

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

Amend Section 7.50, Subsection (b)(47)  
Title 14, California Code of Regulations  
Re: Fall River Complex Fishing Update

I. Date of Initial Statement of Reasons: March 14, 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).

The proposed regulation changes for the Fall River Complex (Shasta and Siskiyou counties, California) are intended, in part, to facilitate resolution of CEQA litigation filed by the Fall River Conservancy and California Trout (Petitioners) against the Department of Fish and Wildlife (Department) and Fish and Game Commission (Commission).

In addition, the best available science that has recently become available about the Fall River Complex, including Bear Creek, indicates a unique spring system with a mix of Rainbow Trout life histories locally adapted to a spring fed and snow melt system. This information suggests there are genetic differences among Rainbow Trout populations within the Fall River Complex. These findings derive from a research effort led by U.C. Davis with field assistance from the Department. This proposal will amend the current bag and possession limits for trout in the Fall River Complex, and expand the geographic area to account for the best available science. The proposed regulation change will not allow a seasonal harvest, and will prohibit the use of barbed hooks to protect and conserve the unique trout fishery in the Fall River Complex.

(b) Proposed Regulations

The Department is proposing the following regulatory changes:

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

- *Subsections (b)(47)(A) and (B), Fall River Complex.* Amend the current regulation to prohibit seasonal harvest of trout and implement a catch and release only fishery. The new regulation will allow year-round angling, with a 0 (zero) trout bag limit and gear restrictions that only allow for use of artificial lures with barbless hooks.
- Expand the geographic area to include Bear Creek (downstream of Pondosa Way bridge), Fall River Pond, and Fall River Lake.
- Subsections (A) and (B) will be combined to read: Fall River Complex (Shasta and Siskiyou cos.), including Ahjumawi Lava Springs, Bear Creek (downstream of Pondosa Way bridge), Big Lake, Eastman Lake, and Fall River (from confluence with Pit River upstream to origin at Thousand Springs); Fall River Pond; Fall River Lake; Horr Pond, Ja She Creek, Lava Creek, Spring Creek, Little Tule River, and Tule River.
- This change is necessary to prohibit the harvest of trout in order to protect and conserve the Rainbow Trout in the Fall River Complex.
- Combining subsections (A) and (B) will eliminate the need for subsections.

(c) Necessity of the Proposed Regulation Changes

The proposed regulations are necessary to protect and conserve a unique trout fishery and include all waters within this unique water system.

(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.

Fish and Game Code Section 1802 states that the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species.

Adoption of scientifically-based sport fish seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of 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

Authority: Sections 200, 205, 265, 270, 315, and 399, Fish and Game Code.

Reference: Sections 200, 205, 265, and 270, 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 significant impacts on the creation or elimination of jobs within the state. The Commission anticipates no 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 limit are unlikely to significantly impact the volume of business activity.

The Commission does not anticipate direct benefits to the general health and welfare of California residents. The Commission does not anticipate any benefits to worker safety.

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

(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

(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 options 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 demand for goods or services related to sport fishing.

(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 options 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 inland sport fishermen. 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 a healthy outdoor hobby 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

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.

In accordance with this policy, adoption of scientifically-based inland bag and possession limits provides for the maintenance of sufficient sport fish populations to ensure their continued existence and thus continued economic stimulus.

(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**

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

The proposed regulation changes for the Fall River Complex are intended, in part, to facilitate resolution of CEQA litigation filed by the Fall River Conservancy and California Trout (Petitioners) against the Department and Fish and Game Commission (Commission).

In addition, the best available science that has recently become available about the Fall River Complex, including Bear Creek, indicates a unique spring system with a mix of Rainbow Trout life histories locally adapted to a spring fed and snow melt system. This information suggests that there are genetic differences among Rainbow Trout populations within the Fall River Complex. These findings derive from a research effort led by U.C. Davis with field assistance from the Department. This proposal will amend the current bag and possession limits for trout in the Fall River Complex and expand the geographic area to account for the best available science. The proposed regulation change will not allow a seasonal harvest, and will prohibit the use of barbed hooks to protect and conserve the unique trout fishery in the Fall River Complex. Prohibiting the harvest of trout will protect and conserve Rainbow Trout in the Fall River Complex.

The Department is proposing the following changes to subsection (b)(47) Fall River Complex, of Section 7.50, Title 14, CCR:

- Amend the current regulation to prohibit seasonal harvest of trout and implement a catch and release only fishery. The new regulation will allow year-round angling, with a 0 (zero) trout bag limit and gear restrictions that only allow for use of artificial lures with barbless hooks.
- Expand the geographic area to include Bear Creek (downstream of Pondosa Way bridge), Fall River Pond, and Fall River Lake.

### **Benefits of the Proposed Regulations**

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, the general health and welfare of California residents, and the promotion of businesses that rely on sport fishing throughout California.

#### 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 limits, and possession limits.