



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE



3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358

THURSDAY, October 30, 2014

Meeting Time: 4:00 P.M.

AGENDA

Call Meeting to Order & Introductions:

The Stanislaus County *Fish & Wildlife Committee (F&WC)* encourages public participation and welcomes the public's interest.

Members of the public may be heard on any item of the Fish and Wildlife Committee's agenda. A person addressing the Committee will be limited to five (5) minutes, unless the Chairperson of the Committee grants a longer period of time. The Committee will allow comments by members of the public on an agenda item only during consideration of the item.

(OPTIONAL) TELEPHONE CONFERENCE DIAL-IN INFORMATION:

Participants may choose to join the meeting by dialing in to the following conference call number: **(209) 567-4399**. You will then be prompted to enter your Conference Number: 5470, followed by the # sign. Please check in with the Chair/Secretary by stating your full name. Dianne Parkinson will be stepping in as the Committee's secretary at this meeting.

Requests for Funds & Project Updates:

1. Approval of the request for funds in the amount not to exceed \$2,500 from the Tuolumne River Trust to purchase dumpsters for their River Cleanup Events, which begins November 2014.

Correspondence:

1. Notice of proposed emergency action, Merced River closure due to drought conditions. *Fish and Game Commission 8/19/2014.*
2. Notice of proposed regulatory action relative to amending 2015 Sport Fishing regulations. *Fish and Game Commission, 8/26/2014.*
3. Notice of proposed regulatory action relative to the prohibition of prizes for the take of furbearers and nongame mammals. *Fish and Game Commission, 9/19/2014.*
4. News Release: Fish and Wildlife Service withdraws proposal to delist Valley Elderberry Longhorn Beetle from the ESA following scientific review. *Department of Interior, US Fish and Wildlife Service, 9/23/2014.*

Agenda Items:

1. Public Comment(s)
2. Approval of July 24, 2014 Meeting Minutes FW Members
3. Approval of 2015 Meeting Calendar FW Members
4. Wildlife Management Report Cristen Langner, DFG
5. Fishery Report Steve Tsao, DFG
6. Wildlife Enforcement Report Phil McKay, DFG
7. Wood Duck Report Ed Ayers
8. Approval of Appointment of Robert Bashaw as an alternate member effective October 30, 2014
9. Old Business
10. Committee Comments

Adjourn: Next meeting – Thursday, January 22, 2015 at 4:00 p.m. (Please notify the Department of Parks and Recreation at 525-6770 to let us know if you will be attending this meeting and/or require special accommodation for the meeting.)

1. Add to January Agenda under Request for Funds & Project Updates:
 - a. U.S. Army Corp of Engineers, for their *Kids Fishing Fun Day* event in May of 2015.

Agendas can also be found online at <http://www.stancounty.com/er/parks/fish-wildlife-committee.shtm> subject to staff's ability to post prior to the meeting. Materials related to an item on this Agenda submitted to the Committee after distribution of the agenda packet are available for public inspection during normal business hours at the main office of the Department of Parks and Recreation, 3800 Cornucopia Way, Suite C, Modesto, CA 95358.



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE



PARKS AND RECREATION
Jami Aggers, Director
Merry Rorabaugh, Asst. Director
Ed Ayers, Chair

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



MINUTES

JULY 24, 2014 AT 4:00 P.M.

3800 CORNUCOPIA WAY, 2ND FLOOR, CONFERENCE ROOM

(Agendas can be found online at <http://www.stancounty.com/er/parks/fish-wildlife-committee.shtm>)

COUNTY FISH & WILDLIFE MEMBERS PRESENT:

Ed Ayers
 Red Bartley
 Ken Meidl
 Cody Johnsen
 Jim Atherstone

STATE FISH & WILDLIFE REPRESENTATIVE:

Phil McKay

PARKS & RECREATION STAFF PRESENT:

Mae Song

MEMBERS ABSENT:

Don Vanwey (ALT)
 Jason Guignard
 Anthony Maxwell
 Dave Doubledee (ALT)
 Ed Channing (ALT)

GUESTS PRESENT:

Donna Burt
 Jessica Boone
 Bob Bashaw

A. CALL TO ORDER & INTRODUCTIONS

Ed Ayers called the meeting to order and those in attendance introduced themselves.

B. REQUESTS FOR FUNDS/PROJECT UPDATES

- The fund request from East Stanislaus Resource Conservation District in the amount NTE \$1,400 for their 5th Annual Stanislaus River Salmon Festival on November 8th, 2014, was approved upon motion and second for partial funding in the amount of \$953.56.
 - The Salmon Festival will be in Oakdale near the covered bridge at the Orange Blossom Recreation area. The event can have around 1,500 to 2,000 attendees.
- The fund request from the Department of Biological Science at California State University, Stanislaus, in the amount NTE \$1,200 for the Wood Duck Study Program Student Mileage Reimbursements was approved upon motion and second; the mileage reimbursement claims received as of date had a total of \$791.13.
- The fund request from the Stanislaus Wildlife Care Center in the amount NTE \$3,300 to purchase a Songbird Display Aviary replacement was approved upon motion and second for partial funding in the amount of \$1,500.

REPORTER & ACTIONS

*Atherstone, Bartley,
 unanimous approval*

*Bartley, Johnsen,
 unanimous approval*

*Atherstone, Johnsen,
 unanimous approval*

| | |
|--|---|
| 4. All funds issued require a follow-up progress or final update at a following committee meeting. | <i>Ed Ayers</i> |
| C. CORRESPONDENCE | ACTIONS |
| <p>The Committee acknowledged the correspondences received, and suggested further action or comment be directed to the corresponding agency.</p> <ol style="list-style-type: none"> 1. Notice of proposed regulatory action relative to amending Title 14, California Code of Regulations, relating to waterfowl regulations for the 2014-2015 seasons. <i>California Fish and Game Commission, BOS 5/20/2014.</i> 2. Notice of proposed regulatory action relative to amending Title 14, California Code of Regulations, relating to the prohibition of the use of tiger salamanders as bait. <i>California Fish and Game Commission, BOS 7/1/2014.</i> 3. Notice of proposed regulatory action relative to amending Title 14, California Code of Regulations, relating to take of rare plants. <i>California Fish and Game Commission, BOS 7/1/2014.</i> | |
| D. PUBLIC COMMENTS | ACTIONS/REPORTER |
| No comment was received. | |
| E. APPROVAL OF MINUTES | ACTIONS |
| <ol style="list-style-type: none"> 1. Minutes for the January 23, 2014, meeting was approved upon motion and second with correction to section A, the person who called the meeting to order is Ed Ayers and not Red Bartley; a correction to section J, the correct spelling for "Ann Coolhouse" in accordance to the fund request correspondence received as "Ann Kohlhaas"; a correction was made to section J paragraph 2, the 100 boxes are available through the Committee and offered for relocation. 2. Minutes for the April 24, 2014, meeting was approved upon motion and second with correction to section I, the kid areas were not cancelled but postponed; and, correction to section G-3, the word "river" should be lower case to reflect the river escapement estimate and not a river name. 3. Minutes for the May 1, 2014, meeting was approved upon motion and second as written. | <p><i>Atherstone, Johnsen, unanimous approval</i></p> <p><i>Atherstone, Johnsen, unanimous approval</i></p> <p><i>Atherstone, Johnsen, unanimous approval</i></p> |
| F. WILDLIFE MANAGEMENT REPORT | ACTIONS/REPORTER |
| No report. | |
| G. FISHERY REPORT | ACTIONS & REPORTER |
| FishBio has a Salmon count report available by subscription for those who may be interested. A fishery study estimated an 18-inch striped bass to be valued at \$484 per adult fish. The commercial salmon was worth \$49. Recreational fishing ran at \$1,100 for a 22-inch. | <i>Red Bartley</i> |
| H. WILDLIFE ENFORCEMENT REPORT | REPORTER |
| <ol style="list-style-type: none"> 1. There are two pending pollution cases. One of these cases has been cleared with the District Attorney's Office and is pending an injunction. Other fine monies are standard violations with penalties. Stanislaus County tracks about 400 cases annually. Inbound collections vary depending on case outcomes. A note was made that cases can potentially be dismissed or rolled into collections. This Committee is designated to receive 50% of the base fine. 2. Archery season began last week. The warm weather has kept hunting activities low. Hunting season will be picking up soon in the next few months. Wildlife Management has been preoccupied with reports of invasive wildlife animals such as fox, raccoon, opossums, etc. in residential areas. Mountain lions spotting are generally rare. The accuracy in identifying these predators is often confirmed by other animal kills in the area. | <i>Phil McKay</i> |

3. The Tuolumne River Trust and a few other volunteer groups will be having a river cleanup event on Tuolumne River beginning at 9th Street for the first event. Two recent river cleanup events on the Tuolumne and Dry Creek resulted in an abundance of junk and trash collected. These cleanup events have been scheduled monthly for the next few months beginning at 8:00 a.m. (See attachment for details).
4. The Stanislaus River is also scheduled for a volunteer cleanup event on September 20th. More information can be obtained from the East Stanislaus Resource Conservation District. The low river level with the drought has help make these activities easier and more accessible. There are usually 30- 60 volunteers each event. (Flyer is attached.)

Jessica Boone

I. WOOD DUCK REPORT

ACTIONS & REPORTER

The wood ducks had a slow start this year due to the lack of water. Dry Creek was dry along with several other areas. The wood duck counts are coming out low around this time of the year. Counts are generally around 1,000 each year. This year's count so far with three pending locations is showing lower counts than the past year. There are seven groups this year. The Wood Duck group thanked the Committee for the mileage reimbursements. There are still available wood duck boxes, which can also be potentially modified for other animals as needed.

J. COMMITTEE COMMENTS

ACTIONS & REPORTER

1. The Committee discussed recommendations for membership and an existing vacancy.
2. Cody Johnsen and his family participated in the Kids Fishing Day event this year. The event went well and the family had a good time. All were encouraged to check out the event. The purpose of this event is to teach and provide kids with educational experience of the outdoors and fishing. There were over thirty kids. The designated fishing area may be expanded in the future. Fish are pre-planted prior to the event.

Ed Ayers

Cody Johnsen

K. ADJOURNMENT & NEXT MEETING

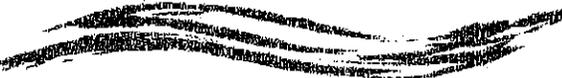
There being no further business, the meeting was adjourned. The next regular meeting of the Fish and Wildlife Committee will be held on:

Thursday, October 23, 2014 at 4:00 p.m.
Conference Room, 2nd Floor
 3800 Cornucopia Way, Modesto

Prepared By: Mae Song, Fish and Wildlife Secretary

209-525-6723

Agendas can also be found online at <http://www.stancounty.com/er/parks/fish-wildlife-committee.shtm> subject to staff's ability to post prior to the meeting. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours at the main office of the Department of Parks and Recreation, 3800 Cornucopia Way, Suite C, Modesto, CA 95358.



Tuolumne River Trust

OFFICES

312 Sutter Street, Suite 402
San Francisco, CA 94108
(415) 882-7252

829 Thirteenth Street
Modesto, CA 95354
(209) 236-0330

67 Linoberg Street
Sonoma, CA 95370
(209) 588-8636

www.tuolumne.org

BOARD MEMBERS

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Harrison "Hap" Dunning,
Vice Chair
Carmille King, Treasurer
Gordon Becker, Secretary
Eric Heitz,
Chair Emeritus
Susan Stern, Imn. Past
Chair
Bob Hackmack
Bill Maher
Cecily Majenas
Len Materman
Marty McDonnell
Sue Ellen Ritchey
Dan Sullivan

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Jerry Meral, Ph.D.
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Jenna Olsen
Max Pike
Richard Roos-Collins
Jon Rosenfield, Ph.D.
Norwood Scott
Ron Stork
Patricia Sullivan
Therese Tuttle
Steve Welch
Holly Welles, Ph.D.
Jennifer White, Ph.D.
John Woolard

September 22, 2014

Stanislaus County Fish & Wildlife Committee
c/o Stanislaus County Parks and Recreation
Attn: Parks Administration
3800 Cornucopia Way, Suite C
Modesto, CA 95358

Re: Funding Request

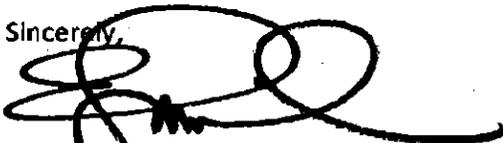
To Whom It May Concern:

The Tuolumne River Trust is pleased to submit this funding request in support of our partnership with Operation: 9-2-99, a community volunteer led initiative. Building on our successful river cleanups within the Tuolumne River Regional Park, our partnership with Operation 9-2-99 increases the frequency of river cleanups, which while keeping our river and parks clean, also increases the amount of garbage and debris needing to be properly recycled and disposed. Your support, should it be awarded, will ensure dumpsters are available for the next five river cleanups.

For 33 years, the Tuolumne River Trust has been working to restore the Tuolumne River and promote river stewardship. What started as a small group of committed citizens has grown into a watershed-wide movement with offices in Modesto, Sonoma, and San Francisco, a staff of 8, over 2,000 members, and a large, active volunteer network. Our work to protect the river is rooted in the communities that depend on it for water to grow crops, clean drinking water, power for homes and businesses, and safe recreation. For over a decade, we have had staff in Modesto working directly with the community to raise awareness for the challenges that face the health of the Tuolumne, to create a community-wide stewardship ethic, and to connect disadvantaged riverside communities with the river.

Thank you for your consideration of this proposal.

Sincerely,



Edward Aguilar
Riverside Community Organizer

Fund Request Application

Stanislaus County Fish and Wildlife



STANISLAUS COUNTY
FISH AND WILDLIFE COMMITTEE

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95338

Applicant Name Edward Aguilar

Agency Tuolumne River Trust

Mailing Address 829 13th Street

City, State, Zip Modesto, CA. 95354

Phone (209) 236-0330 E-mail edward@tuolumne.org

Requesting Fund Amount \$ \$2,500 Funds needed by As soon as available.

Project Performance Period November 2014 - October 2015

Event Name (if applicable) Operation: 9-2-99

Purpose Tuolumne River Trust seeks funding to cover the expense of dumpsters in support of river clean up events to improve the health of the river and safety of public use.

Fish and Wildlife Code(s) Met (CFG Code Section 13100-13104) CFG Code 13103 (e) and (m)

Public Benefit Removal of the garbage, hazardous materials and blight ensures healthier river water, safer riverbanks and public access, and overall improved beautification.

Detail Items to be Purchased (include cost per item, and/or attach quote(s). Additional sheets may be attached.)

Dumpster rental and removal from Bertolotti, Inc. costs approx. \$500 x 5 clean ups = \$2,500

Target clean up dates are: Nov 15 2014 and Jan 17, April 11, July 18, Oct 10 2015.

Vendor to be purchased from Bertolotti or Gilton, depending on jurisdiction.

Will you accept partial funding? YES NO

This application may be fax to (209) 525-6773 or mailed to:

Stanislaus County Fish & Wildlife Committee
 c/o Stanislaus County Parks and Recreation
 Attn: Parks Administration
 3800 Cornucopia Way, Suite C
 Modesto, CA 95358

I have read and understand the Fund Request Procedures and agree to utilize the funds I am approved for to purchase items listed in this packet for said purposes and in accordance to California Fish and Wildlife Codes and Regulations. I understand I will follow-up with the Committee on the outcome of this fund request by attendance at a Fish and Wildlife Committee meeting within one year.

Signature: [Signature] Date: SEPT. 23, 2014

| | | |
|------------------|-----------------------|-------------|
| OFFICE USE ONLY: | APPROVED FOR \$ _____ | DATE: _____ |
|------------------|-----------------------|-------------|

Background: Tuolumne River Trust

The Tuolumne River Trust (TRT) seeks a healthy and vibrant river that is teeming with fish and wildlife; safe for fishing, drinking, and swimming; and held in trust as a refuge for future generations. We promote stewardship of the Tuolumne through education, community outreach and adventures; collaboration with a diverse array of stakeholders; on-the-ground restoration projects; and advocacy and grassroots organizing to build broad public support of our work.

TRT's Central Valley Program focuses on the lower 52 miles of River from Don Pedro Dam to the confluence with the San Joaquin River. Here, we work to improve the health of the River for people, fish, and wildlife, while connecting people to the River through recreational and educational opportunities. The Lower Tuolumne River Parkway serves as a focusing vision for the Central Valley portion of the River. This vision provides a blueprint for improving parks, access, and recreation opportunities, as well as riverside wildlife habitat. To bolster support and funding for the Lower Tuolumne River Parkway we work directly with riverside communities in the Modesto area by engaging residents in recreation, education, and outreach, and providing programs that connect people directly to the Tuolumne and its parks.

Background: Operation 9-2-99

Operation 9-2-99 is a volunteer led initiative coordinated by Chris Guptill, Modesto resident and outdoor recreation activist. The purpose of the initiative is to reclaim, rehabilitate, and restore the area along the Tuolumne River in Modesto from the 9th Street Bridge to Highway 99 by removing trash, tires, shopping carts, and camps in order to return this blighted area into a public space and riparian river habitat the community can be proud of.

Objectives:

- To create a process whereby the resources of government agencies can be utilized by individuals, businesses, and community groups to effectively remove the debris that has accumulated along the Tuolumne River in Modesto.
- To restore both the natural habitat along the river and the Tuolumne River's value to the community as a whole.
- To build partnerships between business, community, and government agencies to continue to protect this area from returning to its current unacceptable state.

The area along the Tuolumne River in Modesto east of the 9th Street Bridge to west of the Highway 99 Freeway is currently a neglected and abused area in the city of Modesto. The impact of dumping tires, abandoned shopping carts, and the buildup of human garbage and encampments has taken a toll on the natural habitat of the river and created a blighted area in our community. The north bank of the river in this area consists of private property, land designated for as part of the Tuolumne River Regional Park system, and adjacent businesses. The south side of the river consists of private property, businesses, and undeveloped county land. In order to achieve our stated goals and objectives all stakeholders need

to be involved.

As a rule the most proven and successful approach to cleaning blighted areas like this in our community comes from the model developed by the Dry Creek Trails Coalition and their work along dry creek and its adjacent parks. Using community members with a buy-in to the area (walkers, mountain bikers, frisbee golfers, residents), clean ups are scheduled. Prior to these events though arrangements have to be made in order to make the effort a successful, effective, and worthwhile endeavor.

- The policing agency responsible for jurisdiction in the clean-up area is contacted to patrol the area informing illegal campers about the clean-up and posting the camps that are in violation. This helps reduce the chances of volunteers coming into contact with illegal campers on the clean-up day and to provide an opportunity for people to remove their belongings from the area. This generally happens up to a week prior to the clean-up events.
- Arrangements for the immediate disposal of the debris and items cleaned up is a top priority. Shopping carts, tires, and garbage each have to be disposed of separately and differently. If using dumpsters their location has to be determined and coordinated for each event.
- Staging areas must be set up and volunteers need to sign waiver or release of liability forms.
- Garbage bags, trash grabbers, gloves, and other basic clean-up supplies need to be provided to volunteers.
- An attempt has to be made match volunteers with an appropriate area and type of debris to be picked up considering age, physical limitation, and nature of the items being picked up.

See attached event flyer: Operation 9-2-99

Purpose of Request and Benefits

In partnership with Operation: 9-2-99, the Tuolumne River Trust is requesting funding in the amount of \$2,500 to support five scheduled river clean up events beginning in November 2014 and ending October 2015. Funds will be used for the rental of dumpsters in the removal of garbage collected during a scheduled clean-up event.

The removal of garbage and blight ensures healthier river water, riverbanks, river parks, and ensures safer river access and parks while contributing to the overall beautification of the Tuolumne River through Modesto. The volunteer based initiative provides a venue for volunteers to contribute to their City and river, either as a onetime volunteer or as a regular individual or group volunteer. In support of high school student volunteers seeking community service hours, a certificate of community service is provided to each student volunteer at the end of a clean-up event.

Items to be purchased

The average weight of garbage collected is approximately 2.5 tons. Any shopping carts and tires collected will be removed by appropriate agencies, already aware of clean up events and have agreed to remove items.

Cost for a 40 cu yd dumpster per clean up

| | City Rate* | County Rate* |
|----------------------|------------------|------------------|
| Rental, dumpster | \$ 248.00 | \$ 240.00 |
| Garbage, per ton | \$ 75.00 | \$ 61.00 |
| Sub total @ 2.5 tons | \$ 435.50 | \$ 392.50 |
| 7.625% Tax | \$ 33.21 | \$ 29.93 |
| County fee 8% | | \$ 33.79 |
| Total | \$ 468.71 | \$ 456.22 |

**Rates as of September 2014 per communication with Bertolotti, Inc.*

The average cost per dumpster, per clean up, is \$500 x 5 scheduled cleanups (Nov 2014, Jan, April, July and Oct 2015) = \$2,500 total cost.

California Fish and Game Codes

In compliance with California Fish and Wildlife Codes, are funding request allgns with:

- A. 13103(e): ...removal of barriers to the migration of fish and wildlife; and,
- B. 13103(m) Other expenditures, approved by the department, for the purpose of protecting, conserving, propagating, and preserving fish and wildlife.

OPERATION 9-TO-99

TUOLUMNE RIVER CLEANUP-UP PROJECT

Do you want to make a difference in your local community?
The Tuolumne River needs your help!

Your tap water and electricity comes from the Tuolumne River.

However, the area of the river from the 9th street bridge to highway 99 has been heavily polluted with tires, shopping carts, and garbage.



WE NEED VOLUNTEERS TO:

- ✓ Haul tires and shopping carts out of river
- ✓ Remove trash and camps along riverbank

POSITIVE OUTCOMES:

- ✓ Restoration of a natural habitat
- ✓ Safe, beautiful park for our community to enjoy
- ✓ Community service hours for students
- ✓ Certificate of completion



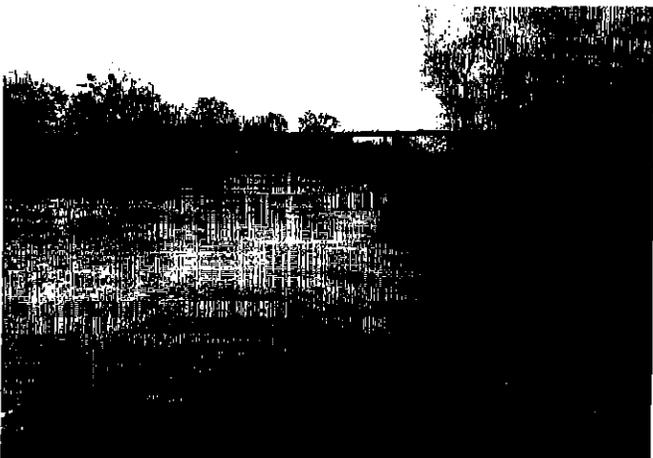
FOR MORE INFORMATION AND TO SIGN-UP:

www.tinyurl.com/operation9-2-99

PROJECT COORDINATOR:

Chris Gup till

guptill.c@monet.k12.ca.us





DEPARTMENT OF PARKS & RECREATION 2015 MEETING CALENDAR

| JANUARY | | | | | | |
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JANUARY
 1 New Year's Day
 8 Park Commission Meeting
 19 Martin Luther King, Jr. Day
 22 Fish and Wildlife Meeting

| FEBRUARY | | | | | | |
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FEBRUARY
 12 Park Commission Meeting
 16 President's Day

| MARCH | | | | | | |
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MARCH
 12 Park Commission Meeting

| APRIL | | | | | | |
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APRIL
 9 Park Commission Meeting
 23 Fish and Wildlife Meeting

| MAY | | | | | | |
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MAY
 14 Park Commission Meeting
 25 Memorial Day

| JUNE | | | | | | |
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JUNE
 11 Park Commission Meeting

| JULY | | | | | | |
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JULY
 3 Independence Day
 9 Park Commission Meeting
 23 Fish and Wildlife Meeting

| AUGUST | | | | | | |
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AUGUST
 13 Park Commission Meeting

| SEPTEMBER | | | | | | |
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SEPTEMBER
 7 Labor Day
 10 Park Commission Meeting

| OCTOBER | | | | | | |
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OCTOBER
 8 Park Commission Meeting
 22 Fish and Wildlife Meeting

| NOVEMBER | | | | | | |
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NOVEMBER
 11 Veterans Day
 12 Park Commission Meeting
 26 Thanksgiving Day
 27 Thanksgiving Holiday

| DECEMBER | | | | | | |
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DECEMBER
 10 Park Commission Meeting
 24 Christmas Eve (1/2 day)
 25 Christmas Day

Holidays
 Fish & Wildlife
 Park Commission

FUND 1727 - FISH & WILDLIFE

Accts Payable Notes:

| ACCOUNT/Description | REVENUE | EXPENSE | |
|--|----------------------------------|---------------------|--------------|
| | | Actual exp in bold* | |
| JULY 2009 - JUN 2010 | | | |
| 15200 -Other court fines | \$ 509.55 | | |
| 16000 -Forfeitures & Penalties | \$ - | | |
| 16071 -Env. Fraud (fines, forf., penalties) | \$ - | | |
| 40400 -Misc. Revenue | \$ 509.55 | | |
| <hr/> | | | |
| Golden State Bait - Bass | 63770 - Fish & Wild Comm Program | \$ 2,000.00 | |
| Mileage Reimb. (L. Morris, E. Ayres) | 63770 - Fish & Wild Comm Program | \$ 872.43 | |
| Dan Tallman Reimb. -Sunrise invoice | 63770 - Fish & Wild Comm Program | \$ 650.25 | |
| | | \$ 3,522.68 | \$ 45,435.23 |
| <hr/> | | | |
| JULY 2010 - JUN 2011 | | | |
| 15200 -Other court fines | \$ 875.74 | | |
| 16000 -Forfeitures & Penalties | \$ - | | |
| 16071 -Env. Fraud (fines, forf., penalties) | \$ 3,500.00 | | |
| 40400 -Misc. Revenue | \$ - | | |
| | | \$ 4,375.74 | |
| <hr/> | | | |
| Great Valley Museum of Natural History | 63770 - Fish & Wild Comm Program | \$ 1,400.00 | |
| Mileage Reimb. Field Studies | 63770 - Fish & Wild Comm Program | \$ 541.40 | |
| Checks Custom Cages - Stan Wildlife | 63770 - Fish & Wild Comm Program | \$ 2,776.48 | |
| Golden State Bait - Fish | 63770 - Fish & Wild Comm Program | \$ 9,700.00 | |
| | | \$ 14,417.88 | \$ 35,393.09 |
| <hr/> | | | |
| JULY 2011 - JUN 2012 | | | |
| 15200 -Other court fines | \$ 2,481.66 | | |
| 16000 -Forfeitures & Penalties | \$ 5,000.00 | | |
| 16071 -Env. Fraud (fines, forf., penalties) | | | |
| 40400 -Misc. Revenue | \$ - | | |
| | | \$ 7,481.66 | |
| <hr/> | | | |
| Great Valley Museum of Natural History | 63770 - Fish & Wild Comm Program | \$ 2,241.00 | |
| Fastenal Co - Wood Duck Project | 63770 - Fish & Wild Comm Program | \$ 208.58 | |
| Mileage Reimb. Field Studies | 63770 - Fish & Wild Comm Program | \$ 1,218.15 | |
| Golden State Bait Inc - Kid's Fishing Day | 63770 - Fish & Wild Comm Program | \$ 2,000.00 | |
| Checks Custom Cages - Stan Wildlife | 63770 - Fish & Wild Comm Program | \$ 4,920.81 | |
| | | \$ 10,588.54 | \$ 32,286.21 |
| <hr/> | | | |
| JULY 2012 - JUN 2013 | | | |
| 15200 -Other court fines | \$ 4,083.67 | | |
| 16000 -Forfeitures & Penalties | | | |
| 16071 -Env. Fraud (fines, forf., penalties) | | | |
| 40400 -Misc. Revenue | \$ - | | |
| | | \$ 4,083.67 | |
| <hr/> | | | |
| Great Valley Museum of Natural History | 63770 - Fish & Wild Comm Program | \$ 1,241.00 | |
| Golden State Bait Inc. | 63770 - Fish & Wild Comm Program | \$ 7,300.00 | |
| East Stan. Resource Cons. Dist - River Cleanup | 63770 - Fish & Wild Comm Program | \$ 330.56 | |
| East Stan. Resource Cons. Dist - Salmon Fest | 63770 - Fish & Wild Comm Program | \$ 1,535.89 | |
| East Stan. Resource Cons. Dist - Ads | 63770 - Fish & Wild Comm Program | \$ 777.46 | |
| | | \$ 11,184.91 | \$ 25,184.97 |
| <hr/> | | | |
| JULY 2013 - JUN 2014 | | | |
| 15200 -Other court fines | \$ 3,362.59 | | |
| 15200 - JAB Dairy Inc | \$ 2,500.00 | | |
| 15200 - William Bylsma | \$ 1,750.00 | | |
| 16000 -Forfeitures & Penalties | | | |
| 16071 -Env. Fraud (fines, forf., penalties) | | | |
| 40400 -Misc. Revenue | \$ - | | |
| | | \$ 7,612.59 | |
| <hr/> | | | |
| Great Valley Museum of Natural History | 63770 - Fish & Wild Comm Program | | |
| Golden State Bait Inc. | 63770 - Fish & Wild Comm Program | \$ 2,000.00 | |

FUND 1727 - FISH & WILDLIFE

Accts Payable Notes:

| ACCOUNT/Description | REVENUE | EXPENSE Actual exp in bold* | |
|--|----------------------------------|--------------------------------|--------------|
| Mileage Reimb. Field Studies | 63770 - Fish & Wild Comm Program | \$ 516.13 | |
| East Stan. Resource Cons. Dist - Salmon Fest | 63770 - Fish & Wild Comm Program | | |
| East Stan. Resource Cons. Dist - Ads | 63770 - Fish & Wild Comm Program | | |
| | | \$ 2,516.13 | \$ 30,281.43 |

JULY 2014 - JUN 2015

| | | | |
|--|----------------------------------|-----------|--------------|
| 15200 -Other court fines | \$ 304.92 | | |
| 15200 - Raley's | \$ 5,000.00 | | |
| 15200 - TJ Maxx | \$ 3,000.00 | | |
| 16000 -Forfeitures & Penalties | | | |
| 16071 -Env. Fraud (fines, forfe., penalties) | | | |
| 40400 -Misc. Revenue | \$ - | | |
| | \$ 8,304.92 | | |
| Great Valley Museum of Natural History | 63770 - Fish & Wild Comm Program | | |
| Golden State Bait Inc. | 63770 - Fish & Wild Comm Program | | |
| Mileage Reimb. Field Studies | 63770 - Fish & Wild Comm Program | \$ 791.13 | |
| East Stan. Resource Cons. Dist - Salmon Fest | 63770 - Fish & Wild Comm Program | | |
| East Stan. Resource Cons. Dist - Ads | 63770 - Fish & Wild Comm Program | | |
| | | \$ 791.13 | \$ 37,795.22 |

Totals \$ 207,385.22 \$ 169,590.00 \$ 37,795.22

FUND BALANCE as of OCTOBER 2014: \$ 37,795.22

Cumulative Totals

| | | |
|--|---------------|---------------|
| Beginning Balance | 6,089.13 | |
| 15200 -Other court fines | \$ 61,385.99 | |
| 16000 -Forfeitures & Penalties | \$ 36,347.90 | |
| 16071 -Env. Fraud (fines, forfe., penalties) | \$ 98,562.20 | |
| 40400 -Misc. Revenue | \$ 5,000.00 | |
| | | \$ 207,385.22 |
| 61600-maintenance-equipment | \$ 591.03 | |
| 61800 -Maintenance | \$ 1,450.00 | |
| 62400 -Misc expense | \$ 217.65 | |
| 62600-Office Supplies | \$ 39.50 | |
| 63280 -Contracts | \$ 1,725.00 | |
| 63770 - Fish & Wild Comm Program | \$ 153,738.90 | |
| 67200 - Utilities | \$ 18.30 | |
| 73511-Auditor's Charges | \$ 5.11 | |
| 73512-Purchasing Agent Charges | \$ 103.29 | |
| 73521-A87 Carry Forward | \$ 406.00 | |
| 73630 Govt fund - road services | \$ 4,663.32 | |
| 74000 - Other Charges (Postage/Mailing) | \$ 48.28 | |
| 74080 - Central Services Printing | \$ 958.53 | |
| 74100 & 74102- Postage | \$ 74.64 | |
| 74110 - Mail Room Services | \$ 5.45 | |
| 84940 - Boat | \$ 5,545.00 | |
| | | \$ 169,590.00 |

Commissioners
Michael Sutton, President
Monterey
Jack Baylis, Vice President
Los Angeles
Jim Kellogg, Member
Discovery Bay
Richard Rogers, Member
Santa Barbara
Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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Fish and Game Commission



August 8, 2014

NOTICE OF PROPOSED EMERGENCY ACTION Merced River Closure Due to Drought Conditions

Pursuant to the requirements of Government Code section 11346.1(a)(1), the Fish and Game Commission (FGC) is providing notice of proposed emergency action with regards to the above-entitled emergency regulation.

SUBMISSION OF COMMENTS

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OAL within five days after FGC submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding "Merced River Closure Due to Drought Conditions" addressed to:

Mailing Address: Reference Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

California State
Fish and Game Commission
Attn: Jon Snellstrom
1416 Ninth Street, Rm. 1320
Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov
Fax No.: 916-323-6826

fgc@fgc.ca.gov
916-653-5040

For the status of the FGC submittal to the OAL for review, and the end of the five-day written submittal period, please consult the Web site of the OAL at <http://www.oal.ca.gov> under the heading "Emergency Regulations."

2014 AUG 11 A 10:58
BOARD OF SUPERVISORS

CALIFORNIA FISH AND GAME COMMISSION
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION

Emergency Action to
Amend subsection (b)(118) of Section 7.50,
Title 14, California Code of Regulations
Re: Emergency Closure Due to Low Flow Conditions

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

The long range precipitation forecast for most of California predicts below normal rainfall. California and parts of western Oregon witnessed their driest year on record in 2013, according to statistics from the National Weather Service. As a result, 85 percent of California was categorized in severe drought. On January 16, 2014, the U.S. Department of Agriculture (USDA) designated portions of 11 drought-ridden western and central states as primary natural disaster areas, highlighting the financial strain the lack of rain is likely to bring to farmers in those regions. The federal disaster declaration includes counties in Colorado, New Mexico, Nevada, Kansas, Texas, Utah, Arkansas, Hawaii, Idaho, Oklahoma and California. While storms have dumped rain and snow in the East, droughts are persisting or intensifying in the West, according to officials connected with the U.S. Drought Monitor, an index on which the USDA's declarations are based. A ridge of high pressure is to blame for keeping storms off the Pacific coast and guiding them to the East. Poor snowpack is threatening regions dependent on major western rivers.

On January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency for California and directed state officials to take all necessary actions to prepare for drought conditions with California facing water shortfalls in the driest year in recorded state history. The Department of Fish and Wildlife (Department) was ordered to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest. The Department was also ordered to work with the Fish and Game Commission, using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist.

On April 25, 2014, Governor Edmund G. Brown Jr. signed an Executive Order redoubling state drought actions with additional measures to strengthen the state's response to drought.

In response to the above federal and state actions, the Department initiated statewide monitoring of rivers and streams that are subjected to these historically low flow conditions. Low flows in many river systems are becoming inadequate as summer progresses impeding passage of spawning adults, increasing their vulnerability to mortality from predation, physiological stress, and angling. Furthermore, survival of eggs and juvenile fish in these systems over the coming months is likely to be extremely low as the current drought conditions continue.

The historically low stream flows have concentrated juvenile and adult wild rainbow trout/steelhead into shrinking pools of cold water making them easy prey for poachers, illegal angling methods such as snagging, increased hooking mortality due to legal catch and release angling targeting hatchery trout and steelhead, as well as other human-related disturbances within their spawning streams. When coupled with drought-related environmental stressors, such as high water temperature, poor water quality, and severely reduced suitable habitat, these human stressors can seriously affect reproductive success and adult survival rates.

Merced River

Both resident and anadromous rainbow trout exist in the Merced River downstream of Crocker-Huffman Dam (C-H Dam). C-H Dam is located approximately seven miles downstream of Lake McClure and is the impoundment structure necessary for Merced Irrigation District (Merced ID) to divert water into its Main Canal. Water temperatures in the reach of the lower Merced River downstream of C-H Dam are of concern during the late spring through early fall time period, and are influenced in large part by water supply, Merced ID's water conveyance system and delivery operations (a.k.a. release schedule), and minimum instream flow schedule levels. If Merced ID extends its water delivery irrigation season throughout the late spring through early fall time period, then cooler water arrives at C-H Dam than what would otherwise occur. To clarify, in the absence of Merced ID delivering water to its Main Canal, water in the Merced River warms rapidly during the summer months prior to reaching C-H Dam because of the reduced amount of water traveling through the reach of the Merced River located between Exchequer Dam and C-H Dam (i.e. reduced flow volume warms more quickly than elevated flow volume).

In 2014, one of the driest years on record, Merced ID does not have sufficient water supply to meet its normal water supply demand and has had to adjust its delivery season, and amount of water available for diversion, accordingly. In the spring of 2014, Merced ID notified the Department that it expects to run its irrigation delivery season to at least September 1, 2014 based upon available hydrology forecasts.

From a water temperature data evaluation perspective, the Department was concerned that the combination of a truncated Merced ID delivery season combined with a minimum pool reduction would result in elevated water temperatures in the reach of Merced River downstream of C-H Dam where rainbow trout reside. In response to this concern, the Department has conducted rainbow trout (*Oncorhynchus mykiss*) population, and fishery habitat quality monitoring efforts in the lower Merced River during the spring and summer of 2014. The purpose of these monitoring efforts is to identify the number of rainbow trout in the anadromous reach of the lower Merced River, and to determine the water temperature quality of the over summering habitat available to rainbow trout in this river reach. Through these data collection efforts, the Department has learned that the available habitat area on the lower Merced

River is shrinking as air temperatures increase during the summer, and that rainbow trout population abundance is also shrinking. It has become apparent that rainbow trout are moving upstream to find water temperature refugia but that fewer trout are being detected over time as this upstream migration occurs.

The Department believes that the quantity and condition of rainbow trout will continue to decrease as the summer and early fall time periods progress, due to drought related instream flow reductions that have resulted in low instream flow levels and warmer water temperatures. As rainbow trout move upstream to seek cooler water they become isolated in a narrower reach of the lower Merced River making them susceptible to increased angling pressure. Even though the current regulations are designed for non-lethal catch and release, additional angling pressure on already stressed rainbow trout will substantially increase the likelihood that the relatively few rainbow trout that still exist will die.

In conclusion, historically low stream flows have concentrated rainbow trout, that may include steelhead, into shrinking pools of cold water making them easy prey for poachers, illegal angling methods such as snagging, increased hooking mortality due to legal catch and release angling targeting rainbow trout, as well as other human-related disturbances within their spawning streams. When coupled with drought-related environmental stressors, such as high water temperature, poor water quality, and severely reduced suitable habitat, these human stressors can seriously affect reproductive success and adult survival rates.

The Department believes that, under these extreme conditions, it is prudent to temporarily close the lower Merced River to angling in order to eliminate angling as an additional stressor on the existing rainbow trout population. This stream closure will also serve to deter poaching and snagging activity since all angling will be prohibited. This action is necessary to conserve the wild rainbow trout population by protecting as many adult fish as possible.

Subsection 7.00(e) provides the seasons, size, and bag and possession limits for trout and salmon for waters in the South Central District which are not otherwise specified in Section 7.50. Subsection 7.50(b)(118) provides the season, size, bag and possession limits for trout occurring in the anadromous reach of the lower Merced River.

The following proposed regulatory changes would implement the emergency closure through October 31, 2014 to increase survival of juvenile and adult wild rainbow trout/steelhead by reducing hooking-related mortality.

Merced River, (b)(118) of Section 7.50, Title 14, CCR, is to be amended as follows:

Subsection (A). Complete fishing closure from Crocker-Huffman Dam downstream to the Snelling Road bridge, a distance of approximately 5.5 miles, through October 31.

New subsection (B). From the Snelling Road bridge downstream to the Schaffer bridge on Oakdale Road. This section will remain open to fishing through October 31 with existing gear restrictions and bag and possession limits.

Renumber subsection (B) to (C). From the Schaffer bridge on Oakdale Road downstream to the mouth. This section will remain open to fishing through October 31 with existing gear restrictions and bag and possession limits.

Additional streams closures are currently being evaluated by the Department for future actions as needed.

II. 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 determinations relative to the required statutory categories have been made:

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

None.

- (b) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (c) Programs Mandated on Local Agencies or School Districts:

None.

- (d) 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.

- (e) Effect on Housing Costs:

None.

III. Authority and Reference

The Fish and Game Commission proposes this emergency action pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315, and 316.5 of the Fish and Game Code and to implement, interpret, or make specific sections 200, 202, 205, 206, 215, 220, and 316.5 of said Code.

IV. Section 240 Finding

Pursuant to Section 240 of the Fish and Game Code, the Commission made the finding that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of birds, mammals, reptiles, or fish, including, but not limited to, any nests or eggs thereof.

Informative Digest (Plain English Overview)

On January 16, 2014, the U.S. Department of Agriculture (USDA) designated portions of 11 drought-ridden western and central states as primary natural disaster areas, highlighting the financial strain the lack of rain is likely to bring to farmers in those regions. The federal disaster declaration includes counties in Colorado, New Mexico, Nevada, Kansas, Texas, Utah, Arkansas, Hawaii, Idaho, Oklahoma and California. Poor snowpack is threatening regions dependent on major western rivers.

On January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency for California and directed state officials to take all necessary actions to prepare for drought conditions with California facing water shortfalls in the driest year in recorded state history. The Department of Fish and Wildlife (Department) was ordered to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest. The Department was also ordered to work with the Fish and Game Commission, using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist.

On April 25, 2014, Governor Edmund G. Brown Jr. signed an Executive Order redoubling state drought actions with additional measures to strengthen the state's response to drought.

In response to the above federal and state actions, the Department initiated statewide monitoring of rivers and streams that are subjected to these historically low flow conditions. Low flows in many river systems are becoming inadequate as summer progresses impeding passage of spawning adults, increasing their vulnerability to mortality from predation, physiological stress, and fishing. The historically low stream flows have concentrated juvenile and adult wild rainbow trout/steelhead into shrinking pools of cold water making them easy prey for poachers, illegal angling methods such as snagging, increased hooking mortality due to legal catch and release angling targeting hatchery trout and steelhead, as well as other human-related disturbances within their spawning streams. When coupled with drought-related environmental stressors, such as high water temperature, poor water quality, and severely reduced suitable habitat, these human stressors can seriously affect reproductive success and adult survival rates.

Merced River

Both resident and anadromous rainbow trout exist in the Merced River downstream of Crocker-Huffman Dam (C-H Dam). C-H Dam is located approximately seven miles downstream of Lake McClure and is the impoundment structure necessary for Merced Irrigation District (Merced ID) to divert water into its Main Canal. Water temperatures in the reach of the lower Merced River downstream of C-H Dam are of concern during the late spring through early fall time period, and are influenced in large part by water supply, Merced ID's water conveyance system and delivery operations (a.k.a. release schedule), and minimum instream flow schedule levels. If Merced ID extends its water delivery irrigation season throughout the late spring through early fall time period, then

cooler water arrives at C-H Dam than what would otherwise occur. To clarify, in the absence of Merced ID delivering water to its Main Canal, water in the Merced River warms rapidly during the summer months prior to reaching C-H Dam because of the reduced amount of water travelling through the reach of the Merced River located between Exchequer Dam and C-H Dam (i.e. reduced flow volume warms more quickly than elevated flow volume).

In 2014, one of the driest years on record, Merced ID does not have sufficient water supply to meet its normal water supply demand and has had to adjust its delivery season, and amount of water available for diversion, accordingly. In the spring of 2014, Merced ID notified the Department that it expects to run its irrigation delivery season to at least September 1, 2014 based upon available hydrology forecasts.

From a water temperature data evaluation perspective, the Department was concerned that the combination of a truncated Merced ID delivery season combined with a minimum pool reduction would result in elevated water temperatures in the reach of Merced River downstream of C-H Dam where rainbow trout reside. In response to this concern, the Department has conducted rainbow trout (*Oncorhynchus mykiss*) population, and fishery habitat quality monitoring efforts in the lower Merced River during the spring and summer of 2014. The purpose of these monitoring efforts is to identify the number of rainbow trout in the anadromous reach of the lower Merced River, and to determine the water temperature quality of the over summering habitat available to rainbow trout in this river reach. Through these data collection efforts the Department has learned that the available habitat area on the lower Merced River is shrinking as air temperatures increase during the summer, and that rainbow trout fish population abundance is also shrinking. It has become apparent that rainbow trout are moving upstream to find water temperature refugia but that fewer trout are being detected over time as this upstream migration occurs.

The Department believes that the quantity and quality of rainbow trout will continue to decrease as the summer and early fall time periods progress, due to drought related instream flow reductions that have resulted in low instream flow levels and warmer water temperatures. As rainbow trout move upstream to seek cooler water they become isolated in a narrower reach of the lower Merced River making them susceptible to increased angling pressure. Even though the current regulations are designed for non-lethal catch and release, additional angling pressure on already stressed rainbow trout will substantially increase the likelihood that the relatively few rainbow trout that still exist will die.

In conclusion, historically low stream flows have concentrated rainbow trout, that may include steelhead, into shrinking pools of cold water making them easy prey for poachers, illegal angling methods such as snagging, increased hooking mortality due to legal catch and release angling targeting rainbow trout, as well as other human-related disturbances within their spawning streams. When coupled with drought-related environmental stressors, such as high water temperature, poor water quality, and severely reduced suitable habitat, these human stressors can seriously affect reproductive success and adult survival rates.

The Department believes that, under these extreme conditions, it is prudent to temporarily close the lower Merced River to angling in order to eliminate angling as an additional stressor on the existing rainbow trout population. This stream closure will also serve to deter poaching and snagging activity since all angling will be prohibited. This action is necessary to conserve the wild rainbow trout population by protecting as many adult fish as possible.

The following proposed regulatory changes would implement the emergency closure through October 31, 2014 to increase survival of juvenile and adult wild rainbow trout/steelhead by reducing hooking-related mortality.

Merced River, (b)(118) of Section 7.50, Title 14, CCR, is to be amended as follows:

Subsection (A). Complete fishing closure from Crocker-Huffman Dam downstream to the Snelling Road bridge, a distance of approximately 5.5 miles, through October 31.

New subsection (B). From the Snelling Road bridge downstream to the Schaffer bridge on Oakdale Road. This section will remain open to fishing through October 31 with existing gear restrictions and bag and possession limits.

Renumber subsection (B) to (C). From the Schaffer bridge on Oakdale Road downstream to the mouth. This section will remain open to fishing through October 31 with existing gear restrictions and bag and possession limits.

Additional streams closures are currently being evaluated by the Department for future actions as needed.

Benefits: The proposed regulation will provide benefits to the environment through the conservation and preservation of steelhead and wild rainbow trout populations.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (sections 200, 202, 205, 315, and 316.5, Fish and Game Code).

Regulatory Language

§7.50. Alphabetical List of Waters with Special Fishing Regulations.

Subsection (b)(118) of 7.50, Title 14, CCR is amended to read:

| <i>Body of Water</i> | <i>Open Season and Special Regulations</i> | <i>Daily Bag and Possession Limit</i> |
|--|---|---|
| (118) Merced River (Merced Co.). | | |
| (A) From Crocker-Huffman Dam downstream to the Schaffer bridge on Oakdale Road. Snelling Road bridge, a distance of approximately 5.5 miles. | Jan. 1 through Oct. 31. Only artificial lures with barbless hooks may be used. Closed to all fishing [OAL to insert effective date] through October 31. | 2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession |
| (B) From the Snelling Road bridge downstream to the Schaffer bridge on Oakdale Road. | Jan. 1 through Oct. 31. Only artificial lures with barbless hooks may be used. | 2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession |
| (C) From the Schaffer bridge on Oakdale Road downstream to the mouth. | Jan. 1 through Oct. 31. Bait may be used from Jan. 1 through Oct. 31. However, from April 1 through the Friday preceding the fourth Saturday in May, bait may be used only with single hooks having a gap between 1/2 and 1 inch, or with multiple hooks having a gap between 1/4 and 1/2 inch. | 2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession |

* Wild Chinook salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

Note: Authority cited: Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code.

Reference: Sections 200, 202, 205, 206, 215 and 316.5, Fish and Game Code.

BOARD OF SUPERVISORS

2014 AUG 21 A 10:39
Sonke Mastrup, Executive Director
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Sacramento, CA 95814
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(916) 653-5040 Fax
www.fgc.ca.gov

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Commissioners
Michael Sutton, President
Monterey
Jack Baylis, Vice President
Los Angeles
Jim Kellogg, Member
Discovery Bay
Richard Rogers, Member
Santa Barbara
Jacque Hostler-Carmesin, Member
McKinleyville

August 20, 2014

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending sections 1.45, 2.09, 4.05, 5.00, 5.80, 7.50, 8.00 and 27.90, Title 14, California Code of Regulations, relating to the proposed 2015 Sport Fishing regulations, which are published in the California Regulatory Notice Register on August 22, 2014.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Karen Mitchell, Senior Environmental Scientist, Fisheries Branch, phone (916) 445-0826, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon D. Snellstrom". The signature is written over a circular stamp or seal that is partially obscured by the signature itself.

Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

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, 215, 220, 240, 315 and 316.5; reference sections 200, 205, 206, 215, 220 and 316.5, Fish and Game Code; proposes to Amend Sections 1.45, 2.09, 4.05, 5.00, 5.80, Subsections 7.50(b)(8), (b)(23), (b)(29), (b)(35.5), (b)(45), (b)(50.8), (b)(63), (b)(82), (b)(97), (b)(99), (b)(104), (b)(107), (b)(130), (b)(133), (b)(135), (b)(136), (b)(141), (b)(168), (b)(169), (b)(173), (b)(178), (b)(180), (b)(183), (b)(193), (b)(195.1), (b)(201), and (b)(203.5), Subsection 8.00(a), and Section 27.90, Title 14, California Code of Regulations (CCR), relating to Sport Fish Regulations for the 2015 season.

Informative Digest/Policy Statement Overview

This Department proposal combines Department and public requests for Title 14, California Code of Regulations (CCR) changes for the 2014 Sport Fishing Review Cycle. This proposal will revise regulations on filleting of salmonids, extend low-flow restriction periods due to ongoing drought conditions, increase fishing opportunities for bass and other warm water species, minimize potential take of adult steelhead and native Paiute cutthroat trout, and make clarifications to other regulatory sections to reduce public confusion and improve regulatory enforcement.

The Department is proposing the following changes to current regulations

Filleting of Salmonids in Inland Waters

In 2013, the Department imposed a filleting requirement for all salmonids taken in inland waters. The regulation requires that all salmon and steelhead taken in inland waters where a sport fishing license is required, must be kept in such a condition that species and size can be determined until placed at the angler's permanent residence, a commercial preservation facility or being prepared for immediate consumption. The purpose of this regulation is to protect federally and state-listed salmonids by giving the Department the ability to determine the origin (wild or hatchery), the species (Coho, Chinook or steelhead), and the size (jack or adult) of salmon and steelhead taken, possessed and transported.

The fillet rule is enforced statewide in anadromous waters for all designated angling seasons. Along the California Coast, there are two salmon species (Coho and Chinook) that have overlapping run timings. Chinook salmon can be harvested but Coho salmon are protected and are illegal to harvest. Because of their run timing overlap, the enforcement of the fillet rule is necessary to minimize illegal harvest of Coho salmon.

In the Central Valley there are four runs of Chinook salmon: winter, spring, fall and late-fall, however Coho salmon are not present. Winter and spring-run Chinook salmon are illegal to harvest and are protected through seasonal angling closures on the Sacramento River and its tributaries. Because there is no overlap of protected Chinook runs during the open harvest season (July-December), the fillet rule is not critical for the enforcement of illegal harvest.

Prior to the fillet rule, a large portion of anglers in the Central Valley would fillet their salmon prior to departure from the river for ease of transport and disposal of carcasses. Since the establishment of the rule, many anglers have expressed their disappointment and have asked the Department to provide a compromise to the rule. Based on these reasons, the Department is proposing an exception in the Central Valley to the current fillet rule to allow anglers to fillet their Chinook salmon on site during the Chinook salmon angling season. The exception would

allow the filleting of Chinook salmon from July through December on the Sacramento, American and Feather rivers.

In addition, the Department is adding the definition of a Commercial Preservation Facility to the regulation. The definition encompasses licensed fishing guides which will allow licensed guides to legally fillet salmon and steelhead for their clients.

Modify Dip Net Size Restriction for Landing Nets

Current regulatory language in Section 2.09, Possession of Illegal Gear, restricts the size of landing-type dip nets to 36 inches in greatest dimension. As worded, this regulation restricts the dip net opening and net bag length/depth to 36 inches. This restriction is a hindrance to freshwater anglers trying to land large species such as salmon, striped bass, and sturgeon. The intent of the 36-inch size restriction is to limit the harvest of bait fish. Therefore, the Department is proposing to amend the regulation to allow standard landing-type dip nets to be up to 36 inches in diameter across the net opening and up to 60 inches in net length/depth.

Add Dip Net Size Restriction for Bait Fish

To reduce public confusion and enforcement issues, the Department proposes to amend Section 4.05, Bait Fish Capture Methods, to clarify that dip nets, in addition to traps, may not be over 36 inches in greatest dimension.

Black Bass - Lake Castaic

The current regulation for black bass at Lake Castaic is outdated, and was enacted to protect a "trophy" black bass fishery. Lake Castaic has limiting factors that are not conducive to maintaining a large population of "trophy" black bass. Habitat for juvenile bass and sunfish is limited as shorelines are generally steep in both arms and contain a few small coves. Within these coves aquatic vegetation is lacking due to water level fluctuations. There is also a large healthy population of striped bass. The proposal is to amend the black bass regulation at Lake Castaic from 2 fish at 18 inches to 5 fish at 15 inches. This proposed amendment is the same or similar to other state waters; including but not limited to Lake Hodges, Diamond Valley, Lake Perris and Isabella Lake.

Black Bass - El Capitan Reservoir

The current regulation for black bass at El Capitan reservoir is outdated. There is a healthy population of black bass within the reservoir, and virtually no harvest for consumption. The Department proposes to amend the black bass regulation at El Capitan Reservoir from 5 fish at 15 inches to 5 fish at 12 inches; changing the lake to the statewide minimum for black bass.

White Sturgeon - Method of Take

Sections 5.80(d) and 27.90(d) are currently written using the word, "landing." "Landing" is not defined in the Fish and Game Code. This creates confusion amongst anglers as to what the regulation means by "landing." It also has the potential to create a legal challenge by defendants during the prosecution of an arrest. The proposal is to replace "landing" with "take" which is defined in Title 14, Section 1.80.

White Sturgeon - Angling Boundary

Section 5.80(i) is currently written in conflict with Section 5.80(i)(1)(A) through (C). This conflict creates confusion amongst anglers as to whether or not it is legal to fish for sturgeon on the eastern bank of the Sacramento River in Butte County. This also has the potential to create a legal challenge by defendants during the prosecution of an arrest.

Under the current regulation of Section 5.80(i)(1)(A) through (C) it is unlawful take any sturgeon,

use wire leaders, or use lamprey or shrimp as bait, between Keswick Dam and the Highway 162 Bridge. The Sacramento River flows through Shasta, Tehama, Glenn and Butte counties, between these two landmarks. Section 5.80(i) states the closure is from January 1 to December 31 in Shasta, Tehama and Glenn counties. Butte County has been unintentionally omitted from the regulation.

Big Sur River

Under current regulations, the harvest of hatchery trout and steelhead is allowed on the Big Sur River and tributaries above the upstream end of the gorge pool at the boundary of Pfeiffer Big Sur State Park with the Ventana Wilderness Area. However, this section of the Big Sur River is above a fish barrier and not reachable by anadromous salmonids. Therefore, the Department is proposing to remove the current regulatory language authorizing the harvest of hatchery trout and steelhead and return this section of the Big Sur River to catch and release angling. In addition, this proposal will remove the reference to Section 8.00, Low-Flow Restrictions, from Section (b)(23) as neither subsection of the Big Sur River, (b)(23)(A) or (b)(23)(b), is subject to low flow closures as defined in Section 8.00(c).

Calleguas Creek

The Southern California Steelhead DPS was listed as endangered under the Federal ESA in 1997. The DPS includes all naturally spawned anadromous *Oncorhynchus mykiss* (steelhead) populations below natural and manmade impassable barriers in streams from the Santa Maria River, Santa Barbara County, California, (inclusive) to the U.S.-Mexico Border.

Despite the location of Calleguas Creek near the center of this endangered DPS, only a single dead adult steelhead trout was collected in Conejo Creek (Calleguas Creek tributary) in April of 2013. The stream is not currently monitored for the presence of steelhead. Very limited steelhead spawning habitat is available in Calleguas Creek and tributaries and all associated creeks are infested with non-native, exotic fish species.

Based on the discovery of the adult steelhead in Conejo Creek, the Department is proposing a seasonal closure for Calleguas Creek and tributaries to minimize the potential take of adult steelhead. Because the creek and its tributaries possess very limited steelhead spawning habitat, and the drainage supports a large non-native fish community, we propose a seasonal closure as opposed to a complete closure to protect adult steelhead, while maintaining opportunities for recreational angling.

The current regulations allow year-round angling on Calleguas Creek and tributaries. There is a 5 fish daily bag/possession limit for trout. The regulation change will be consistent with similar drainages within Region 5 with seasonal closures. These streams will be open to angling from the Saturday proceeding Memorial Day through November 30th. Only artificial lures with barbless hooks may be used and the daily bag and possession limit will read: Open to fishing for non-salmonids only. Closed to the take of trout and steelhead.

Diaz Lake

Diaz Lake is located within the boundary of the Inyo County, Southwestern portion regulation. The Inyo County regulation specifically calls attention to the Cottonwood Creek restrictions as they are within its boundary and have different seasons and bag limits. However, it does not call attention to the Diaz Lake regulation even though it has a second season and bag limit that is different from the Inyo County, Southwestern portion regulation. The proposed regulation change will reference the Diaz Lake restrictions in the Inyo County regulations. Additionally, the Department often receives calls as to whether or not Independence Creek, which is part of the

boundary, is included in the regulation. To clarify, the Department proposes adding a statement that Independence Creek is open to fishing.

Las Garzas Creek

Las Garzas Creek is misspelled as Las Gazas Creek in Title 14 and in the Sport Fishing Regulations Booklet. The proposal is to correct the spelling of the word Garzas.

Navarro River, Noyo River, and Ten Mile River

The proposed regulation change is to remove “and tributaries” from the Navarro River, Noyo River, and Ten Mile River fishing regulations. Fishing is currently only allowed in the main stems of the Navarro River, Noyo River, Ten Mile River, and North Fork Ten Mile River. The reference to “and tributaries” in the regulations leads to confusion and requests for clarification from the public. The recommended regulation change clearly identifies the main stems of the Navarro River, Noyo River, Ten Mile River, and North Fork Ten Mile River as the sections open to fishing.

Pit River

The proposed regulation change is for a section of the Pit River within Modoc County running from the Highway 395 bridge/South Fork Pit River crossing downstream to the Highway 299 (Canby) bridge/ Pit River crossing. This proposal would make this section of river open to fishing all year to increase angling opportunities for warm water fish. Currently this section of river is covered under the Sierra District General Regulations for trout, which is open the last Saturday in April through November 15.

Recent and historical surveys indicate that trout are not present within this section of river. Surveys conducted by United States Fish and Wildlife Service, duplicating historic sampling locations, did not find evidence of trout present (USFWS 2003), nor were trout present in the historic samples for the river reach proposed to be opened all year (USFWS 2003 and Vestra 2004). Moreover, many warm water species, such as catfish, green sunfish, blue gill, and possibly bass are present.

Silver King Creek

The Department is proposing to close Silver King Creek and tributaries below the confluence of Tamarack Lake Creek (below Llewellyn Falls) downstream to the confluence with Snodgrass Creek to fishing all year. The proposed regulation change is necessary to protect native Paiute cutthroat trout, which are listed as threatened pursuant to the federal Endangered Species Act, by prohibiting angling in a portion of its historic range below Llewellyn Falls down to Snodgrass Creek. This segment of the stream will be restocked with Paiute cutthroat trout as part of a restoration project. Existing regulations prohibit fishing all year in Silver King Creek and tributaries including lakes above Llewellyn Falls in existing Paiute cutthroat trout habitat.

Trinity River

In 2014, approximately 14 miles of the upper Trinity River were opened to winter angling and the new regulation was added to the Special Fishing Regulations. The same section of the upper Trinity River is also open to angling from the last Saturday in April through November 15 under the North Coast District General Regulations. To avoid public confusion, the Department is proposing to add the April through Nov. 15 angling season to the upper Trinity River Special Fishing Regulations.

Low-Flow Restrictions References

Section 8.00, Low-Flow Restrictions, is referenced throughout the Special Fishing Regulations in Section 7.50. This proposal will add the Section 8.00 title and appropriate subsection to the

existing references so the reader knows what Section 8.00 is and which subsection to refer to. In addition, this proposal will add the reference to Section 8.00 more frequently where the regulation applies. Adding this information will make it easier for anglers to understand and follow the regulations and makes the wording consistent with other references in Section 7.50.

Low-Flow Restriction Time Period

Section 8.00 provides fishing restrictions (closures) for specified rivers and streams during low flow conditions to protect Chinook salmon and steelhead populations.

On January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency for California and directed state officials to take all necessary actions to prepare for drought conditions with California facing water shortfalls in the driest year in recorded state history. In response to the Governor's proclamation, the Fish and Game Commission adopted on February 5, 2014 emergency sport fishing regulations extending the low flow restrictions on north coast and central coast streams to protect wild steelhead and Chinook salmon populations.

In anticipation of prolonged periods of low flow conditions throughout California in the future, the Department is proposing to permanently extend the annual low flow restrictions to April 30 for the north coast streams for continued protection of wild steelhead and Chinook salmon populations. In addition, this proposal will correct the phone number error in subsection 8.00(a).

Minor Editorial Corrections for Clarity

Additional minor corrections are proposed to correct typographical errors and to improve regulation clarity.

Benefits of the Regulations

The Commission anticipates benefits to the health and welfare of California residents. Trout and salmon are a nutritious food source and increasing inland sport fishery opportunities encourages consumption of this nutritious food. Sport fishing also contributes to increased mental health of its practitioners as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

It is the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the inland waters under the jurisdiction and influence of the state for the benefit of all its citizens and to promote the development of local California fisheries. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits in the quantity that is sufficient to provide a satisfying sport. Adoption of scientifically-based inland trout and salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout and salmon to ensure their continued existence.

Consistency and Compatibility with Existing State 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 Fish and Game 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 regulate recreational fishing in waters of the state (sections 200, 202, and 205, Fish and Game Code). 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 California Code of Regulations and finds no other state agency regulations pertaining to recreational fishing seasons, bag and possession limits.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mount Shasta Hatchery Museum, 1 North Old Stage Road, Mount Shasta, California, on Wednesday, October 8, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Airtel Plaza Hotel, 7277 Valjean Avenue, Van Nuys, California, on Wednesday, December 3, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 20, 2014 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 26, 2014. All comments must be received no later than December 3, 2014 at the hearing in Van Nuys. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth 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 Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Karen Mitchell, senior Environmental Scientist, Fisheries Branch, karen.mitchell@wildlife.ca.gov, (916) 445-0826, has been designated to respond to questions on the substance of the proposed regulations** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.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. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. 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 Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and 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 fishing areas that will be affected are limited, and the number of anglers that will be affected is relatively small. In addition, many of the proposed changes will offer increased fishing opportunities with potential increases in economic activity related to spending by sport fish anglers.

(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 proposed regulations would provide additional sport fish angling opportunities in some areas. However, the increase in fishing activity is anticipated to be limited relative to recreational angling effort statewide. Therefore the Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon and trout sport fishery encourages consumption of a nutritious food.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

None.

(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.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: August 12, 2014

Commissioners
Michael Sutton, President
Monterey
Jack Baylis, Vice President
Los Angeles
Jim Kellogg, Member
Discovery Bay
Richard Rogers, Member
Santa Barbara
Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

Fish and Game Commission



BOARD OF SUPERVISORS
2014 SEP -8 A 11:03

August 28, 2014

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Sections 465 and 472, Title 14, California Code of Regulations, relating to the prohibition of prizes for the take of furbearers and nongame mammals, which will be published in the California Regulatory Notice Register on August 29, 2014.

Please note the dates of the public hearings relate to this matter and associated deadlines for receipt of written comments.

Ms. Caren Woodson, Fish and Game Commission, phone (916) 651-1329, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Caren Woodson
Associate Government Program Analyst

Enclosure

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, 203, 3003.1, 3800, 4009.5, and 4150, of the Fish and Game Code and to implement, interpret, or make specific sections 200, 201, 202, 203, 203.1, 206, 207, 355, 2003, 3800, and 4150 of said Code, proposes to amend Sections 465 and 472, Title 14, California Code of Regulations, relating to take of nongame animals.

Informative Digest/Policy Statement Overview

Section 2003 of Fish and Game Code (FGC), subsection (a) prohibits offering prizes or other inducements "for the taking of game birds, mammals, fish, reptiles or amphibians in an individual contest, tournament or derby." However, Section 2003, FGC, then goes on to provide limited exceptions to this rule. These exceptions permit take of game fish if permitted by the Department of Fish and Wildlife (Department), frog-jumping contests, fish contests conducted in the waters of the Pacific Ocean, and, in subsection (d), the offering of prizes "for the taking of game birds and mammals, if the total value of all prizes or other inducements is less than five hundred dollars (\$500)." The Commission's proposed regulatory changes resolve the potential inconsistent treatment of "game" and "nongame mammals" in subsections (a) and (d) by clarifying that Section 2003, FGC, prohibits offering prizes or inducements for take of all mammals (game, nongame, and furbearers) in subsection (a), and, in subsection (d) permits prize offerings of less than \$500 only for the take of game mammals.

The Commission reasons the word "game" preceding "birds" in subsection (a) was not intended to apply to "mammals" because the use of a comma between "birds" and "mammals" makes clear that "game" only applies to "birds" in this general prohibition. Subsection (a) is clearly a longstanding broad prohibition protecting game birds and all mammals, fish, reptiles, and amphibians. Turning to subsection (d), the Commission further reasons that in this later added subsection the word "game" preceding "birds" was intended to apply to "mammals."

The Commission views the alternative reading of subsection 2003(d), FGC, permitting inducements for the unlimited take of furbearers and nongame mammals as unsportsmanlike and likely not the intent of the legislature in the 2004 amendment adding subsection (d). The Commission believes that offering inducements for hunting contests of animals with no regulated take does not reflect good sportsmanship or the likely intent of the legislature. Therefore, the Commission believes the changes to sections 465 and 472 clarify the proper interpretation of subsection 2003(d), FGC, and recognize and encourage sportsmanlike behavior.

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 Fish and Game 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 regulate take and possession of nongame

mammals (Sections 203 and 4150). 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 California Code of Regulations and finds no other state agency regulations pertaining to offering prizes or other inducements for the take of furbearers and nongame animals.

Benefits of the Proposed Regulations

Adoption of clear instruction about the legal hunting of furbearers and nongame mammals provides for the conservation, maintenance, and utilization of the living resources of the state's wildlife under the jurisdiction of the state for the benefit of all the citizens of the state. The proposed regulations provide continued recreational opportunity to the public, afford opportunities for multi-generational family activities, and promote respect for California's environment by the future stewards of the State's resources. The fees that hunters pay for licenses and stamps are used for conservation.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mount Shasta Hatchery Museum, 1 North Old Stage Road, Mount Shasta, California, on Wednesday, October 8, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard.

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 the Airtel Plaza Hotel, 7277 Valjean Avenue, Van Nuys, California, on Wednesday, December 3, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard.

It is requested, but not required, that written comments be submitted on or before November 20, 2014, at the address given below, or by fax at (916) 653-5040, or by email to FGC@fgc.ca.gov. **Written comments mailed, faxed or emailed to the Commission office, must be received before 12:00 noon on November 26, 2014.** All comments must be received no later than December 3, 2014, at the hearing in Van Nuys, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth 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 Sonke Mastrup or Caren Woodson at the preceding address or phone number. **Caren Woodson, Fish and Game Commission, phone 916-651-1329, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.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. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. 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 Analysis

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 proposal clarifies and strengthens the enforceability of portions of the current regulation.

- (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:

The Commission does not anticipate any impacts the proposed action would have on the creation or elimination of jobs or businesses in California or on the expansion of businesses in California; and, does not anticipate benefits to worker safety, because the proposal only clarifies the application of a specific section of Fish and Game Code.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide continued recreational opportunity to the public. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources.

The Commission anticipates benefits to the environment by the sustainable

management of California's upland game resources. The fees that hunters pay for licenses and stamps are used for conservation.

(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.

(d) Costs or Savings to State Agencies or Costs/ Savings in Federal Funding to the State: None.

(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.

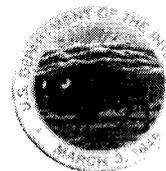
FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated:

Department of the Interior
U.S. Fish & Wildlife Service
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News Release



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Fish and Wildlife Service Withdraws Proposal to Delist Valley Elderberry Longhorn Beetle from the ESA Following Scientific Review

Decision Reflects Service's Commitment to Use the Best Available Information in its Endangered Species Decisions

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BOARD OF SUPERVISORS

Sacramento –The U.S. Fish and Wildlife Service today announced it is withdrawing its proposal to remove the valley elderberry longhorn beetle from the Federal List of Threatened and Endangered Species. This medium-sized beetle, found only in California’s Central Valley, remains protected as a threatened species under the Endangered Species Act (ESA).

After careful review and additional information received from both the public and peer review scientists, the Service has concluded that the scientific information and analysis relied upon in its October 2012 proposal was not strong enough to support a decision to delist the species.

“Today’s decision reflects the value of a robust public comment and scientific peer review process in ensuring we base our actions on the best available scientific information,” said Service Director Dan Ashe. “It shows our commitment to fully consider critical review and comment before making a final decision.”

The scientific review process following publication of the proposed rule did reveal, however, that the species’ range is smaller than that described in the proposed delisting rule. As a result, the regulatory protections of the ESA will now be applied to a smaller area. Kings, Kern and Tulare counties will no longer be considered within the range of the species.

The Service is also working on new guidance for consultation within the range of the species for projects (such as those associated with flood control), and guidance on site-specific approaches for areas that overlap with the California elderberry longhorn beetle or where occurrences may be rare or sparsely distributed.

To increase understanding of the valley elderberry longhorn beetle, including its current population and distribution, the Service continues to support additional studies on the beetle and its habitat. Should new information indicate that the beetle does not warrant protection under the ESA, the Service will again propose delisting.

The decision to withdraw the proposal to remove the species from the Federal List of Threatened and Endangered Species will publish in the *Federal Register* on September 17, 2014. The decision to withdraw, as well as the proposal to delist and associated peer reviews and public comments, can be found online at www.regulations.gov. Additional information about the species can be found at www.fws.gov/sacramento.

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