

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

Amend Sections 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, California Code of Regulations  
Re: Simplification of Statewide Inland Sport Fishing Regulations

I. Dates of Statements of Reasons

- (a) Initial Statement of Reasons                      Date: May 6, 2020
- (b) Pre-adoption Statement of Reasons              Date: September 24, 2020
- (c) Final Statement of Reasons                      Date: October 19, 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 14, 2020                                Location: Teleconference

III. Update

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

At the Commission's October 14, 2020 meeting, the Commission approved the Department's recommended amendments, set forth in the attached Approved Regulatory Text.

In addition, the Commission adopted all other Department-recommended changes as described in the Initial Statement of Reasons (ISOR) and Pre-adoption Statement of Reasons (PSOR).

A 15-day continuation period was noticed from November 6 – 21, 2020 to address perceived discrepancies between the staff summary, PSOR, and the regulatory text with regards to the Montna compromise for the Truckee River. The goal of the continuation notice was to clarify for the public the actual regulatory language that was adopted, and no changes were made to the regulatory text.

Two additional changes to the final proposed regulatory text were made with the FSOR:

1. The abbreviation of “Cos.” from “Counties” had been presented as both capitalized and lowercase with the regulatory text noticed with the ISOR and 15-day continuation notice. With this FSOR, the “Cos.” abbreviation were all corrected to be made lowercase throughout the regulatory text (28 instances) for consistency.
2. In subsection 5.85(a)(1), punctuation was changed in order to remove ambiguity in interpretation of the regulatory text referencing the water bodies included for the General Statewide Regulations. One interpretation implied that the statewide regulation only applies to bodies of waters that fall entirely on private lands and not remaining lakes, reservoirs and ponds that fall on public lands, or in part. The intended interpretation implied that all inland lakes and reservoirs, plus ponds entirely on private lands are subject to the proposed statewide regulation. Thus, punctuation was changed as shown below to clarify the intention for the latter interpretation (given general knowledge that inland lakes and reservoirs are predominantly public access).

All inland lakes, and reservoirs, and ponds entirely on private lands, except those listed in Section 7.50(b), are open to fishing all year with a five-trout daily bag limit, and 10 trout possession limit.

#### IV. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations

Responses to public comments, oral or written, regarding proposed regulatory changes received through October 14, 2020 are included as Attachment A.

#### V. Location and Index of Rulemaking File

A rulemaking file with attached file index is maintained at

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

#### VI. Location of Department Files

Department of Fish and Wildlife  
1416 Ninth Street  
Sacramento, CA 95814

#### VII. 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 Regulation 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.

(c) Consideration of Alternatives

In view of information currently possessed, no 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 adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

## VIII. 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 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

## Updated Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

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.

### **Update**

**At the Commission's October 14, 2020 meeting, the Commission approved the Department's recommended amendments, set forth in the attached Approved Regulatory Text.**

**There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action recommended by the Department as described in the ISOR, and as described by the Department and the Commission in the Pre-Adoptive Statement of Reasons (PSOR), highlighted non-substantive corrections and clarifications made to the noticed text, and made available to all interested and affected parties on September 29, 2020.**

**The following PSOR non-substantive corrections and clarifications were made to the proposed regulatory text as follows:**

- 1. Editorial corrections for consistency throughout – names of months were reduced to three letter abbreviations, names of days of the weeks were reduced to three letter abbreviations, and County and Counties were abbreviated to "Co." and "Cos." to ease table congestion and make it easier to read.**
- 2. Numbers zero to ten are spelled out when written in a sentence but used in the numerical form when reference bag limits within sections 7.40 and 7.50 to ease table congestion and make it easier to read.**
- 3. References to low-flow restrictions have been edited to reference "Section 8.00 (or Subsection 8.00 where subsections are identified) Low-Flow Restrictions" throughout.**

The use of the word “below” when used as an adjective identifying another section in Title 14 is marked for deletion and the reference section is clarified.

4. 7.50(b)(4) - American River – adds end parenthesis after “except Caples Creek (see Section 7.50(b)(24)). (Page 53)
5. 7.50(b)(4) - American River – El Dorado is misspelled in existing text, and has been corrected. (Page 53)
6. 7.50(b)(24) - Caples Creek – remove underline from “A6” in the column for “Menu Option.” (Page 63)
7. 7.50(b)(47) Fall River Complex – Complex was added to the Fall River tributaries but it was not made clear that the complex includes Lava Creek, Little Tule River, Tule River, Horr Pond, Ja She Creek, Big Lake, Thousand Springs, Spring Creek, Ahjumawi Lava Springs, and Eastman Lake. (Page 66)
8. 7.50(b)(86) - Mammoth Pool – the “5 trout” should not be underlined as they are existing regulations. (Page 86)
9. 7.50(b)(88) new reg text – Martis Lake, the old (B) Martis Lake tributaries was deleted, and new proposed language was added under “Open season and special reg” column, making it appear twice in the noticed text. The duplicate cell of text is deleted. (Page 87)
10. Former 7.50(b)(101) - Little Cottonwood Creek – inserted missing deletion code “Del05.” (Page 94)
11. 7.50(b)(125)(E) - Sacramento river and tributaries – (E) should be shown as stricken text, as this subsection is moving to Hatchery Steelhead and Salmon waters (HSS) in Section 7.40. Previously shown without strikeout. (Page 104)
12. 7.50(b)(125)(E) Sacramento River and tributaries - the text change justification “HSS” for the deletion of (E) is added in the column for “Menu Option” (this column is removed for the Final Statement of Reasons (FSOR) because it was absorbed into subsection (C). (Page 104)
13. 7.50(b)(130) - Santa Ana River – was moved from the district text to the text in 7.50, but it was not noted in the ISOR list. There is no change to the regulation aside from moving from one section to another. (Page 110)
14. 7.50(b)(155) - Tuolumne River – remove underline from “A3” in the column for “Menu Option”. (Page 122)
15. 7.50(b)(156.5) – removes a staff note inadvertently left in during draft review of the text that said “Use New Language” and was not a part of official text. (Page 104)
16. 7.50(b)(166) - Wolf Creek far right column should say “J” for closed to fishing all year. (There is no change to the current status of closed to fishing all year.) (Page 136)
17. 7.50(b)(168) - Yuba River, Middle Fork – the reference to Milton Lake (7.50(b)(97)) should show the previous subsection “~~(120)~~” for Milton Lake stricken out and the new subsection “(97)” to be underlined. (Page 136)
18. 7.50(b)(186)(B) - removes underlined from stricken text previously shown in strikeout/underline. (Page 125)
19. ISOR, page 15: 7.50(b)(144) - South Lake – regulatory text (page 125) correctly lists as located in Inyo County, however the ISOR incorrectly stated “Mono Co.”
20. ISOR, page 15: the list of new waters NEW 7.50(b)(156) Twin Lakes, Upper and Lower (Bridgeport, Mono Co) should be 7.50(b)(157) which will be corrected in the FSOR.



- 21. ISOR, page 15: referenced “Twelvemile Creek” as subsection “X” instead of the new subsection number of “(156).”
- 22. 7.40(b)(50) Klamath River Basin – Basin was added to distinguish the area of the river accessible to anadromous salmonids. The reference to salmon punch card requirements is removed, as it now appears in the section for anadromous waters under 7.40(b)(50)(A)3., and the reference to 7.00 District General Regulations was corrected to reflect that changes to subsection 7.00(a). (Pages 27-28)
- 23. 7.40(b)(50) Klamath River Basin – The last sentence references “General Regulations” twice. One instance was removed. (Page 28)
- 24. 7.40(b)(119) Rock Creek Lake - The ISOR incorrectly identifies subsections 7.50(b)(120) Rock Creek Lake as being in Mono County. The correct county is Inyo County.
- 25. Truckee River Management Options, Section 7.50(b), re-numbered subsections (153)(B), (153)(C), and (153)(D) (formerly 196):

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 (153)(B), (C), and (D). The Commission directed the Department to add a regulatory option to allow further consideration of Mr. Montna’s proposal. At the Commission’s August 20, 2020 meeting, George Osborn stated that a compromise agreement was made between parties supporting Option 1 and Option 2 and the Department, utilizing language from both, and existing language as follows (and on page 124):

a. For subsection (153)(B), select Option 2 as written:

<p>(B) Truckee River from the confluence of Trout Creek downstream to the <u>Glenshire Bridge, mouth of Prosser Creek.</u></p>	<p><del>Last Saturday in Apr. through Nov. 15.</del>  <del>Minimum size limit: 14 inches total length. Only artificial lures with barbless hooks may be used.</del> All year. Only artificial flies with barbless hooks may be used.</p>	<p><del>2 trout</del><u>0 trout</u></p>
	<p><del>Nov. 16 through the Friday preceding the last Saturday in Apr. Only artificial lures with barbless hooks may be used.</del></p>	<p><del>0 trout</del></p>

b. For Section 7.50(153)(C), compromise of Options 1 and 2 by proposing parties and Commission staff as written:

**(DC) Truckee River from the mouth of Prosser Creek downstream to the Nevada State Line.**

**Last Saturday in Apr. through Nov. 15. ~~Minimum size limit: 14 inches total length.~~ Only artificial lures with barbless hooks may be used.**

**2 trout**

**Nov. 16 through the Friday preceding the last Saturday in Apr. Only artificial lures with barbless hooks may be used.**

**0 trout**

**A 15-day continuation period was noticed from November 6 – 21, 2020 to address perceived discrepancies between the staff summary, PSOR, and the regulatory text with regards to the Montna compromise for the Truckee River. The goal of the continuation notice was to clarify for the public the actual regulatory language that was adopted, and no changes were made to the regulatory text.**

**Two additional changes to the final proposed regulatory text were made with the FSOR:**

- 1. The abbreviation of “Cos.” from “Counties” had been presented as both capitalized and lowercase with the regulatory text noticed with the ISOR and 15-day continuation notice. With this FSOR, the “Cos.” abbreviation were all corrected to be made lowercase throughout the regulatory text (28 instances) for consistency.**
- 2. In subsection 5.85(a)(1), punctuation was changed in order to remove ambiguity in interpretation of the regulatory text referencing the water bodies included for the General Statewide Regulations. One interpretation implied that the statewide regulation only applies to bodies of waters that fall entirely on private lands and not remaining lakes, reservoirs and ponds that fall on public lands, or in part. The intended interpretation implied that all inland lakes and reservoirs, plus ponds entirely on private lands are subject to the proposed statewide regulation. Thus, punctuation was changed as shown below to clarify the intention for the latter interpretation (given general knowledge that inland lakes and reservoirs are predominantly public access).**

**All inland lakes, and reservoirs, and ponds entirely on private lands, except those listed in Section 7.50(b), are open to fishing all year with a five-trout daily bag limit, and 10 trout possession limit.**

**The Commission received 1 response:**

**George Osborn, in an email sent on November 7, 2020 thanked the Commission. There were no other comments received.**