

## Memorandum

**Date:** November 13, 2024

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

**From:** Charlton H. Bonham  
Director

**Subject:** **Item for December 11-12, 2024 meeting: Submission of Emergency Statement and regulatory documents to Readopt the Addition of Sections 5.78 and 27.93 and Amend Sections 5.79, 5.80, 27.90 and 27.92 of Title 14 of the California Code of Regulations Re: White Sturgeon Fishing During CESA Candidacy Emergency**

Please find attached the Findings of Emergency Statement of Proposed Readoption of Emergency Regulatory Action to add Sections 5.78 and 27.93 and amend sections 5.79, 5.80, 27.90, and 27.92 of Title 14 of the California Code of Regulations.

The California Fish and Game Commission (Commission) voted to approve White Sturgeon as a candidate species for listing under the California Endangered Species Act (CESA) on June 19, 2024. By accepting the petition, the Commission prohibited take of White Sturgeon, including “catch-and-release” by recreational angling, effective July 12, 2024. The Commission requested the California Department of Fish and Wildlife (Department) propose options to authorize take of White Sturgeon as a candidate species by anglers under Fish and Game Code (F&G Code) Section 2084(a)(2), which allows for take of fish by hook and line for sport based on the best available scientific information provided the take is consistent with Fish and Game Code Division 3, Chapter 1.5.

During the June 19, 2024 meeting, the Commission heard testimony from members of the sturgeon angling and business community expressing a closure of the fishery during CESA candidacy created serious and substantial economic harm to businesses that rely on the White Sturgeon fishery, including charter captains, guides, bait and tackle stores and suppliers, marinas, and related services. Representatives of the fishing industry also filed regulation change petition 2024-06 on May 28, 2024, and specifically referenced the following economic revenue for the White Sturgeon Industry.5 Commercial Passenger Fishing Vessels; combined annual sturgeon revenue of \$300,000.

- 24 captains operating 6-pack vessels full time; combined annual sturgeon revenue of \$1.2 million dollars. Six-pack vessels are small charter boats limited to a maximum of six passengers.

- 16 captains operating 6-pack vessels part time; combined annual sturgeon revenue of \$300,000 revenue.
- Approximately 45 charter/guide services with \$1.8 million in total revenues
- 10,000-15,000 recreational boats whose economic impacts include launch fees, gas, bait, tackle, rods, reels, ice and more.
- The supply chain of bait/suppliers/distributors with an estimated sturgeon revenue of \$1 million, including approximately 50 tackle stores.

While the Department is unable to verify all of the stated losses and closures to businesses reported in Petition No. 2024-06, the Department has determined that a closure to sport fishing for White Sturgeon during the CESA candidacy period will cause serious economic harm to business that rely on the White Sturgeon fishery and to the Department from loss of license and report card sales.

At its August 15, 2024 meeting, the Commission approved an emergency rulemaking adding sections 5.78 and 27.93 and amending sections 5.79, 5.80, 27.90, and 27.92, Title 14, CCR, which describe White Sturgeon sport fishing during CESA candidacy.

The emergency regulation created two new sections under Title 14, CCR, that supersede but do not replace four existing sections addressing White Sturgeon fishing and report card requirements. Section 5.78 combines most elements of existing sections 5.79 and 5.80, and defines seasons, closed areas, gear and handling restrictions, and report card requirements for catch-and-release fishing in inland waters. Section 27.93 combines 27.90 and 29.72 in the same manner for ocean waters. The existing sections (5.79, 5.80, 27.90, 27.92) will remain in Title 14 but will be inoperative, with an added sentence at the beginning of the section with a cross-reference to the new sections. The proposed regulation for re-adoption is the same as the original emergency with the exception of a minor clarification on fish handling in sections 5.78(e) and 27.93(e).

The best available science suggests that non-lethal take via a catch-and-release fishery will not be harmful to the long-term viability of White Sturgeon in California. Studies conducted on White Sturgeon fisheries in other states show little to no mortality, and no long-term negative impacts to White Sturgeon individuals or populations, because of catch-and-release recreational fishing. The Department does not believe the best available science supports any level of harvest during candidacy. The best available scientific information regarding White Sturgeon abundance in CA indicates that there has been a long-term decline and the recent Harmful Algal Blooms (HABs) in 2022 and 2023 are suspected to have killed a substantial portion of mature adults. The Department understands that fishery is not the primary cause for declining numbers, however, the harvest does contribute to cumulative loss and must be considered. Based on these data and the current CESA candidate listing, the

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Department must prioritize protection of the species and is unable to support harvest (at any level) of the population at this time.

Readopting an emergency regulation to continue to offer recreational White Sturgeon fishing opportunities consistent with F&G Code Section 2084 would avoid serious harm related to economic impacts on sturgeon-related businesses including fishing guides, charters, and bait shops. Sturgeon catch-and-release fisheries on other populations (OR, WA, ID, British Columbia) are popular and provide significant economic impact to related business and local economies. For example, a 2022 survey of the Fraser River catch-and-release White Sturgeon fishery indicated that anglers spend an average of US\$628 per day, fishing catch-and-release for sturgeon, compared to US\$129 in all other fisheries combined. Additionally, Fraser River sturgeon anglers relied on paid guide services 46% of the time compared to 9% in all other fisheries. In California, the Department sold 34,529 Sturgeon report cards in 2023. A survey of California sturgeon anglers conducted by the Department in 2023 found that 13.7% respondents used a fishing guide or Charter to fish for White Sturgeon. Commercial Passenger Fishing Vessel (CPFV) logs collected by the Department indicate that over 480 sturgeon trips were taken in 2023. CPFV's targeting sturgeon typically carry between 2 and 6 anglers per trip. In addition, angling for sturgeon is exclusively conducted with bait, of which the vast majority is procured through local bait and tackle stores.

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

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