

Staff Summary for June 19-20, 2024

11. Inland Sport Fishing**Today's Item**Information Action

Discuss proposed amendments to inland sport fishing regulations for freshwater sport fishing bag limits, gear, and low-flow information.

Summary of Previous/Future Actions

- | | |
|--|-------------------------|
| • Wildlife Resources Committee (WRC) vetting | January 16, 2024; WRC |
| • Notice hearing | April 17-18, 2024 |
| • Today's discussion hearing | June 19-20, 2024 |
| • Adoption hearing | August 14-15, 2024 |

Background

At its April 2024 meeting, the Commission authorized publication of a notice of its intent to amend Sections 2.30, 5.00, 7.50, 8.00, and 703 related to inland sport fishing. The proposal would:

- Include American shad as a species that may be taken by spearfishing in the Valley District and clarify spearfishing boundaries;
- Reduce the 15-inch total length minimum size limit for black bass at Castaic Lake (Los Angeles County) to the statewide standard 12-inch total length minimum size limit;
- Correct the fishing boundary for Deep Creek (San Bernardino County);
- Amend trout regulations for Parker Lake (Mono County) to year-round angling, a 2-fish bag limit, a 14-inch minimum size limit, and restrict gear to artificial lures only;
- Reduce the daily bag limit from 5 fish per day to catch-and-release fishing only on Willow Creek (Alpine County) upstream from the confluence with the West Fork Carson River to the main tributary of Willow Creek, and restrict gear to artificial lures with barbless hooks only;
- Remove the multiple phone lines that fishers currently rely on for low-flow restriction information and replace them with a single department webpage URL; and
- Update the mailing address for the Department's Fisheries Branch.

A summary of the proposed changes is included in Exhibit 1; details of the proposed changes are provided in the initial statement of reasons (Exhibit 2) and the publicly-noticed regulatory language (Exhibit 3).

Today's meeting provides an opportunity for public discussion of the proposed regulation changes.

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

Staff Summary for June 19-20, 2024

Exhibits

1. [Staff summary from April 17-18, 2024 Commission meeting \(for informational purposes only\)](#)
2. [Initial statement of reasons](#)
3. [Noticed regulatory language](#)

Motion (N/A)

Staff Summary for April 17-18, 2024
For Background Purposes Only

16. Inland Sport Fishing

Today's Item

Information

Action

Consider authorizing publication of notice of intent to amend regulations for freshwater sport fishing bag limits, gear, and low-flow information.

Summary of Previous/Future Actions

- | | |
|--|--------------------------|
| • Wildlife Resources Committee (WRC) vetting | January 16, 2024; WRC |
| • Notice hearing | April 17-18, 2024 |
| • Discussion hearing | June 19-20, 2024 |
| • Adoption hearing | August 14-15, 2024 |

Background

The Department recommends the Commission amend inland sport fishing regulations to align with current fisheries management goals and objectives, improve angling opportunities, correct errors and inaccuracies in existing regulations, and improve regulatory enforcement (Exhibit 1). The proposed amendments include:

- Section 2.30: Include American shad as a species that may be taken by spearfishing in the Valley District and clarify spearfishing boundaries. These amendments incorporate regulatory changes proposed in regulation change petition 2021-028, granted by the Commission at its December 2023 meeting.
- Section 5.00: Reduce the 15-inch total length minimum size limit for black bass at Castaic Lake (Los Angeles County) to the statewide standard 12-inch total length minimum size limit.
- Section 7.50: Correct the fishing boundary for Deep Creek (San Bernardino County).
- Section 7.50: Amend trout regulations for Parker Lake (Mono County) to year-round angling, a two-fish bag limit, a 14-inch minimum size limit, and restrict gear to artificial lures only. Since Parker Lake is currently subject to the General Statewide Regulations for trout, the proposed amendments will require adding it to Section 7.50, Special Fishing Regulations for Trout.
- Section 7.50: Reduce the daily bag limit from five fish per day to catch-and-release fishing only on Willow Creek (Alpine County) upstream from the confluence with the West Fork Carson River to the main tributary of Willow Creek, and restrict gear to artificial lures with barbless hooks only. Since Willow Creek is currently subject to the General Statewide Regulations for trout, the proposed amendments will require adding it to Section 7.50, Special Fishing Regulations for Trout. These amendments incorporate regulatory changes proposed in regulation change petition 2022-13, granted in part by the Commission at its February 2024 meeting.
- Section 8.00: Remove the three different phone lines that fishers currently rely on for low-flow restriction information and replace them with a single department webpage URL.

Staff Summary for April 17-18, 2024
For Background Purposes Only

- Section 703: Update the mailing address for the Department's Fisheries Branch.

Visual aids and further details and rationale regarding all components of the proposed changes can be found in the draft initial statement of reasons (Exhibit 2).

Significant Public Comments (N/A)

Recommendation

Commission staff: Authorize publication of a notice of intent to amend regulations related to inland sport fishing, as recommended by the Department and supported by the Wildlife Resources Committee.

Committee: Support the proposed changes related to inland sport fishing.

Department: Authorize publication of a notice of intent to amend regulations as detailed in the draft initial statement of reasons.

Exhibits

1. Department memo, received March 26, 2024
2. Draft initial statement of reasons
3. Draft proposed regulatory language
4. Draft economic and fiscal impact statement (STD. 399) and addendum
5. Department presentation

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 2.30, 5.00, 7.50, 8.00 and 703 related to inland sport fishing.

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) 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.)**
 - 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.

Proposed Regulatory Language

Subsection (b) of Section 2.30, Title 14, CCR, is amended to read:

§ 2.30. Spearfishing.

Spearfishing is permitted only in:

(a) The Colorado River District for carp, tilapia, goldfish and mullet, all year.

(b) The Valley District and Black Butte Lake (Tehama County) for American Shad, carp, tilapia, goldfish, striped bass, Sacramento (Western) Sucker, Sacramento blackfish, hardhead, Sacramento pikeminnow and lamprey, from May 1 through September 15, except that no spearfishing is permitted in:

(1) Shasta County (see Section 2.12).

(2) Tehama County except Black Butte Lake.

(3) Butte Creek (Butte Co.).

(4) Feather River below Oroville Dam (Butte Co.).

~~(5) Designated salmon spawning areas (See Fish and Game Code Section 1505).~~

(5) Yuba River upstream of Simpson Lane Bridge (Yuba Co.).

(6) American River upstream of Howe Ave. Bridge (Sacramento Co.).

(7) Mokelumne River upstream of Elliot Road Bridge (San Joaquin Co.).

(8) San Joaquin River upstream of State Route 99 Bridge (Madera and Fresno Co.).

(9) Stanislaus River upstream of S. Santa Fe Road (J7) Bridge (Stanislaus Co.).

(10) Tuolumne River upstream of the Geer Road (J14) Bridge (Stanislaus Co.).

(11) Merced River upstream of N. Santa Fe Drive (J7) Bridge (Merced Co.).

(12) All designated salmon spawning areas (See Fish and Game Code Section 1505).

(13) Refer to all county, city, and/or local regulations and ordinances to confirm if use and/or possession of projectile weapons is prohibited.

(c) The Kern River from the Kern-Tulare county line upstream to the Johnsondale Bridge for carp, goldfish, Sacramento (Western) Sucker, hardhead and Sacramento pikeminnow, from May 1 through September 15.

(d) See bullfrogs (Section 5.05).

Note: Authority cited: Sections 200, 205, 255 and 265, Fish and Game Code.
Reference: Sections 200, 205, 255 and 265, Fish and Game Code.

Proposed Regulatory Language

Subsection (b)(7) of Section 5.00, Title 14, CCR, is amended to read:

§ 5.00. Black Bass.

. . . No changes to subsections (a) and (b)(1) through (b)(6), just shown for background information. . .

It is unlawful to take or possess black bass except as provided in this section:

(Note: Some waters are closed to all fishing under Sections 7.40 and 7.50.)

(a) General Statewide Restrictions:

(1) Lakes/Reservoirs and the Sacramento-San Joaquin Delta: The following waters, except for those listed in subsection (b), are open to fishing all year, with a 12-inch total length minimum size limit and a five-fish daily bag limit: All lakes and reservoirs in the State, and the Sacramento-San Joaquin River Delta (see Section 1.71 for definition of the Delta).

(2) Rivers/Streams and Private Ponds: Rivers, streams, canals, and lakes or ponds entirely on private lands that are not listed in subsection (b) are open all year with no size limit and a five-fish daily bag limit.

(b) Special Regulations: Counties and individual waters listed below are those having regulations different from the General Statewide Restrictions in subsection (a).

DISTRICTS AND COUNTIES WITH SPECIAL REGULATIONS

Area or Body of Water	Open Season	Size (total length)	Bag Limit
(1) Colorado River District: All waters (Bag and size limits conform with Arizona regulations.).	All year.	13-inch minimum.	6

Area or Body of Water	Open Season	Size (total length)	Bag Limit
(2) Inyo Co.: All streams east of Highway 395 from the southern Inyo Co. line north to the junction of Highway 6 and east of Highway 6 to the Mono Co. line, except those streams listed by name in Section 7.50(b), Special Fishing Regulations.	All year.	12-inch minimum.	5
The remaining streams of Inyo Co., except those waters listed in Section 7.50(b), Special Fishing Regulations	Last Sat. in Apr. through Nov. 15. Closed to bass fishing from Nov. 16 through the Fri. preceding the last Sat. in Apr.	12-inch minimum.	5
All Lakes, Big Pine Canal, Fish Spring Canal, and Millpond in Inyo Co.	All year.	12-inch minimum.	5
(3) Mono Co.: All streams except for Fish Slough (see subsection (b)(10)) and those waters listed by name in Section 7.50(b), Special Fishing Regulations	Last Sat. in Apr. through Nov. 15. Closed to bass fishing from Nov. 16 through the Fri. preceding the last Sat. in Apr.	No size limit.	5
(4) Plumas Co.: All waters.	All year.	No size limit.	5

INDIVIDUAL BODIES OF WATER WITH SPECIAL REGULATIONS

Area or Body of Water	Open Season	Size (total length)	Bag Limit
(5) Barrett Lake (San Diego Co.) (Also see Section 2.08.)	All year.	Catch and Release only.	0
(6) Casitas Lake (Ventura Co.)	All year.	12-inch minimum. No more than one over 22 inches.	5

Area or Body of Water	Open Season	Size (total length)	Bag Limit
(7) Castaic Lake (Los Angeles Co.).	All year.	15-inch minimum.	5
(8) Cuyamaca Lake (San Diego Co.).	All year.	No size limit for Largemouth Bass. Catch and Release only for Smallmouth Bass.	5
(9) Fish Slough (Mono Co.), except the fenced portions of Fish Slough within the BLM Spring, which are closed to all fishing all year. See Section 7.50(b)(49), Special Fishing Regulations.	All year.	No size limit.	5
(10) Hodges Lake (San Diego Co.).	All year.	15-inch minimum.	5
(11) Lett's Lake (Colusa Co.).	All year.	No size limit.	5
(12) Plaskett Meadows lakes, upper and lower (Glenn Co.).	All year.	No size limit.	5
(13) Shaver Lake (Fresno Co.).	All year.	No size limit.	5
(14) Upper Otay Lake (San Diego Co.). (Also see Section 2.08.)	All year	Catch and Release only.	0

Note: Authority cited: Sections 200, 205, 265, 270 and 275, Fish and Game Code.
Reference: Sections 200 and 205, Fish and Game Code.

Proposed Regulatory Language

Subsection (b) of Section 7.50, Title 14, CCR, is amended to read:

§ 7.50. Alphabetical List of Trout Waters with Special Fishing Regulations

[...No changes to subsection (a)...]

(b)

[...No changes to subsections (b)(1) through (b)(41)...]

(b)

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(42) Deep Creek (San Bernardino Co.) from headwaters at Little Green Valley to confluence of Willow Creek. <u>below Green Valley Lake Dam to the confluence of Willow Creek.</u>	All year. Only artificial lures may be used.	2 trout

[...No changes to subsections (b)(43) through (b)(104)...]

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(105) Parker Creek (Mono Co.) from Parker Lake to the confluence with Rush Creek.	All year. Only artificial lures with barbless hooks may be used.	0 trout
<u>(106) Parker Lake (Mono Co.)</u>	<u>All year. Only artificial lures may be used. 14-inch minimum size limit.</u>	<u>2 trout</u>
(106) <u>(107)</u> Pine Creek (Goose Lake Tributary) and tributaries (Modoc Co.).	Sat. preceding Memorial Day through the last day in Feb.	5 trout
(107) <u>(108)</u> Pine Valley Creek (San Diego Co.) upstream of Barrett Lake and all its tributaries.	All year. Only artificial lures may be used.	2 trout
(108) <u>(109)</u> Piru Creek (Los Angeles and Ventura Cos.).		

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(A) Piru Creek and tributaries upstream of Pyramid Lake.	All year. Only artificial lures may be used.	2 trout
(B) From Pyramid Dam downstream to the bridge approximately 300 yards below Pyramid Lake.	Closed to all fishing all year.	
(C) From the bridge approximately 300 yards below Pyramid Lake downstream to the falls about 1/2 mile above the old Highway 99 bridge.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(409110) Pit River (Shasta and Modoc Cos.).		
(A) Pit River, South Fork (Modoc Co.) and tributaries upstream of the Highway 395 bridge in Likely.	Sat. preceding Memorial through the last day in Feb.	5 trout
(B) Pit River, North Fork (Modoc Co.) and tributaries from the confluence with the South Fork in Alturas upstream to and including Franklin Creek.	Sat. preceding Memorial Day through the last day in Feb. Only artificial lures may be used.	2 trout
(C) From Pit No. 3 (Britton Dam) downstream to the outlet of the Pit No. 3 Powerhouse.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(D) Pit River, from Pit No. 3 Powerhouse downstream to Shasta Lake.	All year.	2 trout. 4 trout in possession.
(440111) Pole Creek and tributaries (Placer Co.).	Closed to all fishing all year.	
(444112) Portuguese Creek, West Fork (Madera Co.) from headwaters downstream to confluence with the East Fork Portuguese Creek.	Sat. preceding Memorial Day through the last day in Feb. Only artificial lures with barbless hooks may be used.	0 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(442 113) Prosser Creek from the Prosser Reservoir dam downstream to the confluence with the Truckee River (Nevada Co.).	All year. Only artificial lures with barbless hooks may be used.	0 trout
(443 114) Purisima Creek (San Mateo Co.).	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(444115) Putah Creek (Solano and Yolo Cos.) from Solano Lake to Monticello Dam.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(445 116) Redwood Creek and tributaries (Alameda Co.).	Closed to all fishing all year.	
(446 117) Redwood Creek (Humboldt Co.) and tributaries above the mouth of Bond Creek.	Closed to all fishing all year.	
(447 118) Robinson Creek (Mono Co.).		
(A) From the U.S. Forest Service boundary downstream to Upper Twin Lake.	Sat. preceding Memorial Day through Sep. 30.	5 trout
(B) Between Upper and Lower Twin Lakes.	Sat. preceding Memorial Day through Sep. 30.	5 trout
(448 119) Rock Creek Diversion Channel (Mono Co.) from its source below Tom's Place to its confluence with Crooked Creek.	Closed to all fishing all year.	
(449 120) Rock Creek Lake (Inyo Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(420 121) Rock Creek in the Hat Creek Drainage (Shasta Co.) from Rock Creek spring (origin) downstream to Baum Lake.	Closed to all fishing all year.	

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(424122) Rock Creek (Shasta Co.) from its confluence with Pit River to Rock Creek Falls (about one mile upstream).	Closed to all fishing all year.	
(422123) Roosevelt Lake (Mono Co.).	All year. Only artificial lures may be used.	2 trout
(123124) Rush Creek (Mono Co.).		
(A) Rush Creek from Grant Lake Dam downstream to Mono Lake.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(B) Rush Creek (Mono.Co.) between Silver Lake and Grant Lake.	Sat. preceding Memorial Day through Sep. 30.	5 trout
(424125) Sabrina Lake (Lake Sabrina, Inyo Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(425126) Sacramento River and tributaries above Keswick Dam (Shasta and Siskiyou Cos.).		
(A) Sacramento River and tributaries from Box Canyon Dam downstream to the Scarlett Way bridge in Dunsmuir.	All Year. Only artificial lures with barbless hooks may be used.	0 trout
(B) Sacramento River and tributaries from Scarlett Way bridge downstream to the county bridge at Sweetbriar.	Sat. preceding Memorial Day through Sep. 30.	5 trout
	Oct. 1 through the Fri. preceding Memorial Day. Only artificial lures may be used.	2 trout
(C) Sacramento River and tributaries from the county bridge at Sweetbriar downstream to Shasta Lake.	All year. Only artificial lures may be used.	2 trout
(426127) Sagehen Creek (Nevada Co.).		

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(A) From the stream gauging station (located about 1/8 mile below Sagehen Creek Station Headquarters) upstream to about 1/8 mile above the station headquarters at a point where the stream splits into two sections.	Closed to all fishing all year.	
(B) From the Highway 89 bridge upstream to the gauging station at the east boundary of the Sagehen Creek Station.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(427128) Salmon Creek and tributaries above Highway 1 (Monterey Co.).	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(428129) San Gabriel River, West Fork and tributaries (Los Angeles Co.).		
(A) Upstream of Cogswell Dam (including Cogswell reservoir and its tributaries).	All year. Only artificial lures may be used.	2 trout
(B) From Cogswell Dam downstream to the second bridge upstream from the Highway 39 bridge.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(429130) San Luis Rey River West Fork (San Diego Co.).	All year. Only artificial lures may be used.	2 trout
(430131) Santa Ana River and tributaries upstream above Seven Oaks Dam (San Bernardino Co.). This does not include Bear Creek. See subsection (b)(8), Bear Creek (San Bernardino Co.) for additional info.	All year.	5 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(431 <u>432</u>) Santa Ynez River and tributaries upstream of Gibraltar Dam (Santa Barbara Co.).	All year.	2 trout. 4 trout in possession.
(432 <u>433</u>) Sausal Creek and tributaries (Alameda Co.).	Closed to all fishing all year.	
(433 <u>434</u>) Sespe Creek and tributaries above Alder Creek confluence (Ventura Co.).	All year. Only artificial lures with barbless hooks may be used.	0 trout
(434 <u>435</u>) Silver Creek (Mono Co.), tributary to West Walker River, and tributaries upstream from Silver Falls.	Closed to all fishing all year.	
(435 <u>436</u>) Silver Creek and all other tributaries to Swonger Lake (Modoc and Lassen Cos.).	Sat. preceding Memorial Day through the last day in Feb. Only artificial lures may be used.	2 trout
(436 <u>437</u>) Silver King Creek and tributaries (Alpine Co.) upstream of the confluence with Snodgrass Creek.	Closed to all fishing all year.	
(437 <u>438</u>) Silver Lake (Mono. Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(438 <u>439</u>) Slinkard Creek and tributaries (Mono Co.) upstream from a department of Fish and Wildlife rock gabbion barrier (38.606976°N, 119.567687°W). The barrier is located approximately 5–6 miles upstream from the Hwy 89 and Hwy 395 junction.	All year. Only artificial flies with barbless hooks may be used.	0 trout
(439 <u>440</u>) Solano Lake (Solano Co.).	All year. Only artificial lures and barbless hooks may be used.	0 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(140 <u>141</u>) Sonoma Creek and tributaries (Sonoma Co.) above the Sonoma Creek seasonal waterfall in Sugarloaf Ridge State Park (located 0.2 miles upstream of the west end of the Canyon Trail).	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(141 <u>142</u>) Sonoma Lake (Sonoma Co.).	All year.	2 trout. 4 trout in possession.
(142 <u>143</u>) Sonoma Lake tributaries (Sonoma Co.).	Sat. preceding Memorial Day through Sep. 30. Only artificial lures may be use.	2 trout
(143 <u>144</u>) Soulajoule Lake tributaries (Marin Co.).	Sat. preceding Memorial Day through Sep. 30.	2 trout. 4 trout in possession.
(144 <u>145</u>) South Lake (Inyo Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(145 <u>146</u>) Squaw Valley Creek and tributaries (Shasta Co.).	All year. Only artificial lures with barbless hooks may be used.	0 trout
(146 <u>147</u>) Stanislaus River, Middle Fork (Tuolumne Co.).		
(A) From Beardsley Dam downstream to the U. S. Forest Service footbridge at Spring Gap (including the Beardsley Afterbay).	All year. Only artificial lures may be used.	2 trout
(B) From the U.S. Forest Service footbridge at Spring Gap to New Melones Reservoir.	All year.	2 trout. 4 trout in possession.
(147 <u>148</u>) Stevens Creek and all tributaries upstream of Stevens Creek Reservoir (Santa Clara Co.).	All year. Only artificial lures with barbless hooks may be used.	0 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(448 149) Stony Creek, and tributaries (including the North, South, and Middle forks) from the headwaters downstream to the diversion dam west of Stonyford in the center of Section 35, T18N, R7W (Colusa, Glenn and Lake Cos.).	All year. Only artificial lures with barbless hooks may be used.	0 trout
(449 150) Susan River (Lassen Co.)	Sat. preceding Memorial Day through the last day in Feb.	5 trout
(450 151) Sweetwater River and tributaries upstream of Sweetwater Reservoir (San Diego Co.).	All year. Only artificial lures may be used.	2 trout.
(451 152) Tahoe Lake and tributaries (Placer and El Dorado Cos.).		
(A) Tahoe Lake tributaries upstream to the first lake.	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(B) Tahoe Lake within 300 feet of the mouth of its tributaries.	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(452 153) Trinity River, above Trinity Lake (Trinity Co.) from the confluence with Tangle Blue Creek (Hwy. 3), downstream (south) to the mouth of Trinity Lake, approximately 13.8 miles.	Sat. preceding Memorial Day through Sep. 30. Oct. 1 through the Fri. preceding Memorial Day. Only artificial lures with barbless hooks may be used.	5 trout
(453 154) Truckee River (Nevada, Placer, and Sierra Cos.).		
(A) Truckee River for 1,000 feet below the Lake Tahoe outlet dam.	Closed to all fishing all year.	

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(B) Truckee River from the confluence of Trout Creek downstream to the mouth of Prosser Creek.	All year. Only artificial flies with barbless hooks may be used.	0 trout
(C) Truckee River from the mouth of Prosser Creek downstream to the Nevada State Line.	Last Saturday in Apr. through Nov. 15. Only artificial lures may be used.	2 trout
	Nov. 16 through the Friday preceding the last Saturday in Apr. Only artificial lures with barbless hooks may be used.	0 trout
(454 155) Tule River and tributaries (Tulare Co.).		
Tule River, North Fork (Tulare Co.), only in the North Fork Tule River and all its forks and tributaries above the confluence with Pine Creek (about 50 yards upstream from the Blue Ridge road bridge, about 12 1/4 miles north of Springville).	All year. Only artificial lures may be used.	2 trout
(455 156) Tuolumne River (Stanislaus and Tuolumne Cos.) from O'Shaughnessy Dam (Hetch Hetchy Reservoir downstream to Clavey River Falls.	All year. Only artificial lures may be used.	2 trout
(456 157) Twelvemile Creek (Modoc Co.).	Sat. preceding Memorial Day through the last day in Feb. Only artificial lures with barbless hooks may be used.	0 trout
(457 158) Twin Lakes (Mammoth, Mono Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(458 159) Twin Lakes, Upper and Lower (Bridgeport, Mono Co.).	Last Sat. in Apr. through Nov. 15.	5 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(459 160) Upper Otay Lake (San Diego Co.).	All year. Only artificial lures with barbless hooks may be used.	0 trout
(460 161) Upper Truckee River and tributaries upstream from confluence with Showers Creek (Alpine and El Dorado Cos.).	Sat. preceding Memorial Day through Sep. 30. Only artificial lures with barbless hooks may be used.	0 trout
(464 162) Virginia Lakes, Upper and Lower (Mono Co.).	Last Sat. in Apr. through Nov. 15.	5 trout
(462 163) Walker Creek (Mono Co.) from the private property line (fence) to the confluence Rush Creek.	All year. Only artificial lures with barbless hooks may be used.	0 trout
(463 164) Walker River, East Fork (Mono Co.) from Bridgeport Dam to Nevada State Line.	Last Sat. in Apr. through Nov. 15. Only artificial lures may be used. Minimum size limit: 18 inches total length. NOTE: BOW AND ARROW FISHING FOR CARP ONLY IS PERMITTED.	2 trout
(464 165) Whiskey Creek (Mono Co.) downstream from Crowley Lake Drive (old Highway 395).	Sat. preceding Memorial Day through Sep. 30.	5 trout
(166) Willow Creek (Alpine Co.) upstream from the confluence with the West Fork Carson River to the main tributary of Willow Creek.	<u>All year. Only artificial lures with barbless hooks may be used.</u>	<u>0 trout</u>
(465 167) Wolf Creek and tributaries (tributary to West Walker River) (Mono Co.).	All year. Only artificial flies with barbless hooks may be used.	0 trout

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(166 168) Wolf Creek Lake (at the headwaters of Wolf Creek, tributary to the West Walker River) (Mono Co.).	Closed to all fishing all year.	
(167 169) Yellow Creek (Plumas Co.) from Big Springs downstream to the marker at the lower end of Humbug Meadow.	Sat. preceding Memorial Day through the last day in Feb. Only artificial lures with barbless hooks may be used.	0 trout
(168 170) Yuba River, Middle Fork (Nevada and Sierra Cos.) from Jackson Meadows Dam downstream to Milton Lake.	See Milton Lake (b)(97).	
(169 171) Yuba River, North Fork (Sierra and Yuba Cos.) from the western boundary of Sierra City to the confluence with Ladies Canyon Creek.	All year. Only artificial lures may be used.	2 trout

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

Proposed Regulatory Language

Section 8.00, Title 14, CCR, is amended to read:

§ 8.00. Low-Flow Restrictions.

(a) Eel River, Mad River, Mattole River, Redwood Creek, Smith River and Van Duzen River. Stream closures: Special Low Flow Conditions.

(1) From September 1 through April 30:

(A) Any of the stream reaches listed in subsections (a)(2) through (8) below shall be closed to all angling on Tuesday and Wednesday when the department determines that the flow on the previous Monday at any of the designated gauging stations is less than the minimum flows set forth in subsections (a)(2) through (8).

(B) Any of the stream reaches listed in subsections (a)(2) through (8) below shall be closed to all angling on Thursday and Friday when the department determines that the flow on the previous Wednesday at any of the designated gauging stations is less than the minimum flows set forth in subsections (a)(2) through (8).

(C) Any of the stream reaches listed in subsections (a)(2) through (8) below shall be closed to all angling from Saturday through Monday when the department determines that the flow on the previous Friday at any of the designated gauging stations is less than the minimum flows set forth in subsections (a)(2) through (8). Note: Authority cited: Sections 200, 205, 265 and 270, Fish and Game Code. Reference: Sections 200, 205 and 265, Fish and Game Code.

(D) Notwithstanding subsections (a)(1)(A) through (C), the department may close or keep a stream reach closed to fishing when the minimum flow is exceeded on the scheduled flow determination day if the department is reasonably assured that the stream flow is likely to decrease below the minimum flow as specified in subsections (a)(2) through (8) before or on the next flow-determination date.

(E) The department may reopen a stream at any time during a closed period if the minimum flow as specified in subsections (a)(2) through (8) is exceeded and the department is reasonably assured that it will remain above the minimum flow until the next scheduled Monday, Wednesday, or Friday flow determination. The department shall make information available to the public by a ~~telephone recorded message~~ webpage updated, as necessary, no later than 1:00 p.m. each Monday, Wednesday, and Friday as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the ~~telephone number~~ webpage designated in the sport fishing regulations booklet to obtain information on the status of any stream.

(2) Eel River

(A) From the mouth to Fulmor Road, at its paved junction with the south bank of Eel River. Closed to angling, except:

1. Legal fishing methods other than angling are permitted.
2. From the mouth to Cock Robin Island Bridge, angling from shore for non-salmonids is permitted.

Minimum Flow: 350 cfs at the gauging station near Scotia.

(B) The main stem Eel River from the paved junction of Fulmor Road with the Eel River to the South Fork Eel River. Minimum Flow: 350 cfs at the gauging station near Scotia.

(3) The South Fork of the Eel River downstream from Rattlesnake Creek and the Middle Fork Eel River downstream from the Bar Creek. Minimum Flow: 340 cfs at the gauging station at Miranda.

(4) Van Duzen River: The main stem Van Duzen River from its junction with the Eel River to the end of Golden Gate Drive near Bridgeville (approximately 4,000 feet upstream from the Little Golden Gate Bridge).

Minimum Flow: 150 cfs at the gauging station near Grizzly Creek Redwoods State Park.

(5) Mad River: The main stem Mad River from the Hammond Trail Railroad Trestle to Cowan Creek.

Minimum Flow: 200 cfs at the gauging station at the Highway 299 bridge.

(6) Mattole River: The main stem of the Mattole River from the mouth to Honeydew Creek.

Minimum Flow: 320 cfs at the gauging station at Petrolia.

(7) Redwood Creek: The main stem of Redwood Creek from the mouth to its confluence with Bond Creek.

Minimum Flow: 300 cfs at the gauging station near the Highway 101 bridge.

(8) Smith River: The main stem Smith River from the mouth of Rowdy Creek to the mouth of Patrick Creek (tributary of the Middle Fork Smith River); the South Fork Smith River from the mouth upstream approximately 1000 feet to the County Road (George Tyron-) bridge and Craigs Creek to its confluence with Jones Creek; and the North Fork Smith River from the mouth to its confluence with Stony Creek.

Minimum Flow: 600 cfs at the Jedediah Smith Redwoods State Park gauging station.

~~THE NUMBER TO CALL FOR INFORMATION IS (707) 822-3164.~~ Check the Department's regulations page at www.wildlife.ca.gov/regulations for Low-Flow Restrictions and Information.

(b) Mendocino, Sonoma, and Marin County coastal streams: Stream Closures: Special Low Flow Conditions.

(1) From September 1 through April 30:

(A) Any of the stream reaches listed in subsections (b)(2) through (5) below shall be closed to all angling on Tuesday and Wednesday when the department determines that the flow on the previous Monday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (b)(2) through (5).

(B) Any of the stream reaches listed in subsections (b)(2) through (5) below shall be closed to all angling on Thursday and Friday when the department determines that the flow on the previous Wednesday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (b)(2) through (5).

(C) Any of the stream reaches listed in subsections (b)(2) through (5) below shall be closed to all angling from Saturday through Monday when the department determines that the flow on the previous Friday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (b)(2) through (5).

(D) Notwithstanding subsections (b)(1)(A) through (C), the department may close or keep a stream reach closed to fishing when the minimum flow is exceeded on the scheduled flow determination day if the department is reasonably assured that the stream flow is likely to decrease below the minimum flow as specified in subsections (b)(2) through (5) before or on the next flow-determination date.

(E) The department may reopen a stream at any time during a closed period if the minimum flow as specified in subsections (b)(2) through (5) is exceeded and the department is reasonably assured that it will remain above the minimum flow until the next scheduled Monday, Wednesday, or Friday flow determination.

(F) The department shall make information available to the public by a ~~telephone recorded message~~ webpage updated, as necessary, no later than 1:00 p.m. each Monday, Wednesday, and Friday as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the ~~telephone number~~ webpage designated in the sport fishing regulations booklet to obtain information on the status of any stream.

~~THE NUMBER TO CALL FOR INFORMATION IS (707) 822-3164 for Mendocino County and (707) 944-5533 for Sonoma, Marin, and Napa Counties.~~ Check the Department's regulations page at www.wildlife.ca.gov/regulations for Low-Flow Restrictions and information.

(2) All rivers, creeks, and streams that flow directly into the Pacific Ocean (and its bays) in Mendocino County, except for the Russian and Gualala rivers. This excludes sections and reaches above fish migration barriers, dams, and natural features that prevent upstream anadromous migration.

Minimum Flow: 200 cfs at the USGS gauging station on the main stem Navarro River near Navarro, CA.

(3) All rivers, creeks, and streams that flow directly into the Pacific Ocean (and its bays) in Sonoma and Marin Counties, except for the Russian River. This excludes sections and reaches above fish migration barriers.

Minimum Flow: 150 cfs at the gauging station on the South Fork Gualala River near Sea Ranch (Sonoma County).

(4) Russian River main stem below the confluence of the East Branch Russian River (Mendocino and Sonoma Counties), Laguna de Santa Rosa, and Santa Rosa Creek.

Minimum Flow: 300 cfs at the gauging station located on the main stem Russian River near Guerneville (Sonoma County).

(5) The Napa River (Napa County) between Trancas Avenue in Napa and Oakville Cross Bridge near Yountville.

Minimum Flow: 15 cfs at the gauging station at the Oak Knoll Bridge on the main stem Napa River.

(c) South Central Coast Streams — Special Low Flow Closures: During December 1 through March 7, the following streams (subsections (c)(1) through (5)) will be closed to fishing when the department determines that stream flows are inadequate to provide fish passage for migrating steelhead trout and salmon. Closed streams will be reopened when the department determines flows are adequate for fish passage.

(1) Pescadero Creek and all anadromous reaches of San Mateo Co. coastal streams normally open for fishing, from Elliot Creek through Milagro Creek, shall be closed to all fishing when the department determines that the Pescadero Creek flows are impeding fish passage. (U. S. G. S. gauging station is on Pescadero Creek.)

(2) Aptos and Soquel Creeks (Santa Cruz Co.) shall be closed to all fishing when the department determines that the Soquel Creek flows are impeding fish passage. (U. S. G. S. gauging station on Soquel Creek.)

(3) The Pajaro River and Uvas, Llagas, and Corralitos Creeks (Santa Cruz, Monterey, & Santa Clara Cos.) shall be closed to all fishing when the department determines that the Pajaro River flows are impeding fish passage. (U. S. G. S. gauging station on the lower Pajaro River.)

(4) The main stem of the Salinas River (Monterey Co.), below its confluence with the Arroyo Seco River, shall be closed to all fishing when the department determines that the flows are impeding fish passage (U. S. G. S. Spreckels gauging station on the Salinas River.)

(5) The Arroyo Seco River (Monterey Co.) shall be closed to all fishing when the department determines that the flows are impeding fish passage. (Flows to be evaluated at U. S. G. S. Spreckels gauging station on the Salinas River and the U. S. G. S. gauging station near Geenfield on the Arroyo Seco River.)

(6) The San Lorenzo River and all its tributaries, as well as all anadromous reaches of coastal streams normally open for fishing in Santa Cruz Co. from the San Lorenzo River north through Waddell Creek, shall be closed to all fishing when the department determines that the flow at the U.S.G.S. gauging station (#11160500) in the San Lorenzo River at Big Trees is less than 40 cfs.

(7) The Carmel River main stem, and the adjacent waters of San Jose, Gibson, Malpaso, and Soberanes Creeks that are west of Highway 1 (Monterey Co.), shall be closed to all fishing when the department determines that the flow at the U. S. G. S. gauging station near Carmel is less than 80 cfs.

(8) The Big Sur River main stem west of the Highway 1 bridge, all of Limekiln Creek and its tributaries, and the anadromous portions of all other Big Sur Coast streams west of Highway 1 in Monterey Co., from Granite Creek south to Salmon Creek, shall be closed to all fishing when the department determines that the flow at the U. S. G. S. gauging station on the Big Sur River is less than 40 cfs.

(9) The stream flow gauges referred to above in subsections (c)(6) through (8) will be checked on Tuesday and Friday of each week. The decision as to whether these rivers will be open or closed to fishing will take place only on Tuesday and Friday of each week. In the event that river flow differs later in the week, the fishing status for each specific river will not change until the day following the next scheduled reading.

(10) It shall be the responsibility of the angler to use the ~~telephone number~~ webpage designated in the sport fishing regulations booklet to obtain information on the status of any of the rivers or creeks listed above in subsections (c)(1) through (8).

~~THE NUMBER TO CALL FOR INFORMATION IS (831) 649-2886.~~ Check the Department's regulations page at www.wildlife.ca.gov/regulations for Low-Flow Restrictions and information.

NOTE: Authority cited: Sections 200, 205, 265 and 270, Fish and Game Code.
Reference: Sections 200, 205 and 265, Fish and Game Code.

Proposed Regulatory Language

Subsection (a) of Section 703, Title 14, CCR is amended to read:

§ 703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees.

(a) Applications, Forms and Fees for January 1 through December 31 (Calendar Year).

... No changes to subsections (1) through (2)...

(3) Determination that a Transgenic Aquatic Animal is not Detrimental

(A) The applicant shall apply in the form of a letter, on letterhead if an entity, for a department determination that a transgenic aquatic animal is not detrimental in accordance with Section 1.92 and shall include all of the following:

1. The name, mailing address, telephone number(s), and e-mail address of the person seeking to import, possess, distribute, and sell the transgenic aquatic animal or of the principal contact person if an entity seeks to import, possess, distribute, and sell the transgenic aquatic animal.

2. A detailed analysis based on credible science containing:

a. The common and scientific names of the species for which an exemption is sought.

b. A description of the life history of the species.

c. A description of the method(s) by which the genome of the species has been deliberately altered, modified, or engineered.

d. The known or anticipated effects of the genetic alteration, modification or engineering of the species.

e. An analysis of the potential risk to native fish, wildlife, or plants posed by the presence of the transgenic aquatic animal within California.

f. A description of the applicant's proposed importation, possession, distribution, and sale of the transgenic aquatic animal within California.

3. Certification in the following language: I certify that the information submitted in this application is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject the application to rejection, or the department determination to revocation, and to civil and criminal penalties under the laws of the State of California.

a. The original signature of the person, or principal contact person if an entity, seeking the determination.

4. The applicant shall submit a separate application and nonrefundable fee of \$4,790 per species of transgenic aquatic animal.

5. The applicant shall submit one paper copy, and an electronic copy (via email or other device as directed by department staff) containing all application materials, and the application fee, to the Fisheries Branch Chief at ~~830 S Street, Sacramento, CA 95811~~ 1010 Riverside Pkwy, West Sacramento, CA, 95605.

(B) Contents of the Department Determination

1. The department shall issue a determination in writing, based on the information provided by the applicant, and any other relevant credible scientific information in the possession of the department or submitted to the department.

2. The determination shall state whether:

a. The presence of the transgenic aquatic animal within California is detrimental and subject to regulation under Section 671 and subsection 671.1(a)(8); or,

b. The presence of the transgenic aquatic animal within California is not detrimental and poses no reasonably foreseeable risk to native fish, wildlife, or plants and is not subject to regulation under Section 671 and subsection 671.1(a)(8).

c. In making its determination, the department may impose reasonable conditions to ensure the proposed importation, possession, distribution, and sale of the transgenic aquatic animal within California is not detrimental to native fish, wildlife, or plants.

d. The department may revoke or change its determination at any time upon newly-obtained information or circumstances involving said animal's detrimental impacts.

3. If the department identifies deficiencies in the application, requiring additional time or further review, the department shall reject the application and provide written notification of the identified deficiencies in the application to the applicant. No additional fee is required if the application, with required information, is resubmitted within one year of receipt of the original application.

(C) Effect of Department Determination

1. Once it receives a determination from the department that the transgenic aquatic animal poses no reasonably foreseeable risk to native fish, wildlife, or plants, the applicant or its authorized agent may import, possess, distribute, and sell the animal within the state provided that both the applicant and its authorized agent possess and provide within three business days, upon request by the department, a copy of the department's determination.

2. Any wholesaler or retailer purchasing a transgenic aquatic animal from the applicant or its authorized agent may import, possess, distribute, and sell the animal provided that the wholesaler or retailer possesses and provides within three business days, upon request by the department, both a copy of the department's

determination and written documentation to demonstrate that the animal that the wholesaler or retailer purchased originated from the applicant or its authorized agent.

3. Individuals purchasing a transgenic aquatic animal that originated from the applicant, its authorized agent, or wholesalers or retailers as authorized by this section may possess the animal, without a copy of the department's determination or any other documentation, provided that the animal is maintained in a closed system and not placed in the waters of the state.

NOTE: Authority cited: Sections 713, 1002, 1002.5, 1050, 1055, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060, Fish and Game Code.

Reference: Sections 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, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.