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STATE OF CALIFORNIA  
**Fish and Game Commission**

**CORRESPONDENCE** 6

page 1 of 5

BOARD OF SUPERVISORS  
2008 FEB 28 P 2:30

February 27, 2008

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relating to Central Valley Chinook salmon sport fishing, which will appear in the California Regulatory Notice Register on February 29, 2008.

**Mr. Neil Manji, Branch Chief, Fisheries Branch, Department of Fish and Game, phone (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.**

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

Sincerely,

Sherrie Koell  
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 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215 and 316.5 of said Code, proposes to amend subsections (b)(5), (b)(12.5), (b)(18.5)(B), (b)(43.5), (b)(59.5), (b)(68), (b)(118)(B), (b)(124), (b)(129)(B), (b)(156), (b)(168.5), (b)(186)(B), (b)(198)(E), and (b)(212)(A) of Section 7.50, Title 14, California Code of Regulations, relating to Central Valley Chinook Salmon Sport Fishing.

**Informative Digest/Policy Statement Overview**

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process, it recommends ocean salmon fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan (FMP). These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries in the Federal fishery management zone (3 to 200 miles offshore) off the coasts of Washington, Oregon, and California.

Although there are no PFMC regulatory options to review at this time, there exists a strong possibility of ocean water closures off California and PFMC recommendations for additional salmon fishery closures in inland waters due to projected low Central Valley (CV) fall Chinook salmon abundance. The CV consists of the Sacramento and San Joaquin River systems.

The reasons for the low 2007 CV fall Chinook salmon returns are not clear at this time, but negative ocean conditions are a possible factor which has also affected west coast salmon stocks from British Columbia to Oregon. The 2008 CV abundance will be published in the PFMC *Preseason Report / Stock Abundance Analysis for 2008 Ocean Salmon Fisheries* which will be available in late February.

Further Commission action affecting the CV salmon sport fishery will take place after the PFMC meets to discuss 2008 salmon fisheries. On March 14, 2008, the PFMC will develop the ocean salmon fisheries regulatory options for public review and the final PFMC regulation recommendations will be made on April 11, 2008.

**Proposed Regulations**

The Department is proposing bag limit reductions for the CV salmon fisheries in response to any federal action in the ocean. For public notice purposes, the Department is proposing the following range of bag limits from present regulations as shown in the following paragraphs.

1. American River, subsection 7.50(b)(5)
  - a. Subsections (A) through (D) – bag limit range of 0 to 3.
  - b. Subsection (E) – bag limit range of 0 to 2.
2. Auburn Ravine Creek, subsection 7.50(b)(12.5) – bag limit range of 0 to 2.
3. Bear River, subsection 7.50(b)(18.5)(B) – bag limit range of 0 to 2.
4. Coon Creek, subsection 7.50(b)(43.5) – bag limit range of 0 to 2.
5. Dry Creek, subsection 7.50(b)(59.5) – bag limit range of 0 to 2.

6. Feather River, subsections 7.50(b)(68)
  - a. Subsection (C) – bag limit range of 0 to 3 from January 1 to last day of February and July 16 to September 30.
  - b. Subsection (C) – bag limit range of 0 to 1 from March 1 through July 15.
  - c. Subsection (D) – bag limit range of 0 to 1 from March 1 through July 15.
  - d. Subsection (D) – bag limit range of 0 to 3 from July 16 through the last day in February.
  - e. Subsection (E) – bag limit range of 0 to 3 from July 16 through the last day in February.
7. Merced River, subsection 7.50(b)(118)(B) – bag limit range of 0 to 1.
8. Mokelumne River, subsection 7.50(b)(124)(A) and (B) – bag limit range of 0 to 3.
9. Napa River, subsection 7.50(b)(129)(B) – bag limit range of 0 to 1.
10. Sacramento River, subsection 7.50(b)(156)
  - a. Subsection (H) – bag limit range of 0 to 2 from August 1 through January 14.
  - b. Subsection (J) – bag limit range of 0 to 2 from July 16 to January 1.
11. San Joaquin River, subsection 7.50(b)(168.5)
  - a. Subsection (A) – bag limit range of 0 to 1
  - b. Subsections (B) and (C) – bag limit range of 0 to 1 from January 1 to October 31.
12. Stanislaus River, subsection 7.50(b)(186)(B) – bag limit range of 0 to 1.
13. Tuolumne River, subsection 7.50(b)(198)(E) – bag limit range of 0 to 1.
14. Yuba River, subsection 7.50(b)(212)(A) – bag limit range of 0 to 2 from January 1 to February 28 and August 1 through October 15.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Best Western Stockton Inn, Fremont Room, 4219 East Waterloo Road, Stockton, California, on Friday, March 7, 2008 at 8:30 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 at UC Davis, Bodega Bay Marine Laboratory, Lecture Hall, 2099 Westside Road, Bodega Bay California, on Friday, April 11, 2008 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS FURTHER GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Fish and Game Commission Conference Room, 1416 Ninth Street, Room 1320, Sacramento, California, on Tuesday, April 15, 2008, at 10:00 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 April 4, 2008 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 14, 2008. All comments must be received no later than April 15, 2008 at the hearing in Sacramento, CA. 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, John Carlson, Jr., 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 John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Neil Manji**,

**Branch Chief, Fisheries Branch, (916) 327-8840, 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

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

- (a) **Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (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:** None.

- (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: 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.

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 or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: February 19, 2008

John Carlson, Jr.  
Executive Director