprehend regulations should retain the current number of anglers and may encourage the recruitment of new sport fishing anglers to sustain or increase support for businesses related to sportfishing.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for inland sport fishing encourages outdoor activity and the consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of California's inland sportfish resources. The Commission does not anticipate any benefits to worker safety.

(c) Cost Impacts on a Representative Private Person or Business

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

VIII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission anticipates neutral to positive impacts on the creation of jobs with no elimination of jobs.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission anticipates neutral to positive impacts on the creation of new businesses with no adverse impacts to existing businesses within the State.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission anticipates neutral to positive impacts on the expansion of businesses currently doing business within the State.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for inland sport fishing encourages a healthy outdoor activity and the consumption of a nutritious food.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety because the proposed action does not affect working conditions.

(f) Benefits of the Regulation to the State's Environment

The Commission anticipates benefits to the environment by the sustainable management of California's inland fishery resources.

(g) Other Benefits of the Regulation

Other benefits of the proposed regulations are anticipated to be an increase in regulatory consistency statewide, a reduction in the complexity of the regulations, and a reduction in the number of Special Fishing Regulations by eliminating regulations that are no longer biologically justifiable.

Informative Digest/ Policy Statement Overview

For years, the Fish and Game Commission (Commission) and the California Department of Fish and Wildlife (Department) have heard concerns from anglers about the complexity of freshwater sport fishing regulations. Some anglers (or potential anglers) may be dissuaded from fishing due to actual or perceived difficulty in complying with the regulations. This regulatory package represents Phase I of the proposed process and focuses on simplifying and streamlining the sport fishing regulations for inland trout waters. The Department will prepare a separate regulatory package in the near future (i.e., Phase II) to address the complexity of the sport fishing regulations for those inland waters that are utilized by adult fish for migration and spawning after spending the majority of their lives in the ocean (i.e., anadromous waters) .

The purpose and necessity of the proposed regulation changes is to address anglers' concerns regarding the complexity of the inland sport fishing regulations by simplifying the various regulatory options, and to align the inland trout regulations with the Department's current fisheries management goals and objectives. Major proposed changes aim to:

- Separate regulations for inland trout (i.e., non-anadromous waters) from those for steelhead and salmon (i.e., anadromous waters), a process that facilitates the production of separate regulations booklets to help provide clarity to anglers;
- Replace the District Regulations (Section 7.00) with statewide regulations separated for trout; and
- Standardize and consolidate the Special Fishing Regulations (Section 7.50).

The proposed changes aim to increase regulatory consistency statewide, reduce complexity of the inland sport fishing regulations, and remove regulations that are no longer biologically justifiable.

Normally, no single element of a regulation controls a sport fishery (e.g., most trout streams in California have both a closed season and bag limit). The type of gear, legal fishing hours, and use of bait are also part of the regulatory equation. Most often, combinations of elements of regulations apply to a given water. The following are elements of regulations used to manage trout populations in California.

- Seasons (specified opened or closed seasons)
- Bag and possession limits
- Size limits; and
- Gear and bait restrictions.

Comprehensive Evaluation: Trout Menu

The Department evaluated above elements of the inland sport fishing regulations, specifically in the District Fishing Regulations in Title 14, Section 7.00, CCR and the Special Fishing Regulations in Title 14, Section 7.50, CCR. The District Fishing Regulations apply political boundaries in how the above regulatory elements are implemented by county line, in contrast to the watershed approach found within the Special Fishing Regulations, leading to complexity and associated public frustration stemmed from the diversity of different regulations established over decades, with limited alignment or consistency. The Department developed a suite of regulations, or "menu," comprised of angling

seasons, bag and possession limits, size limits, and gear restrictions, to standardize the Special Fishing Regulations in Title 14, subsection 7.50(b) and uncouple the inland trout waters from the District General Regulations in Title 14, subsections 7.00(a)-(g) and from anadromous waters. This menu described below represents the foundation of this rulemaking, and is the result of a collaborative effort by partners and fisheries biologists throughout the state to standardize the Special Fishing Regulations based on fisheries management goals, which include maximizing fishing opportunity (most liberal) and protecting sensitive fishery populations (most conservative).

Trout Menu Coding

The trout menu described below primarily applies to amended sections 5.85, 7.00 and 7.50, and added Section 7.40. It is divided into three categories of a standardized suite of management approaches reflected as regulatory elements for the 200+ special inland waters in California:

- An updated Statewide Regulation;
- Seasons; and
- Bag/Possession Limits (plus gear restrictions and size limits).

For the proposed Section 7.50 regulatory language “Alphabetical List of Trout Waters with Special Fishing Regulations,” in the table encompassing subsection 7.50(b), a right-hand column has been added called “Menu Option” to serve as an easy reference to the assigned management approach of each special regulation water. This column is only shown for the purpose of clarity for the Initial Statement of Reasons (ISOR) to indicate any changes affecting a water. The options are either assignment to one of the two statewide regulations (“SL,” or “SR,” as noted below), a combination from the trout menu of season, bag/possession and gear limitations for each state water, or coding showing the water has been moved to another section or deleted. The coding is also shown by special water in the Decision Matrix, Summary Table of Changes for the subsection 7.50(b) regulatory table (**Appendix A** to the ISOR).

Statewide Regulations

“**SL**” for Lakes and Reservoirs (proposed in amended subsection 5.85(a)(1)):

Open all year, five trout daily bag limit, 10 trout in possession.

“**SR**” for Rivers and Streams (proposed in amended subsection 5.85(a)(2)):

From the last Saturday in April through November 15, five trout daily bag limit, 10 trout in possession; and, from November 16 through the Friday preceding the last Saturday in April, 0 trout bag limit, artificial lures with barbless hooks only and trout must be released unharmed and not removed from the water.

Seasons

Seasons are described as follows, and designated by capital letters A-J (under “Menu Option” column shown in the amended subsection 7.50(b) table):

A. All year

B. Last Saturday in April through November 15

C. November 16 through the Friday preceding the last Saturday in April

- D. Last Saturday in April through July 31
- E. August 1 through November 15
- F. Saturday preceding Memorial Day through September 30
- G. Saturday preceding Memorial Day through the last day in February
- H. September 1 through November 30
- I. October 1 through the Friday preceding Memorial Day
- J. Closed to fishing all year

Bag and Possession Limits and Gear Restrictions

Bag and Possession Limits and Gear Restrictions are described as follows, and designated by numbers 1-7 (under “Menu Option” column shown in the amended subsection 7.50(b) table):

- 1. 5 trout, no gear restrictions
- 2. 2 trout per day, 4 trout in possession, no gear restrictions
- 3. 2 trout, artificial lures
- 4. 2 trout with 14” total length minimum, artificial lures
- 5. 2 trout with 18” total length minimum, artificial lures
- 6. 0 trout, artificial lures with barbless hooks
- 7. 0 trout, artificial flies with barbless hooks

Combined options for season (letter) and bag/possession limit and gear limitation (number) present as a capital letter-number code. For example, “B5” would signify a water with a season from the last Saturday in April through November 15, a bag/possession limit of 2 trout with 18” minimum size, and a gear restriction of artificial lures.

Two other codes in the right-hand column in the subsection 7.50(b) table inform anglers of how that particular water is considered, if it doesn’t fall under one of the above codes.

“**HSS**” Refers to waters moved to the newly added Section 7.40 of Title 14 under the anadromous table for salmon and steelhead, proposed for naming as “Alphabetical List of Hatchery Steelhead and Salmon Waters with Special Fishing Regulations.” Those waters with HSS coding are shown as ~~strikeout~~ in Section 7.50 because they are proposed for relocation to Section 7.40.

“**Del##**” Refers to a special water or regulation that is proposed for removal entirely from the Section 7.50(b) special regulations table, and justification for the removal is outlined by numerical increment below under the description for amendment of Section 7.50.

Proposed for Amendments

Amend subsection 5.00(b) Black Bass, Special Regulations

- Remove subsections (b)(3) Lassen County; (b)(4) Modoc County; (b)(7) Shasta County; (b)(9) Big Lake (Shasta County); (b)(13) Diamond Valley Lake; (b)(15) El Capitan Reservoir; (b)(22) Perris Lake; (b)(25) Silverwood Lake; (b)(26) Skinner Lake; and (b)(28) Trinity Lake.

- The Department is proposing to remove these subsections from the bass special regulations. Therefore, these waters will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit. Specifically, two changes of non-regulatory effect include removal of (b)(15) El Capitan Reservoir, and (b)(22) Perris Lake as listed in the table, due to existing redundancy with the statewide standard because the season (all year), size (12-inch minimum), and bag limit already matches that of the statewide standard

The Department is proposing to amend the existing bass fishing season on Trout Lake to align with the proposed new trout fishing season under the Statewide Regulation “SL” as listed in subsection 7.50(b)(195.5) for Trout Lake.

- Amend subsections (b)(2) for waters in Inyo County, and (b)(5) and (b)(16) for waters in Mono County.

The Department is amending subsections (b)(2) and (b)(5) for waters in Inyo County to include reference to Inyo County streams and rivers in the Special Fishing Regulations in subsection 7.50(b). Subsection (b)(2) and (b)(5) amendments also clarify the closure to black bass fishing from November 16 to the Friday preceding the last Saturday in April to ensure anglers understand the open season is late April through November 15. Subsection (b)(16) similarly includes reference to Mono County streams and rivers in the Special Fishing Regulations in subsection 7.50(b), while correcting a reference for Fish Slough to the boundaries from Owens Valley Native Fishes Sanctuaries to the BLM Spring.

- Re-numbering of the waters in 5.00(b)

The resulting proposed list of special black bass waters is re-numbered by paragraph for clarity and consistency.

Amend Section 5.41. Landlocked Salmon.

Subsection (e) is amended so that the same exceptions formerly referenced in subsection 7.50(b) are specifically listed within this subsection with a daily bag limit of ten salmon, and possession limit of twenty.

Amend Section 5.85. Trout.

The name of this section is changed to reflect that only trout (and not salmon) are covered under this general regulation. Additional introductory language is added to clarify how the bag and possession limits should be interpreted, for the total number of trout in combination.

- Under subsection (a)(1), the Department is proposing to remove all trout fishing regulations for inland lakes and reservoirs from Section 7.00 District General Regulations and move them to Section 5.85, Trout. This addition of subsection (a)(1) to Section 5.85 provides the new proposed statewide regulation for slow-moving waters, or inland lakes, reservoirs, and ponds, as described in the trout menu and noted by the coding “SL.”
- Under subsection (a)(2), the Department is proposing to remove all trout fishing regulations for inland rivers and streams from the Section 7.00 District General

Regulations. This addition of subsection (a)(2) to Section 5.85 provides the new proposed statewide regulation for fast-moving waters, or streams, rivers, creeks, and canals, as described in the trout menu and noted by the coding "SR." Under the new Statewide Regulation, these waters will be open to fishing from the last Saturday in April through November 15, with a five trout daily bag limit, and a 10 trout possession limit; and, from November 16 through the Friday preceding the last Saturday in April, with a zero trout bag limit, and artificial lures with barbless hooks only gear restriction.

- Subsection (b) describes those exceptions to the statewide regulations, and refers readers to Section 7.50, Alphabetical List of Waters with Special Fishing Regulations for individual trout waters with special regulations that would not fall under the statewide regulation. Subsection (b) further clarifies that brook trout bag and possession limits may be in addition to the trout bag and possession limits.

This proposal will result in either no change to the current regulations or an added possession limit for waters moved to the statewide regulation. Below is a description of changes to the district waters, Section 7.00.

Subsections (a) and (b) are necessary to inform anglers of the statewide standard season, bag, possession limit for lakes, reservoirs, and ponds, as well as streams, river, creeks, and canals that don't otherwise have a special regulation in subsection 7.50(b).

Amend Section 7.00. District General Regulations

To address anglers' concerns regarding the complexity of the 7.00 District General Regulations, the Department is proposing to uncouple the state's inland trout waters from the District General Regulations. Most regulations for trout waters currently under the District General Regulations will be moved to either the new subsection 5.85(a)(1), Statewide Regulation for lakes and reservoirs, or to subsection 5.85 (a)(2), Statewide Regulation for rivers, streams, creeks, and canals. Some individual trout waters will require special restrictions and reduced bag limits and, therefore, these regulations will be moved to Section 7.50, Special Fishing Regulations. The amendments will result in little or no substantive change to the regulations for most waters currently under the District General Regulations. Clarifications are made to the opening paragraph prior to subsection 7.00(a) to ensure clarity that hatchery trout and hatchery steelhead are covered under Section 7.00.

The Department proposes to remove or amend the following subsections:

- (a)(1) and (b)(3), delete these subsections: Waters under the North Coast District and Sierra District subsections are currently open to fishing all year, with a five-trout daily bag limit, a 10 fish possession limit, no size limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(1), the new Statewide Regulation for lakes and reservoirs. In effect, there will be no substantive change to the existing regulations for these waters.
- (a)(4), (b)(4), and (b)(7) delete these subsections: Waters under the North Coast District and Sierra District subsections are currently open to fishing from the last Saturday in April through November 15, with a five-trout daily bag limit, a 10 trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams, which will extend the fishing season on these waters to year-round with catch

and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.

- (a)(5) and (b)(9) delete these subsections: The current bonus bag limit for Brook Trout under the North Coast and Sierra District General Regulations will move/revert to a new Section 5.84, Statewide Regulation for Brook Trout. The new Statewide Regulation for Brook Trout will apply to all inland trout waters not listed under the Special Fishing Regulations, with the exception of Red Lake in Alpine County which is managed for trophy-sized trout by stocking effort.
- (b)(5) delete this subsection: Waters under this subsection in Shasta County are currently open to fishing from the last Saturday in April through November 15, with a two-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This proposed change will increase the current daily bag limit to five trout and add a 10 trout possession limit. In addition, the fishing season will be extended to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.
- (b)(6) delete this subsection.: Waters under this subsection in Lassen and Modoc counties are currently open to fishing from the Saturday preceding Memorial Day through November 15, with a five-trout daily bag limit, a 10 trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This will extend the fishing season to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.
- (c)(1), (d)(1), (e)(1), (f)(1), and (g)(2), delete these subsections: Waters under these subsections in the North Central District, Valley District, South Central District, Southern District, and Colorado River District are currently open to fishing all year, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(1), Statewide Regulation for lakes and reservoirs. As a result, the possession limit on these waters will increase from five trout to 10 trout.
- (d)(3), (f)(3), (f)(5), and (g)(2) delete these subsections: Waters under these subsections in the Valley District, Southern District, and Colorado River District are currently open to fishing all year, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. As a result, the possession limit will increase from five trout to 10 trout from the last Saturday in April through November 15. Catch and release fishing only will be allowed from November 16 through the Friday preceding the last Saturday in April.
- (e)(3) amend this subsection: Waters under this subsection for Alameda, Contra Costa, and Santa Clara counties are currently open to fishing from the last Saturday in April through November 15, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to

subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This will increase the possession limit to 10 trout and extend the fishing season to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.

- (g)(1) delete this subsection: Waters under this subsection are currently open to fishing year-round, with a 10 trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. This will reduce the daily bag limit from 10 trout to five trout from the last Saturday in April through November 15 and allow catch and release fishing only from November 16 through the Friday preceding the last Saturday in April.
- (b)(8) delete this subsection: This language is no longer needed under Section 7.00(b) as all Mono County waters under the District General Regulations will be subject to the two new Statewide Regulations for trout (i.e., Section 5.85(a) or Section 5.85(b)), or to Section 7.50(b), Special Fishing Regulations. This language does not need to move to Section 5.85 or Section 7.50 as waters under the new Statewide Regulations will be open to fishing year-round and similar language already exists under subsection 7.50(a)(3) of the Special Fishing Regulations.
- (b)(2), amend this subsection: Anadromous waters under this subsection for Tehama and Shasta counties are currently open to fishing from the last Saturday in April through November 15, with a two-trout or steelhead daily bag and possession limit, and artificial lures with barbless hooks restriction. This subsection is amended for section and paragraph numbers, and to clarify the artificial lures possess hooks that are barbless.
- Edits for clarity and consistency: These edits include re-numbering of paragraphs within District Regulations in subsections 7.00(b) through (g), adjusted capitalization of certain words throughout Section 7.00, and specification of the referenced Section number to clarify interpretation from the previous 7.50 to the newly added 7.40 section.

Amend Section 7.50. Alphabetical List of Trout Waters with Special Fishing Regulations.

It is necessary to streamline the Special Fishing Regulation trout waters by utilizing the trout menu described above to align the regulations with the Department's current fisheries management goals and objectives. The regulations proposed herein were tailored to each individual water, and include a variety of combinations of regulation elements, such as bag limits, gear restrictions, season restrictions, and size limits. Upon review of the extensive public input received during pre-notice outreach efforts (Appendix B), Department fisheries biologists and managers, often in consultation with fishing groups or individuals, assigned waters to the trout menu based on their expertise and knowledge of specific waters in their management area.

As a result of this streamlining process, the number of:

- Special fishing seasons for trout-only waters will be reduced from 30 to 10;
- Special size limits will be reduced from 8 to 2;
- Different gear restrictions will be reduced from 10 to 7;
- Different bag/ possession limits will be reduced from 6 to 4; and

- Fishing opportunities will be expanded on nearly 50 percent of the existing special regulation waters from a reduced season to year-round.

As noted in **Appendix A** to the ISOR, proposed amendments and additional comments and considerations are summarized for Section 7.50(b), Alphabetical List of Waters with Special Fishing Regulations. This table includes the biological and management rationale for proposed changes to each special water, as well as other considerations such as public input, socio-economic considerations, traditional values, access and public safety, etc.

For those special waters without a special assigned management approach from the menu listed in **Appendix A**, the proposed regulatory text outlining the “Menu Option” in the right-hand column indicates the assigned management approach of each water (assignment to Statewide lakes/reservoirs, or “SL”, statewide rivers and streams, or “SR”, etc.)

Truckee River Management Options, Section 7.50(b), Subsections (196)(B), (196)(C), and (196)(D)

At the Commission’s April 15, 2020 meeting, George Osborn, representing Mr. Montna, requested that the Commission consider Mr. Montna’s proposal as an alternative to the Department’s proposed regulations for the Truckee River subsections (196)(B), (C), and (D). The Commission directed the Department to add a regulatory option to allow further consideration of Mr. Montna’s proposal.

Option 1 – Department Proposal

The Department is proposing to amend the current regulation on the Truckee River from Trout Creek downstream to the mouth of Prosser Creek (re-numbered subsection 7.50(b)(153)(B)), to open all year, zero trout daily bag, and artificial lures with barbless hooks. This will remove the current two-trout daily bag and possession limit from the last Saturday in April through November 15. It will also change the gear restriction from artificial flies to artificial lures between Glenshire Bridge and the mouth of Prosser Creek. The Department is also proposing to amend the current regulation from the mouth of Prosser Creek downstream to the Nevada State Line (re-numbered subsection 7.50(b)(153)(C)) to open all year, two-trout daily bag and possession limit, and artificial lures. This will increase the daily bag limit from zero trout to two trout from November 16 through the Friday preceding the last Saturday in April. This will also change the gear restriction from artificial lures with barbless hooks to artificial lures, thus removing the requirement for barbless hooks.

Option 2 – Mr. Montna’s Proposal

Mr. Montna supports the Department’s proposed changes to the current regulations on the Truckee River from Trout Creek downstream to the mouth of Prosser Creek to open all year with a zero trout daily bag limit, but requests that the Department change the proposed gear restriction from artificial lures with barbless hooks to artificial barbless flies. Mr. Montna also requests that the Department’s proposed regulations from the mouth of Prosser Creek downstream to the Nevada State Line be changed to a zero trout daily bag limit, and artificial lures with barbless hooks. This will reduce the current daily bag limit from two to zero trout from the last Saturday in April through November 15 and keep the requirement for barbless hooks in place.

Amend Section 8.10, Youth Fishing Derby, Susan River (Lassen County)

The Youth Fishing Derby on the Susan River is held every year one week before the trout season opener, which currently is the Saturday preceding the last Saturday in April. The Department is proposing to move the season opener from the last Saturday in April to the Saturday preceding Memorial Day. The Department will continue to hold the derby on the Saturday before the season opener and, therefore, it is necessary to change the youth fishing derby date from the Saturday preceding the last Saturday in April to the Saturday preceding the trout season opener in May. Added language refers to subsection 7.50(b)(149) for regulations on the Susan River.

Proposed for Addition

Add Section 5.84. Brook Trout.

Currently under the North Coast and Sierra District General Regulations (subsections 7.00(a)(5) and (b)(9)) up to 10 Brook Trout less than 8 inches and 10 inches, respectively, may be harvested per day, in addition to the daily bag and possession limits for trout. This regulation will be removed from Section 7.00 under the current proposal to uncouple the trout regulations from the District General Regulations. In its place, the Department is proposing a new Statewide Regulation for Brook Trout in Section 5.84 which will allow the harvest of up to 10 Brook Trout less than 10 inches per day in all inland trout waters, year-round. Because of the remoteness of these fisheries and for simplification purposes, the Department is proposing to expand the Brook Trout bonus bag and possession limit to inland trout waters statewide. Exceptions to this Brook Trout bonus bag limit include all waters listed in Section 7.50, Trout Waters with Special Fishing Regulations, and Red Lake in Alpine County, which is managed as a trophy Brook Trout fishery.

Add Section 5.89. Salmon

This Section will be added only to refer readers to the appropriate regulatory sections for salmon and steelhead, which are not the focus of this current rulemaking, but may be for a subsequent one (i.e., Phase II).

Add Section 7.40. Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations

For simplification purposes, the Department is proposing to separate the trout special fishing regulation waters (inland waters) from the salmon and steelhead special fishing regulation waters (anadromous waters). The special fishing regulations for trout will remain in Section 7.50. This requires a new regulatory section be created for the hatchery trout, hatchery steelhead and salmon special fishing regulation waters (abbreviated "HSS" per the coding outlined in the trout menu). The proposed new section is Section 7.40, Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations. The existing language in subsections 7.50(a)(1)-(6) will be included in the new Section 7.40, but references to trout will be replaced with salmon and steelhead. All the special waters indicated by the coding "HSS" in the subsection 7.50(b) table are moved into the new 7.40 table, and aside from this move, are not proposed to be altered as part of this rulemaking. Approximately 185 individual waters, or reaches of waters, are proposed to be moved from subsection 7.50(b) to the new 7.40 table.

Proposed Changes Without Regulatory Effect

Amend Section 3.00. Fishing Hours.

The reference in subsection (a)(1)(B) Heenan Lake, (Alpine Co.) is changed to subsection 7.50(b)(56) because of renumbering in the section.

Amend Section 4.00. Bait - General.

The reference in subsection (d) Hat Creek is changed to subsection 7.50(b)(55) because of renumbering in the section.

Amend Section 5.00 Black Bass Special Regulations.

Remove the special closure language (b)(14), Eastman Lake. This language was removed from the sport fishing regulations in 2017.

Subsection (a) title, General Statewide Restrictions, is changed to read General Statewide Regulations to be more accurate and consistent with other statewide regulations sections in Title 14.

Subsection (a)(1) is being amended to specify that the Black Bass 12 inch minimum size limit is to be measured in total length. This requirement is already specified in subsection 5.00(b). It is being added to Section 5.00(a)(1) to provide additional clarity.

Benefits of the Proposed Regulations

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout to ensure their continued existence.

The benefits of the proposed regulations include up to date and streamlined trout fishing regulations that are consistent statewide, consistency with federal fishery management goals, sustainable management of California's trout fisheries, promotion of the general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout the state. The proposed changes will provide benefits by maximizing trout fishing opportunity, where possible, through the proposed extensions of fishing seasons and increases in bag and possession limits on both district and special regulations waters without adversely affecting native and non-native wild trout populations. The proposed regulatory changes may increase participation in sport fishing by new anglers, and increased retention of existing angler through simpler regulations facilitating ease of compliance and comprehension.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate

recreational fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to trout sport fishing seasons, bag, and possession limits.