

## Staff Summary for April 17-18, 2024

**17. White Sturgeon Sport Fishing Regular Rulemaking****Today's Item**Information Action 

Consider authorizing publication of notice of intent to amend regulations through a regular rulemaking to adopt the emergency rules for the recreational take of white sturgeon.

**Summary of Previous/Future Actions**

- Adoption hearing for *emergency regulations* regarding recreational take of white sturgeon October 11-12, 2023
- Wildlife Resources Committee (WRC) discussed a regular rulemaking regarding recreational take of *white sturgeon in 2025* January 16, 2024; WRC
- Today's adoption hearing for first 90-day extension of *emergency regulations* April 17-18, 2024
- **Today's notice hearing for *regular rulemaking* regarding recreational take of white sturgeon** **April 17-18, 2024**
- Discussion hearing for *regular rulemaking* June 19-20, 2024
- Notice hearing for rulemaking concerning recreational take of *white sturgeon in 2025* June 19-20, 2024
- Adoption hearing for *regular rulemaking* August 14-15, 2024
- Discussion hearing for rulemaking regarding recreational take of *white sturgeon in 2025* August 14-15, 2024
- Adoption hearing for rulemaking regarding recreational take of *white sturgeon in 2025* October 9-10, 2024

**Background**

Three rulemakings related to white sturgeon are actively being advanced or considered by the Commission: extension of the regulation changes first adopted through an *emergency rulemaking* in October 2023, a request to publicly notice a *regular rulemaking* for the same regulation changes that would be effective for as long as necessary once adopted and approved, and another regular rulemaking for different regulation changes to take effect for *white sturgeon in 2025*. If approved at this meeting, the *white sturgeon in 2025* rulemaking will be introduced for potential notice at the June 2024 Commission meeting.

**Emergency Regulations**

At its October 2023 meeting, the Commission took emergency action to amend regulations regarding inland and ocean recreational take of white sturgeon to support recovery of populations and to track fishing pressure and success. The emergency regulation went into effect on November 16, 2023 and, if not extended by the Commission, will expire May 15, 2024. The Commission will be asked to consider re-adopting the emergency regulations for an additional 90-day period during Agenda Item 14 of today's meeting. If approved, the emergency regulations will then expire August 13, 2024. Staff may recommend a second and final extension at the June 2024 Commission meeting.

## Staff Summary for April 17-18, 2024

Prior to the effective date of the emergency regulations, recreational anglers were permitted to keep one white sturgeon per day, and a combined total of three per year, between 40- and 60-inches fork length. The season was open year-round, with some limited regional and/or seasonal closures.

At the October 2023 Commission meeting, the Department recommended the Commission adopt regulations for recreational catch-and-release only for white sturgeon (see Exhibit 1). However, after receiving public testimony regarding the impact of a catch-and-release only fishery on the recreational fishing industry, the Commission adopted regulations that allow limited recreational harvest of white sturgeon. The emergency regulations:

- Reduced the annual bag limit for white sturgeon from three fish to one fish;
- reduced the legal slot limit from 40 to 60 inches fork length to 42 to 48 inches fork length;
- established a limit of two white sturgeon per day per vessel;
- closed white sturgeon fishing in the migrating and spawning reaches of the Sacramento and San Joaquin rivers from January 1 through May 31, and specified other portions of the Sacramento and San Joaquin rivers and ocean waters remained open year-round except for a seasonal closure in the San Francisco Bay;
- specified that once an angler has retained and tagged a white sturgeon, they may not continue to catch-and-release white sturgeon on the same day, but may catch-and-release white sturgeon starting the day after;
- specified that once the white sturgeon vessel limit is reached, only anglers who have not retained and tagged a white sturgeon that day may continue to catch-and-release white sturgeon;
- amended white sturgeon report card and tagging requirements for consistency with the changes to the white sturgeon annual bag limit and catch-and-release restrictions;
- added a requirement to report length of sturgeon caught and released on the report card; and
- required anglers to report additional sturgeon caught and released on the back of the report card once all the lines on the front of the card are filled.

***Proposed Regulations through Regular Rulemaking***

The proposed regulatory action under this agenda item seeks to continue through a regular rulemaking the emergency amendments to sections 5.79, 5.80, 27.90 and 27.92 that specify report card and tagging requirements, and seasons and bag limits for white sturgeon sport fishing in inland waters and ocean waters. The intent is to continue the limited harvest regimen until the effective date of the 2025 regulations concerning recreational take of white sturgeon. Further details on the proposed changes are available in the draft initial statement of reasons (ISOR) and proposed regulatory language (exhibits 3 and 4).

## Staff Summary for April 17-18, 2024

**Future Rulemaking for 2025**

At the January 16, 2024 WRC meeting, the Department proposed for 2025 a limited-entry harvest tag system with a set number of tags for a regular rulemaking. Guides and sturgeon anglers proposed an alternative tag system with an unlimited number of tags and close monitoring of harvest levels. Discussions considered the status of white sturgeon populations and potential economic losses from businesses that support the recreational sturgeon fishery. The Department underscored the importance of protecting spawning areas to conserve white sturgeon populations in the long-term. Some stakeholders voiced reservations about the reliability of data presented by the Department and whether population declines are real.

WRC Chair Zavaleta explained the range of options, from closure through catch-and-release, to the tag system proposals, to the current emergency regulations. She expressed concerns about the status of white sturgeon as a species and requested that the Department include an option for catch-and-release fishing only in the proposal it presents to the Commission.

At its February 14-15, 2024 meeting, the Commission approved WRC's recommendation that the Commission support a future regular rulemaking regarding white sturgeon, with options for both the Department's recommendation and catch-and-release. Under Agenda Item 27 today, the Department proposes that the Commission, at its June 2024 meeting, issue a notice of intent to amend white sturgeon regulations for the 2025 rulemaking.

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

**Commission staff:** Authorize publication of notice of proposed changes to regulations regarding recreational take of white sturgeon as recommended by the Department.

**Department:** Authorize publication of notice of proposed changes to regulations regarding recreational take of white sturgeon as described in the draft ISOR.

**Exhibits**

1. [Staff summary for October 11-12, 2023 Commission meeting, Agenda Item 9 \(for background purposes only\)](#)
2. [Department memo, received April 8, 2024](#)
3. [Draft ISOR](#)
4. [Draft proposed regulatory language](#)
5. [Draft economic and fiscal impact statement \(STD. 399\) and addendum](#)

**Motion**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission authorizes publication of a notice of its intent to amend sections 5.79, 5.80, 27.90 and 27.92 related to recreational take of white sturgeon.

**STAFF SUMMARY FOR OCTOBER 11-12, 2023***For background purposes only***9. WHITE STURGEON EMERGENCY REGULATION****Today's Item**Information Action 

Discuss and consider adopting emergency regulations concerning recreational take of white sturgeon to support recovery of sturgeon populations and to track fishing pressure and success.

**Summary of Previous/Future Actions**

- Wildlife Resources Committee (WRC) discussion and recommendation      September 19, 2023; WRC
- **Today's adoption hearing**      **October 11-12, 2023**

**Background**

White sturgeon is an anadromous fish species that resides primarily in the San Francisco Bay-Delta and migrates as adults into the major rivers of the Central Valley to spawn. White sturgeon are long lived, potentially in excess of 100 years, with most individuals reaching maturity by approximately 14 to 15 years. Mature white sturgeon spawn every 2 to 5 years. Successful recruitment to the adult population is uncommon, occurring approximately every 6 to 7 years, and is highly correlated with above normal water years as measured by high mean daily Sacramento–San Joaquin River Delta outflow. The abundance of legal-sized white sturgeon in California has declined considerably since the 1980s, when abundance was estimated to be approximately 175,000 fish. In 2015, the Department estimated abundance in California at about 48,000 fish, and the Department's 2023 estimate was about 33,000 fish.

At present, recreational anglers can keep one white sturgeon per day, with a combined total of three per year, between 40 and 60 inches (fork length). The season is open year-round, with some limited regional and/or seasonal closures. Fishing pressure for white sturgeon, as measured by the number of fish harvested by anglers, has remained relatively stable; however, the number of fish caught and released has declined precipitously, indicating that fewer fish overall are being caught. The exploitation rate (i.e., the age-specific proportion of the population or biomass that is removed each year) of white sturgeon is estimated to be very high, ranging from 8 to 29.6% between 2007 and 2015. It has been suggested that the highest exploitation rate that a white sturgeon population can sustain is approximately 5 to 10%.

During July and August 2022, the San Francisco Bay region experienced a major harmful algal bloom (HAB) of *Heterosigma akashiwo* that resulted in significant mortality of fishes, including sturgeon. The resulting mortality has exacerbated what the Department believes to be an already unsustainable level of fishery exploitation of white sturgeon into a crisis situation.

**Synopsis of Events**

The Commission was first informed about the existence of an emergency through WRC. At the January 2023 WRC meeting at the request of the chair, the Department responded to an op-ed written by various sturgeon researchers in the academic field, calling on the Department to close the recreational white sturgeon fishery. The Department's response included a brief discussion of white sturgeon population declines, and the status of white sturgeon data being

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processed from various sources, including ongoing evaluation of impacts caused to the species by the summer of 2022 HAB, the possibility of future regulatory actions, data collection and modelling, and future stakeholder input. At the January meeting, the Department indicated that, based on the information available at the time, emergency action was not warranted, but that data was still being analyzed.

During the May 2023 WRC meeting, the Department outlined its previous and future plans for stakeholder engagement on the subject of potential white sturgeon regulation changes, stating its intent to develop a proposed regular rulemaking for Commission consideration that would change white sturgeon regulations for the 2025 calendar year, and that the Department was continuing to analyze data to determine the status of white sturgeon and appropriate management measures, including options for changes to sport fishing.

At the September 2023 WRC meeting, the Department presented new evidence on the white sturgeon population, the effects of the HAB, current and historical rates of sturgeon exploitation, and other information, all of which led the Department to conclude that an emergency situation exists. To protect the surviving population of white sturgeon and maintain a recreational fishery into the future, the Department stated that immediate steps are necessary to (1) stop angler-associated harvest of adult white sturgeon and (2) minimize harassment and handling on the spawning grounds so that adults can successfully spawn, and new individuals can recruit to the population.

Given this new information, WRC decided to recommend to the full Commission that it consider an emergency regulation at its next scheduled meeting, in October 2023. As a result of that WRC decision, Commission staff requested the Commission president add an agenda item to the October meeting to allow the Commission to consider emergency action.

***Proposed Emergency Regulations***

This proposed regulatory action amends sections 5.79, 5.80, 27.90 and 29.72, which describe report card and tagging requirements, seasons, and associated bag limits for white sturgeon recreational fishing in inland waters.

- Section 5.79: Removes language regarding white sturgeon harvest tags, as no harvest would be allowed under the proposed emergency regulations. Adds a requirement for anglers to report the length of any fish caught, to provide the Department with additional data for future management options. Adds language to instruct anglers to report additional sturgeon caught and released to provide data on fishing pressure and success.
- Section 5.80: Specifies white sturgeon fishing seasons from the west Carquinez Bridge east to the Highway 50 bridge on the Sacramento River, and above the Highway 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River; changes the fishing to catch-and-release only; and changes the daily bag limit to 0.
- Section 27.90: Specifies white sturgeon fishing seasons for the Carquinez Bridge area, which falls under the jurisdiction of marine fisheries; changes the fishing to catch-and-release only; and changes the daily bag limit to 0.
- Section 27.92: Updates language to a bag limit of 0 and specifies that white sturgeon is catch-and-release only in ocean waters.

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Further details on the proposed changes are available in the emergency statement and proposed regulatory language (exhibits 4 and 5).

**Significant Public Comments**

1. An owner of a bait shop writes in opposition to the proposed emergency regulations, stating that the closure is not necessary and will have a dire effect on small businesses and the fishing industry (Exhibit 6).
2. A member of the public expresses concern that the urgency for the rulemaking is exaggerated. They state that the information provided is only from the last 4 years and that historical information from the past 80 years should also be considered. Lastly, they indicate that they are unaware of any successful catch-and-release fisheries on the West Coast, and are skeptical of the survey results that inquired if people would continue to fish without the option of harvest (Exhibit 7).

**Recommendation**

**Commission staff:** Adopt the emergency regulations amending sections 5.79, 5.80, 27.90, and 27.92 related to white sturgeon catch and release as recommended by the Department.

**Committee:** The Wildlife Resources Committee recommends the Commission adopt an emergency regulation regarding recreational take of white sturgeon.

**Department:** Adopt the emergency regulations as presented in the emergency statement in Exhibit 4 to pause all harvest of white sturgeon within the recreational fishery until new regulations can be developed that will limit exploitation to sustainable rates based on monitoring data.

**Exhibits**

1. Department presentation
2. Supplementary material from the Department, received October 4, 2023
3. Department memo, received September 22, 2023
4. Draft emergency statement and informative digest
5. Draft proposed regulatory language
6. Email from Leonard Butcher, received September 18, 2023
7. Email from Jacob Linard, received September 25, 2023

**Motion**

The Commission determines, pursuant to Section 399 of the California Fish and Game Code, that adopting these regulations is necessary for the immediate conservation, preservation, and protection of birds, mammals, fish, amphibians, or reptiles, including, but not limited to, their nests or eggs.

The Commission further determines, pursuant to Section 11346.1 of the California Government Code, that an emergency situation exists and finds the proposed regulations are necessary to address the emergency.

**STAFF SUMMARY FOR OCTOBER 11-12, 2023**

*For background purposes only*

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission adopts the emergency regulations amending sections 5.79, 5.80, 27.90 and 27.92 related to white sturgeon catch and release fishing regulations.

# Memorandum

Original on File  
Received April 8, 2024

**Date:** March 14, 2024

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

**From:** Charlton H. Bonham  
Director

**Subject:** Submission of Initial Statement of Reasons/Certificate of Compliance for the April 17-18, 2024 Fish and Game Commission meeting to Amend Sections 5.79, 5.80, 27.90 and 27.92, Title 14, California Code of Regulations, Re: White Sturgeon

Please find attached the Initial Statement of Reasons (for a Certificate of Compliance) to amend sections 5.79, 5.80, 27.90 and 27.92, Title 14, California Code of Regulations. The proposed changes to the White Sturgeon sport fishing regulations aim to continue the existing one fish annual bag limit, reduced size limit, per-day vessel limit, and fishing closures established by emergency regulatory action on October 13, 2023. The existing regulations are set to expire in November 2024, following two planned readoptions of the emergency regulations in April and August. It is anticipated that a standard rulemaking with long-term changes to the White Sturgeon fishery will be received by the Commission this summer. It is expected that the new long-term regulations would become effective January 2025. The proposed Certificate of Compliance action is necessary to protect the White Sturgeon population until a long-term regulation can be implemented.

If you have any questions or need additional information, please contact Jay Rowan, Chief, Fisheries Branch at [fisheries@wildlife.ca.gov](mailto:fisheries@wildlife.ca.gov). The Department point of contact for this regulation should identify Statewide Sturgeon Coordinator, John Kelly. He can be reached at [sturgeon@wildlife.ca.gov](mailto:sturgeon@wildlife.ca.gov).

cc: Chad Dibble, Deputy Director  
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Melissa Miller-Henson, Executive Director  
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Initial Statement of Reasons for Regulatory Action  
Certificate of Compliance

Amend Sections 5.79, 5.80, 27.90, and 29.72,  
Title 14, California Code of Regulations  
Re: White Sturgeon Fishing

I. Date of Initial Statement of Reasons:

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: April 18, 2024

Location: San Jose

(b) Discussion Hearing:

Date: June 20, 2024

Location: Mammoth Lakes

(c) Adoption Hearing:

Date: August 15, 2024

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). Commission refers to the California Fish and Game Commission unless otherwise specified. Department and CDFW both refer to the California Department of Fish and Wildlife unless otherwise specified.

The proposed changes to the White Sturgeon (*Acipenser transmontanus*) sport fishing regulations aim to continue the one fish annual bag limit, reduced size limit, per-day vessel limit, and fishing closures established by emergency regulatory action on October 13, 2023 (Office of Administrative Law file #2023-1106-01E). The existing emergency regulations are set to expire in November 2024, following planned readoptions of the emergency regulations in April and August. It is anticipated that a standard rulemaking with long-term changes to the White Sturgeon fishery will be received by the Commission in summer 2024. The proposed amendments in this current rulemaking are necessary to protect the White Sturgeon population until the long-term regulation can be implemented.

**Background**

**White Sturgeon Sport Fishing**

White Sturgeon are an anadromous species of fish that reside primarily in the San Francisco Bay Delta (SF Bay) and migrate as adults into the major rivers of the Central Valley to spawn. Most spawning occurs in the Sacramento River approximately between

Verona and Colusa (Schaffter 1997), with a lesser amount of spawning on the lower San Joaquin River (Jackson et al. 2015). Some additional spawning may occur in tributaries such as the Feather, Bear, and Yuba rivers. White Sturgeon are long lived, potentially in excess of 100 years, with most reaching maturity by approximately 19 years, spawning every two to five years once mature (Chapman et al. 1996; Hildebrand et al. 2016). Successful recruitment to the adult population is uncommon, occurring approximately every six to seven years, highly correlated with above normal water years as measured by high mean daily Delta outflow (CDFW 2023; Fish 2010). The abundance of legal-sized White Sturgeon has declined considerably since the 1980s, when abundance was estimated to be approximately 175,000 fish (CDFW 2023; Danos et al. 2019). In 2015, the Department estimated abundance at about 48,000 fish (Danos et al. 2019), and the most recent estimate was about 33,000 fish (CDFW 2023).

Until the start of the emergency action on November 16, 2023, recreational anglers were permitted to keep one White Sturgeon per day, and a combined total of three per year, between 40 and 60 in. fork length (FL), meaning the measurement of the fish from the front of its head to the fork in its tail. The season was open year-round, with some limited regional and/or seasonal closures. As of November 16, 2023, the emergency action a) reduced the annual bag limit for White Sturgeon from three to one fish, b) reduced the legal-sized slot limit from 40-60" FL to 42-48" FL, c) placed a limit of two fish per day per boat, and d) closed White Sturgeon fishing in the migrating and spawning reaches of the Sacramento and San Joaquin rivers from January 1 through May 31.

Fishing pressure for White Sturgeon has remained stable at roughly 40,000 to 45,000 anglers per year since 2013 when fees were first charged for the Sturgeon Fishing Report Card (Card). Based on Card returns, the number of fish harvested by anglers has remained relatively stable. However, the number of fish caught and released has declined precipitously, indicating that fewer fish overall are being caught. According to Card data, in 2021, anglers kept 46% of landed fish (Hause et al. 2021). The majority of anglers that harvest fish keep only one per year (75%), with only about 5% of anglers that harvest (1% of Card-holders) keeping the full three-fish limit. Exploitation rate of White Sturgeon is estimated to be very high, ranging from 8 to 29.6% between 2007 and 2015 (Blackburn et al. 2019) and averaging 8.1% in the years since then (CDFW 2023). It is suggested that the highest exploitation rate that a sturgeon population can sustain is approximately 5 to 10% (Beamesderfer and Farr 1997) and that does not account for other anthropogenic sources of mortality such as habitat loss, altered hydrology, or contaminants. For comparison, Washington and Oregon use 3.8% as a target for management in areas that permit harvest.

During July and August 2022, the San Francisco Bay region experienced a major Harmful Algal Bloom (HAB) of *Heterosigma akashiwo* that resulted in significant mortality of fishes, including sturgeon. The Department recorded over 850 sturgeon carcasses, the majority legal-sized or larger and within the age range of the core spawning population (CDFW 2023). The number of carcasses observed during the HAB was 62% of the number harvested by anglers in 2022. Based on carcass studies and fish kills of other species of sturgeon, it is thought that only a small percentage of the fish killed floated long enough to be detected (Fox et al. 2020). While the absolute magnitude of the HAB's impact on the

White Sturgeon population is unknown, it is thought to be quite significant. In addition, in July and August of 2023, a HAB of the same species was detected in San Francisco Bay and at least 15 white sturgeon carcasses were reported, though the total impacts are unknown.

The fish kill resulting from the HAB exacerbated what the Department believed to be an already unsustainable level of fishery exploitation of White Sturgeon into a crisis situation. In order to protect the surviving population of White Sturgeon and maintain a recreational fishery into the future, immediate steps were necessary to reduce angler associated harvest of adult White Sturgeon and to minimize harassment and handling on the spawning grounds so that these adults can spawn successfully and new individuals can recruit to the population. The Department recommended that all harvest of White Sturgeon within the recreational fishery be paused starting January 2024, until new regulations could be developed to limit exploitation to sustainable rates based on monitoring, which was opposed by the recreational sturgeon fishing industry. At its October 11, 2023 meeting, the Commission voted in support of an emergency action that limited harvest via reductions in the bag and legal slot limits, and institution of per-day vessel limits and seasonal and geographic closures of migrating and spawning habitat. This was intended to protect the existing population in the short term while allowing time for the Department to develop new long-term management measures for the future population.

### ***Proposed Regulations***

This proposed regulatory action seeks to continue amendments to sections 5.79, 5.80, 27.90, and 27.92, Title 14, CCR, which describe report card and tagging requirements, and seasons and bag limits for White Sturgeon sport fishing in inland and ocean waters. The proposed changes aim to continue the existing one fish annual bag limit, reduced size limit, per-day vessel limit, and fishing closures established by emergency regulatory action on October 13, 2023.

### **Subsection 5.79, White Sturgeon Report Card and Tagging Requirements for Inland Waters**

The proposed regulations amend White Sturgeon report card and tagging requirements for inland waters in the following subsections:

- All subsections: White Sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (b): Edit text to reflect that report cards will come with only one tag rather than three. Add subsections (7) and (8) to clarify when anglers can continue to fish catch and release after harvesting a fish. Anglers will not be permitted to fish catch and release the same day they harvest a fish in order to prevent 1) take over the daily possession limit and 2) “high grading” (holding a fish in captivity while continuing to fish in the hopes of catching a larger individual).
- Subsection (c)(1): Add a requirement for anglers to report length of fish caught and released. This is necessary to provide more data availability on the nature of size to inform future management options related to age.

- Subsection (c)(2): Remove the current language that tells anglers if all lines on the card are filled, any additional sturgeon caught and released do not need to be recorded, and replace with language specifying that anglers may report additional sturgeon caught and released on the back of the card. This is necessary in order to track fishing pressure and success. It is valuable to track all fish caught by anglers and this should not be restricted simply by the size of the printed card. This type of data allows the Department to form a better understanding of the fishery as it plans long-term regulations for the fishery.

### **Section 5.80, White Sturgeon**

The proposed regulations amend the White Sturgeon open season and daily and annual bag limit in the following subsections:

- All subsections: White Sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (a): From the west Carquinez Bridge east to the Highway 50 bridge on the Sacramento River and the Interstate 5 bridge on the San Joaquin River, the fishing season will remain open all year. Above the Highway 50 bridge on the Sacramento River and the Interstate 5 bridge on the San Joaquin River, including all tributaries of both rivers, fishing will be allowed from June 1 through December 31 and all fishing for sturgeon will be unlawful from January 1 to May 31. This is necessary to maintain recreational fishing, which has economic and cultural benefits, while preventing additional mortality of the impacted White Sturgeon population and minimizing harassment and handling of migrating and spawning individuals. White Sturgeon are known to handle catch and release fishing with minimal adverse impacts except during migration and spawning season when additional stress of catch can cause fish to abort spawning activities.
- Subsection (b), now (b) and (c): Divide this subsection so there are individual subsections for daily and annual limits. Proposed subsection (b) specifies the daily limit and provides unambiguous clarification of when catch and release angling is permitted. Proposed subsection (c) changes the annual bag limit of “three fish per year statewide” to “one fish per calendar year statewide”. This is necessary to reduce harvest of White Sturgeon in inland waters to ensure protection of the population impacted by the HAB-induced fish kill and provide protection during migration and spawning.
- Add subsection (d): Add a daily vessel maximum limit of two fish per day per vessel, regardless of how many anglers are on board. This will help reduce the daily amount of harvest associated with multi-angler vessels, both private and professional, and should contribute to less overall harvest of the adult population.
- Subsection (c), now (e): Change the minimum legal size from 40 to 42 in. fork length and the maximum size from 60 to 48 in. fork length. Reducing the slot limit to target a lower size range of adults is expected to reduce overall harvest and provide more protection of the larger, most reproductively valuable fish in the population.

- Subsections (d) through (j) will need to be re-lettered as subsections (f) through (l) to account for the splitting of subsection (b) and the addition of subsection (d) daily vessel maximum harvest.

### **Section 27.90, White Sturgeon**

These regulations refer to areas west of the Carquinez Bridge, which fall under the jurisdiction of marine fisheries. The proposed regulations amend the White Sturgeon open season and daily and annual bag limit in the following subsections:

- All subsections: White Sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (a): West of the Carquinez Bridge, angling will be allowed all year, except as described in Section 27.95. This note has been added to explicitly draw attention the existing seasonal closure in San Francisco Bay.
- Subsection (b), now (b) and (c): Divide this subsection so there are individual subsections for daily and annual limits. Proposed subsection (b) specifies the daily limit and provides unambiguous clarification of when catch and release angling is permitted. Proposed subsection (c) changes the annual bag limit of “three fish per year statewide” to “one fish per calendar year statewide.” This is necessary to reduce harvest of White Sturgeon in marine waters to ensure protection of the population impacted by the HAB-induced fish kill and provide protection during migration and spawning.
- Add subsection (d): Add a daily vessel maximum limit of two fish per day per vessel, regardless of how many anglers are on board. This will help reduce the daily amount of harvest associated with multi-angler vessels, both private and professional, and should contribute to less overall harvest of the adult population.
- Subsection (c), now (e): Change the minimum legal size from 40 to 42 in. fork length and the maximum size from 60 to 48 in. fork length. Reducing the slot limit to target a lower size range of adults is expected to reduce overall harvest and provide more protection of the larger, most reproductively valuable fish in the population.
- Subsections (d) through (h) will need to be re-lettered as subsections (f) through (j) to account for the splitting of subsection (b) and the addition of subsection (d) daily vessel maximum harvest.

### **Subsection 27.92, White Sturgeon Report Card and Tagging Requirements for Ocean Waters**

The proposed regulations amend White Sturgeon report card and tagging requirements for ocean waters in the following subsections:

- All subsections: White Sturgeon has been capitalized for consistency throughout the regulation.
- Subsection (b): Edit text to reflect that report cards will come with only one tag rather than three. Add subsections (7) and (8) to clarify when anglers can continue to fish catch and release after harvesting a fish. Anglers will not be permitted to fish catch and release the same day they harvest a fish in order to prevent 1) take over the

daily possession limit and 2) “high grading” (holding a fish in captivity while continuing to fish in the hopes of catching a larger individual).

- Subsection (c)(1): Add a requirement for anglers to report length of caught fish to provide more data availability to inform future management options.
- Subsection (c)(2): Remove the current language that tells anglers if all lines on the card are filled any additional sturgeon caught and released do not need to be recorded and replace with language specifying that anglers may report additional sturgeon caught and released on the back of the card. This is necessary in order to track fishing pressure and success. It is valuable to track all fish caught by anglers and this should not be restricted simply by the size of the printed card. This type of data allows the Department to form a better understanding of the fishery as we plan long-term regulations for the fishery.

(b) Goals and Benefits of the Regulation

These harvest restrictions will protect the remaining population while new long-term regulations are developed, providing opportunity for surviving fish to spawn unmolested.

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

Section 5.79

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

Reference: Sections 200, 205 and 265, Fish and Game Code.

Section 5.80

Authority cited: Sections 200, 205, 265, 270, 275, 315 and 399, Fish and Game Code.

Reference: Sections 110, 200 and 205, Fish and Game Code.

(note: Sections 270 and 315 were added to the authority with this action to allow for Commission consideration for actions needed to manage the White Sturgeon fishery.)

Section 27.90

Authority cited: Sections 200, 205, 265, 275 and 399, Fish and Game Code.

Reference: Sections 110, 200, and 205, Fish and Game Code.

Section 27.92

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

Reference: Sections 200, 205 and 265, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change

California Department of Fish and Wildlife (CDFW). 2023. White Sturgeon 2023 Emergency Regulation Change: Supporting Material. California Department of Fish and Wildlife, Fisheries Branch, West Sacramento, California.

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(f) Documents Providing Background Information

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Blackburn, S. E., M. L. Gingras, J. DuBois, Z. J. Jackson, and M. C. Quist. 2019. Population Dynamics and Evaluation of Management Scenarios for White Sturgeon in the Sacramento–San Joaquin River Basin. *North American Journal of Fisheries Management* 39(5):896–912.

Chapman, F. A., J. P. Van Eenennaam, and S. I. Doroshov. 1996. The reproductive condition of white sturgeon, *Acipenser transmontanus*, in San Francisco Bay, California. *Fishery Bulletin* 94:628–634.

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Fox, D. A., E. A. Hale, and J. A. Sweka. 2020. Examination of Atlantic Sturgeon Vessel Strikes in the Delaware River Estuary: Final Report. NOAA-NMFS Award No. NA16NMF4720357.

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Hildebrand, L. R., A. Drauch Schreier, K. Lepla, S. O. McAdam, J. McLellan, M. J. Parsley, V. L. Paragamian, and S. P. Young. 2016. Status of White Sturgeon (*Acipenser transmontanus* Richardson, 1863) throughout the species range, threats to survival, and prognosis for the future. *Journal of Applied Ichthyology* 32:261–312.

Jackson, Z. J., J. J. Gruber, and J. P. Van Eenennaam. 2015. White Sturgeon Spawning in the San Joaquin River, California, and Effects of Water Management. *Journal of Fish and Wildlife Management* 7(1):171–180.

Lamansky, J. A., K. A. Meyer, J. M. DuPont, B. J. Bowersox, B. Bentz, and K. B. Lepla. 2018. Deep hooking, landing success and gear loss using inline and offset circle and J



hooks when bait fishing for white sturgeon. Fisheries Management and Ecology 25(2):100–106.

Schaffter, R. G. 1997. White sturgeon spawning migrations and location of spawning habitat in the Sacramento River, California. California Fish and Game 83(1):1–20.

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

Wildlife Resources Committee meeting, September 19, 2023

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives to a regulatory change were identified by or brought to the attention of Commission staff that would have the same desired effect. At the October 11, 2023 Commission meeting, the Department recommended that all harvest of White Sturgeon within the recreational fishery be paused until new regulations could be developed to limit exploitation to sustainable rates based on monitoring, which was opposed by the recreational sturgeon fishing industry. Following a discussion between Department staff and sturgeon fishing industry representatives, the Commission voted in support of an emergency action that limited harvest via reductions in the bag and legal slot limits and instituted per-day vessel limits and seasonal and geographic closures of migrating and spawning habitat.

(b) No Change Alternative

A delay in prompt action to amend the regulations for White Sturgeon puts the species at risk. Under current environmental and management conditions, the White Sturgeon population cannot handle the current rate of exploitation and is not sustainable. The fish kill resulting from the 2022 HAB exacerbated what the Department believes to be an already unsustainable level of fishery exploitation of White Sturgeon. In order to protect the surviving population of White Sturgeon and maintain a recreational fishery into the future, it is necessary to reduce angler associated harvest of adult White Sturgeon and to minimize harassment and handling on the spawning grounds so that these adults can spawn successfully, and new individuals can recruit to the population.

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. A bag limit maintains the existing economic climate because the reduction is not significant enough to alter fishing behavior beyond reducing daily harvest.

- (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 any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. This proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for jobs or the demand for goods and services. The Commission does not anticipate any benefits to the health and welfare of California residents, or worker safety. The Commission anticipates benefits to the State's environment by sustainably managing California's sportfishing resources.

- (c) Cost Impacts on a Representative Private Person or Business

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No change in fees, nor gear or equipment requirements are introduced for the recreational White Sturgeon fishery.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

No costs or savings to state agencies or costs/savings in federal funding to the state are anticipated. The Department's existing level of monitoring and enforcement activities is expected to be unchanged by the proposed regulation. However, the Department anticipates a continuation of the reduction in White Sturgeon Report Cards sales revenue since the emergency had been implemented. Card sales revenue losses are estimated to be about \$20,000 in the 2024 license year.

- (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

The proposed rulemaking would make the emergency White Sturgeon fishing regulations permanent. This is necessary to maintain current and future recreational fishing's economic and cultural benefits, while preventing additional mortality of the impacted White Sturgeon population and minimizing harassment of spawning individuals.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for jobs.

(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 any impacts on the creation of new business or the elimination of existing businesses within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for goods and services related to White Sturgeon fishing within the state.

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

The Commission does not anticipate any impacts on the expansion of businesses in California because this action will not affect the demand for goods and services related to White Sturgeon fishing within the state.

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

The Commission does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any impacts to worker safety because the proposed regulation does not impact working conditions.

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

The Commission anticipates benefits to the state's environment through this regulatory action to make near-term changes directed at reducing exploitation rate and protecting reproduction of the species until more updated management actions for the fishery are enacted that will adequately protect the remaining White Sturgeon population in the long-term. Based on fishery data, the White Sturgeon population was already overexploited under current regulations, and updated regulations were needed and are being considered.

## 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).

White Sturgeon are an anadromous species of fish that reside primarily in the San Francisco Bay Delta (SF Bay) and migrate as adults into the major rivers of the Central Valley to spawn. Most spawning occurs in the Sacramento River approximately between Verona and Colusa (Schaffter 1997), with a lesser amount of spawning on the lower San Joaquin River (Jackson et al. 2015). Some additional spawning may occur in tributaries such as the Feather, Bear, and Yuba rivers. White Surgeon are long lived, potentially in excess of 100 years, with most reaching maturity by approximately 19 years, spawning every two to five years once mature (Chapman et al. 1996; Hildebrand et al. 2016). Successful recruitment to the adult population is uncommon, occurring approximately every six to seven years, highly correlated with above normal water years as measured by high mean daily Delta outflow (CDFW 2023; Fish 2010). The abundance of legal-sized White Sturgeon has declined considerably since the 1980s, when abundance was estimated to be approximately 175,000 fish (CDFW 2023; Danos et al. 2019). In 2015, the Department estimated abundance at about 48,000 fish (Danos et al. 2019), and the most recent estimate was about 33,000 fish (CDFW 2023).

Until the start of the emergency action on November 16, 2023, recreational anglers were permitted to keep one White Sturgeon per day, and a combined total of three per year, between 40 and 60 in. fork length (FL), meaning the measurement of the fish from the front of its head to the fork in its tail. The season was open year-round, with some limited regional and/or seasonal closures. As of November 16, 2023, the emergency action a) reduced the annual bag limit for White Sturgeon from three to one fish, b) reduced the legal-sized slot limit from 40-60" FL to 42-48" FL, c) placed a limit of two fish per day per boat, and d) closed White Sturgeon fishing in the migrating and spawning reaches of the Sacramento and San Joaquin rivers from January 1 through May 31.

Fishing pressure for White Sturgeon has remained stable at roughly 40,000 to 45,000 anglers per year since 2013 when fees were first charged for the Sturgeon Fishing Report Card (Card). Based on Card returns, the number of fish harvested by anglers has remained relatively stable. However, the number of fish caught and released has declined precipitously, indicating that fewer fish overall are being caught. According to Card data, in 2021, anglers kept 46% of landed fish (Hause et al. 2021). The majority of anglers that harvest fish keep only one a year (75%), with only about 5% of anglers that harvest (1% of Card-holders) keeping the full three-fish limit. Exploitation rate of White Sturgeon is estimated to be very high, ranging from 8 to 29.6% between 2007 and 2015 (Blackburn et al. 2019) and averaging 8.1% in the years since then (CDFW 2023). It is suggested that the highest exploitation rate that a sturgeon population can sustain is approximately 5 to 10% (Beamesderfer and Farr 1997) and that does not account for other anthropogenic sources of mortality such as habitat loss, altered hydrology, or contaminants. For comparison, Washington and Oregon use 3.8% as a target for management in areas that permit harvest.

During July and August 2022, the San Francisco Bay region experienced a major Harmful Algal Bloom (HAB) of *Heterosigma akashiwo* that resulted in significant mortality of fishes, including sturgeon. The Department recorded over 850 sturgeon carcasses, the majority legal-

sized or larger and within the age range of the core spawning population (CDFW 2023). The number of carcasses observed during the HAB was 62% of the number harvested by anglers in 2022. Based on carcass studies and fish kills of other species of sturgeon, it is thought that only a small percentage of the fish killed floated long enough to be detected (Fox et al. 2020). While the absolute magnitude of the HAB's impact on the White Sturgeon population is unknown, it is thought to be quite significant. In addition, in July and August of 2023, a HAB of the same species was detected in San Francisco Bay and at least 15 white sturgeon carcasses were reported, though the total impacts are unknown.

The fish kill resulting from the HAB exacerbated what the Department believed to be an already unsustainable level of fishery exploitation of White Sturgeon into a crisis situation. In order to protect the surviving population of White Sturgeon and maintain a recreational fishery into the future, immediate steps were necessary to reduce angler associated harvest of adult White Sturgeon and to minimize harassment and handling on the spawning grounds so that these adults can spawn successfully and new individuals can recruit to the population. The Department recommended that all harvest of White Sturgeon within the recreational fishery be paused starting January 2024, until new regulations could be developed to limit exploitation to sustainable rates based on monitoring, which was opposed by the recreational sturgeon fishing industry.

At its October 11, 2023 meeting, the Commission voted in support of an emergency action that limited harvest via reductions in the bag and legal slot limits, and institution of per-day vessel limits and seasonal and geographic closures of migrating and spawning habitat. This was intended to protect the existing population in the short term while allowing time for the Department to develop new long-term management measures for the future population. The proposed subject standard rulemaking would continue the existing one fish annual bag limit, reduced size limit, per-day vessel limit, and fishing closures established by emergency regulatory action on October 13, 2023.

#### Benefit of the Regulations:

The Commission anticipates benefits to the state's environment through this regulatory action to make near-term the emergency action directed at reducing exploitation rate and protecting reproduction of the species is necessary until more updated management actions for the fishery are enacted that will adequately protect the remaining White Sturgeon population in the long-term. Based on fishery data, the White Sturgeon population was already overexploited under current regulations, and updated regulations were needed and are being considered.

#### Consistency and Compatibility with Existing Regulations:

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to 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 sport fishing in waters of the state (Fish and Game Code sections 200, 205, and 315). The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other recreational fishing regulations in Title 14, CCR, and therefore 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 temporarily prohibiting harvest of White Sturgeon due to population decline.

## Proposed Regulatory Language

Sections 5.79, Title 14, CCR, is amended to read as follows:

§ 5.79. White Sturgeon Report Card and Tagging Requirements for Inland Waters(FG 683, See Section 701).

- (a) Sturgeon Fishing Report Card Required. All anglers must have a valid Sturgeon Fishing Report Card in their possession while fishing for or taking Wwhite Ssturgeon. Cardholders must complete and return the card pursuant to regulations in this Section and in Section 1.74.
- (b) Tagging and Recording Requirements for Retained Fish. A Sturgeon Fishing Report Card includes a detachable ~~tag~~tag that shall be used to tag any Wwhite Ssturgeon that is taken and retained in the sport fishery. Any Wwhite Ssturgeon possessed by any person shall be tagged.
  - (1) Upon taking and retaining a Wwhite Ssturgeon, the cardholder shall immediately record the following information:
    - (A) The fishing location, time of catch and length of the fish shall be recorded legibly and permanently in the appropriate spaces on the tag. The cardholder shall immediately and completely punch out the date of catch (month and day) on the sturgeon tag. ~~Tags shall be used in sequential order.~~
    - (B) The month, day, fishing location and length of the fish shall be recorded in the appropriate spaces on the Sturgeon Fishing Report Card ~~which corresponds to the number on the tag.~~
  - (2) Immediately after recording the information above, the cardholder shall remove and completely detach the tag from the card and affix it to the Wwhite Ssturgeon. Cardholders shall not wait until completion of fishing activity to tag any Wwhite Ssturgeon in possession.
  - (3) The tag shall be securely fastened to the fish. To affix the tag, a “zip tie”, string, line or other suitable material shall be passed through the tag at the location specified on the sturgeon tag and attached to the fish.
  - (4) ~~Tags~~The tag shall not be removed from the report card until immediately prior to affixing to a Wwhite Ssturgeon. Any tags detached from the report card and not affixed to a Wwhite Ssturgeon shall be considered used and therefore invalid. No person shall possess any used or otherwise invalid sturgeon tags.
  - (5) Records of Prior Activity. The tag ~~All tags~~ must be accounted for at all times by entry of a record on the Sturgeon Fishing Report Card ~~corresponding to all tags that are not in the cardholder’s possession.~~ Any tag that was lost or destroyed shall be recorded as such on the corresponding line on the Sturgeon Fishing Report Card.
  - (6) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.
  - (7) After retaining and tagging a White Sturgeon, a cardholder shall not continue to fish catch and release for White Sturgeon on the same day.

- (8) Cardholders that have retained and tagged a White Sturgeon are permitted to catch and release White Sturgeon starting on the day after the tag was used.
- (c) Reporting Requirements for Released Fish.
- (1) Whenever the cardholder catches and releases a sturgeon, the cardholder shall immediately record the month, day, location code, length, and species of sturgeon.
  - (2) If all lines in the “sturgeon released” field of the report card are filled, any additional sturgeon caught and released ~~need not be recorded on the card~~ may be recorded on the back of the card.
  - (3) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.
- (d) Sturgeon tags must be left affixed to the fish in place, including while stored at a residence or non-transient location, until the fish is processed for immediate consumption.
- (e) The annual fee for the Sturgeon Fishing Report Card is specified in Section 701(c).

NOTE: Authority cited: Sections 200, 205 ~~and 265~~, 265 and 399, Fish and Game Code.

Reference: Sections 200, 205 and 265, Fish and Game Code.



## Proposed Regulatory Language

Section 5.80, Title 14, CCR, is amended to read as follows:

### § 5.80. White Sturgeon.

- (a) Open season: ~~All year, except for closures listed under special regulations.~~
  - (1) All year: from the west Carquinez Bridge east to the Hwy 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River.
  - (2) From June 1 through December 31: above the Hwy 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River, including all tributaries of both rivers. From January 1 through May 31: it is unlawful to take White Sturgeon.
- ~~(b) Daily and annual bag limit: One fish per day. Three fish per year statewide.~~
- (b) Daily limit: One fish per day. After harvesting a White Sturgeon, anglers shall not continue to catch and release White Sturgeon on the same day. Anglers that have retained and tagged a fish are permitted to fish catch and release for White Sturgeon starting on the day after the tag was used.
- (c) Annual bag limit: One fish per calendar year statewide.
- (d) Daily vessel maximum harvest: All persons aboard a vessel may be cited for violation of a daily vessel maximum harvest limit. No more than two White Sturgeon may be harvested per day on a vessel, regardless of the number of anglers on board. Anglers must have in their possession a report card with a valid tag in order to retain a White Sturgeon. When the daily vessel maximum harvest is reached, only anglers that have not tagged a White Sturgeon that day may continue to fish catch and release for White Sturgeon.
- ~~(ee)~~ Size limit: No fish less than ~~40~~42 inches fork length or greater than ~~60~~48 inches fork length may be taken or possessed.
- ~~(ef)~~ Methods of take: Only one single point, single shank, barbless hook may be used on a line when taking sturgeon. The sturgeon must voluntarily take the bait or lure inside its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm or snare to take any sturgeon. For the purposes of this section, a snare is a flexible loop made from any material that can be tightened like a noose around any part of the fish.
- ~~(eg)~~ Removal from water. Any sturgeon greater than 68 inches fork length may not be removed from the water and shall be released immediately.
- ~~(fh)~~ Report card required: Any person fishing for or taking sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department and shall adhere to all reporting and tagging requirements for sturgeon defined in Sections 1.74 and 5.79, Title 14, CCR.

- (g) Special North Coast District Sturgeon Closure (Humboldt, Del Norte, Trinity and Siskiyou cos.). It is unlawful to take any sturgeon in the North Coast District at anytime.
- (h) For regulations on take and possession of sturgeon in ocean waters as defined in Section 27.00, see Sections 27.90, 27.91, and 27.95.
- (i) Special Sierra and Valley District Sturgeon Closure from January 1 to December 31 (Shasta, Tehama, Butte and Glenn cos.).
  - (1) Sacramento River from Keswick Dam to the Highway 162 Bridge.
    - (A) It is unlawful to take any sturgeon.
    - (B) It is unlawful to use wire leaders.
    - (C) It is unlawful to use lamprey or any type of shrimp as bait.
- (j) Special Yolo Bypass Flood Control System Sturgeon Closure. It is unlawful to take any sturgeon in the Yolo Bypass, Toe Drain Canal, and Tule Canal upstream of Lisbon Weir at any time.

NOTE: Authority cited: Sections 200, 205, 265 and ~~275~~, 270, 275, 315 and 399, Fish and Game Code.

Reference: Sections 110, 200 and 205, Fish and Game Code.

## Proposed Regulatory Language

Section 27.90, Title 14, CCR, is amended to read as follows:

§ 27.90. White Sturgeon.

- (a) Open season: All year except as described in Section 27.95 of these regulations.
- ~~(b) Daily and annual bag limit: One fish per day. Three fish per year statewide.~~
- (b) Daily limit: One fish per day. After harvesting a White Sturgeon, anglers shall not continue to catch and release White Sturgeon on the same day. Anglers that have retained and tagged a fish are permitted to fish catch and release for White Sturgeon starting on the day after the tag was used.
- (c) Annual bag limit: One fish per calendar year statewide.
- (d) Daily vessel maximum harvest: All persons aboard a vessel may be cited for violation of a daily vessel maximum harvest limit. No more than two White Sturgeon may be harvested per day on a vessel, regardless of the number of anglers on board. Anglers must have in their possession a report card with a valid tag in order to retain a White Sturgeon. When the daily vessel maximum harvest is reached, only anglers that have not tagged a White Sturgeon that day may continue to fish catch and release for White Sturgeon.
- ~~(ee)~~ Size limit: No fish less than 40~~42~~ inches fork length or greater than ~~60~~48 inches fork length may be taken or possessed.
- ~~(df)~~ Methods of take: Only one single point, single shank, barbless hook may be used on a line when taking sturgeon. The sturgeon must voluntarily take the bait or lure in its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm or snare to take any sturgeon. For the purposes of this section, a snare is a flexible loop made from any material that can be tightened like a noose around any part of the fish.
- ~~(eg)~~ Removal from water. Any sturgeon greater than 68 inches fork length may not be removed from the water and shall be released immediately.
- ~~(fh)~~ Report card required: Any person fishing for or taking sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department and shall adhere to all reporting and tagging requirements for sturgeon defined in Sections 1.74 and 27.92, Title 14, CCR.
- ~~(gj)~~ For regulations on take and possession of sturgeon in inland waters as defined in Section 1.53, see Section 5.80 and Section 5.81.
- ~~(hj)~~ Boat limits, as defined in Subsection 27.60(c) and Section 195, are not authorized for sturgeon fishing and shall not apply to the take, possession or retention of Wwhite Ssturgeon.

NOTE: Authority cited: Sections 200, ~~202~~, 205 ~~and 220~~, 265, 275, and 399, Fish and Game Code.

Reference: Sections 110, 200, and 205, ~~and 206~~, Fish and Game Code.

### Proposed Regulatory Language

Section 27.92, Title 14, CCR, is amended to read as follows:

§ 27.92. White Sturgeon Report Card and Tagging Requirements for Ocean Waters (FG 683, See Section 701).

- (a) Sturgeon Fishing Report Card Required. All anglers must have a valid Sturgeon Fishing Report Card in their possession while fishing for or taking Wwhite Ssturgeon. Cardholders must complete and return the card pursuant to regulations in this Section and in Section 1.74.
- (b) Tagging and Recording Requirements for Retained Fish. A Sturgeon Fishing Report Card includes a detachable tags that shall be used to tag any Wwhite Ssturgeon that is taken and retained in the sport fishery. Any Wwhite Ssturgeon possessed by any person shall be tagged.
  - (1) Upon taking and retaining a Wwhite Ssturgeon, the cardholder shall immediately record the following information:
    - (A) The fishing location, time of catch and length of the fish shall be recorded legibly and permanently in the appropriate spaces on the tag. The cardholder shall immediately and completely punch out the date of catch (month and day) on the sturgeon tag. ~~Tags shall be used in sequential order.~~
    - (B) The month, day, fishing location and length of the fish shall be recorded in the appropriate spaces on the Sturgeon Fishing Report Card ~~which corresponds to the number on the tag.~~
  - (2) Immediately after recording the information above, the cardholder shall remove and completely detach the tag from the card and affix it to the Wwhite Ssturgeon. Cardholders shall not wait until completion of fishing activity to tag any Wwhite Ssturgeon in possession.
  - (3) The tag shall be securely fastened to the fish. To affix the tag, a “zip tie”, string, line or other suitable material shall be passed through the tag at the location specified on the sturgeon tag and attached to the fish.
  - (4) ~~The Tag~~ tag shall not be removed from the report card until immediately prior to affixing to a Wwhite Ssturgeon. Any tags detached from the report card and not affixed to a Wwhite Ssturgeon shall be considered used and therefore invalid. No person shall possess any used or otherwise invalid sturgeon tags.
  - (5) Records of Prior Activity. ~~The tag~~ All tags must be accounted for at all times by entry of a record on the Sturgeon Fishing Report Card ~~corresponding to all tags that are not in the cardholder's possession.~~ Any tag that was lost or destroyed shall be recorded as such on the corresponding line on the Sturgeon Fishing Report Card.

- (6) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.
- (7) After retaining and tagging a White Sturgeon, cardholders shall not continue to catch and release White Sturgeon on the same day.
- (8) Cardholders that have retained and tagged a White Sturgeon are permitted to fish catch and release for White Sturgeon starting on the day after the tag was used.

(c) Reporting Requirements for Released Fish.

- (1) Whenever the cardholder catches and releases a sturgeon, the cardholder shall immediately record the month, day, location code, length, and species of sturgeon.
- (2) If all lines in the “sturgeon released” field of the report card are filled, any additional sturgeon caught and released ~~need not be recorded on the card~~ may be recorded on the back of the card.
- (3) If the sturgeon has a department reward disk attached, write the reward disk number in the space provided on the report card.

(d) Sturgeon tags must be left affixed to the fish in place, including while stored at a residence or non-transient location, until the fish is processed for immediate consumption.

(e) The annual fee for the Sturgeon Fishing Report Card is specified in Section 701, Title 14, CCR.

NOTE: Authority cited: Sections 200, 205 ~~and 265~~, 265 and 399, Fish and Game Code.  
Reference: Sections 200, 205 and 265, Fish and Game Code.

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME <b>Fish and Game Commission</b>	CONTACT PERSON <b>David Thesell</b>	EMAIL ADDRESS <b>fgc@fgc.ca.gov</b>	TELEPHONE NUMBER <b>916 902-9291</b>
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 <b>Amend Section 5.79, Title 14, CCR, Re: White Sturgeon Fishing</b>			NOTICE FILE NUMBER <b>Z</b>

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- |   |   |
|---|---|
| <input type="checkbox"/> a. Impacts business and/or employees   | <input type="checkbox"/> e. Imposes reporting requirements              |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations         | <input checked="" type="checkbox"/> g. Impacts individuals              |
| <input type="checkbox"/> d. Impacts California competitiveness  | <input type="checkbox"/> h. None of the above (Explain below):          |

**Note: no new compliance costs necessarily incurred with reduced bag limit.**

***If any box in Items 1 a through g is checked, complete this Economic Impact Statement.  
 If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***

**Fish and Game Commission**

2. The \_\_\_\_\_ estimates that the economic impact of this regulation (which includes the fiscal impact) is:  
 (Agency/Department)

- Below \$10 million  
 Between \$10 and \$25 million  
 Between \$25 and \$50 million  
 Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: ~35 only indirect

Describe the types of businesses (Include nonprofits): Fishing boat owners, tackle stores, guides, food, fuel, and lodging.

Enter the number or percentage of total businesses impacted that are small businesses: 90 %

4. Enter the number of businesses that will be created: 0 eliminated: 0

Explain: Changes in fishing for one species will not greatly change market demand so as to induce business loss or creation.

5. Indicate the geographic extent of impacts:  Statewide  
 Local or regional (List areas): Sacramento-San Joaquin Delta Sturgeon habitat

6. Enter the number of jobs created: 0 and eliminated: 0

Describe the types of jobs or occupations impacted: Fishing Guides may experience reduced demand for guided fishing trips for White Sturgeon.

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?  YES  NO

If YES, explain briefly: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 0

a. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: \_\_\_\_\_

b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: \_\_\_\_\_

c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: \_\_\_\_\_

d. Describe other economic costs that may occur: No direct costs to comply with proposed regulations. Possible decline (or not) in fishing trips may affect bait and tackle shop, CPFV, and sturgeon guide revenue.

2. If multiple industries are impacted, enter the share of total costs for each industry: No new costs; possible revenue declines for Guides 50%; CPFVs 30%; bait and tackle shops 10%.

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ N/A

4. Will this regulation directly impact housing costs?  YES  NO

If YES, enter the annual dollar cost per housing unit: \$ \_\_\_\_\_

Number of units: \_\_\_\_\_

5. Are there comparable Federal regulations?  YES  NO

Explain the need for State regulation given the existence or absence of Federal regulations: Inland water species under Fish and Game Commission authority (Fish and Game Code (FGC) sections 200 and 205).

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ N/A

**C. ESTIMATED BENEFITS** *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: This action is intended to support the continued sustainability of White Sturgeon sport fisheries that benefit sport anglers, the health and welfare of California residents, the State's environment and businesses that support sport fishing activities.

2. Are the benefits the result of:  specific statutory requirements, or  goals developed by the agency based on broad statutory authority?

Explain: Statute provides Fish & Game Commission the authority to establish sport fishing regulations (FGC sec. 200, 205).

3. What are the total statewide benefits from this regulation over its lifetime? \$ Sturgeon preservation

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: N/A

**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: No Alternatives were identified that would have the same desired regulatory effect (See ISOR).

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ White Sturgeon Cost: \$ No direct costs

Alternative 1: Benefit: \$ N/A Cost: \$ N/A

Alternative 2: Benefit: \$ N/A Cost: \$ N/A

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: Difficult-to-monetize benefit of Sturgeon preservation is at stake. Costs are the temporary reduction in White Sturgeon take to avoid long-run over-fishing costs.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?  YES  NO

Explain: Fisheries management regulations traditionally involve setting harvest quotas, seasons, bag and possession limits.

**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.*

***California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million?  YES  NO

***If YES, complete E2. and E3  
If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: \_\_\_\_\_

Alternative 2: \_\_\_\_\_

*(Attach additional pages for other alternatives)*

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 1: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 2: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES  NO

*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: No effect on level of investment in the State.

The incentive for innovation in products, materials or processes: No effect on the incentive for innovation in products, materials, or processes.

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: Benefits to the state's environment and quality of life, recreational angling, and the businesses that support fishing.



**FISCAL IMPACT STATEMENT**

**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

- a. Funding provided in \_\_\_\_\_

Budget Act of \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

- b. Funding will be requested in the Governor's Budget Act of \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

*Check reason(s) this regulation is not reimbursable and provide the appropriate information:*

- a. Implements the Federal mandate contained in \_\_\_\_\_

- b. Implements the court mandate set forth by the \_\_\_\_\_ Court.

Case of: \_\_\_\_\_ vs. \_\_\_\_\_

- c. Implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_

Date of Election: \_\_\_\_\_

- d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: \_\_\_\_\_  
\_\_\_\_\_

- e. Will be fully financed from the fees, revenue, etc. from: \_\_\_\_\_

Authorized by Section: \_\_\_\_\_ of the \_\_\_\_\_ Code;

- f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in \_\_\_\_\_

3. Annual Savings. (approximate)

\$ \_\_\_\_\_

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain \_\_\_\_\_  
\_\_\_\_\_

**FISCAL IMPACT STATEMENT (CONTINUED)**

**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

*It is anticipated that State agencies will:*

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the \_\_\_\_\_ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain White Sturgeon Report Card sales are anticipated to continue to be reduced since the Emergency period resulting in approx. \$20,000 decline in CDFW revenue for the 2024 license year.

**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain \_\_\_\_\_

FISCAL OFFICER SIGNATURE

DATE



*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY

DATE



*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



**STD399 ADDENDUM**

**Economic and Fiscal Impact Statement**

**Certificate of Compliance**

Amend Sections 5.79, 5.80, 27.90, and 29.72,

Title 14, California Code of Regulations

**Re: White Sturgeon Fishing**

**Economic Impact Statement**

The proposed rulemaking would make the emergency White Sturgeon fishing regulations permanent. This is necessary to maintain current and future recreational fishing's economic and cultural benefits, while preventing additional mortality of the impacted White Sturgeon population and minimizing harassment of spawning individuals. The proposed regulations aim to continue the existing one fish annual bag limit, reduced size limit, per-day vessel limit, and fishing closures in migrating and spawning habitat established by emergency regulatory action on October 13, 2023. The existing emergency regulations are set to expire in November 2024, following readoption of the emergency regulations in April and August. It is anticipated that a standard rulemaking with long-term changes to the White Sturgeon fishery will be received by the Commission at its April 17-18, 2024 meeting. It is expected that the new long-term regulations would become effective January 2025. The proposed amendments are necessary to protect the White Sturgeon population until the long-term regulation can be implemented.

Although the fishery has been historically open year-round, the majority of White Sturgeon catches are in winter and spring, with a notable decrease in fishing success in the summer months. During the summer months, catch rates for Striped Bass, Chinook Salmon, and other common recreational targets are higher so fishermen switch to those species. Unfortunately, the winter period also coincides with the White Sturgeon spawning migration, and fishing during this time may have a greater impact on the long-term population health.

The primary region targeted by the recreational White Sturgeon fishery is the San Francisco Estuary, including central San Francisco Bay, San Pablo Bay, Suisun Bay and the Sacramento-San Joaquin Delta; however, fishing also occurs in the Sacramento, San Joaquin and Feather rivers. White Sturgeon are successfully harvested throughout the estuary in various depths, salinities, and locations. Commercial fishing for White Sturgeon in California has been banned since 1917.

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS**

1. Answer: b Impacts small businesses and g. Impacts individuals

No new private sector costs are necessarily incurred by a representative private person or business in reasonable compliance with the proposed regulations. No change in fees,

nor gear or equipment requirements are introduced for the recreational White Sturgeon fishery. However, the proposed regulations limit harvest opportunities for individuals and may result in fewer White Sturgeon sportfishing trips. Fewer sportfishing trips would have the potential to reduce revenues for chartered boats, boat rentals, or fishing guide services, as well as for other retail businesses that serve sport fishers.

Recreational fishing for White Sturgeon is often conducted via chartered boats, with many fishing guides in San Francisco and the Bay-Delta area offering sturgeon fishing trips. Advertised rates for chartered fishing trips to catch White Sturgeon are somewhat variable by season and guide, but can range from \$200 to \$450 per person per day. Information from CPFVs and Sturgeon report cards provide data for estimating total number of White Sturgeon caught in the fishery. Other studies have estimated that 1,200 anglers participated in guided trips in 2018, showing that the recreational White Sturgeon fishery is a relatively small contributor to California's \$2.9 billion annual recreational fishing industry<sup>1</sup>.

## **Fiscal Impact Statement**

### **A. FISCAL EFFECT ON LOCAL GOVERNMENT**

Answer: 5. No fiscal impact.

The proposed amendment to Section 5.79, 5.80, 27.90, and 29.72, Title 14, CCR will not have the potential for a fiscal effect on local governments.

### **B. FISCAL EFFECT ON STATE GOVERNMENT**

Answer: 4. Other.

The Fish and Game Commission (Commission) anticipates that the proposed certificate of compliance after the recent emergency action will not introduce new costs or savings for any state agency or program. The Department of Fish and Wildlife's (Department) existing level of monitoring and enforcement activities is expected to be unchanged. However, the Department anticipates that the continued reduced take limits may result in a continued drop in White Sturgeon Report Cards sales revenue estimated to be about \$20,000 during that later part of fiscal year 2023-2024.

#### **Pandemic and 365-day License Impacts**

Sales of Sturgeon report cards are plotted in Figure 1, showing purchases throughout the year. Most cards are sold in the first months of the year, with a small bump in sales in the later months of the year. Sales in years 2020 and 2021 may have been elevated due to the Covid-19 pandemic surge in outdoor recreation. For the early part of this fiscal year, and through to March 2024, Sturgeon card sales have reached about 11,000, which is about 6% less than the amount sold in 2022 over the same period, and 19% less than 2019, which are more historically-typical years with no pandemic affects. While difficult to discern with certainty, the lower 2023-2024 numbers to date may be

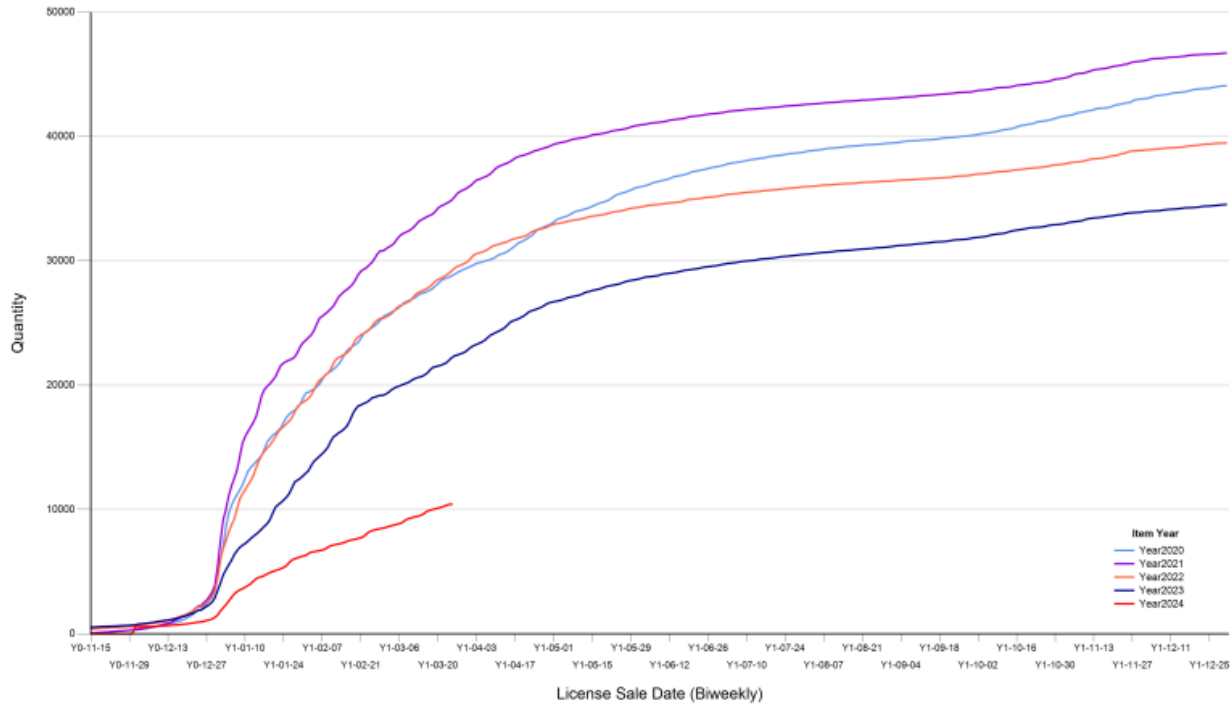
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<sup>1</sup> **American** Sportfishing Association, (ASA) 2019.

primarily driven by the new 365-day sportfish license and also the closures of Salmon fishing in various parts of the state. Many other states with 365-day licenses experienced absolute declines in license sales and for some sport fishers, no Salmon opportunity induces them to forego all fishing trips for any other fish. Thus, acknowledging the probable influence of those factors, 2023-24 fiscal year total sales were already projected to be less than the 40,844 average sold during a typical pre-pandemic and pre 365-day license year.

**Figure 1. Cumulative license sales quantity 2020-2024 for sturgeon report card**

Multiple Year Cumulative License Sales Quantity Comparison For Fish - Sturgeon Report Card - 0260



Source: Department License and Revenue Branch sales statistics, 2024.

### Proposed Regulation Impacts

A Department survey of White Sturgeon fishery participants reveals that while over 67 percent report the main reason to fish for White Sturgeon is recreation and 70 percent state that their goal is only or mostly catch and release; approximately 27 percent state their goal is to fish for food and 43 percent answer that they would not participate in a catch and release only fishery. These sentiments have been recognized in the proposed emergency action in efforts to balance resource protection with recreational fishery opportunity.

Recent spatial and temporal take patterns suggest that the proposed January to May upper spanning ground closure is the one component that may induce a small decline in report card sales during. The evidence that six percent of the seasonal catch has occurred in the area of the proposed January to May spanning ground closure, may induce those individual fishers to not purchase a Sturgeon Report Card, if that is the only time and area that they fish. Many may pursue Sturgeon in other areas at different

times as well as the spawning grounds. But for some, that may be the only area and time for Sturgeon fishing, so it is reasonable to project a continued six percent drop in card sales revenue in 2024. This amounts to an estimated 2,000 fewer cards sold in 2024. The projected revenue loss to the Department for reduced White Sturgeon report card sales (\$10.70 per item) is about \$20,000 throughout the 2024 calendar year.

**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS**

Answer: 3. No fiscal impact.

The proposed action will not have the potential for a fiscal effect on the federal funding of state programs.