

COMMITTEE STAFF SUMMARY FOR MAY 16-17, 2023 WRC

2. INLAND SPORT FISHING**Today's Item****Information** ☐**Action** ☒

Discuss and potentially make recommendations on a periodic inland sport fishing rulemaking.

Summary of Previous/Future Action

- Initial vetting of regulatory proposal January 11-12, 2023; WRC
- **Today's discussion and potential recommendation** **May 16-17, 2023; WRC**

Background

At the January 2023 Wildlife Resources Committee (WRC) meeting, the Department proposed several changes to inland sport fishing regulations (Exhibit 1), including for Chorro Creek, Russian River State Marine Recreational Management Area, and Los Gatos Creek. Additionally, the Department recommended not changing the North Yuba River sport fishing regulations as proposed in Petition 2021-020 (Exhibit 2); in April 2022, the Commission granted the petition for consideration in a future rulemaking.

Today, the Department will present the details of the proposed rulemaking, including a new proposal regarding Bear Creek (in Shasta and Siskiyou counties). WRC will discuss the proposal and potentially make a recommendation.

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

Commission staff: Consider public comments provided during the meeting and recommend that the Commission support the inland sport fishing rulemaking as presented and discussed today.

Exhibits

1. [Department presentation](#)
2. [Petition 2021-020, received October 4, 2021](#)

Committee Direction/Recommendation

The Wildlife Resources Committee recommends that the Commission support the proposed regulation changes for inland sport fishing, as proposed by the Department and discussed today.



Proposed Changes to Inland Sport Fishing Regulations



Presentation to the Wildlife Resources Committee

May 16, 2023

**Karen Mitchell, Sr. Environmental Scientist
Fisheries Branch**

Overview

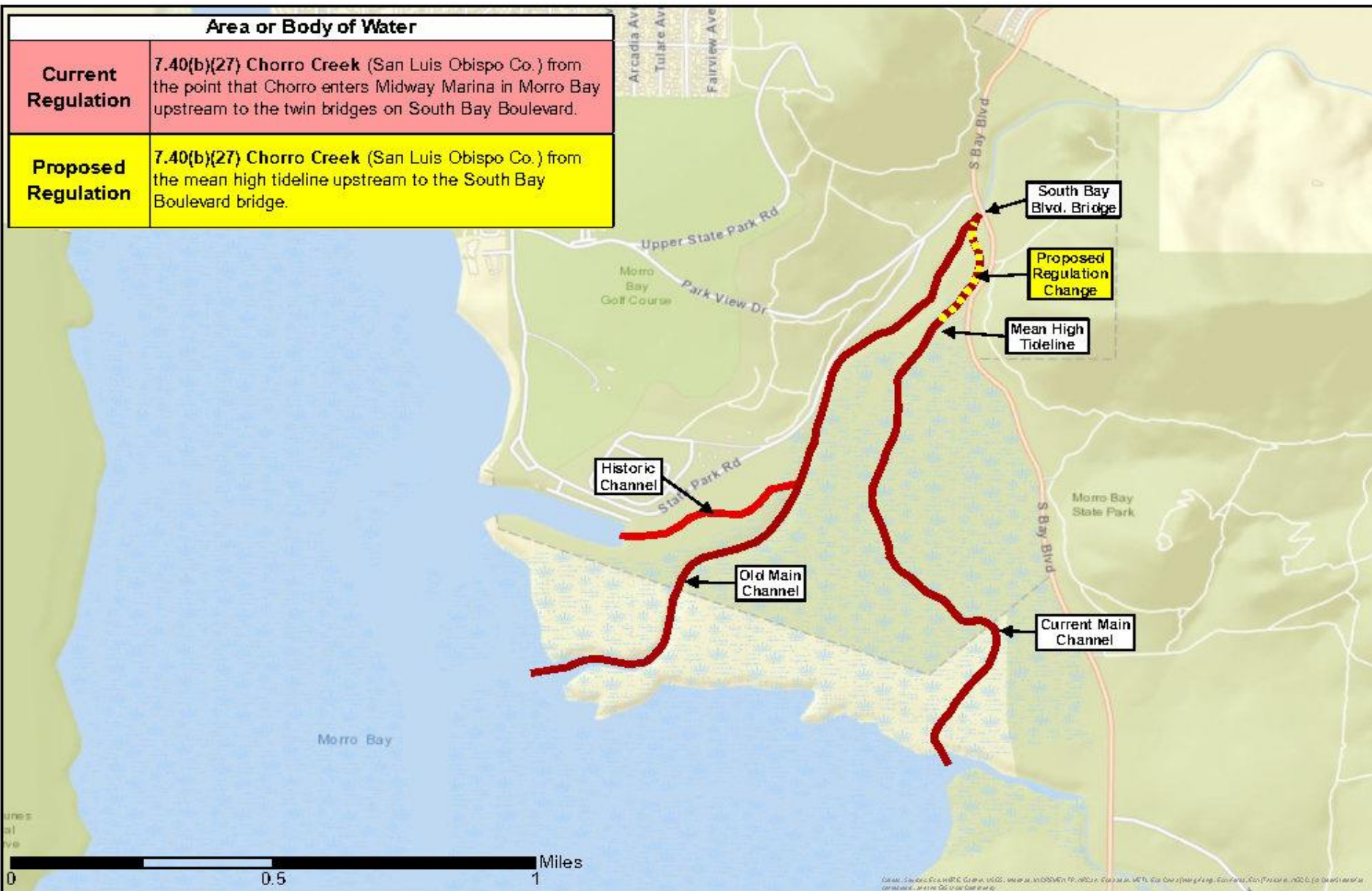
- Chorro Creek (San Luis Obispo Co.)
- Russian River (Sonoma and Mendocino cos.)
- Los Gatos Creek (Santa Clara Co.)
- Bear Creek (Shasta and Siskiyou cos.)
- Proposed Regulation Change Considered but Rejected - Yuba River, North Fork
- Regulatory Timeline

Chorro Creek – San Luis Obispo Co.

Section 7.50(b)(27)

- Lower portion of Chorro Creek open to fishing during steelhead season overlaps with the Morro Bay State Marine Reserve (SMR)
- The Morro Bay SMR is part of California's Marina Protected Areas (MPA) which does not allow fishing
- Propose to align the Chorro Creek fishing boundary with the MPA boundary which is the mean high tide line
- This will reduce approximately 0.75 miles of Chorro Creek to fishing

Chorro Creek Proposed Regulation



Russian River

Section 7.40(b)(79)

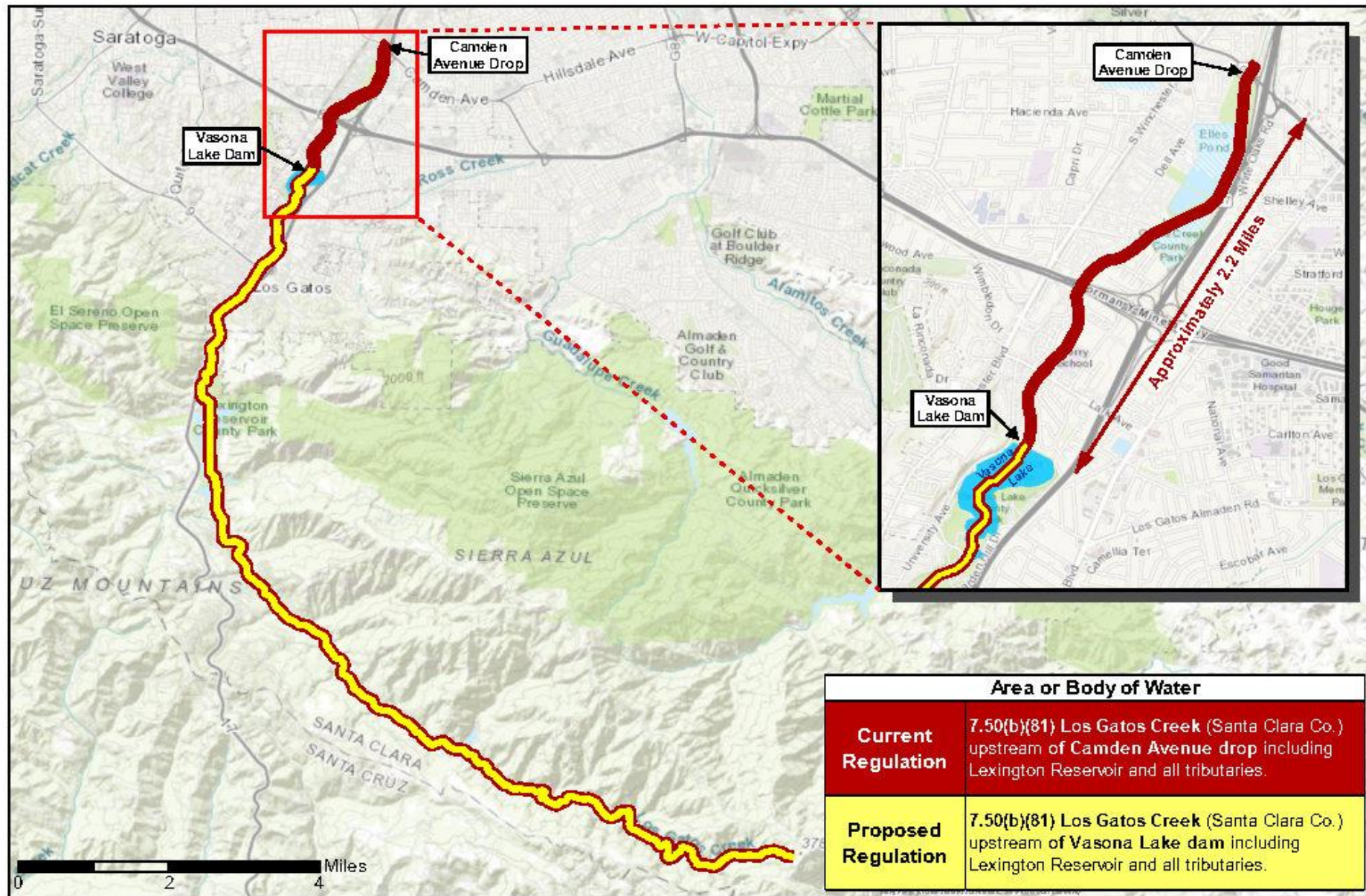
- Fishing is prohibited in the Russian River State Marine Recreational Management Area (RRSMRMA)
- Only reference to the RRSMRMA is in the ocean sport fishing regulations booklet
- Anglers fishing for anadromous and freshwater species often don't check the ocean sport fishing regulations booklet
- New subsection will clarify that fishing is not allowed in that portion of the Russian River defined as the RRSMRMA

Los Gatos Creek – Santa Clara Co.

Section 7.50(b)(81)

- Trout and steelhead fishing regulations overlap for 2.13 miles on Los Gatos Creek
- Steelhead fishing boundary is below Vasona Lake
- Trout fishing boundary is above Camden Avenue drop
- Camden Avenue drop is below Vasona Lake
- Steelhead can access Los Gatos Creek above Camden Ave drop in very wet years
- Change trout fishing boundary to Vasona Lake Dam to protect ESA listed Central California Coast steelhead

Los Gatos Creek Proposed Regulation



Bear Creek – Shasta and Siskiyou cos.

Section 7.50(b)(7)

- Two conflicting regulations for Bear Creek in Section 7.50, Special Fishing Regulations
- January 2023, Bear Creek was moved to the Fall River Complex regulations, subsection (b)(47)
- Concurrently, subsection (b)(7), Bear Creek, should have been removed from Section 7.50
- Propose to remove subsection (b)(7), Bear Creek, from Section 7.50

Proposed Regulation Changes Considered but Rejected

- Yuba River, North Fork: Public Petition
 - Petition requests the regulation be returned to catch and release fishing during winter
 - Recent change provides more angling opportunity with reduced bag limits (2 trout) and restrictions to only artificial lures
 - A limited harvest trout fishery should have no long-term effect on the wild trout population
 - Department staff are monitoring the Yuba River to ensure the fishery is not impacted by the new regulation

Regulatory Timeline

- Commission Public Meetings
 - June: Request to go to Notice
 - August: Discussion Meeting
 - October: Adoption Meeting
- January 1, 2024 – New regulations go into effect

Questions / Thank You





Tracking Number: (2021-020)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person:

Robert Latta, Chairperson, Sierra County Fish and Wildlife Commission
Address: Post Office Box 5, Sierra City, CA 96125
Telephone number: 530-414-5134
Email address: blatta@sccn.net

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:

Fish and Game Code

Division 1. Fish and Game Commission (101-500)

Chapter 2. Regulation of Take and Possession Generally (200-275)

Article 1. Authority (200-219)

200. (a) There is hereby delegated to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibians, and reptiles.

205. Any regulation of the commission pursuant to this article which relates to fish, amphibia and reptiles, may apply to all or any areas, districts or portion thereof, at the discretion of the commission, and may do any or all of the following as to any or all species or subspecies:

- (a) Establish, extend, shorten, or abolish bag open seasons and closed seasons.
- (b) Establish, change, or abolish bag limits, possession limits, and size limits.
- (c) Establish and change areas or territorial limits for their taking.
- (d) Describe the manner and means for their taking.



219. Any regulation adopted pursuant to this article may supersede any section of this code designated by number in the regulation, but shall do so only to the extent specifically provided in the regulation. A regulation which is adopted pursuant to this section shall be valid only to the extent that it makes additions, deletions, or changes to this code under the following circumstances:

- (a) The regulation is necessary for the protection of fish, wildlife, and other natural resources under the jurisdiction of the commission.

3. Overview (Required) - Summarize the proposed changes to regulations

The purpose of this petition is to correct what appears to be an unintended consequence of the process of simplifying the CDFW freshwater Sport Fishing Regulations that were adopted for the 2021-2022 season as described on page 76 of this year's publication. The proposed changes are in reference to the Special Regulation Section of the North Yuba which is from the western boundary of Sierra City to the confluence with Ladies Canyon. This is an approximately 5-mile reach which lies entirely in Sierra County. The proposal is to restore the text of future regulations related to this reach to as how they were written prior to the 2021-2022 changes. In other words, we propose that for the Special Regulation Section of the North Yuba, which is from the western boundary of Sierra City to the confluence of Ladies Canyon, the following regulations should be adopted:

Special Regulations for this section apply from the last Saturday in April through November 15. The bag limit is 2 fish. Only artificial lures with barbless hooks may be used.

From November 16 through the Friday preceding the last Saturday in April, a zero bag limit applies. Only artificial lures with barbless hooks may be used.

The following table is provided to add clarity:

Table 1. Regulations for Yuba River, North Fork from the western boundary of Sierra City to the confluence with Ladies Canyon - Old, Current, and Proposed Regulations.

Regulation Status	Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
OLD	(211) Yuba River, North Fork (Sierra and Yuba cos.) (A) From the western boundary of Sierra City to the confluence with Ladies Canyon Creek.	Last Saturday in Apr. through Nov. 15. 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
CURRENT	(169) Yuba River, North Fork (Sierra and Yuba cos.) from the western boundary of Sierra City to the confluence with Ladies Canyon Creek.	All year. Only artificial lures may be used. *	2 trout *
PROPOSED	(169) Yuba River, North Fork (Sierra and Yuba cos.) from the western boundary of Sierra City to the confluence with Ladies Canyon Creek.	Last Saturday in April through November 15. Only artificial lures with single barbless hooks may be used.	2 trout
		From Nov. 16 through the Fri. preceding the last Sat. in Apr., a zero trout bag limit applies, and only artificial lures with barbless hooks may be used. **	0 trout **

*Not consistent with statewide stream regulations during any time period.

**Consistent with statewide stream regulations from Nov. 16 through the Fri. preceding the last Sat. in April



4. Rationale (Required) - Describe the problem and the reason for the proposed changes

There are three main reasons for this proposal:

--Simplicity. Restoring the regulations as to how they were written prior to 2021-2022 would help to achieve the objective of simplicity as the regulations would only be "special" or different from the statewide stream regulations during the "summer" (last Saturday in April through November 15) season. They would be identical to the statewide stream regulations during the remainder of the year or "winter" (November 16 through the Friday before the last Saturday in April) season—which is substantially simpler with respect to take and equipment than how the regulations for that season are written currently.

The critical inconsistencies and therefore the major complications in the regulations as they stand today are related to the "winter" season when the regulations in the "restricted" section of the North Yuba are less restrictive by allowing lures with any number of barbed hooks per lure and a bag limit of 2 fish. Also, those regulations are different from the North Yuba and other streams covered by the general statewide regulation for that "winter" period. Our proposal would improve on that by making the "winter" regulations the same for the entire fork of the river and its tributaries and consistent with the general statewide regulations for the "winter" period.

--Protection of the fishery. The special regulations were the result of research that was initiated approximately 30 years ago under the direction and leadership of Region II biologist John Hiscox. John's regular reports to the Sierra County Fish and Wildlife Commission included data that supported the idea that the special regulations assigned to this section resulted in fish counts that reflected increased fish numbers and sizes.

--Economics. The health of western Sierra County's economy is largely determined by the varied interests of its visitors. Anecdotal evidence provided by those in the region's hospitality industry suggest that fishing attracts visitors, and that opportunities which might include waters restricted to artificial lure and catch and release fishing are attractive to many who might not be interested otherwise.

SECTION II: Optional Information

5. Date of Petition: [Click here to enter text.](#)

6. Category of Proposed Change

- ☒ Sport Fishing
- ☐ Commercial Fishing
- ☐ Hunting
- ☐ Other, please specify: [Click here to enter text.](#)



7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
☐ Amend Title 14 Section(s): Click here to enter text. |
☐ Add New Title 14 Section(s): Click here to enter text. |
☐ Repeal Title 14 Section(s): Click here to enter text. |
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text. |
Or ☐ Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: As soon as is practical. Ideally before publication of 2022-2023 Sportfishing Regulations Handbook, Click here to enter text. |
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Click here to enter text. |
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Click here to enter text. |
12. **Forms:** If applicable, list any forms to be created, amended or repealed:
Click here to enter text. |

SECTION 3: FGC Staff Only

Date received: Click here to enter text. |

FGC staff action:

- ☐ Accept - complete
☐ Reject - incomplete
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- ☐ Denied by FGC
☐ Denied - same as petition _____

Tracking Number

- ☐ Granted for consideration of regulation change