

COMMITTEE STAFF SUMMARY FOR SEPTEMBER 15, 2022 WRC

5. INITIAL RECOMMENDATIONS FOR REGULATIONS

Today's Item

Information ☐Action ☒

Discuss and potentially make recommendations on regulatory options for the 2023-24 seasons for:

- (A) Upland (resident) game bird hunting
- (B) Mammal hunting
 - I. Elk
 - II. Chronic wasting disease
- (C) Waterfowl hunting
- (D) Central Valley sport fishing
- (E) Klamath River Basin sport fishing
- (F) Inland sport fishing
 - I. Boat limits
 - II. Striped bass

Summary of Previous/Future Action

- | | |
|--|-----------------------------------|
| • Initial discussions | May 19, 2022; WRC, Redding |
| • Today's potential recommendations | Sep 15, 2022; WRC, Arcadia |
| • FGC potentially approves WRC recommendations | Oct 12-13, 2022; Kings Beach |

Background

This item provides the public an opportunity to engage in discussions with WRC, FGC staff and DFW, and for WRC to potentially make recommendations to FGC, about proposed regulation changes for five categories of seasons, three hunting and two sport fishing.

- (A) ***Upland (resident) game bird hunting:*** FGC has the authority to adopt regulations governing the take of resident game birds that are not on the federal migratory bird species list. WRC will discuss upland (resident) game bird hunting, including receiving suggestions from the public for future regulation changes. DFW is not recommending any upland game bird regulation changes at this time.
- (B) ***Mammal hunting (2023-24):*** FGC adopts regulations governing the take of mammals, including hunting. WRC will discuss and potentially make recommendations on DFW-proposed changes to hunting regulations for elk (Exhibit 2) and other regulatory changes to lower the risk of introducing chronic wasting disease (Exhibit 3). The proposed elk revisions are in response to expanding and shifting populations, human-elk conflict, disease, and other factors. Chronic wasting disease, which affects cervid populations, is found in many states outside California (including states as close as Idaho, Utah, and New Mexico) and there is a concerted effort to curtail its spread into the state; the proposed regulations will help prevent from inadvertent introduction. If

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recommended and approved by FGC, it is likely staff will recommend that these two sets of regulation changes be rulemaking processes independent from one another.

- (C) ***Waterfowl hunting (2023-24)***: FGC annually adopts migratory waterfowl hunting regulations to conform State regulations with federal regulations. The U.S. Fish and Wildlife Service adopts federal regulations each Oct based, in part, on recommendations from four regional flyway councils. DFW then makes recommendations to FGC consistent with the federal regulations. Migratory waterfowl include American coot, common moorhen, ducks, black brant and geese, among others. Today, DFW will present its proposed regulatory changes (Exhibit 4).
- (D) ***Central Valley sport fishing (2023)***: FGC annually adopts Central Valley sport fishing regulations for the American, Feather, Sacramento, and Mokelumne rivers to conform State regulations with federal regulations. The National Marine Fisheries Service (NMFS) adopts federal Central Valley salmon escapement goals each Apr based, in part, on recommendations from the Pacific Fishery Management Council (PFMC), and then DFW proposes regulation changes for consistency with those goals. Today, DFW will present its proposed regulatory changes (Exhibit 5).
- (E) ***Klamath River Basin sport fishing (2023)***: FGC annually adopts regulations to conform State regulations with federal regulations in the Klamath River Basin. NMFS adopts federal Klamath River Basin salmon allocations each Apr based, in part, on recommendations from PFMC, and then DFW proposes regulation changes based upon those allocations. Today, DFW will present its proposed regulatory changes (Exhibit 6).
- (F) ***Inland sport fishing***: FGC regulates the take of fish and other aquatic organisms in inland waters, including recreational fishing. Inland sport fishing regulations include a wide variety of fish species in non-marine waters throughout the state.
 - I. ***Inland boat limits***: In Feb 2019, FGC denied regulation change Petition 2018-014, regarding inland boat limits, to provide sufficient time to complete the “Sport Fishing Regulation Revision and Simplification” rulemaking. At that time, FGC requested DFW work with the petitioner to seek further clarification of the proposed regulation change (including geographic scope and applicable species) and to explore the concept more thoroughly for a potential future sport fishing rulemaking. After a series of conversations with the petitioner, at WRC’s May 2022 meeting DFW provided its recommendation to not pursue a regulation change implementing inland boat limits (Exhibit 1). WRC will discuss DFW’s recommendation and potentially make a recommendation to FGC on inland boat limits.
 - II. ***Striped bass slot limits***: Today, DFW will provide an update (Exhibit 7) on a recent town hall meeting it held in Aug 2022 both virtually and at the DFW Fisheries Branch headquarters to solicit input on a potential slot limit regulation for striped bass. DFW will also provide information on an online angler survey regarding the potential regulation; the survey is available at <https://www.surveymonkey.com/r/SPJL6DR> through Sep 30. DFW is anticipated to provide a recommendation on a striped bass slot limit at the Jan 2023 WRC meeting.

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Significant Public Comments (N/A)**Recommendation**

FGC Staff: Support DFW's proposed regulation changes for mammal hunting (elk updates and chronic wasting disease), waterfowl hunting, Central Valley sport fishing, and Klamath River Basin sport fishing. Do not move forward with a regulation change to implement inland boat limits, as recommended by DFW.

DFW: Do not move forward with a regulation change to implement inland boat limits, as detailed in Exhibit 1.

Exhibits

1. [DFW memo regarding inland boat limits, dated May 15, 2022](#)
2. [DFW presentation: Elk hunting](#)
3. DFW presentation: Chronic wasting disease (to be provided separately)
4. [DFW presentation: Waterfowl hunting](#)
5. [DFW presentation: Central Valley sport fishing](#)
6. [DFW presentation: Klamath River Basin sport fishing](#)
7. [DFW presentation: Striped bass slot limit](#)

Committee Direction/Recommendation

The Wildlife Resources Committee recommends that the Commission support the proposed regulation changes for mammal hunting (elk updates and chronic wasting disease), waterfowl hunting, Central Valley sport fishing, and Klamath River Basin sport fishing. Further, the committee recommends the Commission not move forward with a rulemaking to implement inland boat limits.

Memorandum

Date: May 16, 2022

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Recommendation to Deny Regulation Change Petition No. 2018-14 Re: Boat Limits**

On February 6, 2019, the Department of Fish and Wildlife (Department) recommended the denial of Regulation Change Petition 2018-014 to provide sufficient time to complete the Sport Fishing Regulation Revision and Simplification Project. While denying the petition, the Fish and Game Commission requested that the Department work with the petitioner to seek further clarification of the proposed regulation change (including geographic scope and applicable species) and to explore the concept more thoroughly for a future potential sport fishing rulemaking.

The Department has met with the petitioner several times over the last two years and has received additional clarity on the regulation change sought by the petitioner. The petition has been further defined as: when two or more persons who are licensed or otherwise authorized to sport fish in *anadromous waters of the Central Valley from the Carquinez Bridge to the upstream end of anadromy* are angling for *fall-run Chinook salmon* aboard a vessel, fishing by all authorized persons aboard may continue until boat limits of *fall-run Chinook Salmon* are taken and possessed aboard the vessel. Boat-limit in this case is defined as *the number of licensed anglers aboard the boat multiplied by the number of fall-run Chinook Salmon* each angler is allowed to take.

At this time, the Department is not in support of a boat-limit for fall-run Chinook Salmon in Central Valley anadromous waters due to (1) the likely creation of socioeconomic inequities the change would create, and (2) the downward-trending abundance of Sacramento River fall Chinook Salmon (SRFC) in the Central Valley.

The Department believes the application of a differential angling regulation that provides more angling opportunity for anglers fishing from boats than those fishing from shore would create an equity issue in the Sport Fishing Regulations. In inland waters, boat and shore-based anglers are often fishing for the same individual fish in overlapping sections of waters. A critical piece of the Department's mission is working to ensure that Californians have equitable access to outdoor recreation. Introducing an inequity into the Sport Fishing Regulations that gives increased opportunity to people with a higher socioeconomic status (e.g., those that can afford a boat or a guide with a boat), and potentially race and ethnicity, is inconsistent with Department and Commission policies on Justice, Equity, Diversity, and Inclusion.

While the Department does have a regulation in place in Section 27.60 that allows boat limits for persons fishing in vessels in the ocean, we do not view this as a socioeconomic difference in opportunity because in the ocean, anglers in vessels are fishing areas of water and targeting individual fish that are unavailable to shore anglers and vice versa.

SRFC have not met escapement targets most of the last ten years. In 2018, SRFC met the criteria for overfished status as defined in Section 3.1 of the Pacific Coast Salmon Fishery Management Plan. Fisheries designated as overfished require development of a Salmon Rebuilding Plan and Environmental Assessment (Rebuilding Plan). While the Rebuilding Plan did not highlight inland sport fishing as a major contributing factor to the overfished status, the Rebuilding Plan contains allowable exploitation rates with the goal of SRFC meeting the expected minimum escapement target of 122,000 hatchery and natural area adults.

While it may or may not be the explicit intention of a boat-limit regulation to increase exploitation rates and harvest opportunities in the vessel portion of the fishery, an increase in exploitation rate and harvest would certainly be the practicable result. Although in high abundance years a boat-limit regulation is likely to result in little-to-no impact to the fishery, in low abundance years, which have been occurring more frequently over the last decade, increased exploitation rates and harvest are likely to cause impacts to the fishery. The Harvest Control Rule specifies *de minimis* exploitation rates during low abundance years, which allow for some fishing opportunity, but result in the expected escapement falling below the minimum escapement target of 122,000 adults. In addition, from 2010 to 2017, the SRFC exploitation rate has steadily increased from a low of 2% in 2010 to a high of 36% in 2017 – meaning a higher percentage of adult SRCS are being harvested, even at declining total escapement numbers. The upward trend in exploitation rate appears to be due to changes in adult SRFC migration to certain holding areas where fish are more susceptible to catch and harvest. The addition of a boat-limit regulation is likely to exacerbate the increase in exploitation rate and the degree to which escapement falls below the minimum targets in low abundance years, which may require the Department to consider more restrictive actions such as reducing the daily bag and possession limits to minimize impacts.

For the combined reasons of equity for all Californians and the downward trend in SRFC, the Department does not support this proposal.

If you have any questions regarding this matter, please contact Jay Rowan, Fisheries Branch Chief, at (916) 212-3164.

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
Department of Fish and Wildlife

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 16, 2022
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Jay Rowan, Branch Chief
Fisheries Branch
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Chris Stoots, Assistant Chief
Law Enforcement Division
Department of Fish and Wildlife

Jonathan Nelson, Program Manager
Fisheries Branch
Wildlife and Fisheries Division
Department of Fish and Wildlife

Ari Cornman, Wildlife Advisor
Fish and Game Commission

David Thesell, Manager
FGC Regulations Unit



Proposed Elk Hunting Regulation Changes for 2023-24

Dr. Tom Batter

Elk and Pronghorn Coordinator

Game Conservation Program – Wildlife Branch

California Department of Fish and Wildlife

Wildlife Resources Committee Meeting

California Fish and Game Commission

Los Angeles, Calif.

September 15th, 2022



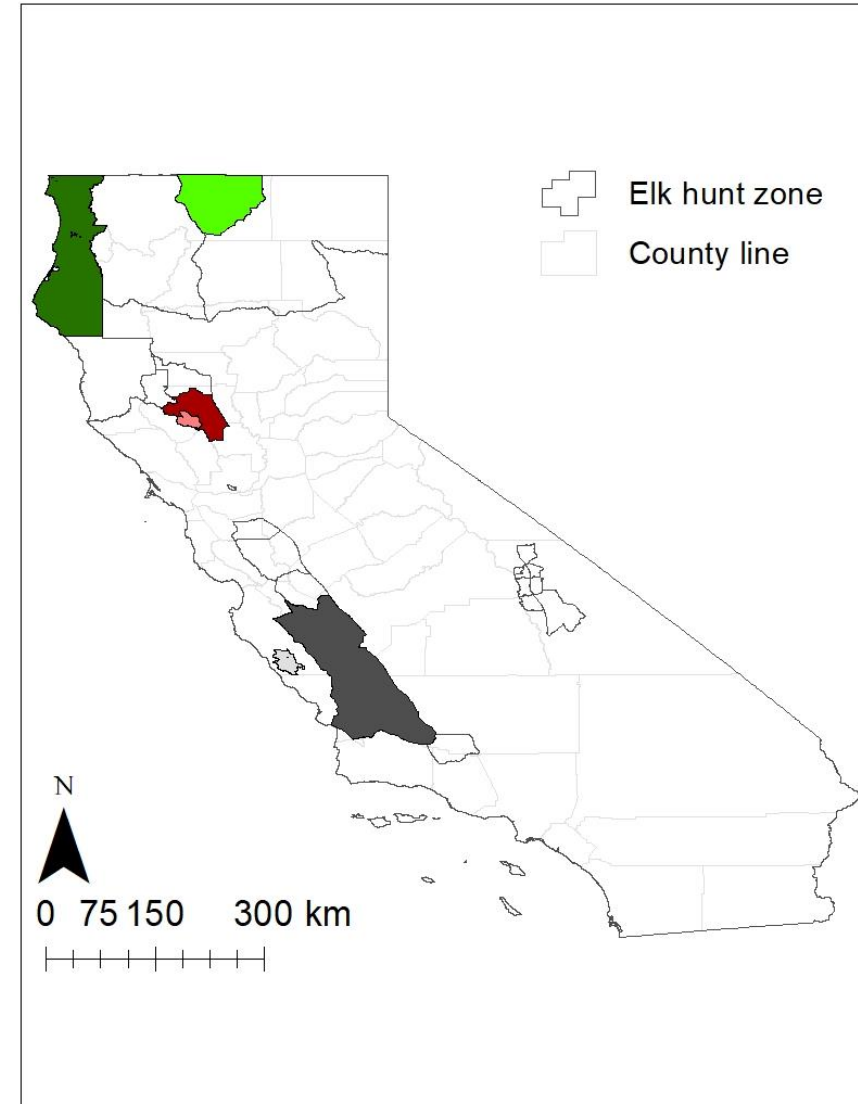
Background

- Elk populations are increasing and expanding/shifting range
- Human-elk conflict above acceptable levels
- Threat of disease and potential hybridization
- Bull:cow objectives not being met

Region 1 – Northern Region

Region 2 – North Central Region

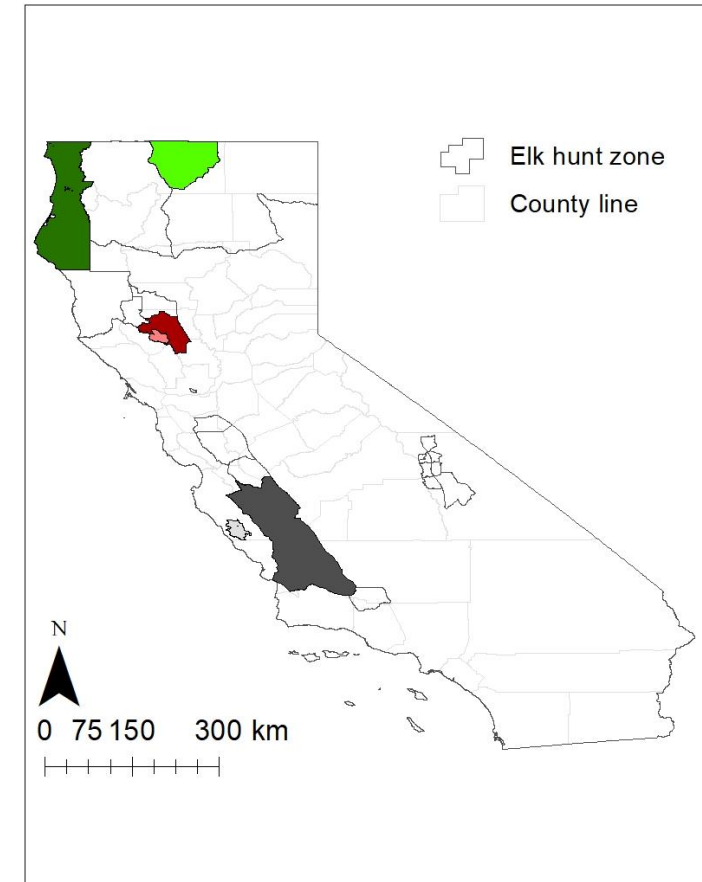
Region 4 – Central Region



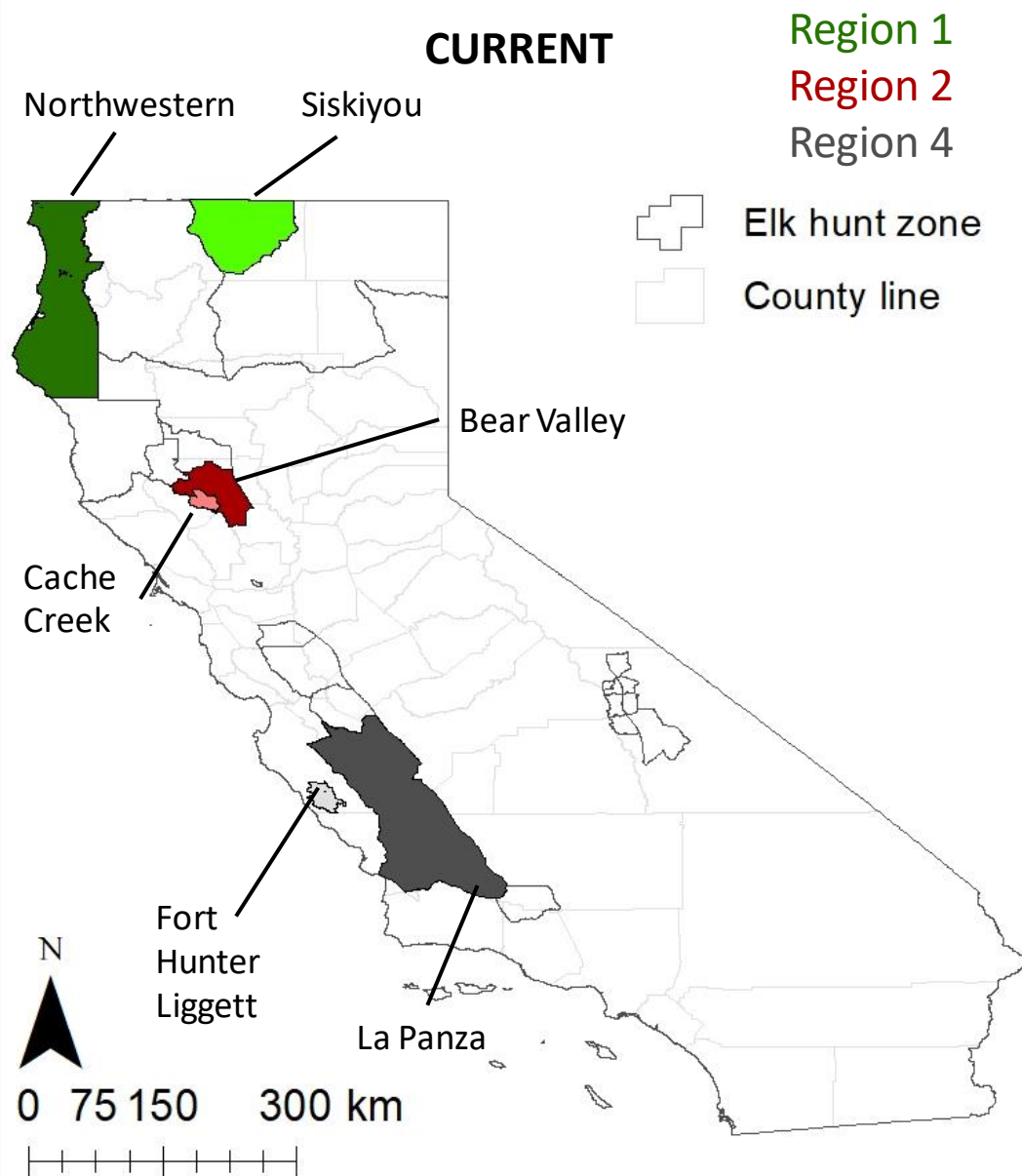
2023-24 Elk Hunting Regulation Change Proposals



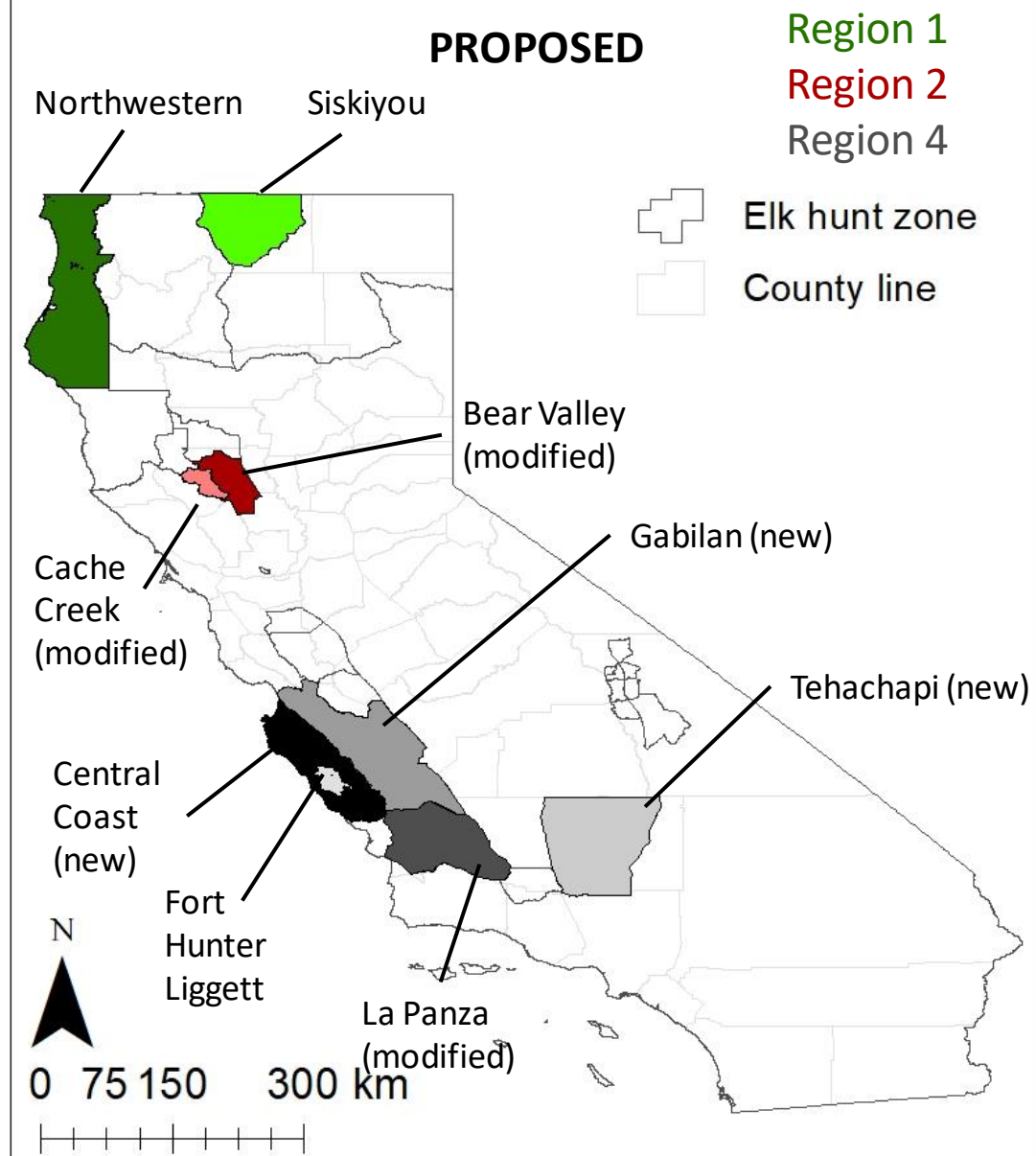
- Region 1 – **Northern Region**:
 - Increase tag quotas for 2 Roosevelt Elk Hunt Zones
 - Adjust season dates for 1 Roosevelt Elk Hunt Zone
- Region 2 – **North Central Region**:
 - Modify hunt zone boundaries for 2 adjacent Tule Elk Hunt Zones
- Region 4 – **Central Region**:
 - Establish 2 new Tule Elk Hunt Zones/General Methods hunts and modify boundary of 1 Tule Elk Hunt Zone
 - Establish 1 new Rocky Mountain Elk Hunt Zone/General Methods hunt



CURRENT

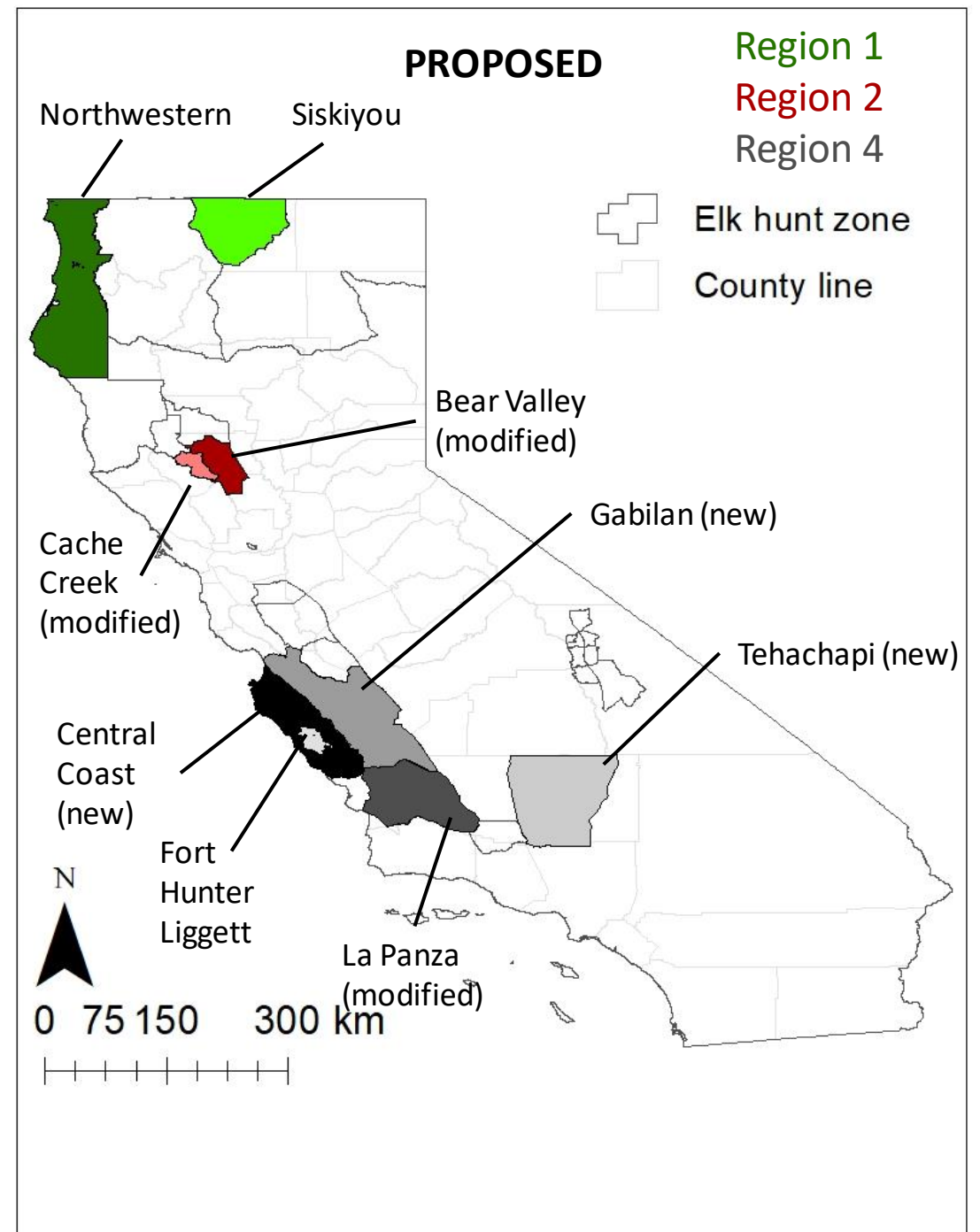


PROPOSED



Intended Outcomes

- Provide increased public hunt opportunity
- Alleviate human-elk conflict
- Establish boundaries that reflect population dynamics
- Achieve bull:cow objectives





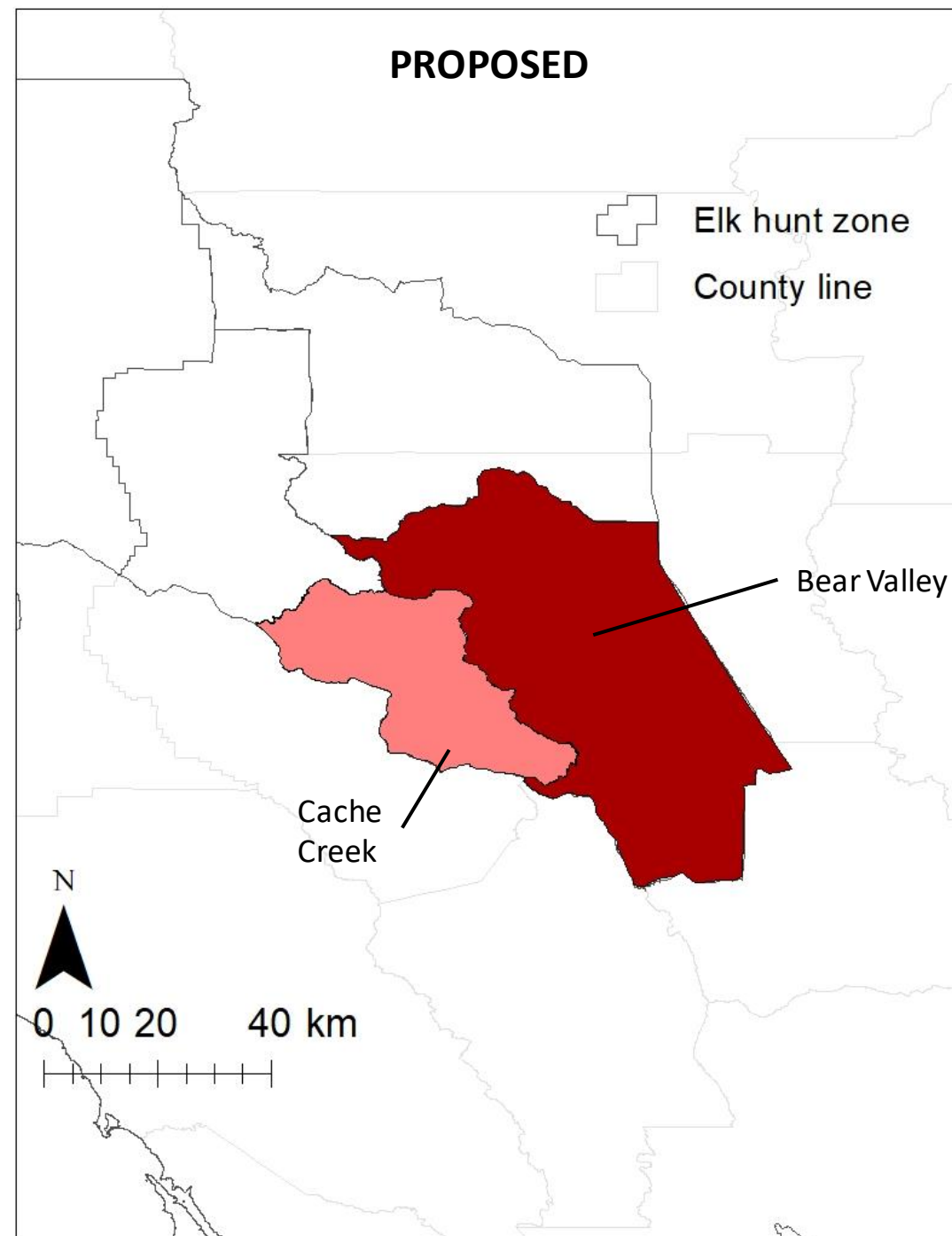
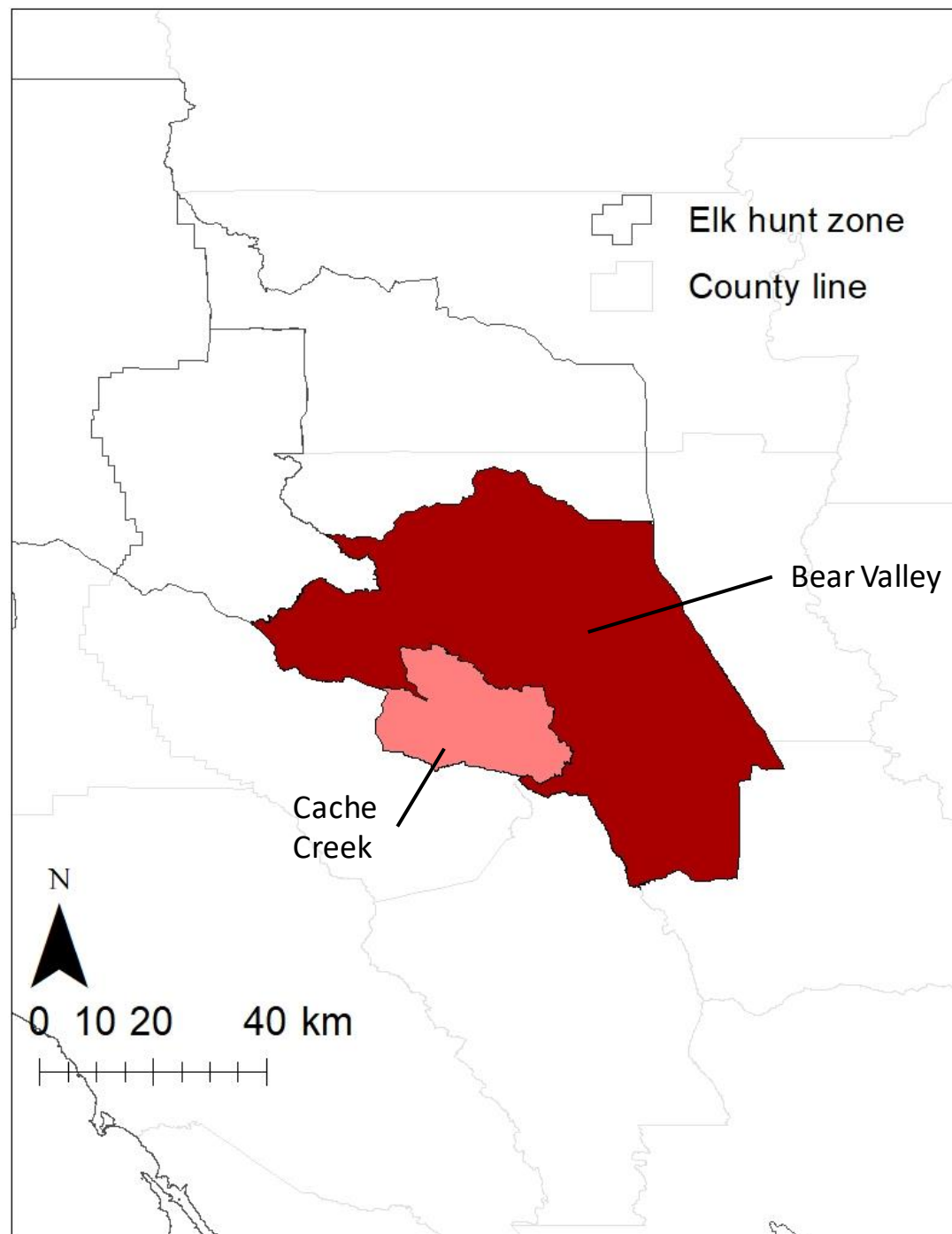
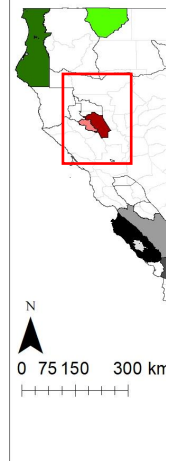
Dr. Tom Batter

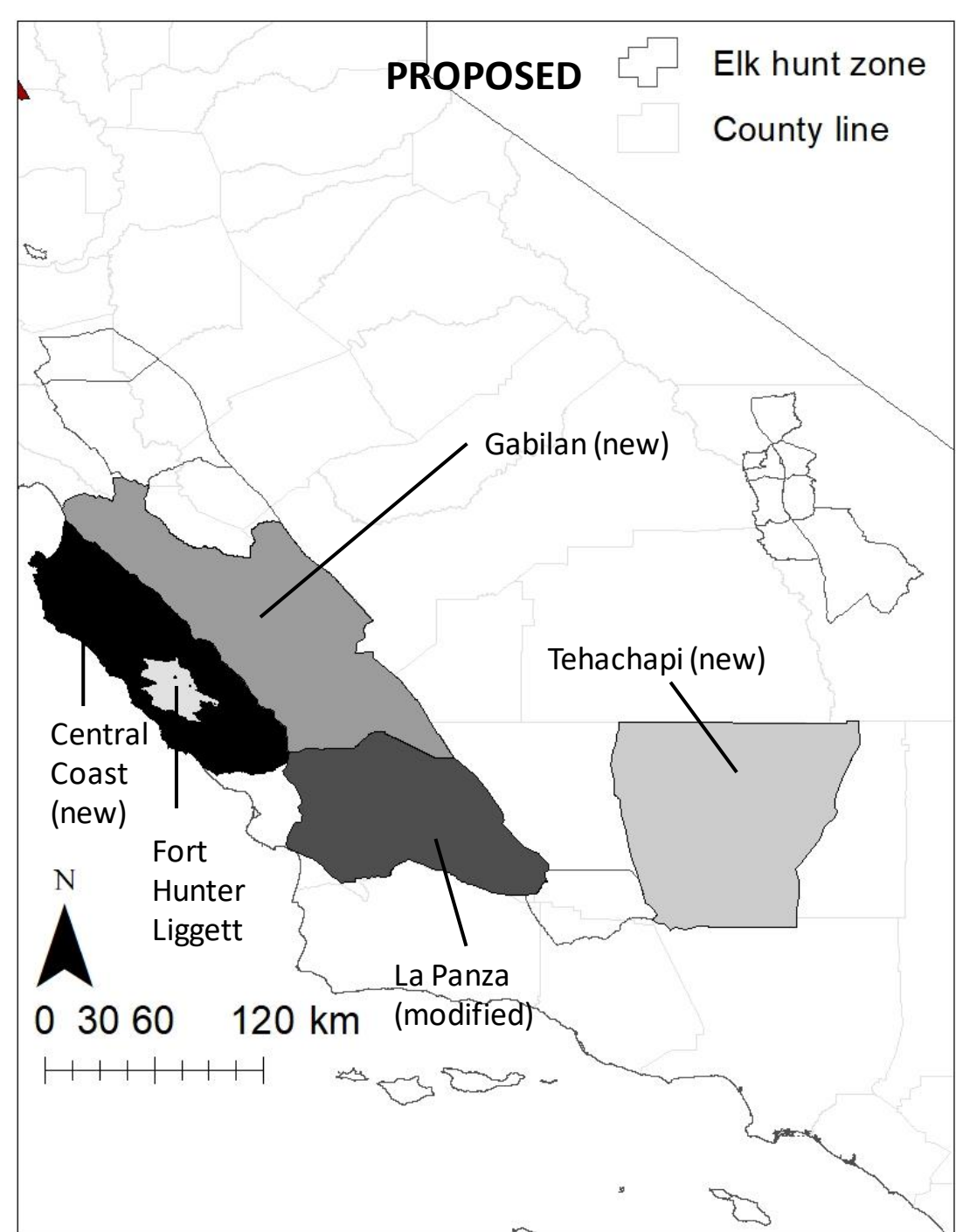
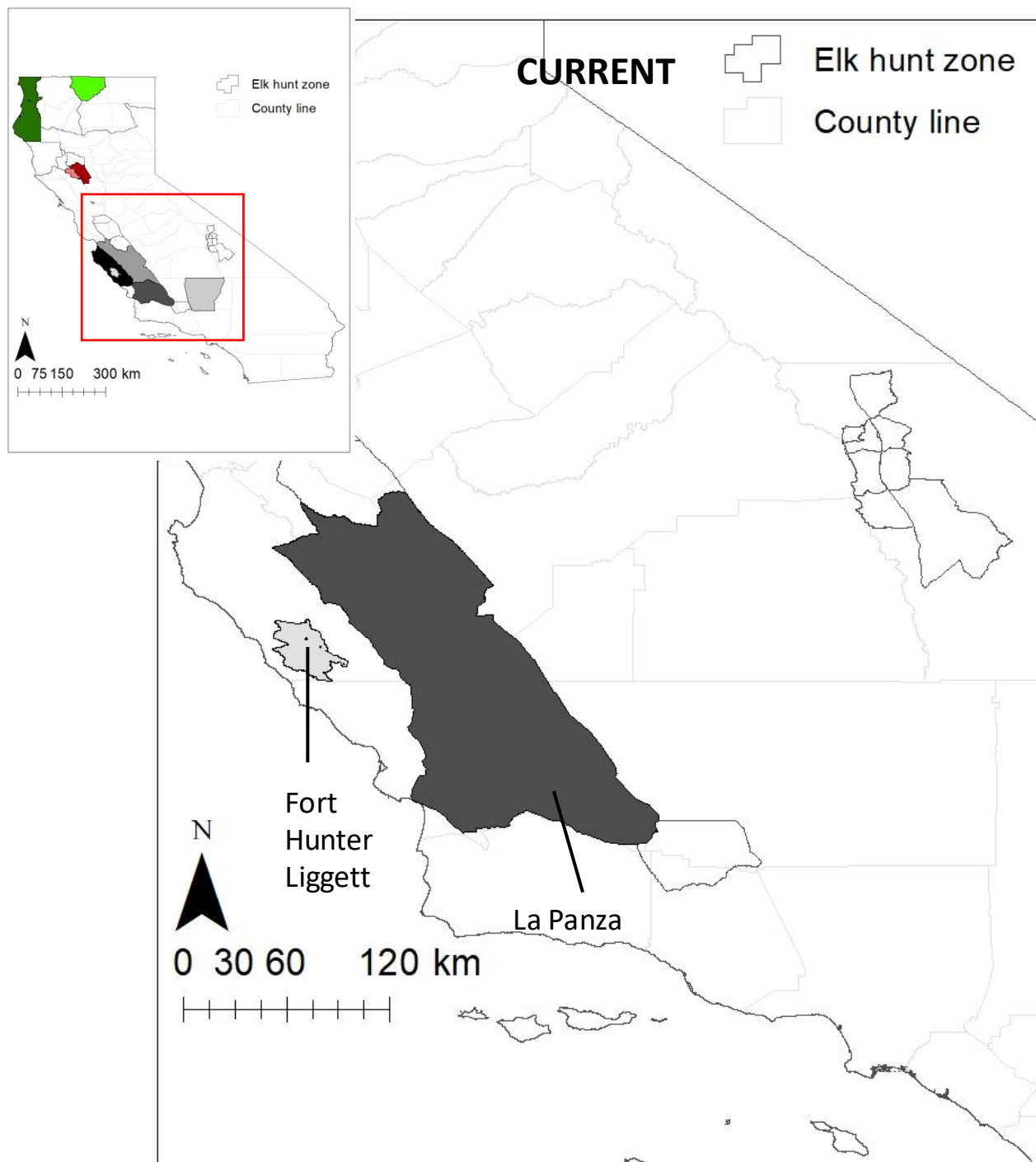
Thomas.Batter@wildlife.ca.gov

Elk and Pronghorn Coordinator

Game Conservation Program – Wildlife Branch
California Department of Fish and Wildlife









Section 502 Waterfowl

Anticipated Recommendations for the 2023-24 Season



Recommended Changes

- Increase most duck season lengths to 103 days to accommodate January 31 closure and traditional Saturday opener in late October.
 - Eliminates falconry only season
- Consider combining Youth Hunt Days with Vet Hunt Days (same weekend)
 - NE Zone likely
 - Reviewing remaining zones



QUESTIONS?



Melanie Weaver
Waterfowl Program Coordinator
Melanie.weaver@wildlife.ca.gov





2023 Central Valley Sport Fishing Regulations



Presentation to the Wildlife Resources Committee

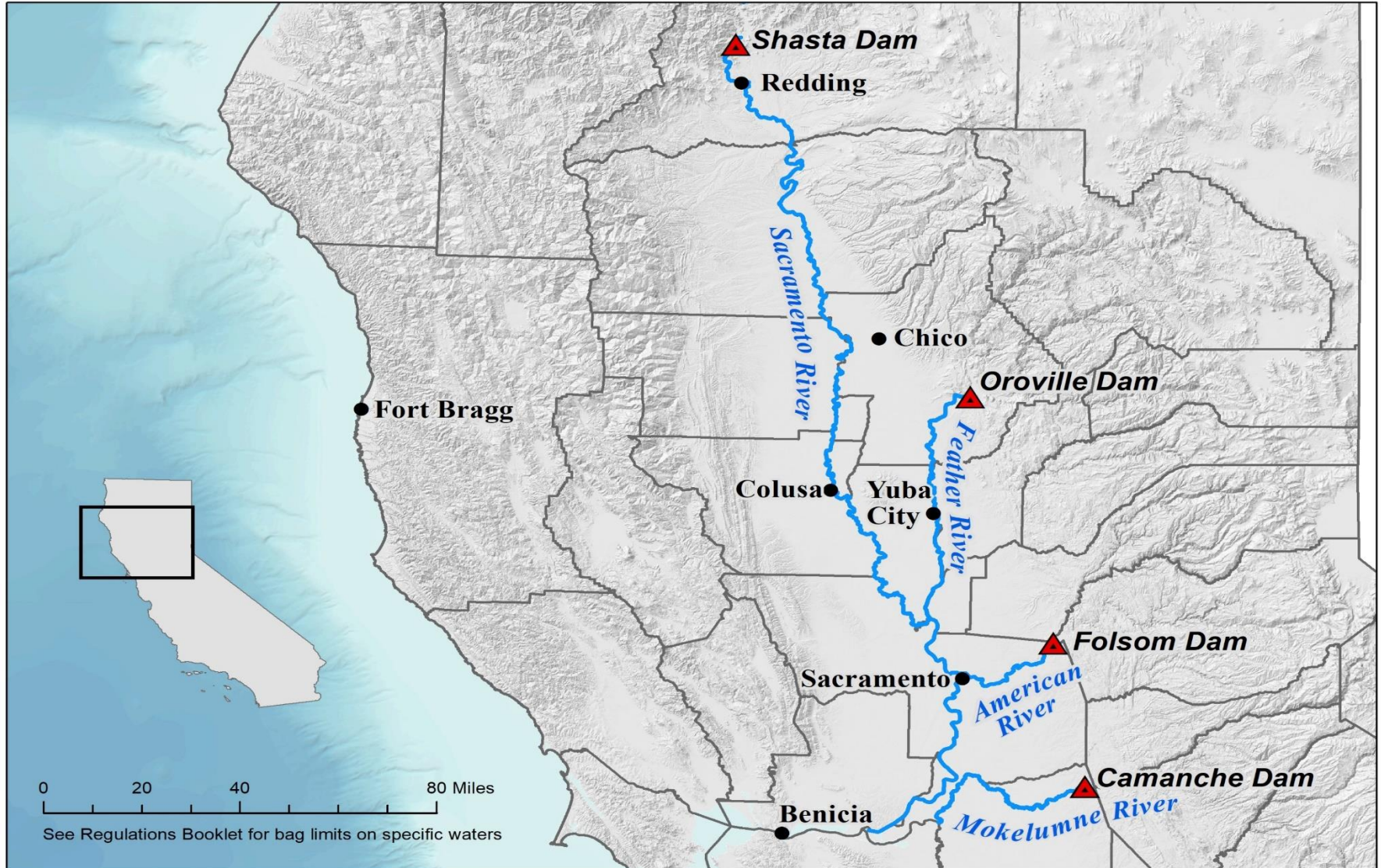
September 15, 2022

Jay Rowan

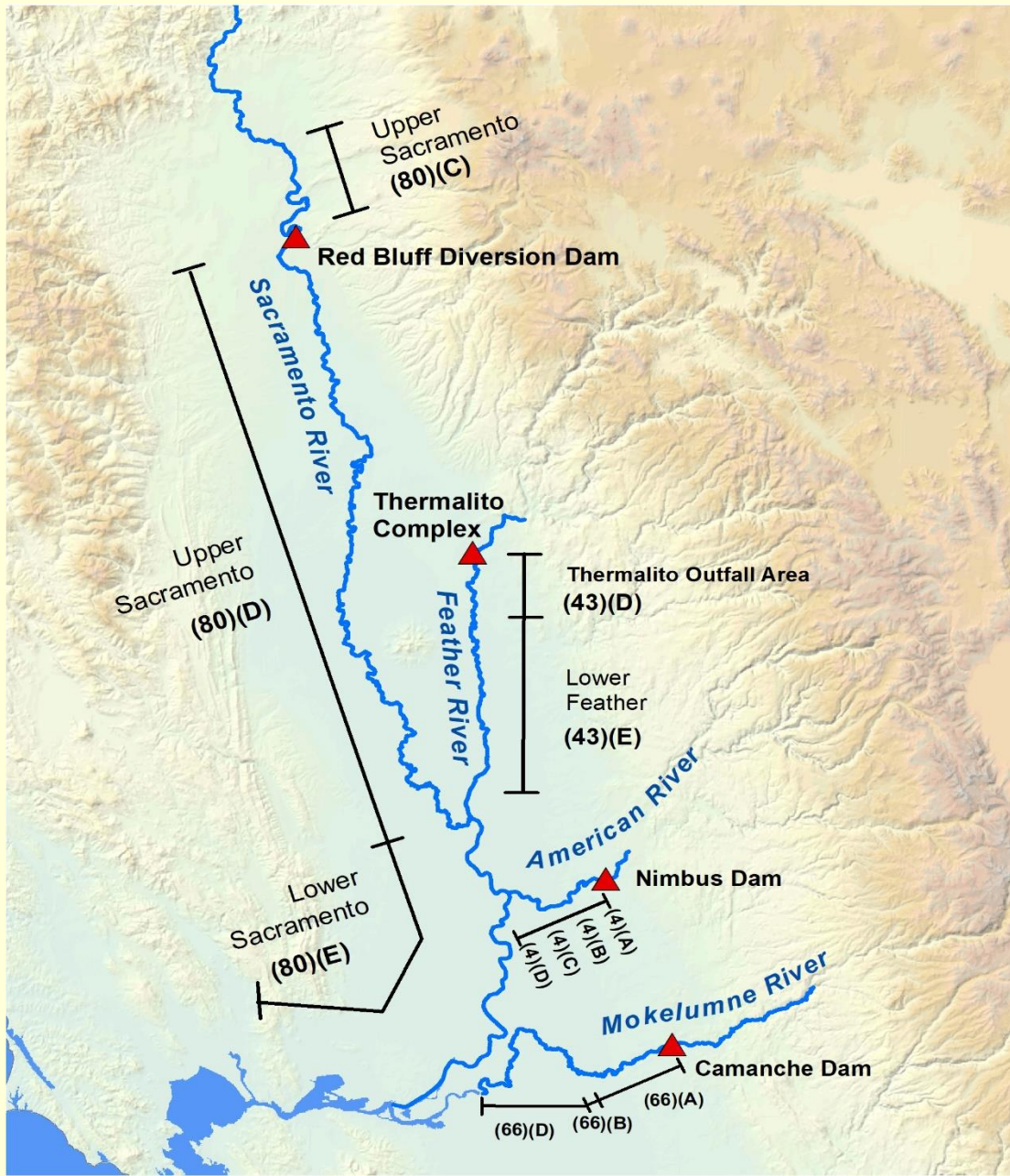
Chief, Fisheries Branch

Central Valley Waters Open to Chinook Salmon Angling

California Central Valley Waters Open to Chinook Salmon Angling, 2019



Special Regulation Waters - Major Central Valley Rivers



Special Regulation Waters Section 7.40(b) Major Central Valley Rivers, 2021



2022 Central Valley Sport Fishing Regulations

- Lower American River
 - 2 fish daily bag / 4 fish possession limit
- Feather River
 - 2 fish daily bag / 4 fish possession limit
- Sacramento River
 - 2 fish daily bag / 4 fish possession limit
- Mokelumne River
 - 2 fish daily bag / 4 fish possession limit

2023 Regulatory Options

- Option 1 – Any size Chinook Salmon fishery
 - [0-4] salmon per day, [0-12] salmon in possession
- Option 2 – Adult and grilse fishery
 - limited number of adults, with grilse making up the remainder of the daily bag and possession limits
- Option 3 – Grilse-only fishery

Range of Possible Bag and Possession Limits

- Lower American River
 - Bag limit: 0-4 fish; Possession limit: 0-12 fish
- Feather River
 - Bag limit: 0-4 fish; Possession limit: 0-12 fish
- Mokelumne River
 - Bag limit: 0-4 fish; Possession limit: 0-12 fish
- Sacramento River
 - Bag limit: 0-4 fish; Possession limit: 0-12 fish

Questions ♦ Thank You



Jay Rowan

Chief, Fisheries Branch

(916) 212-3164

Jay.Rowan@wildlife.ca.gov



2023 Klamath River Basin Sport Fishing Regulations



Presentation to the Wildlife Resources Committee

September 15, 2022

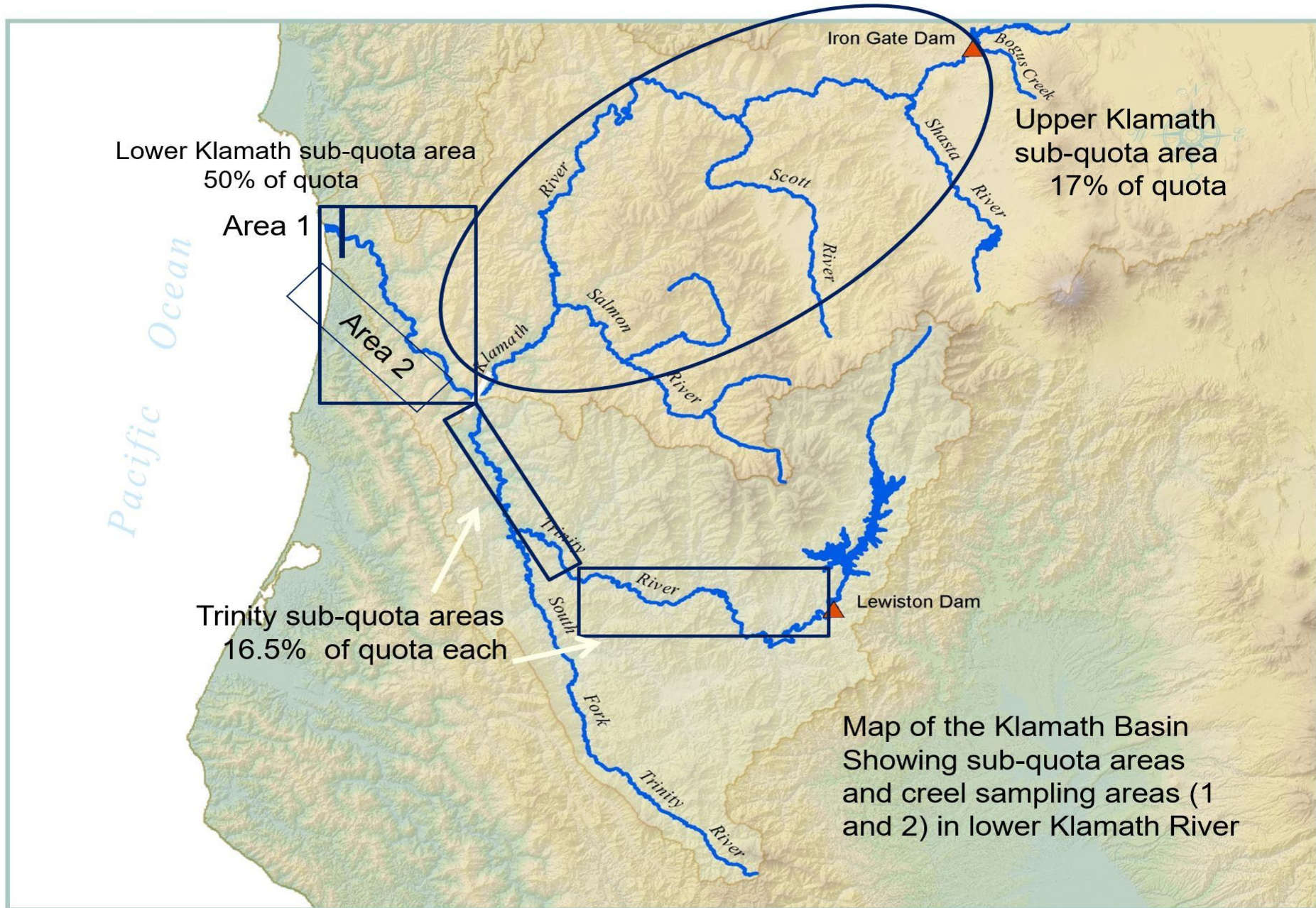
Jay Rowan

Chief, Fisheries Branch

Presentation Overview

- Map of Klamath River Basin sub-quota areas
- Klamath River fall Chinook Salmon (KRFC) management
- 2022 Klamath River Basin sport fishing regulations
- 2023 Klamath River Basin regulatory options

Klamath River Basin Fishing Sub-Quota Areas



KRFC Management

- The Pacific Fishery Management Council (PFMC) establishes harvest allocations and natural spawning escapement goals
- The PFMC will recommend the 2023 recreational fishery allocation in April
- Klamath River Basin quota allocation typically conforms to PFMC recommendations (minimum of 15% of non-tribal allocation)
- DFW determines bag and possession limits based on quota

2022 Klamath River Basin Sport Fishing Regulations

- Klamath River Basin quota: 2,119 adult KRFC > 23 inches
- Daily bag limit: 2 fish, no more than 1 adult > 23 inches
- Possession limit: 6 fish, no more than 3 adults > 23 inches
- Season: Aug. 15 – Dec. 31 (Klamath River)
- Season: Sept. 1 – Dec. 31 (Trinity River)

2023 Regulatory Options

- Klamath River Basin quota range: 0-67,600 fish > 23 inches
- Bag limit range: 0-4 fish > 23 inches
- Possession limit range: 0-12 fish > 23 inches
- Season: Aug. 15 – Dec. 31 (Klamath River)
- Season: Sept. 1 – Dec. 31 (Trinity River)

Questions ♦ Thank You



Jay Rowan

Chief, Fisheries Branch

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California Department of Fish and Wildlife Regulation Petition Evaluation

20-30 inch Striped Bass Slot Limit

Proposed by:
Nor-Cal Guides and Sportsman Association

Wildlife Resources Committee Meeting
September 15, 2022

Jonathan Nelson
Anadromous Fisheries Program Manager
CDFW Fisheries Branch





Petition Background

The Nor-Cal Guides and Sportsmen's Association (NCGASA) submitted a regulation change proposal to the FGC that would restrict the harvest of Striped Bass (SB) to a "slot limit" between 20 and 30 inches for inland anadromous waters. Under the proposal, all SB caught below 20 inches in length and above 30 inches in length would have to be released.

The slot limit would apply to any striped bass caught by recreational anglers in all anadromous inland waters of the state, which includes coastal and Central Valley (CV) rivers and streams and the Sacramento-San Joaquin Delta to the Carquinez Bridge near Vallejo. This proposal would not include inland reservoirs or lakes or ocean waters, which include the San Francisco and San Pablo bays up to the Carquinez Bridge.

The stated goal from NCGASA is to protect the species by increasing the minimum length to allow more fish to mature and successfully spawn prior to harvest and to protect the larger fish that tend to be the most prolific spawners and are becoming increasingly rare in the fishery.



Petition Background Continued

Under existing regulations, anglers fishing for striped bass in anadromous waters are limited to two SB per day, each with a minimum size of 18 inches in total length and no more than two in possession. The daily limit would not change under the proposal.

The California Department of Fish and Wildlife (CDFW) is in the process of evaluating the proposal to determine how this proposed change may affect the SB fishery, including harvest opportunities and biological processes.



Public Outreach

- In-person SB Angler Preference Survey - Implemented in November 2021
 - ~ 200 anglers surveyed
- Online SB Angler Preference Survey – posted to CDFW Website July 11, 2022
 - ~ 18,000 responses as of August 30, 2022
 - Currently looking into developing multi-lingual versions
- CDFW Angling License Holder e-mail – July 26, 2022
 - Distributed to ~960,000 anglers
- CDFW Online News Release – July 28, 2022
- CDFW Online Angler Update – August Edition
- CDFW Social Media posting
- Public Town Hall Meeting – Aug 24, 2022 – Hybrid in-person/online
 - 155 Public Participants – 107 phone/online; 48 in person
 - 45 Public Comment - 40 support; 2 non-support; 3 neutral



Central Valley Angler Effort and Catch Trends For Striped Bass

CDFW Central Valley Angler Survey (CVAS) creel data collected between 1991-2016* was used to evaluate angler effort and catch trends for Striped Bass (SB) in the Sacramento River Basin**.

- Fishing effort targeting SB has not changed significantly over time
- Anglers are catching significantly more SB
- Catch-per-unit-effort (CPUE) has significantly increased
- Anglers appear to not be harvesting more SB
- Anglers are releasing significantly more SB
 - Reasons include: fish are undersized; not desirable size; practicing catch and release
- CVAS estimates an average of ~ 17% of SB are harvested annually
- CVAS estimates less than 5% of SB > 30 inches are being harvested annually and over time

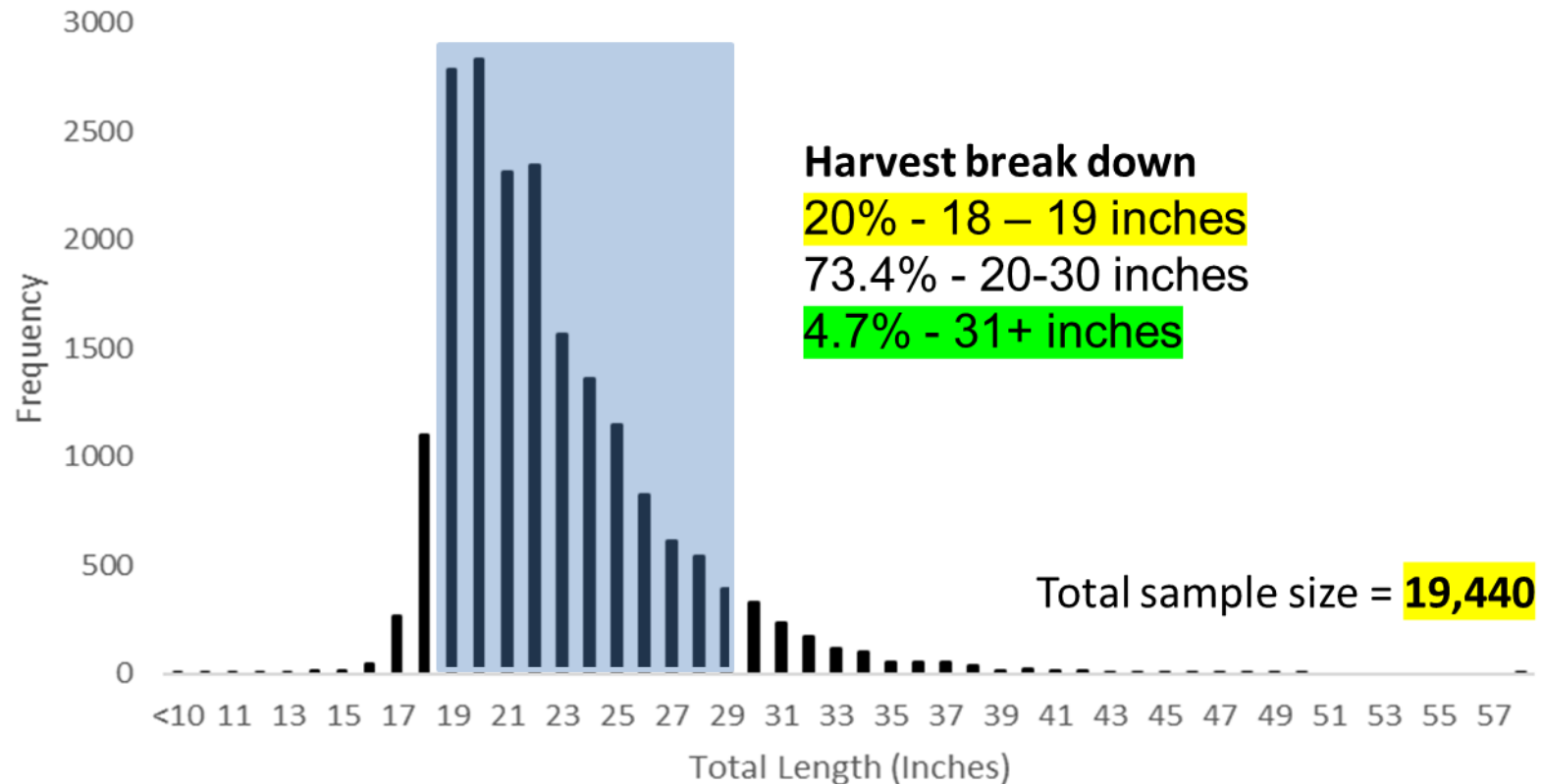
* Survey years include 1991-1994, 1998-2000, 2008-2016 – 16 total years

** Survey Locations include Sacramento (Redding to Rio Vista), American, and Feather rivers



Size Distribution of Striped Bass Harvest

Total Length of Striped Bass In Angler Harvest 1998-2016



- The long-term average for harvested SB is 23.1 inches total length
- The highlighted area overlays the proposed 20-30 inch slot limit



Commercial Passenger Fishing Vessel Log Data

The Department summarized log data from the Commercial Passenger Fishing Vessels (CPFV) in the San Francisco Estuary from 1995-2020.

- No length data for SB are collected/available
- Trends in CPFV log data mirror CVAS data
- CPUE has significantly increased over time
- No significant trends in harvest over time
- Significant increase in released SB



CDFW Adult Striped Bass Monitoring Programs

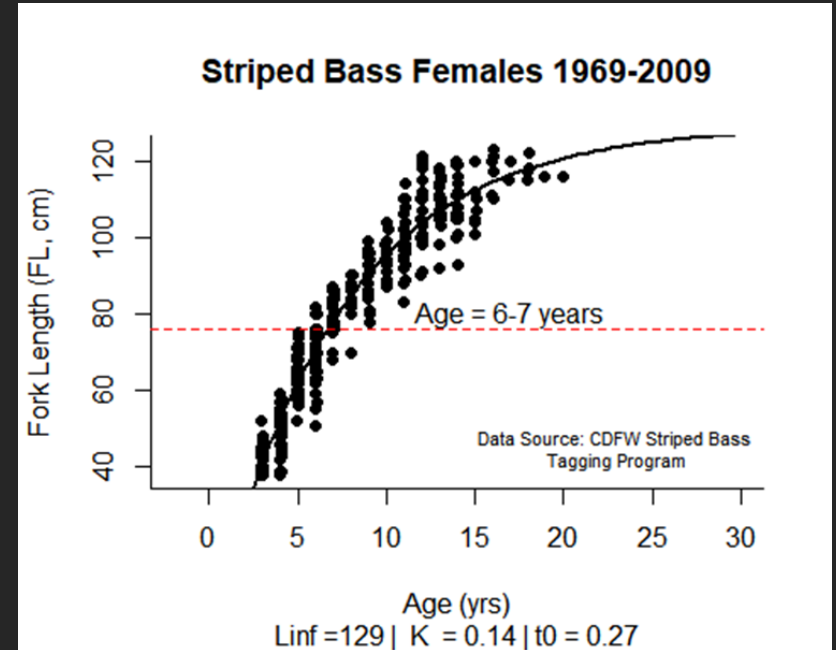
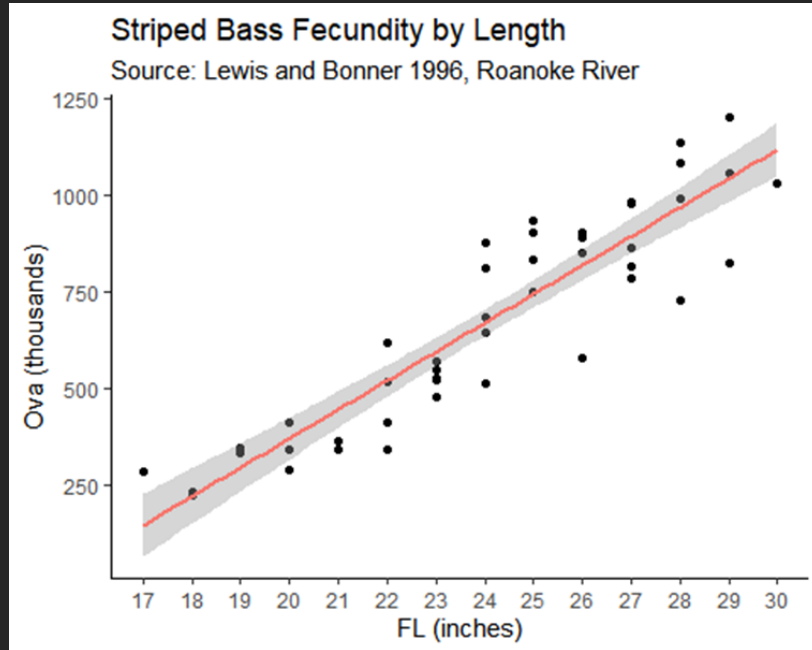
CDFW has implemented various monitoring efforts for adult SB over the past 30 years.

The data collected from the monitoring indicate that catch has not significantly changed over time.

- **Fyke Net Monitoring Data – 1994-2009**
 - No significant trends over time for either total catch ($p = 0.2$) or catch of SB ≥ 30 inches (FL) ($p = 0.5$) per sample hour
 - Trapping occurs in Knights Landing/Verona areas.
- **Gill Net Monitoring Data - 1994-2009**
 - No significant trends over time in either total catch ($p = 0.6$) or catch of SB ≥ 30 inches (FL) ($p = 0.9$) per sample hour
 - Netting occurs in the Delta waterways



Striped Bass Fecundity by Size and Age



- Fecundity (# of eggs) in female samples from Atlantic SB show a tight linear relationship (Upper Left Figure)
 - ~250,000 per female at 17-18" length to 1,000,000+ at 30" length.
- Age reconstruction from scale reads for San Francisco Estuary SB estimate a 30" female is ~ 6-7 years old and a male is ~ 7-8 (Upper Right Figure)
- Many females spawn at age 4 (~21 inches) and nearly all by age 6 (~27 inches)



Striped Bass Angler Preference Survey

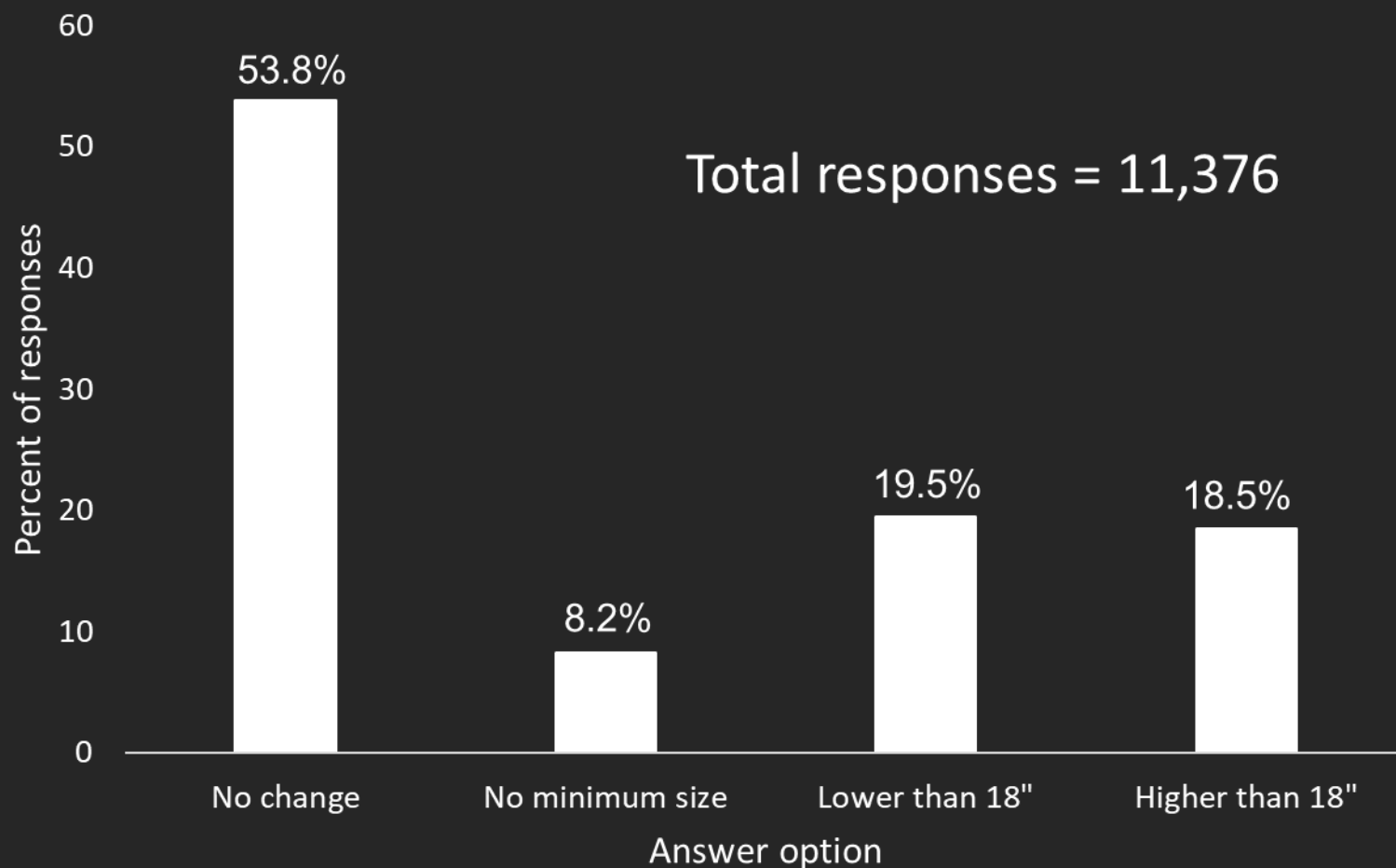
Question #	Question asked	Yes (%)	No (%)	Total responses
1	Do you fish for Striped Bass?	70.6	29.4	18,267
2	Do you support the current minimum size limit?	70.5	29.5	11,551
3	Do you support the current bag limit?	67.5	32.5	11,534
6	Would you support a catch and release fishery for trophy sized Striped Bass? This would require setting a maximum size/slot limit on Striped Bass that can be harvested.	63.7	36.3	11,498
7	Are you a member of any professional fishing association?	9.2	90.8	11,552
8	Are you associated with any state natural resource agency?	3.9	96.1	11,529

- These are results as of August 30, 2022
- The survey will be open through September 30, 2022



Striped Bass Angler Preference Survey Q4

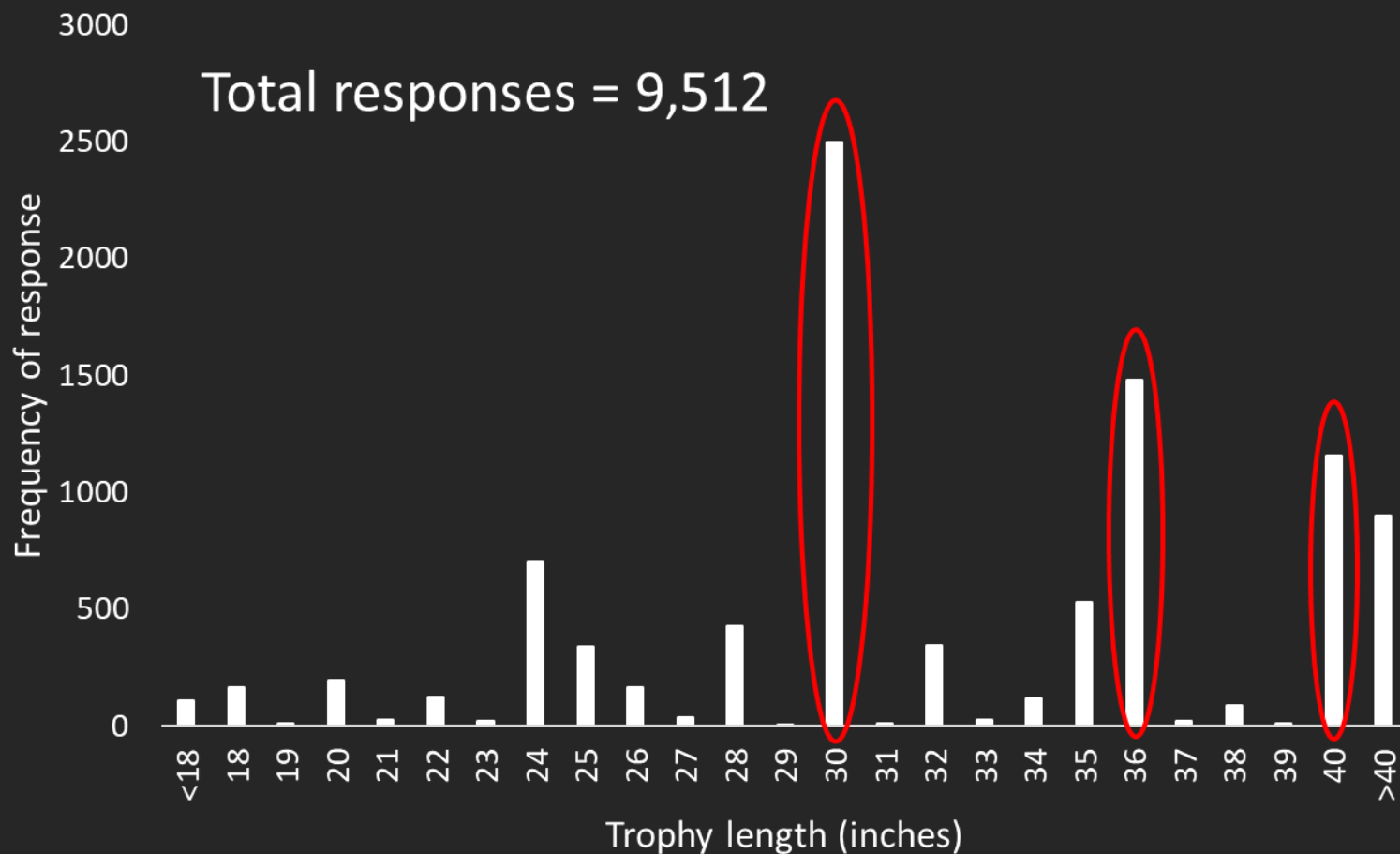
Question 4. Would you like to see the minimum size limit for harvest of Striped Bass?





Striped Bass Angler Preference Survey Q5

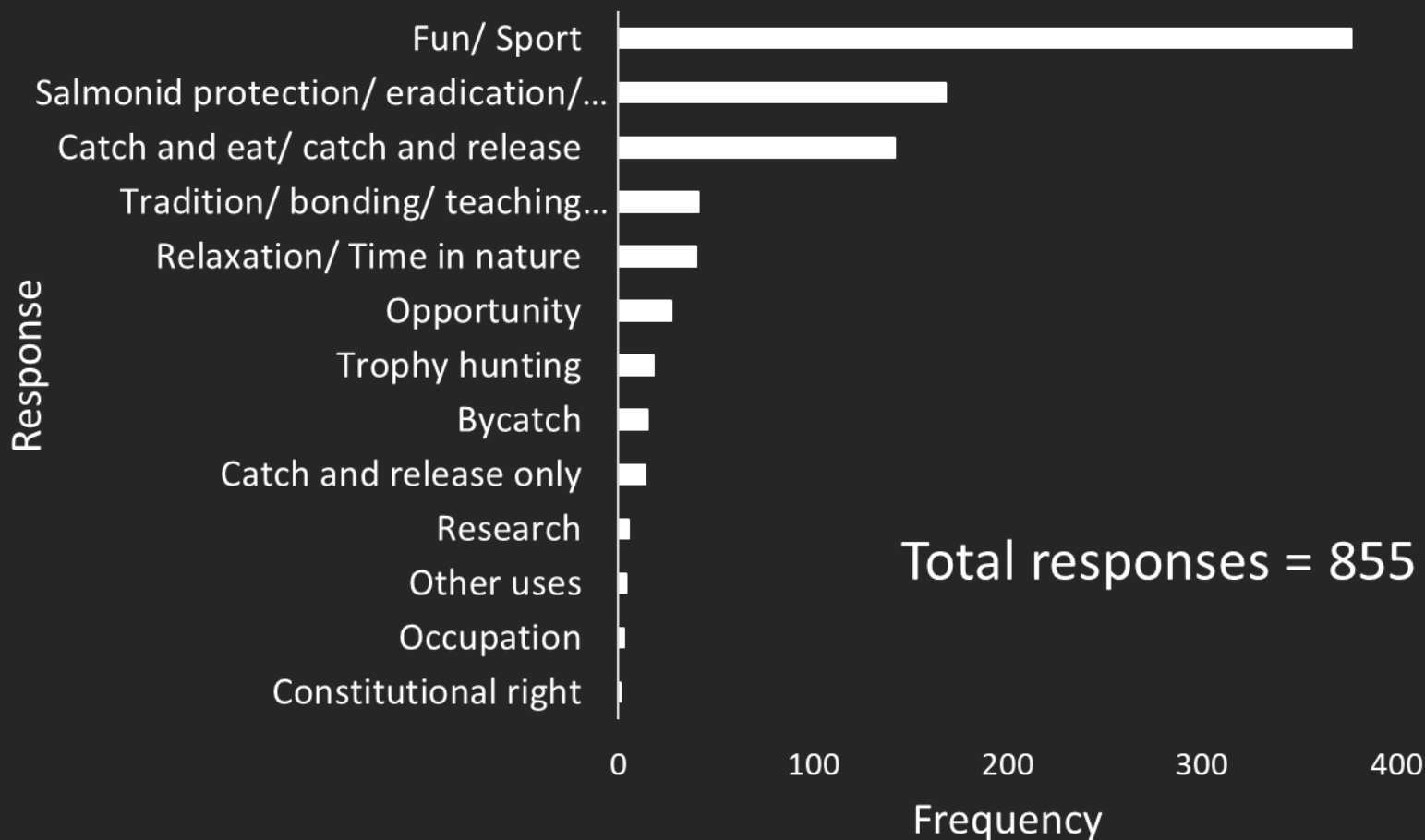
Question 5. What length do you consider a trophy?





Striped Bass Angler Preference Survey Q10

Question 10. Why do you fish for Striped Bass?





CDFW Evaluation – Next Steps

Develop FAQ from Town Hall Meeting and public e-mails

Continue online survey through September 30, 2022

Develop summary report for survey results

Evaluate available fish predation and SB biological studies in the Central Valley and Delta waters

Confirm status of NCGASA petition for SB Slot Limits in ocean regulations and coordinate with Marine Region

Tentative decision at WRC January 12, 2023 Meeting

Additional questions and/or comments contact:

California Department of Fish and Wildlife

StripedBass@wildlife.ca.gov

