

State of California  
Fish and Game Commission  
Initial Statement of Reasons for Regulatory Action

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  
Re: Sturgeon Catch and Release Fishing

I. Date of Initial Statement of Reasons: December 17, 2024

II. Dates and Locations of Scheduled Hearings

**(a) Notice Hearing:**

Date: February 12-13, 2025

Location: Sacramento

**(b) Discussion Hearing:**

Date: April 16-17, 2025

Location: Sacramento area

**(c) Adoption Hearing:**

Date: June 18-19, 2025

Location: Sacramento

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). Commission refers to the California Fish and Game Commission unless otherwise specified. Department refers to the California Department of Fish and Wildlife unless otherwise specified.

The proposed changes to the white sturgeon sport fishing regulations will continue the catch-and-release fishing regulations established by emergency regulatory action under Fish and Game Code Section 2084 on September 6, 2024. This action permits a catch-and-release fishery for white sturgeon during the California Endangered Species Act (CESA) status review process since it is expected to have minimal impact on the population, while providing recreational opportunities for anglers and mitigating adverse economic impacts to businesses that serve sturgeon angling. The existing emergency regulations will expire in September 2025 following two 90-day extensions of the emergency regulations in December 2024 (extension 1) and April 2025 (extension 2). The proposed amendment is necessary to continue the catch-and-release fishery through candidacy and until the Commission decides on the CESA listing status of white sturgeon. If the Commission ultimately determines that listing is not warranted, the Department will assess the best scientific evidence to determine if harvest is sustainable and develop recommendations for fishery regulation changes as warranted. This action also changes the Sturgeon Fishing Report Card from a year-long season (January 1 through December 31) to match the sturgeon fishing season established by the emergency action (October 1 through June 30).

## Background

White sturgeon (*Acipenser transmontanus*) are an anadromous species of fish that reside primarily in the San Francisco Bay Delta (SF Bay) and migrate as adults into the major rivers of the Central Valley to spawn. Most spawning occurs in the Sacramento River between Verona and Colusa (Schaffter 1997), with a lesser amount of spawning on the lower San Joaquin River (Jackson et al. 2015). Some additional spawning may occur in tributaries such as the Feather, Bear, and Yuba rivers. White sturgeon are long lived, potentially in excess of 100 years, with most reaching maturity by approximately 14 to 19 years, spawning every two to four years once mature (Chapman et al. 1996; Hildebrand et al. 2016). Successful recruitment of juveniles is infrequent, occurring approximately every six to seven years, highly correlated with above normal water years as measured by high mean daily Delta outflow (CDFW 2023; Fish 2010). Considerable declines in both relative and absolute abundance have been measured by the Department (CDFW 2023; Danos et al. 2019). The most recent Department estimate was a five-year average of approximately 33,000 fish (CDFW 2023).

White sturgeon have been the focus of a recreational fishery since 1954. Until November 2023, recreational anglers could keep one white sturgeon per day, and a combined total of three per year with a slot limit of 40 and 60 inches (in.) fork length (FL; measurement of the fish from the front of its head to the fork in its tail). The season was open year-round, with some limited regional and/or seasonal closures. In 2022, a Harmful Algal Bloom (HAB) of the marine phytoplankton *Heterosigma akashiwo* resulted in the largest fish kill in the recorded history of the region. Many species were impacted during this event including white sturgeon. Over 850 white sturgeon carcasses were found during monitoring, but the full magnitude of the fish kill is unknown as only approximately 20% of the shoreline was able to be surveyed. A HAB of the same species occurred again in 2023, though of lower intensity, leading to 15 recorded white sturgeon carcasses. Due to cessation of funding for the historical abundance monitoring program, it has not been possible to make a white sturgeon abundance estimate since the HAB events; however, a new, statistically robust, spatially balanced white sturgeon abundance monitoring program was successfully piloted in May-September 2024. The program will continue in 2025 and side-scan sonar surveys of the number of spawning sturgeon in the Sacramento and San Joaquin rivers will also be conducted. The Department expects these monitoring efforts will provide critical data such as accurate population estimates and trends in spawning activity.

As a result of long-term declines in the population, the impacts of the HAB, and the unknown current status of the population, the Department proposed an emergency regulation shifting the recreational fishery to catch-and-release only, as well as protection of the migrating and spawning grounds in October 2023. The goal of the 2023 emergency regulation recommendation was to protect the species from over-exploitation while long term fishing regulations could be revised that would offer harvest opportunities at levels that would not threaten the long-term success of the population. During the California Fish and Game Commission meeting considering the emergency regulation, the industry expressed concerns about the effect closure of harvest would have on their business and livelihoods, particularly in light of a recent closure of the salmon fishery and changes to other popular fisheries such as halibut and rockfish. In response, the Commission adopted emergency

regulations to reduce fishing pressure on white sturgeon while retaining harvest. This decision was made in response to emergency economic conditions and does not necessarily reflect what is best for the species in the long term. Under emergency regulations enacted on November 16, 2023, anglers with a Sturgeon Report Card were permitted to take one white sturgeon a year between 42 and 48 in. FL, with a maximum of two fish harvested per boat per day. Fishing was prohibited from January 1 through June 30 upstream of the Highway 50 bridge on the Sacramento River and the I-5 bridge on the San Joaquin River.

On November 29, 2023, the 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 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 full protection while a status review is conducted. This prohibition of take includes non-harvest “catch-and-release” angling; however, 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. The petitioners themselves stated that “a catch-and-release fishery for California white sturgeon is consistent with conserving and restoring these fish as hooking mortality is extremely low” (CESA Petition, p. 40). This recommendation is in line with the position of the Department during the 2023 emergency fishing regulation process. 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, the Department believes that this activity could occur without placing the remaining population at risk.

At its June 19, 2024, meeting, the Commission heard testimony from members of the sturgeon angling and business community requesting that the fishery remain open. The concern expressed was that a complete closure of the fishery during CESA candidacy created 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. Such factors may be considered in authorizing some form of take under Section 2084 of the Fish and Game Code. The potential for economic harm, coupled with the sudden nature of the protections that candidate species receive, constitutes an emergency that authorizes the Commission to address the matter through regulation. The Commission directed the Department to explore potential changes to the take prohibition granted with the June 19, 2024 decision on candidacy for the purpose of identifying potential fishing regulations that would mitigate economic impacts, while still providing protective regulatory measures to white sturgeon. 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.

## **Existing Authorities**

Current statutory authorities focus mostly on the take and possession of animals and include:

**FGC section 200** provides the Commission with the power to regulate the take or possession of birds, mammals, fish, amphibians, and reptiles.

**FGC section 205** specifies that the Commission has the authority to promulgate regulations concerning open and closed seasons; bag, size, and possession limits; areas for taking; and methods of take.

**FGC section 219** defines the conditions under which regulations may supersede FGC sections. Superseding regulations must meet one of the following criteria: the regulation is necessary for the protection of fish, wildlife, and other natural resources under the jurisdiction of the Commission or the regulation is necessary to prevent or mitigate an emergency if there is a threat to public health, safety, and welfare, or to the population or habitat of any species. A regulation adopted pursuant to this section must be supported by written findings and be effective for no more than 12 months.

**FGC section 265** specifies that a regulation governed by FGC section 265 is exempt from the time periods of adoption, amendment, or repeal prescribed in sections 11343.4, 11346.4, 11346.8, and 11347.1 of Government Code.

**FGC section 275** specifies that regulations are effective either for a specific time period or until superseded.

**FGC section 713** provides for an annual fee adjustment using the Implicit Price Deflator for State and Local Government Purchases of Goods and Services (published by the U.S. Department of Commerce) and outlines the process for fee adjustment.

**FGC section 1050** authorizes the Department to issue licenses, permits, tags, and other entitlements, the Commission to determine the form of such entitlements, and establishes parameters for setting entitlement fees.

**FGC section 1053.1** prohibits a person from obtaining duplicate entitlements for the same license year, except for short-term licenses and lost entitlements in specific situations.

**FGC section 1055.1** details the process by which a person may serve as a license agent and provides fee exceptions for tags donated to nonprofit organizations.

**FGC section 2084** allows the Commission to authorize conditional take of a candidate species or to authorize the taking of fish by hook and line for a candidate species, or a species that is listed as endangered or threatened.

**FGC section 7380** requires the possession of a steelhead trout fishing report-restoration card issued by the Department for anyone taking steelhead trout in inland waters and establishes the fee and procedure for using the report card.

**FGC section 110** establishes that the Commission must hold at least eight regular meetings for calendar year, the process for notifying the public of meeting dates, and that meetings, as feasible should be held in state facilities in locations throughout the state.

**FGC section 255** details the steps for adoption, amendment, or repeal of a regulation by the Commission.

**FGC section 7880** requires that a commercial fishing vessel owner or operator display the Department-issued vessel number as a permanent fixture.

**FGC section 7147** prohibits anyone from fishing from a licensed vessel without a sport fishing license and any required entitlements.

**FGC section 1050.4** permits the Department to provide an option to display sport fishing licenses and other entitlements on a mobile device.

### **Emergency Regulations Adopted**

The Commission adopted emergency regulations on August 15, 2024, which became effective on September 6, 2024. The emergency regulations created two new sections (5.78 and 27.93) 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) remain in Title 14 but are inoperative, with an added sentence at the beginning of the section with a cross-reference to the new sections.

The goal of the emergency regulations that this Certificate of Compliance extends was to permit a catch-and-release fishery for white sturgeon during the CESA status review process since it is expected to have minimal impact on the population, while providing recreational opportunities for anglers and mitigating adverse economic impacts to businesses that serve sturgeon angling. The emergency regulations contain the following major changes from the previous long-term regulations:

- Removal of all language related to harvest, including bag limits, annual limits, and size limits.
- Change of the fishing season. Prior to candidacy, white sturgeon could be fished all year in the San Francisco Estuary and the Delta. As per the emergency regulations adopted on November 16, 2023, fishing was not permitted between January 1 and May 31 on the Sacramento River (upstream of the Hwy 50 bridge) and the San Joaquin River (upstream of the I-5 bridge) in order to protect the migration path and spawning habitat of white sturgeon. Additional existing regional closures also remained in effect

(e.g. Yolo Bypass, North Coast District, Special Sierra and Valley District Sturgeon Closure).

- The emergency regulations instituted a fishing season of October 1 through June 30 in all waters downstream of the confluence of the Feather River on the Sacramento River and the I-5 Bridge on the San Joaquin River. No sturgeon fishing would be permitted in these areas between July 1 and September 30. These months experience the warmest air and water temperatures and pose the greatest risk of physiological stress to fish caught, played, and handled by anglers during that time. These months are also the least popular sturgeon fishing months based on both CDFW Sturgeon Report Card data and data collected by the fishing industry.
- Fishing upstream of the confluence of the Feather River (Sacramento River) and the I-5 bridge (San Joaquin River) is restricted to October 1 through December 31 to protect migration and spawning. This action expanded the existing closure to include the warm summer months, as described above.
- Fishing for sturgeon is not permitted in tributaries of the Sacramento and San Joaquin rivers (including tributaries of those tributaries). The only reason white sturgeon enter these smaller rivers is to spawn and they do not reside there unless stranded by dropping flows. Federal Endangered Species Act (ESA) protected southern Distinct Population Segment (DPS) Green Sturgeon also enter these rivers and routinely stay over the summer or longer. Further, sturgeon in these rivers are restricted to small, deep holes and are more easily targeted by anglers. Any sturgeon present in these rivers would either be a spawning migrant or a protected Green Sturgeon and should not be the target of anglers.
- Addition of language describing permitted handling:
  - Due to their mouth shape and foraging habits, sturgeon rarely swallow tackle or suffer the types of deep hooking injuries that are common in other species. The most significant potential source of injury for sturgeon in a catch-and-release fishery will be related to how the fish are handled after catch. Sturgeon lack a rigid, bony skeleton and their skeletal frame mostly consists of cartilage with the exception of some heavy bones in the skull and pectoral girdle. Their structure has not evolved to support their heavy mass against gravity when in air and some care must be taken when handling them.
  - Prior to candidacy, the regulations required that fish greater than 68 inch FL could not be taken out of the water and had to be released immediately. This limit was set when the legal size for harvest was up to 60 inches FL and was designed to protect the largest, heaviest fish. Reducing this maximum out of water size to 60 inches protects most of the mature population but still allows catch-and-release anglers to take a trophy picture of their catch. Fish less than 60 inches FL are light enough that they are not likely to be injured due to gravity.
  - The most likely sources of injury come from anglers that attempt to 1) lift the fish off the ground by grabbing the gills or gill plates or by dangling them by their tail, or 2) drag fish over the ground or boat/pier surfaces. These handling restrictions are

intended to limit the effects of rough handling on sturgeon survival. The Department has published safe sturgeon handling guidelines in written and video format on the white sturgeon web page (<https://wildlife.ca.gov/Conservation/Fishes/Sturgeon/White-Sturgeon#catch-release>)

## Proposed Regulations

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].

### Section 1.74. Sport Fishing Report Card Requirements.

**Amend numerous subsections.** Replace gendered “his” and “his and hers” with gender neutral “their” to simplify and apply to all anglers.

**Amend subsection (c)(2).** Report cards may be submitted on paper or electronically; specify that reference to legibility and indelible ink applies only to physical cards.

**Amend subsection (c)(5).** Remove reference to sturgeon report card here. Since this card no longer includes harvest tags, anglers will be permitted to buy an additional card in a season if they fill up the data table on the first card.

**Amend subsection (c)(7).** Add species names to regulation section numbers to provide ease to report card holders looking for a specific species report card details. Also update applicable white sturgeon section numbers.

**Amend subsections (d)(1) and (d)(1)(A).** Delete “sturgeon”. Details of the sturgeon specific report card deadlines and timing will be placed in sections 5.80 and 27.90.

**Amend subsections (e)(1) and (e)(2).** Add white sturgeon sections to report card return and reporting mechanisms sections.

**Amend subsections (f)(1), (f)(2), and (f)(3).** Move sturgeon from subsection (f)(2) to (f)(1). In the past, anglers could only buy one sturgeon report cards each year because the cards harvest tags attached to them. If anglers lost a card, they were required to fill out an affidavit, account for any fish already harvest that year, and purchase a replacement card with the appropriate number of harvest tags still attached. Since the new cards are for catch and release only, anglers may simply buy a second card if they lose the first one. Amend (f)(3) to include the sturgeon regulation sections in the reporting requirements.

#### **Section 5.78. White Sturgeon Catch and Release Sport Fishing for Inland Waters**

**This section, created by emergency regulations, will expire on September 1, 2025.**

Section 5.78 was developed as part of the emergency action to allow a catch and release fishery during the CESA candidacy. This section superseded but did not replace the existing long term regulations for white sturgeon. As part of this rulemaking, Section 5.78 will be allowed to expire and the content of this section has been added to Section 5.80.

#### **Section 5.79. White Sturgeon Report Card and Tagging Requirements for Inland Waters (FG 683, See Section 701)**

**Repeal entire section.** To reduce confusion, due to the number of sturgeon-related sections, the content relevant to the sturgeon fishing report card that was included in Section 5.79 is now included in Section 5.80.

#### **Section 5.80. Inland White Sturgeon**

**Amend title.** Add “inland” to clarify that this regulation refers to waters east of the Carquinez Bridge.

**Amend throughout.** Removal of all language related to harvest, including bag limits, annual limits, and size limits.

**Amend subsection (a).** Remove “All year, except for closures listed under special regulations”.

**Add subsections (1), (2), (3)** to define open and closed areas and seasons.

**Amend subsection (b).** Move “annual limit” to its own subsection, change daily limit to “zero fish.”

**Amend subsection (c).** Remove size limit since no size may be retained. Replace with annual limit of zero fish per year.

**Amend subsection (e).** Change from “removal” to “handling and removal”. Reduce the size of fish that may be removed from the water to 60 inches FL and specify handling requirements – these edits are necessary to limit the risk of injury or mortality due to handling in the catch and release fishery.

Fish lip grippers (e.g. Boga Grip, Berkley Big Game Lip Grip, etc.) are not suitable for use on sturgeon. These devices are designed to aid handling of fishes with robust bony jaws and sharp teeth, and whose jaw structure is sturdy enough to bear weight. The jaw of sturgeon is comprised of thin cartilage and skin. It is not weight bearing and is sensitive to mechanical

damage, thus the use of a lip gripper risks causing injury to the jaw, impairing feeding and survival of the fish.

**Amend subsection (f).** Report card requirements have been moved to subsection (f). This was done to avoid the need to refer to a different section for report card requirements.

**Amend subsection (g).** Reporting requirements for the report card are now included in subsection (g) rather than Section 5.79. Only content relevant to catch and release fishing is included in this section since harvest is not permitted. Cards that have already been sold or are on sale now are the same as cards from previous years. The reporting requirements for the cards are detailed in subsection (1). The report cards sold for the season that starts on October 1, 2025 will be modified. Reporting requirements for October 2025 cards are detailed in subsection (2). The new cards will collect angler effort data similar to the Steelhead Report Card. Additionally, the Department will no longer require anglers to report the precise length of fish caught. The length data is now collected in other monitoring efforts and this reduces the risk of handling injury from inexperienced anglers.

The most significant change to the new report card is the deadline for return is July 31. This change moves the card return date to one month after the season closes in June. The return date on existing cards is January 31, after the end of the calendar year. This change aligns the report card data with the fishing season and will allow the Department time between card seasons in order to tabulate data and potentially assess fees or restrictions for non-reporting in the future.

**Amend subsection (h).** Move the reference to Section 27.90 to subsection (k). Subsection (h) becomes the Special North Coast District Sturgeon Closure. This change is editorial only; no changes to the text have been made.

**Amend authority and reference.** Add FGC sections 399 and 2084 to authority and 265 and 2084 to reference. FGC Section 265 provides exceptions to quarterly effective dates for regulations, public hearing and comment procedures, and specifications for rulemaking files, as specified in California Government Code; FGC Section 399 provides criteria for an emergency rulemaking; FGC Section 2084 allows for the conditional take of candidate and listed species of fish by hook and line.

### **Section 5.81. Inland Green Sturgeon**

**Amend title.** Add “inland” to clarify that this section refers to waters east of the Carquinez Bridge.

**Amend (c).** Change reference to sturgeon report card section to 5.80 to reflect changes noted above.

### **Section 27.60. Limit**

**Repeal subsection (c)(6).** Remove references to boat limits for white sturgeon, boat limits are not applicable for a catch-and-release fishery.

### **Section 27.90. Ocean White Sturgeon**

The changes to this section mirror the changes in Section 5.80 but applied to ocean water.

**Amend title.** Add “ocean” to clarify that this section refers to waters west of the Carquinez Bridge.

**Amend throughout.** Removal of all language related to harvest, including bag limits, annual limits, and size limits.

**Amend subsection (a).** Remove “All year”. This section will now define an open season.

**Amend subsection (b).** Move “annual limit” to its own subsection, change daily limit to “zero fish.”

**Amend subsection (c).** Remove size limit since no size may be retained. Replace with annual limit of zero fish per year.

**Amend subsection (e).** Change from “removal” to “handling and removal”. Reduce the size that may be removed from the water to 60 inches FL and specify handling requirements – these edits are necessary to limit the risk of injury or mortality due to handling in the catch and release fishery.

Fish lip grippers (e.g. Boga Grip, Berkley Big Game Lip Grip, etc.) are not suitable for use on sturgeon. These devices are designed to aid handling of fishes with robust bony jaws and sharp teeth, and whose jaw structure is sturdy enough to bear weight. The jaw of sturgeon is comprised of thin cartilage and skin. It is not weight bearing and is sensitive to mechanical damage, thus the use of a lip gripper risks causing injury to the jaw, impairing feeding and survival of the fish.

**Amend subsection (f).** Report card requirements have been added to subsection (f). This was done to avoid the need to refer to a different section for report card requirements.

**Amend subsection (g).** Reporting requirements for the report card are now included in subsection (g) rather than Section 5.79. Only content relevant to catch and release fishing is included in this section since harvest is not permitted. Cards that have already been sold or are on sale now are the same as cards from previous years. The reporting requirements for the cards are detailed in subsection (1). The report cards sold for the season that starts on October 1, 2025 will be modified. Reporting requirements for October 2025 cards are detailed in subsection (2). The new cards will collect angler effort data similar to the Steelhead Report Card. Additionally, the Department will no longer require anglers to report the precise length of fish caught. The length data is now collected in other monitoring efforts and this reduces the risk of handling injury from inexperienced anglers.

The most significant change to the new report card is the deadline for return is July 31. This change moves the card return date to one month after the season closes in June. The return date on existing cards is January 31, after the end of the calendar year. This change aligns the report card data with the fishing season and will allow the Department time between card seasons in order to tabulate data and potentially assess fees or restrictions for non-reporting in the future.

**Add subsection (i).** This content on subsection (i) was formerly in section 27.95 and has been moved into this section to reduce confusion due to the number of sturgeon-related sections.

### **Section 27.91. Ocean Green Sturgeon**

**Amend title.** Add “ocean” to clarify that this section refers to waters west of the Carquinez Bridge.

**Amend subsection (c).** Change reference to sturgeon report card section to 27.90 to reflect changes noted above.

### **Section 27.92. White Sturgeon Report Card and Tagging Requirements for Ocean Waters (FG 683, See Section 701)**

**Repeal entire section.** To reduce confusion due to the number of sturgeon-related sections, the content relevant to the sturgeon fishing report card that was included in Section 27.92 is now included in Section 27.90.

### **Section 27.93. White Sturgeon Catch and Release Sport Fishing for Ocean Waters**

**This section, created by emergency regulations, will expire on September 1, 2025.** This section was developed as part of the emergency action to allow a catch and release fishery during the CESA candidacy. This section superseded but did not replace the existing long term regulations for white sturgeon. As part of this rulemaking, Section 27.93 will be allowed to expire and the content of this section has been added to Section 27.90.

### **Section 27.95. Sturgeon Closure**

**Repeal entire section.** To reduce confusion due to the number of sturgeon-related sections, the content of Section 27.95 is now included in Section 27.90.

### **Section 701. Sport Fishing Forms and Fees**

**Amend subsection (c).** Change to “2025 Sturgeon Fishing Report Card”, propose a fee change in the range of \$5.00 to \$11.00. The current fee for the report card is approximately \$11.00. Since the report card no longer offers anglers the opportunity to harvest, the Department recommends reducing the fee for the card. Additionally, if anglers fill their first card, they will need to purchase a second. The Reduction of the fee reduces the burden on the most active participants in the fishery and encourages participation in the catch and release fishery.

**Repeal subsection (d).** Sturgeon fishing report cards are no longer included with harvest tags. Anglers that lose a card or fill the data table on the first card may purchase a new card. A card replacement processing fee is no longer necessary.

### **(b) Goals and Benefits of the Regulation**

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.

### **(c) Authority and Reference Sections from Fish and Game Code for Regulation**

- Section 1.74 Authority: Sections 200, 205, 265, 275, 1050, 1053.1, 1055.1, 2084 and 7380, Fish and Game Code.  
Reference: Sections 110, 200, 205, 265, 275, 713, 1050, 1053.1, 1055.1, 2084, 7149.8, 7380, 7381 and 7382, Fish and Game Code.
- Section 5.78 Authority: Sections 200, 205, 265, 275, 399 and 2084, Fish and Game Code.  
Reference: Sections 110, 200, 205, 265 and 2084, Fish and Game Code.
- Section 5.79 Authority: Sections 200, 205 and 265, Fish and Game Code.  
Reference: Sections 200, 205 and 265, Fish and Game Code.
- Section 5.80 Authority cited: Sections 200, 205, 265, 275, 399, and 2084, Fish and Game Code.  
Reference: Sections 110, 200, 205, 265, and 2084, Fish and Game Code.
- Section 5.81 Authority cited: Sections 200, 205, 265 and 275, Fish and Game Code.  
Reference: Sections 110, 200 and 205, Fish and Game Code.
- Section 27.60 Authority cited: Sections 200, 205, 265, 2084, 7071 and 8587.1, Fish and Game Code.  
Reference: Sections 205, 255, 265, 2084, 7071, 7120 and 8587.1, Fish and Game Code.
- Section 27.90 Sections 200, 202, 205, 220, and 2084, Fish and Game Code.  
Reference: Sections 200, 205, 206, and 2084, Fish and Game Code
- Section 27.91 Sections 200, 205, 265, 275, and 2084, Fish and Game Code.  
Reference: Sections 110, 200, 205, and 2084, Fish and Game Code.
- Section 27.92 Authority cited: Sections 200, 205 and 265, Fish and Game Code.  
Reference: Sections 200, 205 and 265, Fish and Game Code.
- Section 27.93 Authority cited: Sections 200, 202, 205, 220, 265, 399 and 2084, Fish and Game Code.  
Reference: Sections 200, 205, 206, 265 and 2084, Fish and Game Code.
- Section 27.95 Authority cited: Sections 200, 205, 219, 265, and 275, Fish and Game Code.  
Reference: Sections 200, 205, 255, 265, 270 and 275, Fish and Game Code.
- Section 701 Authority cited: Sections 200, 205, 265, 275, 713, 1050, 1053.1, 2084 and 7149.8, Fish and Game Code.  
Reference: Sections 200, 205, 265, 275, 713, 1050, 1053.1, 1055.1, 2084 and 7149.8, Fish and Game Code.

### **(d) Specific Technology or Equipment Required by Regulatory Change:**

None

### **(e) Identification of Reports or Documents Supporting Regulation Change**

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**(f) Public Discussions of Proposed Regulations Prior to Notice Publication**

- Wildlife Resources Committee Meeting, September 2023
- Fish and Game Commission Meeting, October 2023
- Wildlife Resources Committee Meeting, January 2024
- Fish and Game Commission Meeting, February 2024
- Fish and Game Commission Meeting, April 2024
- Fish and Game Commission Meeting, June 2024

IV. Description of Reasonable Alternatives to Regulatory Action

**(a) Alternatives to Regulation Change**

**(b) No Change Alternative**

Without the proposed changes in regulations, the sturgeon fishery, including catch and release fishing, would close entirely, when the emergency regulations expire on September 5, 2025. The outstanding issues concerning the regulations currently governing white sturgeon fishing would remain unaddressed. If white sturgeon are ultimately not listed under CESA, regulations will revert to the original long-term regulations that permitted harvest of one fish per day between 40-60 in. FL, three fish per year, and no closures in the rivers to protect migration and spawning, which is not believed to be sustainable.

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 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 \$[5-11.06] 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:**

None. 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. Assuming that the total sturgeon report cards sold in 2025 will continue to be at least 53% less than in 2023, which includes the 18% of fishers who decline to fish catch-and-release and the 6% decline in card sales from the spawning ground closure in 2024, then the expected number of report cards is roughly the same at 15,600. At this level of cards sold and at the current 2025 price of \$10.56, the Department projects no decline in revenue for the 2025-26 fiscal year, with a total estimated revenue from report card sales of \$164,736. However, if the report card fee is lowered to the bottom of the range to approximately \$5 for the 2025-26 season then the expected revenue from report card sales would be \$78,000, which would represent a decline of \$86,736 in revenue for the Department. It is unknown if the lowered price would induce an increase in the number of report cards sold from fishers wishing to take advantage of the reduced fee given that the fishing opportunity under the proposed catch and release fishery would remain the same, but approximately 17,347 additional report cards would need to be sold at the lower price in order for revenue to remain the same. The total number of report cards sold under this scenario would be 28,500, which is approximately 30% less than the pre-pandemic average.

Additionally, the removal of the duplication fee under the proposed regulations would potentially cost the Department about \$1,206 in annual revenue based on the number of

duplicates issued for the 2022 and 2023 seasons (71 and 60, respectively) and with a duplication fee of \$18.28 per duplicate applied to the average of 66 duplicated cards. When added to the decline of \$86,736 in revenue if the Commission adopts the lower fee of \$5, the total revenue loss would be approximately \$87,942.

See the STD399 and Addendum for more explanation.

**(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 any impacts on the creation or elimination of jobs within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for jobs.

**(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 any impacts on the creation of new business or the elimination of existing businesses within the state because this proposed action should allow for ongoing fishing activity similar to current levels which would not affect the demand for goods and services related to white sturgeon fishing within the state.

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

The Commission does not anticipate any impacts on the expansion of businesses in California because this action will not affect the demand for goods and services related to white sturgeon fishing within the state.

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

The Commission does not anticipate impacts on the health and welfare of California residents.

**(e) Benefits of the Regulation to Worker Safety**

The Commission does not anticipate benefits to worker safety in California because this action will not affect working conditions.

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

The Commission anticipates benefits to the state's environment through the scientific management of the white sturgeon fishery.

**(g) Other Benefits of the Regulation:**

None

State of California  
Fish and Game Commission  
Informative Digest/Policy Statement Overview

Amend Sections 1.74, 5.80, 5.81, 27.60, and 27.90; Repeal Sections 5.78, 5.79, 27.92, 27.93,  
and 27.95  
Title 14, California Code of Regulations  
Re: Sturgeon Catch and Release Fishing

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

### **Background**

The white sturgeon is a large, long-lived fish found mainly in the San Francisco Bay Delta. They migrate to rivers like the Sacramento and San Joaquin to spawn. These fish can live over 100 years and start reproducing at 14-19 years old. Successful young are only born every six to seven years, usually during wet years. Their population has been shrinking, with recent estimates showing only about 33,000 left.

White sturgeon have been popular for recreational fishing since 1954. Recent events, such as harmful algal blooms (HABs) in 2022 and 2023, killed a large population fish. To protect white sturgeon, emergency fishing regulations were adopted in 2023, reducing how many sturgeon can be caught and setting new size limits. Despite these regulations, the population's future is uncertain.

On November 9, 2023, a petition to list white sturgeon as threatened under the California Endangered Species Act (CESA) was submitted to the Commission by San Francisco Baykeeper, The Bay Institute, Restore the Delta, and California Sport Fishing Protection Alliance. The petition pointed to habitat problems, overfishing, pollution, climate change, and other threats. In June of 2024, white sturgeon were designated as a candidate species under CESA. The California Department of Fish and Wildlife (Department) initiated a detailed review of their status in 2024. During this review, the fish get full protection. A temporary exemption, however, can allow for catch-and-release fishing to continue. Studies of sturgeon show they are not harmed by handling involved with catch-and-release fishing.

At the August 14-15, 2023 Commission meeting, members of the sturgeon angling and business community testified that banning sturgeon fishing would hurt their businesses, so in September 2024, regulators approved the exemption to allow catch-and-release fishing. This rule aims to balance protecting the fish with supporting the fishing industry. More studies and monitoring are planned to guide future decisions.

The regulations address the conservation needs of the fish while balancing the economic impact on businesses dependent on sturgeon fishing. Pending the Commission's decision on CESA listing, further regulatory recommendations will address sustainable harvest levels if listing is not warranted. If listed, catch-and-release regulations will continue to prioritize

population recovery and data collection. These changes reflect a science-based needs to protect white sturgeon populations while addressing economic and recreational interests.

### **Current Regulations**

Current regulations for white sturgeon fishing are found in Sections 5.78, 5.79, 5.80 (inland) and Sections 27.90, 27.92, 27.93, and 27.95.

Prior to October 2023, regulations for white sturgeon in 5.79, 5.80, 27.90, 29.72, and 27.95 specified a daily bag limit of one fish, an annual bag limit of three fish, and a year-round open fishing season, with specific closures.

At its October 11, 2023 meeting, due to population declines, impacts from harmful algal blooms, and uncertainty of population declines, the Commission approved an emergency rulemaking amending sections 5.79, 5.80, 27.90, and 29.72. These changes reduced the number of sturgeon tags to one, changed the annual bag limit from three fish to one fish, reduced the season on the Sacramento River above the Highway 50 bridge and the San Joaquin River above the Interstate-5 bridge, specified a vessel limit of two fish, and reduced the slot limit for white sturgeon. These emergency regulations were subject to two 90-day extensions and expired on November 13, 2024.

At its June 19-20, 2024 meeting, the Commission received the Department's petition review report of white sturgeon. The Department found that listing may be warranted and the Commission provided notice that white sturgeon is a candidate species under CESA. The Department is currently working on a one-year status review of white sturgeon to be presented to the Commission. Once the Commission considers the status review report, the petition, and comments received, they will make a decision as to whether the petition action is warranted.

At its August 15, 2024 meeting, the Commission approved an emergency rulemaking adding sections 5.78 and 27.90 to supersede sections 5.79, 5.80, 27.92, and 27.93. This rulemaking provides for a catch-and-release fishery during CESA candidacy. The current proposal is the Certificate of Compliance for the catch-and-release emergency rulemaking to make these regulations long term.

### **Proposed Changes**

The proposed changes are as follows:

#### **Section 1.74. Sport Fishing Report Card Requirements**

**Amend 1.74** with nonsubstantive amendments to numerous subsections to replace gendered "his" and "hers" with gender neutral "their."

**Amend subsection (c)** to specify that references to ink apply only to physical cards, to remove sturgeon from the list of report cards with tags, to add species names to regulation section number references, and to update sturgeon section numbers.

**Amend subsection (d)** to remove details of sturgeon report card return timing and deadlines from this general report card section. These species-specific details will be moved to sections 5.80 and 27.90.

**Amend subsection (e)** to add the inland and ocean sturgeon reference sections to report card return and reporting mechanisms.

**Amend subsection (f)** to allow anglers to purchase additional sturgeon report cards if a card is lost or filled.

### **Section 5.78 White Sturgeon Catch and Release Sport Fishing for Inland Waters**

**Allow section to expire** on September 1, 2025. All regulations for white sturgeon in inland waters are in Section 5.80.

### **Section 5.79 White Sturgeon Report Card and Tagging Requirements for Inland Waters (FG 683, See Section 701)**

**Repeal section.** All regulations for white sturgeon in inland waters are in Section 5.80.

### **Section 5.80 Inland White Sturgeon**

**Amend section** to specify in the title that this section applies to white sturgeon in inland waters, to remove all language related to harvest, including bag limits, annual limits, and size limits, as proposed regulations do not permit harvest. Additionally, provide white sturgeon handling and reporting requirements. Specify that anglers must report date, time, location, and tally fish caught and released based on general length. Finally, change the report card return date to July 31, one month after the season closes.

### **Section 5.81 Inland Green Sturgeon**

**Amend section** to specify in the title that this section applies to green sturgeon in inland waters and to update the section reference for inland white sturgeon.

### **Section 27.60 Limit**

**Repeal subsection (c)(6)** as boat limits are not applicable to a catch-and-release fishery.

### **Section 27.90 Ocean White Sturgeon**

**Amend section** to specify in the title that this section applies to white sturgeon in ocean waters, to remove all language related to harvest, including bag limits, annual limits, and size limits, as proposed regulations do not permit harvest. Additionally, provide white sturgeon handling and reporting requirements. Specify that anglers must report date, time, location, and tally fish caught and released based on general length. Finally, change the report card return date to July 31, one month after the season closes.

### **Section 27.91 Ocean Green Sturgeon**

**Amend section** to specify in the title that this section applies to green sturgeon in ocean waters and to update the section reference for inland green sturgeon.

## **Section 27.92 White Sturgeon Report Card and Tagging Requirements for Ocean Waters (FG 683, See Section 701)**

**Repeal section.** All regulations for white sturgeon in ocean waters are in Section 27.90.

## **Section 27.93 White Sturgeon Catch and Release Sport Fishing for Inland Waters**

**Allow section to expire** on September 1, 2025. All regulations for white sturgeon in ocean waters are in Section 27.90.

## **Section 27.95 Sturgeon Closure**

**Repeal section.** All regulations for white sturgeon in ocean waters are in Section 27.90.

## **Section 701 Sport Fishing Forms and Fees**

**Amend subsection (c)** to change the fee for white sturgeon report cards to \$[5-11] and to remove the replacement processing fee for additional report cards and **repeal subsection (d)**.

### **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 during this period will protect the remaining population while the status review is completed 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 (California Fish and Game Code section 200). 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.