Tracking Number: (__**2026-17**__)

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
The Walnut Creek Watershed Council, a voluntary, non-regulatory entity, organized as a CA non-profit public benefit corporation.
Name of primary contact person:
Ron Hufft
Address:
Telephone:
Email address:

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:
a. Authority cited: Fish and Game Code Sections 200, 205, 265, 270, 315 and 399
b. Reference: Fish and Game Code Sections 200, 205, 265 and 270

3. Overview (Required) - Summarize the proposed changes to regulations:
Amend Regulation title 7.40(121) to prohibit all angling in Walnut Creek downstream of the Highway 242 overpass from September 1 through December 31, as described below.

Body of Water:
Two sections of Walnut Creek (Contra Costa County)

_____

Open Season and Special Restrictions Applicable to those Two Sections:

Section A: Downstream of Highway 242 overpass:

No fishing from September 1 through December 31. Zero bag limit between those dates. From January 1 through August 31: 2 hatchery trout or hatchery Steelhead. 4 hatchery trout or hatchery Steelhead in possession. Only artificial lures with barbless hooks may be used.

Section B: Upstream of Highway 242 overpass:

Open year round. 2 hatchery trout or hatchery Steelhead in possession. 4 hatchery trout or hatchery Steelhead in possession. Only artificial lures with barbless hooks may be used.

4. Rationale (Required) - Describe the problem and the reason for the proposed change

Adult fall-run Chinook salmon and Central Valley Steelhead migrate from Suisun Bay into Walnut Creek each fall and winter. Approximately 6 miles upstream from Suisun Bay, their migration is completely blocked by a 13-foot-tall, concrete, hydraulic energy dissipation structure known as Drop Structure No.1 (DS#1) just downstream of the Highway 242 overpass. Most of the migrating fish then congregate in the waters immediately below DS#1. The current regulation (Title 7.40 (121)), which allows angling in that area during these fall migrations, makes it very difficult to enforce the prohibitions against snagging and other forms of illegal harvest necessary to protect these dwindling, but critical, migratory runs.

Therefore, the regulation should be amended to close Walnut Creek to all fishing from its mouth at Suisun Bay to the Highway 242 overpass from September 1 through December 31 to enhance the ability of wardens to protect these fish from the violations described above and further detailed in the attached supporting documents.

SECTION II: Optional Information

5. Date of Petition: July 20, 2026

6. Category of Proposed Change

- [X] Sport Fishing
- [ ] Commercial Fishing
- [ ] Hunting
- [ ] Other, please specify: Click here to enter text.

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

- [X] Amend Title 14 Section(s): 7.40 (121)
- [ ] Add New Title 14 Section(s): Click here to enter text.
- [ ] Repeal Title 14 Section(s): Click here to enter text.

8. **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 X Not applicable.

9. **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: 2027

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents:

A. Supporting Document to Walnut Creek Watershed Council Petition for Change to Sport Fishing Regulation for Walnut Creek.
B. Statement of Ron Hufft in Support of Walnut Creek Watershed Council Petition for Change to Sport Fishing Regulation for Walnut Creek

11. **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: NONE

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

[Click here to enter text.]

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.]

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

SUPPORTING DOCUMENT T0 WALNUT CREEK WATERSHED COUNCIL PETITION FOR CHANGE TO SPORT FISHING REGULATION FOR WALNUT CREEK

1. SALMONIDS IN WALNUT CREEK

Adult fall-run Chinook salmon (*Oncorhynchus tshawytscha*) and Steelhead trout (Oncorhynchus mykiss) migrate upstream during the fall and early winter months into Walnut Creek, the largest watershed in Contra Costa County. A complete passage barrier exists approximately 6 miles upstream from Suisun Bay, just downstream of the Highway 242 overpass. The passage barrier is a 13-foot-high drop structure (DS#1) for hydraulic energy dissipation, which was constructed by the Army Corps of Engineers in the late 1950s and early 1960s as part of a flood control project to prevent flooding in the newly-constructed housing areas and businesses adjacent to Walnut Creek. The blocked Chinook salmon and Steelhead trout congregate, sometimes in significant numbers, in the pool at the base of DS#1, where they attract a popular and active illegal snagging fishery.



Drop Structure #1

At DS#1, blocked Chinook salmon occasionally leap from the creek, slamming against the structure wall in futile attempts to continue their upstream migration, before falling back into the pool where their congregated numbers are extremely vulnerable to snagging.

https://youtube.com/shorts/XncPWVEA0K4?feature=share

2. THE WALNUT CREEK REGULATION

The current California Department of Fish and Wildlife sport fishing regulation for Walnut Creek (cited in the petition . . . "the regulation") generally allows recreational fishing from the fourth Saturday in May through March 31 of the following year and prohibits the taking of Chinook salmon. However, it has proven to be very difficult to enforce, allowing many anglers to illegally harvest by snagging adult salmonids from Walnut Creek.

3. THE SNAGGING HOLE (The Pool Below DS#1)

The regulation allows fishing with large artificial lures, usually designed to run deep, and mostly containing multiple treble hooks, provided the hooks are barbless. Most such commercially available lures are manufactured with barbed hooks, which frequently are not crushed by anglers. These large, multiple hooked lures contribute directly to the illegal harvest by snagging of adult Chinook salmon and occasional Steelhead trout in Walnut Creek.

The ten lures in the photo below were all extracted from a single submerged shopping cart, which was retrieved from the DS#1 pool ("The Snagging Hole") on December 1, 2025. Only three of the ten retrieved lures have crushed barbs but, given the weight and size of those lures, they are still effective snagging tools. The remaining seven are illegal, very heavy, fast-sinking lures, with multiple barbed hooks. One is more than six inches long with nine large, barbed hooks.

As these lures were the only lures retrieved from one submerged shopping cart, they demonstrate that snagging is the primary method used by anglers to catch Chinook salmon at The Snagging Hole. Chinook salmon are subject to obligate fasting and do not feed during their spawning migration, making snagging generally the only effective way to catch them. (See Ron Hufft's supporting statement regarding snagging.)

A complete closure of all fishing in Walnut Creek from its mouth on Suisun Bay to the Highway 242 overpass during the fall-run salmon migration, September 1 through December 31, will help prevent illegal snagging.



Lures extracted from a submerged shopping cart at DS#1

4. EXTREME VULNERABILITY OF FALL RUN CHINOOK SALMON TO ILLEGAL HARVEST

DS#1 is located on Contra Costa Flood Control District property on the immediate east side of Interstate Highway 680, where the trapezoidal-shaped creek banks consist mostly of grassy slopes running short distances down to the creek. There is a hard surface pedestrian and bike path on the west bank and several informal, but highly used, trails providing access on the east bank, as well as a frequently large homeless encampment on the east bank directly above DS#1. As such, the pool at the base of DS#1 is easily accessible from both banks, making the Chinook salmon and Steelhead trout that congregate there each fall and early winter extremely vulnerable to the illegal harvests described above. That vulnerability greatly reduces their chances of successful spawning at a time and location when there should be no fishing whatsoever. This complete closure would be consistent with protective restrictions for migrating Chinook salmon on various other waters of the state.

5. REGULATION ALLOWING FISHING CONTRIBUTES TO ILLEGAL HARVESTS

As the regulation allows fishing in Walnut Creek during the fall Chinook salmon migration, poaching is a persistent and well-documented problem, including the following supportive sources:

A. Ron Hufft's Attached Statement

B. Jones & Stokes, Final Summary Report, September 2007, p.11 (Jones & Stokes)

> Anglers were frequently observed fishing for Chinook Salmon below Drop Structure No. 1 and Jones & Stokes fish biologists observed poaching on several occasions. Most of the female carcasses found to be cut open had been stripped of their eggs. (Fresh salmon roe is a popular and valuable bait among anglers.) The occurrence of poached female adult Chinook salmon makes it impossible to accurately estimate the pre-spawning mortality of females.

C. Video taken on October 29, 2021 of poachers using a casting net to catch, kill and take migrating Chinook salmon.

https://youtube.com/shorts/GTXc5KebDpU?feature=share

6. ALLOWING FISHING DURING MIGRATION MAKES LAW ENFORCEMENT DIFFICULT

As the current regulation generally allows fishing in Walnut Creek during the Chinook salmon migration, a busy warden making an infrequent observation at DS#1 would be required to walk down the bank to determine if anglers were in compliance. This gives those knowingly in violation an opportunity to flee, break off and dispose of their illegal gear, and/or claim they were fishing for other, non-protected species also then present in the creek. Thus, the only effective solution for protecting these migrating Salmonids (Chinook salmon and some Steelhead trout) is to close Walnut Creek to all fishing from its mouth on Suisun Bay to the Highway 242 overpass during the Chinook salmon migration (September 1 through December 31).

7. NATIVE CHINOOK SALMON IN WALNUT CREEK?

It is possible, and perhaps likely, that there is still some successful spawning reproduction of native Chinook salmon in Walnut Creek. This is even more reason for the closure of Walnut Creek during the salmon migration. Observations in support of that likelihood include:

A. Ron Hufft's Attached Statement

B. The following recitations from the Jones & Stokes report (page 11)

> Over the course of monitoring for the adult migration and spawning indicator, one hundred and seven (107) live adult Chinook salmon and sixty-three (63) carcasses were observed in lower Walnut Creek in the study area . . . all of the Chinook Salmon carcasses were examined for the presence of adipose fin and all carcasses observed were found to have their adipose fin intact. (A portion of hatchery fish is given an adipose fin clip to indicate that they have been marked with a coded wire tag.) Because not all hatchery produced Chinook salmon receive an adipose fin clip, the presence of an adipose fin clip does not confirm their origin (i.e., whether they were hatchery fish or wild.)

As not even one of those 63 carcasses referenced by Jones & Stokes had a clipped adipose fin, it is likely some of them were native to Walnut Creek.

Since the adoption of the Central Valley Constant Fractional Marking/Tagging program in 2007, at least 25% of all hatchery Chinook salmon have clipped adipose fins and coded wire tags. Over the course of the last several years observations have been made of at least several dozen Chinook salmon in Walnut Creek, and only one was observed to have a clipped adipose fin.

These observations support the possibility, and perhaps even the likelihood, that there is still some native Chinook salmon reproduction occurring in Walnut Creek.

This possibility is an additional reason to have a total fishing closure during their fall migration to protect what may be the last vestiges of this historic native run, so they, as well as any hatchery Chinook salmon migrating into the creek, have an opportunity to successfully spawn.

8. REGULATION INCONSISTENT WITH OTHER STATEWIDE PROTECTIONS

The regulation (which continues to allow fishing in Walnut Creek during the fall migration of Chinook salmon) is inconsistent with other restrictions enacted statewide in recent years to protect dwindling Chinook populations. A pertinent example is Alameda Creek, only a few miles away from Walnut Creek, which has a small, recently restored Chinook salmon migration. Alameda Creek has been closed to all fishing year round in the reaches below the major reservoirs since December 15, 2009. It is logically inconsistent that Alameda Creek should be closed to fishing year-round for the protection of Salmonids when Walnut Creek remains open to fishing with the resulting illegal snagging of Chinook salmon during the fall Chinook migration.

Please amend the regulation to close Walnut Creek to all fishing from its mouth on Suisun Bay to the Highway 242 overpass during the brief fall period of the Chinook salmon migration (September 1 through December 31). There is no other practical way to prevent their illegal harvest.

Bob Simmons

Dated: August 16, 2026

Bob Simmons
President
Walnut Creek Watershed Council

STATEMENTS OF RON HUFFT IN SUPPORT OF WALNUT CREEK WATERSHED COUNCIL PETITION FOR CHANGE TO SPORT FISHING REGULATION FOR WALNUT CREEK

I, Ron Hufft, make the following statements, all of which are of my personal knowledge, in support of the Petition of the Walnut Creek Watershed Council for a change regarding the stream closure date for Walnut Creek, as set forth in Title 7.40 (b) (121).

Videos of Poachers Using Casting Nets

On October 29, 2021, I personally recorded the videos submitted with the petition of two poachers illegally catching and killing several adult Chinook salmon in the pool immediately below DS#1. The first individual was throwing a casting net from the east bank and killed one adult salmon, as shown in the first video listed below. The second video listed below shows that individual with a large Chinook landed with the net and flopping on the bank.

Poacher videos:

https://youtube.com/shorts/GTXc5KebDpU?feature=share

https://youtu.be/n47qD8jioM0

The second poacher, located a bit further downstream of the first (and not shown in the videos), was snagging salmon by using what appeared to be a heavily weighted object with multiple hooks, which he would cast into the shallow end of the pool where the Chinooks had congregated, and then quickly lift upward as fish swam above. Between them, they appeared to have about 4 dead adult Chinook salmon laying on the east bank of the creek.

Personal Observations of Snagging and Illegal Gear

During the last three annual Chinook salmon migrations in Walnut Creek, I have personally observed and spoken to dozens of anglers on Walnut Creek immediately below the Drop Structure No.1 (DS#1), a hydraulic energy dissipation structure, all targeting adult fall-run Chinook salmon.

During that time, I have observed several dozen Chinooks caught at the DS#1 pool, of which only 2 were hooked in or near the mouth. All the rest were snagged, with the head, dorsal fin or tail the most common snagging locations. Almost all the observed fish caught were snagged with heavy treble-hooked lures like those in the photo in the supporting document. A few of those lures had barbless hooks (as the current regulation requires), but many did not.

Whenever I observe anglers using barbed hooks, I advise them of the barbless hook requirement and offer my pliers for them to crush the barbs. A few have accepted my offer, but others have declined and continued fishing with illegal barbed treble hooks.

Statements Corroborating Need for Regulation Change

After telling one angler that his gear was in violation of the regulation, he told me he watched for wardens, and if he saw one, he would cut off the illegal gear and throw it into the pool.

An unhoused person once told me she had been given a "great big fish from the creek" and asked if I could tell her how to cook it.

I was personally present on December 1, 2025, when the submerged shopping cart with the attached lures in the photograph (see Supporting Document_Petition to CDFW) was removed from the DS#1 pool. The lures were then removed from the cart and given to me.

2025 observations

I first observed the presence of Chinooks in the DS#1 pool during last year's migration on November 14, 2025, at which time there were 8 anglers fishing there. I used the CalTip phone number to advise CDFW that the annual Chinook migration had begun.

From November 14 through November 22, 2025, I made 5 extended observations of DS#1. Each time there were anglers present and numerous Chinooks in the pool, but I never saw a warden or another law enforcement officer.

Having spoken personally to wardens in past seasons, I know them to be well-trained and dedicated law enforcement officers. Their areas of responsibility and competing demands upon their times are just too great to give as much attention to Walnut Creek during the Chinook migration as would be required to effectively protect the Chinooks from the constant illegal snagging. The current regulation allows anglers to fish over the congregated Chinooks in the DS#1 pool. Protecting Chinooks from snagging would be much easier if the regulation closed Walnut Creek to all fishing during the fall Chinook migration.

Native Chinooks in Walnut Creek?

In my personal observations over the last three years, I have seen several dozen Chinook salmon in Walnut Creek clearly enough to determine whether they had adipose fin clips as currently administered to at least 25% of hatchery raised Chinooks under the Constant Fractional Marking and Tagging Program. During that time, I have only seen one Chinook with a clipped adipose fin, which represents only about 3% of the observed fish. While the small number of Chinooks

seen by me is anecdotal, it raises a reasonable suspicion that some of the fish were naturally produced in Walnut Creek and are not hatchery fish. My observations are even more reason for their protection from fishing during the fall migration.

During each of the last three years I have personally observed redd construction and spawning activity by Chinooks in the reaches of Walnut Creek immediately downstream of DS#1.

I submit these personal observations in support of the petition for a stream closure from the creek's mouth at Suisun Bay to the Highway 242 overpass from September 1 through December 31, during fall-run Chinook salmon migration.

Respectfully submitted,

Ron Hufft
Board Member
Walnut Creek Watershed Council

Ron Hufft _____ Dated: 8/16/26