

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action
Amend Sections 2.00 through 8.00 and 29.85
Title 14, California Code of Regulations
Re: Inland Sport Fishing Regulations Update

I. Date of Initial Statement of Reasons: March 15, 2022

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: April 21, 2022

Location: Monterey/Santa Cruz

(b) Discussion Hearing

Date: June 16, 2022

Location: Los Angeles/Orange County

(c) Adoption Hearing

Date: August 18, 2022

Location: Fortuna

III. Description of Regulatory Action

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

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

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the 2022 Sport Fishing Regulatory Cycle. This proposal will amend bag and possession limits for black bass, striped bass, catfish, and trout; extend the low-flow closure period for the North and Central Coast areas; and, add a low-flow closure target for the San Lorenzo River and its tributaries. In addition, this proposal will make needed corrections to existing regulations. The proposed regulatory changes are needed to reduce public confusion and improve regulatory enforcement.

(b) Proposed Regulations

The Department is proposing the following regulatory changes:

- **Section 2.00, Fishing Methods – General.**
 - *Subsection (a)*. This subsection references the “District Trout, Salmon, and Special Regulations” for exceptions for when two rods can be used. The Chapter 3 title is incorrect. The correct title is “Trout, Salmon and Special Regulations.” The Department is proposing to amend this subsection to make this correction.

- **Section 2.25, Bow and Arrow Fishing.**
 - *Subsection (a).* Change western sucker to Sacramento (Western) Sucker. This change is necessary because Western Sucker is an unofficial and outdated common name for Sacramento Sucker.
- **Section, 2.30, Spearfishing.**
 - *Subsections (b) and (c).* Change western sucker to Sacramento (Western) Sucker. This change is necessary because Western Sucker is an unofficial and outdated common name for Sacramento Sucker.
- **Section 5.00, Black Bass.**
 - *Subsection (b)(5), Barrett Lake.* Change “No black bass shall be possessed” to “catch and release only.” This change is being proposed so that the language would be consistent with other regulations that only allow catch and release angling, and for ease of enforcement.
 - *Subsection (b)(8), Lake Cuyamaca.* For clarity purposes change “no size limit” to “no size limit for Largemouth Bass,” which is necessary to distinguish from the provision for smallmouth bass.
 - Change “No smallmouth bass shall be possessed” to “catch and release only for Smallmouth Bass.” This change is being proposed so that the language would be consistent with other regulations that only allow catch and release angling, and for ease of enforcement.
 - *Subsection (b)(9), Eastman Lake,* Change from 22-inch minimum, 1 fish bag limit to the statewide standard (Title 14, subsection 5.00(a)(1)) of 12-inch minimum, 5 fish daily bag limit. Regulations were originally adopted to produce larger fish. For several reasons, this concept has not been effective especially during periods of prolonged drought and very low reservoir volumes. This water will be removed from subsection 5.00(b), table of waters with special regulations, and the remaining waters will be renumbered.
 - *Subsections (b)(11), Hensley Lake, (b)(13), Isabella Lake, (b)(14), Kaweah Reservoir, and (b)(18), Success Reservoir.* Change from 15-inch minimum size limit, 2 fish bag limit to the statewide standard (Title 14, subsection 5.00(a)(1)) of 12-inch minimum size limit, 5 fish daily bag limit. Regulations were originally adopted to produce larger fish. For several reasons, this concept has not been effective especially during periods of prolonged drought and very low reservoir volumes. These waters will be removed from subsection 5.00(b), table of waters with special regulations, and the remaining waters will be renumbered.
 - *Subsection (b)(19), Otay Lake.* Change “No black bass shall be possessed” to “catch and release only.” This change is being proposed so that the language would be consistent with other regulations that only allow catch and release angling, and for ease of enforcement.
- **Section 5.15, Catfish and Bullheads.**

- *Subsection (b)(4) Contra Costa County, Lafayette Lake.* Reduce the bag limit for catfish from 10 to 5 for Lafayette Reservoir. East Bay Municipal Utility District (EBMUD) requests that the Department lower the bag limit for catfish from 10 fish per day to 5 fish per day at Lafayette Lake/Reservoir.
 - This change is necessary because current limit of 10 fish allows certain anglers to take a disproportionate share of the catfish planted and deprives other anglers of fishing opportunities. In addition, the cost to EBMUD of planting catfish in the reservoir has risen over the years and some individuals are taking more fish than the fishing access permit program (that EBMUD uses to pay for stocking) can accommodate given the current fees charged.
- ***Section 5.20, Clams, Freshwater.***
 - *Subsection (d).* This subsection incorrectly references “Chapter 3 (District Trout and Salmon Special Regulations).” The correct title of Chapter 3 is “(Trout, Salmon and Special Regulations).”
 - Remove the reference to Section 7.00. The reference to Section 7.00 is no longer applicable. Section 7.00 now encompasses regulations for anadromous waters, not inland trout waters.
- ***Section 5.41, Landlocked Salmon.***
 - *Subsection (e).* Remove the 10 fish daily bag limit and 20 fish possession limit exception for Upper Scotts Flat Reservoir to allow this water to return the bag and possession limits to the statewide standard (Title 14, subsection 5.00(1)(a)) of a 5 fish daily bag limit and 10 fish possession limit. After 14 years of supplemental stocking of Kokanee fingerlings, the Kokanee sport fishery never developed into a satisfactory fishery. The Department discontinued the supplemental Kokanee fingerling stocking in 2014.
- ***Section 5.75, Striped Bass.***
 - *Subsections (d)(1) and (d)(2).* Delete Lake Elsinore as an exception to the bag and size limits cited in (b) and (c) to eliminate confusion and improve the fishing experience.
 - This change is necessary to align the striped bass regulation at Lake Elsinore to the Southern District standard (Title 14, subsection 5.75(d)) of 10 fish with no size limit. Lake Elsinore is the only waterbody with hybrid Striped Bass x White Bass. At present, the regulation can be confusing to anglers that pursue striped bass who are accustomed to the 10 fish/no size limit regulation in the surrounding geographical area.
 - The City of Lake Elsinore has resumed stocking sterile hybrid Striped Bass x White Bass fingerlings which grow rapidly, achieving 10-12 inches in length in as little as 8-10 months. The current regulations (minimum 18”) require that, to date, all of these fish must be released, also leading to much disappointment from anglers.
- ***Section 5.79 White Sturgeon Report Card and Tagging Requirements for Inland Waters.***

- *Subsection (e)*. The Sturgeon Fishing Report Card fee is referenced as being specified in “Section 701, Title 14, CCR.” For clarity purposes it should instead read “subsection 701(c).” All references to sections of Title 14, CCR, are assumed to be to Title 14 CCR and there is no need to specify them as such.
- **Section 5.85, Trout.**
 - *Subsection (a)(1)*. Amend the current language to clarify that inland lakes and reservoirs on private lands are also subject to the Statewide Trout regulations listed in Section 5.85. This change is necessary because the regulations, as currently stated, refer only to ponds on private lands.
 - *Subsection (a)(2)*. Add reference to subsection 7.40(b) to the existing reference for 7.50(b). The purpose of this change is to clarify that the specified seasons also do not apply to the anadromous waters listed in Section 7.40.
 - From Nov. 16 through the Friday preceding the last Saturday in April, a 0 (zero) trout bag limit applies, and only artificial lures with barbless hooks may be used. At the end of this sentence add “for all species of fish.” The purpose of this change is to clarify that the gear restriction applies to all fish species during the open season, not just to trout.
 - *Subsection (a)(3)(A)*. Add reference to subsection 7.40(b) to clarify that the trout regulations do not apply to the anadromous waters listed in Section 7.40.
- **Section 5.87, North Coast Salmon Report Card Requirement.**
 - *Subsection (h)*. North Coast Salmon Report Card fee is referenced as being specified in “Section 701.” For clarity purposes, it should instead read “subsection 701(b).” All references to sections of Title 14, CCR, are assumed to be to Title 14 CCR and there is no need to specify them as such.
- **Section 5.88. Steelhead Report and Restoration Card Requirements for Inland Waters (FG 682).**
 - Amend the name of the section by deleting the reference to “See Section 701.” The fee for a Steelhead Report and Restoration Card is not referenced in Section 701. Therefore, the reference to Section 701 should be removed from the heading.
- **Section 7.00, District General Regulations.**
 - *Subsection (e), South Central District*. Delete subsection (e)(3) and combine with and reword (e)(2) as: “All anadromous streams and portions of streams except those listed in subsection (e)(1) above or by name in Section 7.40, Special Regulations - Closed to all fishing all year.”
 - This change is necessary because during the Regulation Simplification rulemaking process from 2020 OAL file #2020-1204-02s, the Department removed the season and bag limit for trout and added the language “Closed to the take of salmon.” Because the language in 7.00(a) states that waters closed to hatchery trout and hatchery steelhead fishing are closed to fishing

for all other species, the non-anadromous waters in Alameda, Contra Costa, and Santa Clara counties are now, inadvertently, closed to trout fishing.

- **Section 7.40, Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Water with Special Fishing Regulations.**
 - *Subsection (a)(2)*. Delete the language “covered in subsection (b).” Only salmon and steelhead are covered in subsection (b). This change is necessary because the gear restrictions apply to all fish species in those waters listed in subsection (b).
 - *Subsection (a)(3)*. For consistency purposes, change “Counties” to “counties.”
 - *Subsection (a)(4)*. Deleted as this language pertains to trout and is not relevant to the regulations for hatchery trout/steelhead and salmon in Section 7.40. This requires renumbering of subsections (a)(5) to (4) and (a)(6) to (5).
 - *Subsection (b)(25), Carmel River and tributaries above Los Padres Dam (Monterey County)*. Remove the size limit of 10 to 16 inches and amend the current daily bag and possession of 5 trout, no more than 2 Rainbow Trout, to 5 Brown Trout, 0 Rainbow Trout.
 - The purpose of the regulation change is to protect federally threatened juvenile steelhead trout. All Rainbow Trout above Los Padres Reservoir are native, and a proportion are potentially progeny of adult steelhead that have been moved above Los Padres Dam in an effort to recover the population. The proposed new regulation would be consistent with the regulation for Los Padres Reservoir. Remove reference to 8.00(c)(1), Low-flow Restrictions, from subsection 7.40(b)(34).
 - *Subsection (b)(34), Coyote Creek*. Remove reference to Section 8.00(c)(1), Low-Flow Restrictions. Coyote Creek is being removed from Section 8.00(c)(1), Low Flow Restrictions. Therefore, the reference to Section 8.00(c)(1), Low Flow Restrictions is no longer needed.
 - *Subsection (b)(40)(A)1., Eel River*. Add a reference to “Section 8.00(a)(1)(A) Low-Flow Restrictions” implementing a low-flow fishing restriction between September 1 through April 30 on this stretch of the Eel River from mouth to Fulmor Road, at its paved junction with the south bank of the Eel River.
 - This subsection currently does not have low-flow closure criteria because it is a unique section that includes both estuary and stream conditions. To be more protective of listed and targeted game fish during low flows, the Department is proposing to implement the low-flow closure criteria on this section of the Eel River when the criteria in Section 8.00(a)(1) is under enforcement. The Department recognizes that there are other targeted fisheries (crab, lamprey) in the estuarian section of the river, therefore, the Department is proposing a hook and line gear restriction for this section when low-flow closures are being implemented in 8.00(a)(1). This will still allow use of other legal fishing methods for targeting crab and lamprey.

- *Subsection (b)(40)(A)2., Eel River.* Delete the reference “Section 8.00(a)(1)” and add the reference “subsection 8.00(a)(1)(B), Low-Flow Restrictions.” This part of the Eel River has been subject to the low-flow restrictions but this change is necessary because a new subsection, (A), is being added to subsection 8.00(a)(1), which requires the renumbering of Section 8.00(a)(1) to subsection(a)(1)(B).
- *Subsection (b)(72), Upper Penitencia.* Reference to “Also see Section 8.00(c) Low-Flow Restrictions” is deleted as it is no longer subject to low-flow restrictions.
- *Subsection (b)(80), Sacramento River.* Delete “and tributaries” as this subsection only applies to the mainstem Sacramento River. Add “mainstem” to the heading.
- **Section 7.50. Alphabetical List of Trout Waters with Special Fishing Regulations.**
 - *Subsection (a)(2).* For consistency purposes change “Counties” to “counties.”
 - *Subsection (b)(44)(B), Eagle Lake inside the breakwater at Gallatin Marina.* To the water body description add the following language: “...and Pine Creek Slough and Pine Creek below State Highway 44.” In the Regulation Simplification Rulemaking from 2020, this language was accidentally deleted. The Department is proposing to reinstate the language.
 - *Subsection (b)(44)(C), Eagle Lake tributaries, including Pine Creek.* To the water body description add the following language: “...above State Highway 44.” In the Regulation Simplification Rulemaking from 2020, this language was accidentally deleted. The Department is proposing to reinstate the language.
 - *Subsection (b)(56)(A), Heenan Lake.* Amend this section to include the fishing hours restriction for Heenan Lake. In the Regulation Simplification Rulemaking from 2020, an amendment to Section 3.00 removed a sentence defining Heenan Lake fishing hours as ‘sunrise to sunset’ – but that sentence was not added to the special fishing regulation for Heenan Lake. Currently, Section 3.00 states that Heenan Lake has special fishing hours, but those hours are not stated anywhere. The solution is to add the fishing hours restriction of ‘sunrise to sunset’ to this Heenan Lake special fishing regulation.
- **Section 8.00, Low-Flow Restrictions.**
 - *Subsection (a).* In the first paragraph of the regulatory text, make permanent emergency regulations from OAL file # 2022-0107-01E to extend the low-flow closure period for a different stretch of the Eel River as well as the Mad River, Mattole River, Redwood Creek, Smith River and Van Duzen River (currently October 1 through January 31, four months) to September 1 through April 30 (eight months).
 - This change is necessary to increase the survival of adult Steelhead Trout, Coho Salmon and Coastal Chinook Salmon during drought conditions.

- There is a minor typographical error in 8.00(a) which is corrected from “though” to “through” and has no substantive effect on the regulation.
- *Subsection (a)(1), Eel River.* Add subsection (A) to 8.00(a)(1), as follows: “From mouth to Fulmor Road at its paved junction with the south bank of the Eel River.”
 - Also add mention that when a Low-Flow Closure occurs in this section of the Eel River it will be “Closed to hook-and-line fishing; other legal fishing methods are allowed during this timeframe.”
 - The Department recognizes that there are other targeted fisheries (crab, lamprey) in the estuarian section of the river, therefore, the Department is proposing a hook-and-line gear restriction for this section when low-flow closures are being implemented in 8.00(a)(1). This will still allow use of other legal fishing methods for targeting crab and lamprey.
 - The stream flow will be monitored as follows: Minimum Flow: 350 cfs at the gauging station near Scotia.
 - The addition of these provisions is necessary to increase the survival of adult Steelhead Trout, Coho Salmon and Coastal Chinook Salmon during extreme drought conditions.
 - The current provision in 8.00(a)(1) is renumbered to 8.00(a)(1)(B) with no changes in the regulatory text.
- *Subsection (b).* In the first paragraph, make permanent emergency regulations from OAL file # 2022-0107-01E to extend the low-flow closure period (currently October 1 through March 31, six months) for the Mendocino, Sonoma, and Marin County coastal streams to September 1 through April 30 (eight months).
 - This change is necessary to increase the survival of adult Steelhead Trout, Coho Salmon and Coastal Chinook Salmon during extreme drought conditions.
 - There is a minor typographical error in the third paragraph which is corrected from “though” to “through” and has no substantive effect on the regulation.
- *Subsections 8.00(b)(1) and (b)(2).* Amend the first sentence of these two sections to read: “*All rivers, creeks, and streams that flow directly into the Pacific Ocean (and its bays), except for the Russian and Gualala rivers.*”
 - The ocean does not have tributaries. Streams feed or flow into the ocean but are not tributaries to the ocean.
 - Add the following sentence to both sections: “*This excludes sections and reaches above fish migration barriers, dams, and natural features that prevent upstream anadromous fish migration.*” This sentence is being added to clarify the boundary for low-flow restrictions on the waters identified in these two sections.
- *Subsection 8.00(c)(1).* Remove subsection (1) for Upper Penitencia Creek and Lower Coyote Creek.
 - The open fishing seasons for these waters fall outside the low-flow restriction closure period of December 1 through March 7, making this regulation no longer valid.

- Renumber subsections (c)(2)-(9) to (c)(1)-(8) and correct other references.
- *Subsection 8.00(c)(3)*. Renumbered (6). The Department is proposing to incorporate a low-flow closure trigger of less than 40 cubic feet per second (cfs) measured at the U.S.G.S gauge (#11160500) in the San Lorenzo R. at Big Trees (in Henry Cowell Redwood State Park). Low-flow closure triggers based on publicly available stream gauging have been established and designated in Section 8.00 of the fishing regulations for other steelhead fisheries.
 - The rationale for such a regulation is that steelhead populations in these systems are already vulnerable and fishing at flows where passage is impeded may subject fish to higher contact rates with anglers due to their visibility and their movement being restricted and increase the likelihood that they experience adverse effects or suffer post-spawn mortality due to capture under potentially stressful environmental conditions. Low flow conditions are particularly likely to occur during dry and drought years, and water and air temperatures may be higher at such times which could increase the likelihood that contacted fish could suffer adverse effects. These types of impacts have the potential to negatively impact the population.
- **Section 29.85 Recreational Take of Crabs.**
 - *Subsection (a)*. Remove reference to the Recreational Crab Trap Validation “current year license” in anticipation of the upcoming 365-day fishing license implemented through changes in statute resulting from Assembly Bill 817 (Wood, 2021).

(c) Necessity of the Proposed Regulation Changes

The proposed regulations are necessary to align California’s inland sport fishery regulations with the Department’s current fisheries management goals and objectives, and to protect ESA-listed species including California Coastal Chinook Salmon, Northern California Steelhead, Central California Coast Steelhead, South-Central California Coast Steelhead, Central California Coast Coho Salmon, and Southern Oregon/Northern California Coast Coho Salmon, from fishing induced mortality and injury.

(d) Goals and Benefits of the Regulation

As stated in Fish and Game Code Section 1700, Conservation of Aquatic Resources, 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, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the state. 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 sport fish seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations sport fish to ensure their continued existence.

The benefits of the proposed regulations are consistent with the sustainable management of California's sport fisheries, general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout California.

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

§2.00: Authority cited: Sections 200, 205, 219, 265, 275 and 7149.4, Fish and Game Code. Reference: Sections 110, 200, 265, 275 and 7149.4, Fish and Game Code.

§2.25: Authority cited: Sections 200, 205, 219 and 265, Fish and Game Code. Reference: Sections 200 and 205, Fish and Game Code.

§5.00: Authority cited: Sections 200, 205, 265, 270 and 275, Fish and Game Code. Reference: Sections 200 and 205, Fish and Game Code.

§5.15: Authority cited: Sections 200, 205, 265, 270 and 275, Fish and Game Code. Reference: Sections 110, 200, 205 and 265, Fish and Game Code.

§5.20: Authority cited: Sections 200, 205, 219, 255, 265 and 275, Fish and Game Code. Reference: Sections 200, 201, 203.1, 205, 255 and 265, Fish and Game Code.

§5.41: Authority cited: Sections 200, 205, 219 and 265, Fish and Game Code. Reference: Sections 200, 205 and 265, Fish and Game Code.

§5.75: Authority cited: Sections 200, 205, 265 and 270, Fish and Game Code. Reference: Sections 110, 200, 205 and 265, Fish and Game Code.

§5.79: Authority cited: Sections 200, 205 and 265, Fish and Game Code. Reference: Sections 200, 205 and 265, Fish and Game Code.

§5.85: Authority cited: Sections 200, 205, 219, 265 and 275, Fish and Game Code. Reference: Sections 200, 205, 255, 265, 270 and 275, Fish and Game Code.

§5.87: Authority cited: Sections 200, 205 and 265, Fish and Game Code. Reference: Sections 200, 205 and 265, Fish and Game Code.

§5.88: Authority cited: Section 7380, Fish and Game Code. Reference: Sections 7380 and 7381, Fish and Game Code.

§7.00: Authority cited: Sections 200, 205, 265 and 275, Fish and Game Code. Reference: Sections 110, 200 and 205, Fish and Game Code.

§7.40: Authority cited: Sections 200, 205, 265, 270, 315, 316.5, 399 and 2084, Fish and Game Code. Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game Code.

§7.50: Authority cited: Sections 200, 205, 265, 270, 315 and 399, Fish and Game Code. Reference: Sections 200, 205, 265 and 270, Fish and Game Code.

§8.00: Authority cited: Sections 200, 205, 265 and 270, Fish and Game Code. Reference: Sections 200, 205 and 265, Fish and Game Code.

§29.85: Authority cited: Sections 200, 205, 265 and 275, Fish and Game Code. Reference:

Sections 200, 205, 265 and 275, Fish and Game Code.

(f) Specific Technology or Equipment Required by Regulatory Change

None.

(g) Identification of Reports or Documents Supporting Regulation Change

None.

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

The Department presented the proposed amendments to the sport fishing regulations at the Commission's Wildlife Resources Committee meeting on January 13, 2022.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

The no change alternative would leave existing regulations in place.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. 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. The proposed changes are necessary for the continued preservation of the resource, while providing inland sport fishing opportunities and thus, the prevention of adverse economic impacts.

(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 does not anticipate adverse impacts on the creation or elimination of jobs within the state. The Commission does not anticipate adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

Minor variations in the bag and possession limits and/or the implementation of a size limits are unlikely to significantly impact the volume of business activity.

The Commission anticipates benefits to the environment by the sustainable management of fishery resources throughout the state. The Commission does not anticipate any benefits to the health and welfare of California residents or 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.

VII. Economic Impact Assessment

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

The Commission does not anticipate adverse impacts on the creation or elimination of jobs within the state because the proposed amendments should not significantly impact the demand for goods or services.

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

The Commission does not anticipate that any of the proposed amendments would induce substantial impacts on the creation of new business or the elimination of existing businesses, because the proposed economic impacts of the regulations are unlikely to be substantial enough to stimulate the demand for goods or services related to recreational fishing, travel, or tourism.

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

The Commission does not anticipate that any of the proposed amendments would induce substantial impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve individuals who engage in inland sport fishing. The number of fishing trips and angler economic contributions are expected to remain within the range of historical averages.

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

The Commission does not anticipate direct benefits to the health and welfare of California residents besides the furtherance of opportunities for sport fishing which is healthy outdoor

recreation and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety from the proposed regulations because inland sport fishing does not impact working conditions.

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

Under the proposed regulations, the Commission anticipates benefits to the environment in the sustainable management of inland fishery resources. It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state. 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.

(g) Other Benefits of the Regulation

Other benefits of the regulation include consistency with federal fishery management goals, and support for businesses that rely on inland sport fishing.

Informative Digest/Policy Statement Overview

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the 2022 Sport Fishing Regulatory Cycle. This proposal will amend bag and possession limits for black bass, striped bass, catfish, and trout; extend the low flow closure period for the North and Central Coast areas; and, add a low flow closure target for the San Lorenzo River and its tributaries. In addition, this proposal will make needed corrections to existing regulations. The proposed regulatory changes are needed for clarity and to improve regulatory enforcement. Detailed descriptions of the proposed changes are found in the Initial Statement of Reasons.

The Department is proposing changes to the following regulations in Title 14, CCR:

- Section 2.00, Fishing Methods – General, subsection (a).
- Section 2.25, Bow and Arrow Fishing, subsection (a).
- Section, 2.30, Spearfishing, subsections (b) and (c).
- Section 5.00, Black Bass, subsections (b)(5) Barrett Lake, (b)(8) Cuyamaca Lake, and (b)(19) Otay Lake.
- Section 5.00, in which the following waters are removed from the special regulations, and are subject to statewide provisions (12" minimum and 5 trout per day): (b)(9) Eastman Lake, (b)(11) Hensley Lake, (b)(13) Isabella Lake, (b)(14) Kaweah Reservoir, and (b)(18) Success Reservoir.
- Section 5.15, Catfish and Bullheads, subsection (b)(4) Contra Costa County, Lafayette Lake.
- Section 5.20, Clams, Freshwater, subsection (d).
- Section 5.41, Landlocked Salmon, subsection (e)(1).
- Section 5.75, Striped Bass, subsections (d)(1) and (d)(2).
- Section 5.79 White Sturgeon Report Card and Tagging Requirements for Inland Waters, subsection (e).
- Section 5.85, Trout, subsections (a)(1), (a)(2), (a)(3)(A).
- Section 5.87, North Coast Salmon Report Card Requirement, subsection (h).
- Section 5.88, Steelhead Report and Restoration Card Requirements for Inland Waters.
- Section 7.00, District General Regulations, subsection (e) South Central District.
- Section 7.40, subsections (a)(2), (a)(3), (a)(4), (b)(25) Carmel River and tributaries above Los Padres Dam (Monterey County), (b)(34) Coyote Creek, (b)(40)(A)(1) Eel River, (b)(40)(A)(2) Eel River, (b)(72) Upper Penitencia Creek, and (b)(80) Sacramento River and mainstem below Keswick Dam.
- Section 7.50, Alphabetical List of Trout Waters with Special Fishing Regulations, subsections (a)(2); (b)(44)(B) Eagle Lake inside the breakwater at Gallatin Marina; (b)(44)(C) Eagle Lake tributaries, including Pine Creek; and (b)(56)(A) Heenan Lake.
- Section 8.00, Low-Flow Restrictions, subsections (a) Eel River, Mad River, Mattole River, Redwood Creek, Smith River and Van Duzen River. Stream closures: Special Low Flow Conditions; (a)(1) Eel River; (b) Mendocino, Sonoma, and Marin County coastal streams: Stream Closures: Special Low Flow Conditions; (b)(1) Mendocino County; (b)(2) Sonoma and Marin counties, except for the Russian River; (c) South Central Coast Streams – Special Low Flow Closures; (c)(1) Upper Penitencia Ck. (Santa Clara Co.) and Lower Coyote Ck.; and (c)(3) San Lorenzo River and all its tributaries.
- Section 29.85, Recreational Take of Crabs, subsection (a).

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 may increase 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.