

## Staff Summary for June 19-20, 2024

**18. Regulation Change Petitions (Wildlife and Inland Fisheries)****Today's Item**Information Action 

This is a standing agenda item for the Commission to receive new regulation change petitions and act on regulation change petitions received from the public at previous meetings. For this meeting:

- (A) Receive new petitions for regulation change
- (B) Act on previously received regulation change petitions

**Summary of Previous/Future Actions****(A) *Petitions for Regulation Change – Receipt***

- **Today receive new petitions** **June 19-20, 2024**
- Potentially act on new petitions **August 14-15, 2024**

**(B) *Petitions for Regulation Change – Scheduled for Action***

- Received Petition 2024-02 **April 17-18, 2024**
- **Today potentially act on petitions** **June 19-20, 2024**

**Background****(A) *Receive New Petitions for Regulation Change***

Pursuant to Section 662, any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1. Regulation change petition forms submitted by the public are “received” at this Commission meeting if they are delivered by the public comment or supplemental comment deadlines or delivered in person to the Commission meeting.

Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or act on any matter not included on the agenda, other than to determine whether to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change generally follow a two-meeting cycle of receipt and decision. The Commission will act on petitions received at today’s meeting at the next regularly scheduled Commission meeting (currently August 14-15, 2024), following staff evaluation, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b).

Today, one new petition for regulation change was received by the comment deadline; the petition is summarized in Exhibit A1 and provided as Exhibit A2.

**(B) *Act on Previously-Received Regulation Change Petitions***

Petitions received at the previous meeting are scheduled for Commission consideration at the next regularly scheduled business meeting. A petition may be (1) denied, (2) granted, or (3) referred to a committee, staff or the Department for further evaluation or information-gathering. Referred petitions are scheduled for action once the evaluation is completed and a recommendation made.

## Staff Summary for June 19-20, 2024

Today, one petition is scheduled for action:

1. *Petition 2024-03*: Request to amend regulations to prohibit local governments from contracting with private trappers to trap coyotes on public land and to prohibit use of carbon dioxide as a killing method for coyotes (Exhibit B2, *Note: due to file size, the link below will open a separate PDF*).

### Significant Public Comments

No significant public comments were received by the public comment deadline.

### Recommendation

**Commission staff:** Refer Petition 2024-03 to the Department for review and recommendation.

### Exhibits

- A1. [Summary of new petitions for regulation change received through June 6, 2024](#)
- A2. [Petition 2024-06, received May 28, 2024](#)
- B1. [Summary of petitions for regulation change scheduled for action](#)
- B2. [Petition 2024-03, received April 2, 2024](#) (*link will open a separate PDF due to file size*)

### Motion

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission adopts the staff recommendation to refer petition 2024-03 to the Department for review and recommendation.

**OR**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that for petition 2024-03, the Commission \_\_\_\_\_.

California Fish and Game Commission

New Petitions for Regulation Change: Received by 5:00 PM on April 4, 2024

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
2024-04	4/22/2024	Ben Mitchell, Recreational Fisherman	Recreational ocean fishing: Use of harpoon to land fish	Request to amend regulations to add use of harpoons with use of gaff or net as a legal aid to assist in landing fin fish (especially highly migratory species).	6/19-20/2024	8/14-15/2024
2024-06	5/28/2024	James Stone, President, Northern California Guides and Sportsmen's Association	Inland sport fishing: white sturgeon	Request to authorize a recreational fishery if a candidacy petition is approved for white sturgeon.	6/19-20/2024	8/14-15/2024



Tracking Number: ( 2024-06 )

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

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

**SECTION I: Required Information.**

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

**1. Person or organization requesting the change (Required)**

Name of primary contact person: Northern California Guides and Sportsmen’s Association, James Stone, President.

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

**2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish and Game Code Section 2084 - Authorizing taking of candidate species or fish by hook and line for sport.**

**3. Overview (Required) - Summarize the proposed changes to regulations: The Northern California Guides and Sportsmen’s Association (NCGASA) is asking for the Commission to authorize a recreational fishery if a candidacy petition is approved for White Sturgeon, pursuant to statutory authorization in Fish and Game Code Section 2084:**

**(a)** The commission may authorize, subject to terms and conditions it prescribes, and based on the best available scientific information, (1) the taking of any candidate species, or (2) the taking of any fish by hook and line for sport that is listed as an endangered, threatened, or candidate species, provided that in either case the take is consistent with this chapter.

**(b)** The department may recommend to the commission that the commission authorize, or not authorize, the taking of an endangered, threatened, or candidate species pursuant to this section. [Click here to enter text.](#)

**Rationale (Required) - Describe the problem and the reason for the proposed change: The potential approval by the Fish and Game Commission of the White Sturgeon candidacy listing petition (CESA Petition White Sturgeon 2023.11.29) has the potential to cause irreparable damage the business and recreational anglers who fish for White Sturgeon in California’s coastal, Delta, and inland waters. This**



includes five Commercial Passenger Fishing Vessels with a combined annual revenue of \$300,000 for sturgeon fishing, 40 captains operating 6 pack vessels (24 of which are full time at \$1.2M and 16 part time at \$300,000 revenue), approximately 45 charter/guide services with \$1.8M in total revenues, 10-15K recreational boats whose economic impacts are measured in launch fees, gas, bait, tackle, rods, reels, ice and more, and 45,000 individual anglers according to CDFW fisheries data.

Further down the supply chain at bait/suppliers/distributors with an estimated \$1M, including approximately 50 tackle stores. According to surveys from our captains and members of the public, we estimate a closure of the sturgeon fishery would cause 20 bait shops would automatically closed their doors. We have already lost 5 businesses since January 2024 (with an estimated economic loss of nearly \$100,000).

Over the past year and a half the Department has engaged with various stakeholders on outlining a pathway forward to protecting and conserving white sturgeon in California. First, to be crystal clear, recreational angling is not the cause of concern to the health of this fishery. Instead, this fishery is suffering from the mismanagement of our precious and limited water supplies, allocations of which have resulted in less than ideal breeding and spawning habitat and harmful algal blooms which have indiscriminately killed thousands of fish, sturgeon among them. Further, the Department lacks the funding and organizational structure to have a solid sense of the actual number of sturgeon in the system. In fact current scientific sampling and analysis underway show that the abundance estimates used are perhaps a magnitude of order to low and we are dramatically underestimating the count.

Regardless, the sturgeon working group, with limited data in hand, came to the conclusion that a 4% exploitation rate would be acceptable given the best available scientific understanding of the current state of the fishery. It is from this information at the October 2023 Commission meeting that the Commissioners recognized the importance of keeping the industry viable and directed the Department and the industry to work together on a solution for the 2024 season.

We are hopeful that you will continue in this pattern, choosing a pathway that maintains the Department's conservation objectives, and allows for continued economic vitality of our hard hit fisheries sector. If you proceed to direct the Department to study the candidacy listing petition you have the authority to continue to authorize a limited recreational fishery under Section 2084, and we urge you to do so.

In closing, the Department's own data indicate the steep and dramatic decline in license sales, harvest tags, and other recreational activities that a complete closure or a "catch and release only" season would inflict. Please also realize that the economic cost of these actions will come to bear on us, and we are already suffering from the 2<sup>nd</sup> year of a complete salmon season closure that is currently in effect along with the continued decline in the striped bass population.

There is a pathway forward to maintain angler enthusiasm and protect the species and meet the limited harvest objectives defined by the state.

## **SECTION II: Optional Information**

**4. Date of Petition:** 05/28/2024

**5. Category of Proposed Change**



Sport Fishing

Commercial Fishing

Hunting

Other, please specify: [Click here to enter text.](#)

6. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

Amend Title 14 Section(s): [Click here to enter text.](#)

Add New Title 14 Section(s): [Click here to enter text.](#)

Repeal Title 14 Section(s): [Click here to enter text.](#)

7. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or  Not applicable.

8. **Effective date:** If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency: [Click here to enter text.](#)

9. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Click here to enter text.](#)

10. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: [See rationale discussion.](#)

11. **Forms:** If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

**SECTION 3: FGC Staff Only**

Date received: [05/28/24](#)

FGC staff action:

Accept - complete

Reject - incomplete

Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: \_\_\_\_\_

Meeting date for FGC consideration: \_\_\_\_\_

FGC action:

Denied by FGC

Denied - same as petition \_\_\_\_\_

Tracking Number

Granted for consideration of regulation change

## California Fish and Game Commission Petitions for Regulation Change — Action on June 19-20, 2024

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife WRC - Wildlife Resources Committee MRC - Marine Resources Committee

MPA - marine protected area SMR - state marine reserve SMCA - state marine conservation area

Grant: CFGC is willing to consider the petitioned action through a process Deny: Not willing to consider the petitioned action Refer: Need more information before the final decision

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	CFGC Receipt	CFGC Initial Action Date	Initial Staff Recommendation	Referral Date	Referred to	Scheduled for Final Action	Final Staff Recommendation
2024-03	4/2/2024	Mary Maerz, Counsel, Animal Law, PETA Foundation	Nongame mammals: Coyotes	Request to amend regulations to prohibit local governments from contracting with private trappers to trap coyotes on public land and to prohibit use of carbon dioxide as a killing method for coyotes.	4/17-18/2024	6/19-20/2024	REFER to DFW for review and recommendation.				