

State of California
Fish and Game Commission
Final 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. Dates of Statements of Reasons

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| (a) Initial Statement of Reasons | Date: March 15, 2022 |
| (b) Final Statement of Reasons | Date: September 13, 2022 |

II. Dates and Locations of Scheduled Hearings

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| (a) Notice Hearing | | |
| | Date: April 21, 2022 | Location: Monterey/Trinidad |
| (b) Discussion Hearing | | |
| | Date: June 16, 2022 | Location: Los Angeles/Trinidad |
| (c) Adoption Hearing | | |
| | Date: August 17, 2022 | Location: Loleta |

III. Update

At the Fish and Game Commission's (Commission) August 17, 2022 meeting, the Commission approved the Department of Fish and Wildlife's (Department) recommended amendments to Section 7.50, subsection (b)(47), in Title 14 of the California Code of Regulations as 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.

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

Comment by Hugh Williams, email received July 5, 2022

The commentor requests clarification on the use of treble hooks in the new proposed regulations. They state that a treble hook is not a single hook with 3 points. Treble means treble, and they kill fish. In a catch and release area, like the Fall River Complex, allowing treble hooks makes no sense.

Department response

The new proposed fishing regulations for the Fall River Complex include changes to address public and biological concerns. These changes include simplifying the split open season to a year-round open season and a reduction in the daily bag and possession limit from two to zero trout. The use of single and treble hooks (both barbless for the Fall River) allows for more public opportunity from user groups that use various angling gear types and terminal tackle.

V. 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.

(c) Consideration of Alternatives

In view of information currently possessed by the Commission, 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.

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 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 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 District: 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 (CCR).

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 provide 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 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.

Update

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