

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections **200, 205, 255, 265, 270, 275, 315, 399, 713, 1002, 1002.5, 1050, 1055, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060** of the Fish and Game Code and to implement, interpret or make specific Sections **200, 205, 255, 265, 270, 395, 396, 398, 713, 1002, 1002.5, 1050, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 10500, 12000 and 12002** of said Code and Parts **21.29 and 21.30**, Title 50, Code of Federal Regulations, proposes to **amend** Sections 2.30, 5.00, 7.50, 8.00, and 703, Title 14, California Code of Regulations, relating to **inland sport fishing regulations**.

Informative Digest/Policy Statement Overview

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to California Code of Regulations (CCR) Title 14, sections 2.30, 5.00, 7.50, 703, and 8.00, for the 2024 sport fishing regulatory cycle. This proposal will reduce the daily bag limit for trout in Parker Lake and Willow Creek, reduce the minimum size limit for black bass in Lake Castaic, allow take of American Shad by spearfishing in the Valley District, simplify and streamline access to low-flow fishing information, amend the fishing boundary for Deep Creek, and update the Department's mailing address. These proposed regulatory changes are needed to effectively manage California's sport fisheries, and correct errors and inaccuracies in the existing regulations to reduce public confusion and improve regulatory enforcement.

The Department is proposing changes to the following regulations in Title 14, CCR:

- **Section 2.30, Spearfishing**
 - The proposal would amend the freshwater sport fishing regulations to include American Shad as a species that may be taken by spearfishing in the Valley District, and clarification of the spearfishing boundaries (Section 2.30 Spearfishing, subsections (b) and (c)).

- **Section 5.00, Black Bass, Subsection (b)(7), Castaic Lake (Los Angeles Co.)**
 - The proposal is to reduce the 15-inch total length minimum size limit at Castaic Lake to the statewide standard of 12-inch total length minimum size limit. The daily bag limit of five fish will remain unchanged.

- **Section 7.50, Subsection (b)(42), Deep Creek (San Bernardino Co.)**
 - This proposal would amend the fishing boundary for Deep Creek for clarity purposes. The current boundary reads "from headwaters at Little Green Valley to confluence of Willow Creek." The proposed new boundary is "from below Green Valley Lake Dam to the confluence of Willow Creek." This change is necessary to ensure law enforcement officers are clear on which area the regulations apply. Current regulations mention Little Green Valley which does not exist.

- **Section 7.50, Parker Lake (Mono Co.)**

- This proposal would amend the trout regulations for Parker Lake to year-round angling, two fish bag limit, 14-inch minimum size limit, and an artificial lures only gear restriction from the General Statewide Regulations for trout (i.e., Section 5.85) of all year, 5 fish bag limit with 10 in possession. This will require adding Parker Lake to Section 7.50, Special Fishing Regulations for Trout.
- **Section 7.50, Willow Creek (Alpine Co.)**
 - This public proposal seeks to amend the fishing regulations on Willow Creek upstream from the confluence with the West Fork Carson River to the main tributary of Willow Creek to protect the declining populations of trout in the creek. This proposal would reduce the daily bag limit for trout from five fish per day to catch and release fishing only, with a gear restriction of artificial lures and barbless hooks only. This will require adding Willow Creek to Section 7.50, Special Fishing Regulations for Trout.
- **Section 8.00, Low Flow Fishing Restrictions.**
 - This proposal seeks to simplify and streamline access to low-flow information by transitioning the three different phone lines in current regulations to a single-source CDFW webpage.
- **Other Changes**

The Department is proposing additional changes to correct errors in the regulations, including:

1. Section 703(a)(3): The mailing address for the Department's Fisheries Branch in this section needs to be changed from 830 S Street, Sacramento, CA 95811 to 1010 Riverside Pkwy, West Sacramento, 95605.
2. Section 7.50: Renumber subsections (b)(106) through (b)(169) to account for the addition of Parker Lake and Willow Creek.

Benefits of the Proposed Regulations

As stated in Fish and Game Code Section 1700, Conservation of Aquatic Resources, it is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based sport fish seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations sport fish to ensure their continued existence.

The benefits of the proposed regulations are consistent with the sustainable management of California's sport fisheries, general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout California.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish and Game Code sections 200, 205, 315, and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to trout sport fishing seasons, bag, and possession limits.

Public Participation

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before **August 1, 2024** at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on **August 9, 2024**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the **Mountain Side Conference Center, 10001 Minaret Road, Conference Room 4, Mammoth Lakes, California**, which will commence at **8:30 a.m. on June 19, 2024** and may continue at **8:30 a.m., on June 20, 2024**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the **River Lodge Conference Center, 1800 Riverwalk Drive, Fortuna, California**, which will commence at **8:30 a.m. on August 14, 2024** and may continue at **8:30 a.m., on August 15, 2024**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or David Haug at FGC@fgc.ca.gov or at the preceding address or phone number. **Karen Mitchell, Senior Environmental Scientist, Department of Fish and Wildlife,**

karen.mitchell@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes provide clarification of existing regulations that are necessary for the continued preservation of the resource, while providing inland sport fishing opportunities and thus, the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The Commission does not anticipate adverse impacts on the creation or elimination of jobs within the state. The Commission does not anticipate adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed changes are to provide clarification of existing regulations that are not anticipated to change the level of fishing activity and thus the demand for goods and services related to sportfishing that could impact the demand for labor, nor induce the creation of new businesses, the elimination, nor the expansion of businesses in California. The Commission anticipates benefits to the environment by the sustainable management of fishery resources

throughout the state. The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. No changes to costs or savings to state agencies or in federal funding are anticipated by the proposed clarification of existing regulations. The Department program implementation and enforcement are projected to remain the same with a stable volume of fishing activity

(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

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Melissa Miller-Henson
Executive Director

Dated: May 21, 2024