

State of California  
Fish and Game Commission  
Initial Statement of Reasons for Regulatory Action  
Amend Sections 2.30, 5.00, 7.50, 8.00, and 703  
Title 14, California Code of Regulations  
Re: Inland Sport Fishing Regulations Update

I. Date of Initial Statement of Reasons: January 24, 2024

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: April 18, 2024

Location: San Jose, CA

(b) Discussion Hearing

Date: June 20, 2024

Location: Mammoth Lakes, CA

(c) Adoption Hearing

Date: August 15, 2024

Location: Fortuna, CA

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).

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to Title 14, sections 2.30, 5.00, 7.50, 8.00 and 703, 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.

(b) Proposed Regulations

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, subsection (b)).
- Currently several species of fish can be taken by speargun in the Valley District between May and September. Those species include Striped Bass, carp, goldfish, Sacramento (Western Sucker), Sacramento Blackfish, Hardhead, Sacramento

Pikeminnow, and lamprey. The regulations do not include American Shad as a species that can be taken by spearfishing. The Department would like to add spearfishing as a method of take for American Shad. The Department does not believe that adding this method of take will impact the American Shad population, or any other fish species. Additionally, this regulation change will increase angling opportunities for the angling community.

- The Department would also like to more clearly define spearfishing boundaries written in the regulations so that the need to look up Fish and Game Code Section 1505 is reduced. Additionally, the department would like to add language for anglers to check their local city and/or county ordinances for speargun (firearm) restrictions.
- **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.
  - The current regulation for black bass at Castaic Lake is inadequate and was enacted to protect a “trophy” black bass fishery that no longer exists. Castaic Lake has limiting factors that are not conducive to maintaining a large population of “trophy” black bass. Habitat for juvenile bass and sunfish is limited as shorelines are generally steep in both arms and contain few small coves. Aquatic vegetation, which is important for recruitment of black bass, is lacking due to water level fluctuations. There is also a large population of striped bass which are additional competitors of forage resources. Department electrofishing data from 2013-2022 show the black bass fishery has declined in condition and has stunted between 10-15 inches. The average Relative Weight (body condition) was 78 in 2022, where 100 is considered adequate health. Harvest is needed to reduce the population, warranting the regulation change. In addition to the black bass fisheries data, the Department has been contacted multiple times by local angling groups calling for the regulation change. Castaic Lake is the only water in the area with a special regulation, aligning it with the statewide black bass regulation would create regulation simplification and expand angler opportunity for resource utilization.
- **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 County)**
  - 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.

- Parker Lake has been a designated Heritage Wild Trout water since 2011. Historically, Parker Lake was a fast action Brook Trout fishery that produced trophy size Brown Trout. Recent survey efforts by the Department in 2021 have shown a consistent decline in both species population numbers since surveys conducted in 2003 and 2011. The large decline in Brook Trout numbers in the lake indicates Parker Lake is no longer a fast action Brook Trout fishery, suggesting there is overharvest. Brown Trout have also decreased in size since 2003 and 2011 and are trending towards no longer reaching trophy sizes. Parker Lake has become more popular in recent years due to increasing interest and advertisement of the lake on various social media platforms, which most likely caused the increase in angling pressure. Since this water is not stocked, the current fishing methods and 5 fish bag limit with an additional 10 Brook Trout over 10 inches is most likely resulting in overfishing and a decline in both species.
- **Section 7.50, Willow Creek (Alpine County)**
  - 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 change would require adding Willow Creek to Section 7.50, Special Fishing Regulations for Trout.
  - The Department has little data on the status of trout populations in Willow Creek, but given the small size of the watershed, and multiple exceptional droughts of the past decade, the Department supports actions to ensure this fishery continues to be viable. This aligns with the Department's mission to conserve and provide fishing opportunities for future generations.
- **Section 8.00, Low Flow Fishing Restrictions**

Low-flow restrictions provide protection to listed and targeted game fish when stream flows are low. Low-flow restrictions affect fishing seasons for ten coastal counties: Del Norte, Humboldt, Mendocino, Sonoma, Marin, Napa, San Mateo, Santa Cruz, Santa Clara, and Monterey. Currently, the Department reports low-flow information via three different phone lines reflected in this section. Each phone line is associated with specific waters and each line is supported by one of the three Department regions (Northern Region 1, Bay Delta Region 3, and Central Region 4).

- The low-flow phone lines are problematic, and a continued source of concern for the Department. The phone line messages for all three low-flow phone lines are inefficient as it requires the public to navigate a phone line and potentially listen to information that is not relevant to their needs. Additionally, if the public is not engaged, they may miss the pertinent information requiring them to listen to the message again. Constituents have expressed concerns with the phone line and have requested a web-based message on public forums and with Department staff.
- In the event of inclement weather and/or power outages, the phone lines have been down and unable to communicate low-flow updates. The Department's Telecom Representative has identified multiple options to improve the phone lines, however these options will be expensive and time and labor intensive.

- With the proposed amendments to Section 8.00, the Department seeks to simplify and streamline access to low-flow information by transitioning the three low-flow phone lines to a Department webpage. A single source of information will be more efficient for the state and its constituents. An online system will be much more efficient for CDFW to operate. The proposed regulation changes show the phone number in existing regulation struck out and the Department website's regulations page ([www.wildlife.ca.gov/regulations](http://www.wildlife.ca.gov/regulations)) added for Low-Flow Restrictions and information. This regulation will not impact where or when low-flow closures occur.

- **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: Non-substantive renumbering of subsections (b)(106) through (b)(169) to account for the addition of Parker Lake and Willow Creek.

(c) Necessity of the Proposed Regulation Changes

The proposed changes are necessary to align California's inland sport fishery regulations with the Department's current fisheries management goals and objectives. Specifically, the changes are necessary to: (1) protect declining populations of trout in Parker Lake and Willow Creek; (2) increase fishing opportunity for black bass in Castaic Lake; (3) increase fishing opportunity for spearfishers in the Valley District; (4) make access to low-flow fishing information more efficient; and (5) make needed corrections to existing regulations to reduce public confusion and improve regulatory enforcement.

(d) Goals and Benefits of the Regulation

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.

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

Authority: Sections 200, 205, 255, 265, 270, 275, 315, and 399 Fish and Game Code.  
Reference: Sections 200, 205, 255, 265, 270, and 275 Fish and Game Code.

(f) Specific Technology or Equipment Required by Regulatory Change

None.

(g) Identification of Reports or Documents Supporting Regulation Change

None.

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

The Department presented the proposed amendments to the sport fishing regulations at the Commission's Wildlife Resources Committee meetings on September 19, 2023 and January 16, 2024.

On December 12, 2023, the Department released an online survey associated with the proposed low-flow regulation change to gauge the public's use of the current phone lines, preference to recorded phone line messages vs a web-based platform, and ability to access online low-flow information. The survey was completed on February 22, 2024 and results indicated overall support for a web-based provision of low flow information.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

The no change alternative would leave the current regulations in place.

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. 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.

VII. Economic Impact Assessment

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

The Commission does not anticipate adverse impacts on the creation or elimination of jobs within the state because the proposed amendments are not anticipated to impact the level of fishing activity and thus the demand for goods and services related to sportfishing that could impact the demand for labor.

(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 that any of the proposed amendments would induce impacts on the creation of new business or the elimination of existing businesses, because the economic impacts of the proposed clarifications of existing regulations are unlikely to be stimulate or lessen the demand for goods or services related to sport fishing, travel, or tourism to the affected areas.

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

The Commission does not anticipate that any of the proposed clarification of existing regulations would induce impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve individuals who engage in inland sport fishing. The number of fishing trips and angler economic contributions are expected to remain within the range of historical averages.

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

The Commission does not anticipate direct benefits to the health and welfare of California residents besides the furtherance of opportunities for sport fishing which is healthy outdoor recreation and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety from the proposed regulations because inland sport fishing does not impact working conditions.

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

Under the proposed regulations, the Commission anticipates benefits to the environment in the sustainable management of inland fishery resources. It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of waters under the jurisdiction and influence of the state for the benefit of all the citizens 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.

(g) Other Benefits of the Regulation

Other benefits of the regulation include consistency with federal fishery management goals, and support for businesses that rely on inland sport fishing.

## 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.)**
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- **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.