

## **TITLE 14. Fish and Game Commission**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 219, 220, 265, 275, 399, 713, 1050, 1053.1, 1055.1, 2084, 7071, 7149.8, 7380 and 8587.1, of the Fish and Game Code, interpret or make specific sections 110, 200, 205, 206, 255, 265, 270, 275, 713, 1050, 1053.1, 1055.1, 2084, 7071, 7120, 7149.8, 7380, 7381, 7382 and 8587.1, proposes to amend sections 1.74, 5.80, 5.81, 27.60, 27.90, 27.91 and 701, repeal sections 5.78, 5.79, 27.92, 27.93 and 27.95, Title 14, California Code of Regulations (CCR), relating to white sturgeon fishing.

#### **Informative Digest/Policy Statement Overview**

Unless otherwise specified, all section references in this document are to Title 14, CCR.

On November 29, 2023, the California Fish and Game Commission (Commission) received a petition from San Francisco Baykeeper, The Bay Institute, Restore the Delta, and California Sportfishing Protection Alliance to list white sturgeon as threatened under the California Endangered Species Act (CESA). The petitioners argued that long term declines in the abundance of white sturgeon are due to 1) Central Valley water management infrastructure and operations, 2) overharvest in the recreational fishery, 3) Harmful Algal Blooms, and 4) other factors such as poaching, pollution, vessel strikes, and climate change. The California Department of Fish and Wildlife (Department) returned an evaluation on March 15, 2024, determining that the petition provided sufficient scientific information to indicate that the petitioned action may be warranted. On June 19, 2024, the Commission voted that white sturgeon warranted candidacy under CESA and directed the Department to initiate a status review of white sturgeon.

Under CESA, candidate species receive protections while a status review is conducted. This prohibition of take includes non-harvest “catch-and-release” angling; however, California Fish and Game Code Section 2084 permits the Commission to authorize the take of candidate species of fish by hook and line for sport based on the best available scientific information. Scientific studies of the effects of angling on white sturgeon in other populations indicate that the species is robust and tolerates catch-and-release angling well. Since the best available science suggests the risks would be minimal.

At the August 2024 Commission meeting, the Department presented an emergency exemption regulation package under Section 2084 that would allow for a catch-and-release fishery during the candidacy period. The Commission voted to approve the Section 2084 exemption, and it went into effect on September 6, 2024.

The goal of the emergency regulations that this regulation extends is to continue to permit a catch-and-release fishery for white sturgeon during the CESA, while providing recreational opportunities for anglers and mitigating adverse economic impacts to businesses that serve sturgeon angling.

The proposed regulations in this Certificate of Compliance are fundamentally the same as the original emergency ruling with the following clarifications:

- The previous long-term sturgeon fishing regulations for inland (5.80) and ocean (27.90) will be edited so that they mirror the language in the emergency regulations (5.78 and 27.93). This language includes both species and report card regulations.
- Sections 5.80 and 27.90 have been edited to change the sturgeon fishing report card season from October 1 through June 30 to encompass the fishing season rather than follow the calendar year. This is the only major difference between the existing emergency regulations and what is proposed in this Certificate of Compliance.

- The emergency regulations (5.78 and 27.93) will be allowed to expire to avoid confusion and duplication.
- The previous long-term sturgeon report card regulations (5.79 and 27.92) will be repealed because all relevant report card information is now included in 5.80 and 27.90.
- The general report card section (1.74) will be edited to remove sturgeon specific information that is now found in 5.80 and 27.90.
- The fee for a white sturgeon sport fishing report card will be set from a range of \$5 to \$11.

### *Benefit of the Regulations*

The status of the existing white sturgeon population and the impacts of recent Harmful Algal Blooms are currently not known. The Department piloted a new sturgeon abundance monitoring program in 2024 to provide population data and the species is currently the subject of a comprehensive CESA species status review. Evidence from successful recreational fisheries on other West Coast rivers and states indicate that the species tolerates catch-and-release angling well and can coexist with a financially lucrative fishery. Maintaining the opportunity for catch-and-release angling will protect the remaining population while still permitting angling and business opportunities.

### *Consistency and Compatibility with Existing Regulations*

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the 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 adopt regulations governing white sturgeon sport fishing (Section 200, California Fish and Game Code). No other state agency has the authority to adopt regulations governing white sturgeon sport fishing. 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 CCR for any regulations regarding the adoption of white sturgeon sport fishing regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

## **Public Participation**

### ***Comments Submitted by Mail or Email***

It is requested, but not required, that written comments be submitted on or before May 29, 2025 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on June 6, 2025. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

### ***Meetings***

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Capitol Event Center, 1020 11<sup>th</sup> Street , Sacramento California on **Wednesday April 16, 2025**, and may continue on **Thursday April 17, 2025**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Sacramento, California on **Wednesday June 11, 2025**, and may continue on **Thursday June 12, 2025**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

### **Availability of Documents**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Jenn Bacon at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **John Kelly, Statewide Sturgeon Coordinator, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Dr. Kelly can be reached at [sturgeon@wildlife.ca.gov](mailto:sturgeon@wildlife.ca.gov).**

### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

### **Impact of Regulatory Action/Results of the Economic Impact Assessment**

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

(a) **Significant Statewide Adverse Economic Impact Directly Affecting Business, 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 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. A bag limit maintains the existing economic climate because the reduction is not significant enough to alter fishing behavior beyond reducing daily harvest.

(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 any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The Commission does not anticipate any benefits to the health and welfare of California residents, or worker safety. The Commission anticipates benefits to the State's environment by sustainably managing California's sportfishing resources.

(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. No change in gear or equipment requirements are introduced for the recreational white sturgeon fishery. However, the proposed fee range of \$5 to \$11.06 may lower the sturgeon report card fee below the current expected price of \$11.06, which would represent a slight cost benefit to fishers.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

No costs or savings to state agencies or costs/savings in federal funding to the state are anticipated. The Department's existing level of monitoring and enforcement activities are expected to be unchanged by this action. However, it is anticipated that the proposed easing of take limits during the CESA candidacy may result in changes to sturgeon report card sales.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

**Effect on Small Business**

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

**Consideration of Alternatives**

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

California Fish and Game Commission

Melissa Miller-Henson  
Executive Director

Dated: March 25, 2025