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STATE OF CALIFORNIA

Fish and Game Commission

February 18, 2010

TO ALL INTERESTED AND AFFECTED PARTIES

This is to provide you with a copy of the notice of proposed regulatory actions relative to "Mammal Hunting Regulations," in the sections identified in Title 14, California Code of Regulations, which will appear in the California Regulatory Notice Register on February 19, 2010. These documents as well as supporting documents will also be made available on the Commission's website at <http://www.fgc.ca.gov/regulations/new/2010/proposedregs10.asp>.

Please note the dates of the public hearing related to this matter and associated deadlines for receipt of written and oral comments, beginning on page 13 of this notice.

Dr. Eric Loft, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations; and inquiries concerning the regulatory process may be directed to me, at (916) 653-4899.

Sincerely,



Jon D. Snellstrom
Associate Government 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, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570-1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330-4333, 4336, 4751, 4756, 4800-4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 265, 360, 361, 362, 363, 364, 365, 366, 555, 708 and 713, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2010-2011 Mammal Hunting Regulations.

At the Fish and Game Commission's meeting on February 4, 2010, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2010-2011 seasons: proposes to amend sections 265, 360, 361, 362, 363, 364, 365, 366, 555, 708 and 713, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2010-2011 Mammal Hunting Regulations.

Informative Digest/Policy Statement Overview

Amend Subsection 265, Re: Use of Dogs for Pursuit/Take of Mammals or for Dog Training

Existing regulations provide boundaries for dog control zones where dogs are not allowed to be used for the pursuit/take of mammals or for dog training from the first Saturday in April through the day preceding the opening of the general deer season. The proposed change modifies the boundaries for the dog control zones to better align the boundaries with roads and to provide additional areas for dogs to be exercised and trained.

Existing regulations specify collars worn by dogs during the pursuit or take of mammals shall not have tip switches or global positioning systems (GPS). The proposed change eliminates this unnecessary prohibition.

Amend Subsection 360(a), Re: Deer: A, B, C, and D Zone Hunts

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

| Deer: § 360(a) A, B, C, and D Zone Hunts - Tag Allocations | | |
|---|----------------|-----------------|
| Zone | Current | Proposed |
| A | 65,000 | 30,000-65,000 |
| B | 55,500 | 35,000-65,000 |
| C | 8,150 | 5,000-15,000 |
| D3-5 | 33,000 | 30,000-40,000 |
| D-6 | 10,000 | 6,000-16,000 |

| Deer: § 360(a) A, B, C, and D Zone Hunts - Tag Allocations | | |
|---|---------|--------------|
| Zone | Current | Proposed |
| D-7 | 9,000 | 4,000-10,000 |
| D-8 | 8,000 | 5,000-10,000 |
| D-9 | 2,000 | 1,000-2,500 |
| D-10 | 700 | 400-800 |
| D-11 | 5,500 | 2,500-6,000 |
| D-12 | 950 | 100-1,500 |
| D-13 | 4,000 | 2,000-5,000 |
| D-14 | 3,000 | 2,000-3,500 |
| D-15 | 1,500 | 500-2,000 |
| D-16 | 3,000 | 1,000-3,500 |
| D-17 | 500 | 100-800 |
| D-19 | 1,500 | 500-2,000 |

Amend Subsection 360(b), Re: Deer: X-Zone Hunts

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

| Deer: § 360(b) X-Zone Hunts - Tag Allocations | | |
|--|---------|-------------|
| Zone | Current | Proposed |
| X-1 | 2,370 | 1,000-6,000 |
| X-2 | 185 | 50-500 |
| X-3a | 240 | 100-1,200 |
| X-3b | 825 | 200-3,000 |
| X-4 | 375 | 100-1,200 |
| X-5a | 60 | 25-200 |
| X-5b | 110 | 50-500 |
| X-6a | 325 | 100-1,200 |
| X-6b | 370 | 100-1,200 |
| X-7a | 200 | 50-500 |
| X-7b | 120 | 25-200 |
| X-8 | 220 | 100-750 |
| X-9a | 650 | 100-1,200 |
| X-9b | 325 | 100-600 |

| Deer: § 360(b) X-Zone Hunts - Tag Allocations | | |
|--|----------------|-----------------|
| Zone | Current | Proposed |
| X-9c | 325 | 100-600 |
| X-10 | 400 | 100-600 |
| X-12 | 760 | 100-1,200 |

Amend Subsection 360(c) Re: Deer: Additional Hunts

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 3 and continue for two (2) consecutive days and reopen on October 10 and continue for three (3) consecutive days in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 2 and October 9, respectively, in order to accommodate for Base operations.

Existing regulations for Additional Hunt G-11 (Vandenberg Either-Sex Deer Hunt) restricts the issuance of tags to military and Department of Defense personnel only. Under Federal Law certain individuals of Native American descent have rights to access portions of the base. The base has requested a modification to this restriction in order to comply with Federal Law. The proposal would modify the conditions for tag issuance to include individuals authorized by the Installation Commander. This action would provide the Installation Commander with the flexibility to authorize eligible Native Americans to hunt on the Base.

| Deer: § 360(c) Additional Hunts - Tag Allocations | | |
|--|--------------------------------|---|
| Hunt Number (and Title) | Current | Proposed |
| G-1 (Late Season Buck Hunt for Zone C-4) | 2,710 | 500-5,000 |
| G-3 (Goodale Buck Hunt) | 35 | 5-50 |
| G-6 (Kern River Deer Herd Buck Hunt) | 50 | 25-100 |
| G-7 (Beale Either-Sex Deer Hunt) | 20 Military * | 20 Military * |
| G-8 (Fort Hunter Liggett Antlerless Deer Hunt) | 10 Military * and 10 Public | 10 Military * and 10 Public |
| G-9 (Camp Roberts Antlerless Deer Hunt) | 15 Military * and 15 Public | 15 Military * and 15 Public |
| G-10 (Camp Pendleton Either-Sex Deer Hunt) | 400 Military * | 400 Military * |
| G-11 (Vandenberg Either-Sex Deer Hunt) | 500 Military * and DOD ** | 500 Military *, DOD and as Authorized by the Installation Commander ** |
| G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt) | 30 | 10-50 |
| G-13 (San Diego Antlerless Deer Hunt) | 300 | 50-300 |

| Deer: § 360(c) Additional Hunts - Tag Allocations | | |
|---|--------------------------------|--------------------------------|
| Hunt Number (and Title) | Current | Proposed |
| G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt) | 25 | 10-50 |
| G-21 (Ventana Wilderness Buck Hunt) | 25 | 25-100 |
| G-37 (Anderson Flat Buck Hunt) | 25 | 25-50 |
| G-38 (X-10 Late Season Buck Hunt) | 300 | 50-300 |
| G-39 (Round Valley Late Season Buck Hunt) | 5 | 5-150 |
| M-3 (Doyle Muzzleloading Rifle Buck Hunt) | 20 | 10-75 |
| M-4 (Horse Lake Muzzleloading Rifle Buck Hunt) | 10 | 5-50 |
| M-5 (East Lassen Muzzleloading Rifle Buck Hunt) | 10 | 5-50 |
| M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt) | 80 | 25-100 |
| M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt) | 150 | 50-150 |
| M-8 (Bass Hill Muzzleloading Rifle Buck Hunt) | 20 | 5-50 |
| M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt) | 15 | 5-100 |
| M-11 (Northwestern California Muzzleloading Rifle Buck Hunt) | 20 | 20-200 |
| MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt) | 150 | 20-150 |
| MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt) | 150 | 20-150 |
| J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt) | 25 | 10-25 |
| J-3 (Tehama Wildlife Area Apprentice Buck Hunt) | 15 | 15-30 |
| J-4 Shasta-Trinity Apprentice Buck Hunt) | 15 | 15-50 |
| J-7 (Carson River Apprentice Either-Sex Deer Hunt) | 15 | 10-50 |
| J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt) | 15 | 10-20 |
| J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt) | 5 | 5-10 |
| J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) | 10 Military * and 75 Public | 10 Military * and 75 Public |
| J-11 (San Bernardino Apprentice Either-Sex Deer Hunt) | 40 | 10-50 |
| J-12 (Round Valley Apprentice Buck Hunt) | 10 | 10-20 |
| J-13 (Los Angeles Apprentice Either-Sex Deer Hunt) | 40 | 25-100 |
| J-14 (Riverside Apprentice Either-Sex Deer Hunt) | 30 | 15-75 |
| J-15 (Anderson Flat Apprentice Buck Hunt) | 10 | 5-30 |
| J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt) | 75 | 10-75 |
| J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt) | 25 | 5-25 |
| J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt) | 75 | 10-75 |
| J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt) | 25 | 10-40 |
| J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt) | 20 | 5-20 |
| J-21 (East Tehama Apprentice Either-Sex Deer Hunt) | 50 | 20-80 |

* *Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically*

conservative hunting programs.
** DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.

Amend Section 361 Re: Archery Deer Hunting

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Existing regulations for Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) provide for hunting on Saturdays, Sundays and holidays only beginning the first Saturday in October and continuing through November 8, except if rescheduled by the Base Commander between the season opener and December 31 with Department concurrence. The proposal would modify the season to account for the annual calendar shift by changing the season closing date to November 7.

| Archery Deer Hunting: § 361 - Tag Allocations | | |
|--|----------------|-----------------|
| Hunt Number (and Title) | Current | Proposed |
| A-1 (C Zones Archery Only Hunt) | 1,945 | 150-3,000 |
| A-3 (Zone X-1 Archery Hunt) | 270 | 50-1,000 |
| A-4 (Zone X-2 Archery Hunt) | 10 | 5-100 |
| A-5 (Zone X-3a Archery Hunt) | 25 | 10-300 |
| A-6 (Zone X-3b Archery Hunt) | 80 | 25-400 |
| A-7 (Zone X-4 Archery Hunt) | 140 | 25-400 |
| A-8 (Zone X-5a Archery Hunt) | 20 | 15-100 |
| A-9 (Zone X-5b Archery Hunt) | 5 | 5-100 |
| A-11 (Zone X-6a Archery Hunt) | 55 | 10-200 |
| A-12 (Zone X-6b Archery Hunt) | 140 | 10-300 |
| A-13 (Zone X-7a Archery Hunt) | 50 | 10-200 |
| A-14 (Zone X-7b Archery Hunt) | 25 | 5-100 |
| A-15 (Zone X-8 Archery Hunt) | 40 | 5-100 |
| A-16 (Zone X-9a Archery Hunt) | 140 | 50-500 |
| A-17 (Zone X-9b Archery Hunt) | 300 | 50-500 |
| A-18 (Zone X-9c Archery Hunt) | 350 | 50-500 |
| A-19 (Zone X-10 Archery Hunt) | 120 | 25-200 |
| A-20 (Zone X-12 Archery Hunt) | 170 | 50-500 |
| A-21 (Anderson Flat Archery Buck Hunt) | 25 | 25-100 |
| A-22 (San Diego Archery Either-Sex Deer Hunt) | 1,000 | 200-1,500 |
| A-24 (Monterey Archery Either-Sex Deer Hunt) | 100 | 25-200 |
| A-25 (Lake Sonoma Archery Either-Sex Deer Hunt) | 35 | 20-75 |
| A-26 (Bass Hill Archery Buck Hunt) | 30 | 10-100 |
| A-27 (Devil's Garden Archery Buck Hunt) | 10 | 5-75 |
| A-30 (Covelo Archery Buck Hunt) | 40 | 20-100 |
| A-31 (Los Angeles Archery Either-Sex Deer Hunt) | 1,000 | 200-1,500 |

| Archery Deer Hunting: § 361 - Tag Allocations | | |
|---|----------------------------|----------------------------|
| Hunt Number (and Title) | Current | Proposed |
| A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt) | 250 | 50-300 |
| A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) | 25 Military* and 25 Public | 25 Military* and 25 Public |

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

Amend Subsection 362, Re: Nelson Bighorn Sheep

Existing regulations provide for the number of bighorn sheep hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocations for most hunt zones pending final tag quota determinations based on survey results that should be completed by February of 2010. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bighorn sheep. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

| HUNT ZONE | NUMBER OF TAGS |
|--|----------------|
| Zone 1 - Marble Mountains | 3-5 |
| Zone 2 - Kelso Peak/Old Dad Mountains | 4-6 |
| Zone 3 - Clark/Kingston Mountain Ranges | 1-3 |
| Zone 4 - Orocopia Mountains | 1-2 |
| Zone 5 - San Gorgonio Wilderness | 1-2 |
| Zone 6 - Sheep Hole Mountains | 1-3 |
| Zone 7 - White Mountains | 3-4 |
| Open Zone Fund-Raising Tag | 0-1 |
| Marble/Clipper/Sheep Hole Mountains Fund-Raising Tag | 0-1 |
| Kelso Peak/Old Dad Mountains Fund-Raising Tag | 0-1 |
| TOTAL | 14-28 |

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's 2009 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone. The final number of tags will be identified and reported in the Final Statement of Reasons based upon findings from the annual winter surveys.

Amend Section 363 Re: Pronghorn Antelope

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2010. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed tag allocation ranges for the hunt zones are as set forth below.

| 2010 Pronghorn Antelope Tag Allocation Ranges | | | | | | |
|---|---------------------|-----|----------------|------|----------|-----|
| Hunt Area | Archery-Only Season | | General Season | | | |
| | Buck | Doe | Period 1 | | Period 2 | |
| | | | Buck | Doe | Buck | Doe |
| Zone 1 – Mount Dome | 1-10 | 0-3 | 3-60 | 0-20 | 0 | 0 |

| 2010 Pronghorn Antelope Tag Allocation Ranges | | | | | | |
|--|------------------------|-----|-----------------|------|----------|------|
| Hunt Area | Archery-Only Season | | General Season | | | |
| | Buck | Doe | Period 1 | | Period 2 | |
| Buck | | | Doe | Buck | Doe | |
| Zone 2 – Clear Lake | 1-10 | 0-3 | 5-80 | 0-25 | 0 | 0 |
| Zone 3 – Likely Tables | 2-20 | 0-7 | 25-150 | 0-50 | 25-130 | 0-50 |
| Zone 4 – Lassen | 2-20 | 0-7 | 25-150 | 0-50 | 25-150 | 0-50 |
| Zone 5 – Big Valley | 1-15 | 0-5 | 3-150 | 0-50 | 0 | 0 |
| Zone 6 – Surprise Valley | 1-10 | 0 | 3-25 | 0-7 | 0 | 0 |
| Likely Tables Apprentice Hunt | N/A | | 1-5 Either-Sex | | 0 | |
| Big Valley Apprentice Hunt | N/A | | 1-15 Either-Sex | | 0 | |
| Lassen Apprentice Hunt | N/A | | 1-15 Either-Sex | | 0 | |
| Surprise Valley Apprentice Hunt | N/A | | 1-4 Either-Sex | | 0 | |
| Fund-Raising Hunt | N/A | | 1-10 Buck | | | |

Existing regulations do not offer an apprentice pronghorn hunt in the Likely Tables area. The proposed regulation would establish a new apprentice hunt for pronghorn during a season beginning the Saturday following the third Wednesday in August and continue for 9 consecutive days.

Amend Section 364 Re: Elk

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

| 2010 Proposed Elk Tag Allocation | | | | | | | | | | |
|-----------------------------------|-------------|------------|------|-------|--------------------|---------------------------|--------------------------|--------------------|---------------------|--------------|
| Hunt Name | Antler-less | Either-Sex | Bull | Spike | Muzzle-loader Bull | Muzzle-loader Antler-less | Muzzle-loader either-sex | Archery Either-Sex | Archery Antler-less | Archery Bull |
| Roosevelt Elk | | | | | | | | | | |
| Siskiyou | 0-30 | | 0-30 | | | | | | | |
| Del Norte | 0-20 | | 0-15 | | | | | | | |
| Marble Mountains | 0-30 | | 0-70 | | | | | | | |
| Marble Mtns Apprentice | | 0-4 | | | | | | | | |
| Marble Mtns Muzzleloader/ Archery | | 0-10 | | | | | | | | |
| Klamath | 0-20 | | 0-20 | | | | | | | |
| Big Lagoon | 0-10 | | 0-10 | | | | | | | |
| Northwestern California | | 0-30 | | | | | | | | |

| 2010 Proposed Elk Tag Allocation | | | | | | | | | | |
|----------------------------------|-------------|------------|------|-------|--------------------|---------------------------|--------------------------|--------------------|---------------------|--------------|
| Hunt Name | Antler-less | Either-Sex | Bull | Spike | Muzzle-loader Bull | Muzzle-loader Antler-less | Muzzle-loader either-sex | Archery Either-Sex | Archery Antler-less | Archery Bull |
| Rocky Mountain Elk | | | | | | | | | | |
| Northeastern | 0-10 | | 0-30 | | | | | 0-20 | | |
| Northeastern Apprentice | | 0-4 | | | | | | | | |
| Tule Elk | | | | | | | | | | |
| Cache Creek | 0-4 | | 0-4 | | | | | | | |
| Cache Creek Apprentice | | | 0-2 | | | | | | | |
| La Panza | | | | | | | | | | |
| Period 1 | 0-10 | | 0-12 | | | | | | | |
| Period 1 (Apprentice) | 0-2 | | 0-2 | | | | | | | |
| Period 2 | 0-12 | | 0-12 | | | | | | | |
| Owens Valley | | | | | | | | | | |
| Multiple-Zone | | | | | | | | | 0-10 | 0-10 |
| Bishop | | | | | | | | | | |
| Period 1 Muzzleloader | | | | | 0-10 | 0-30 | | | | |
| Period 2 Apprentice | 0-30 | | 0-10 | | | | | | | |
| Period 3 | 0-30 | | 0-10 | | | | | | | |
| Period 4 | 0-30 | | 0-10 | | | | | | | |
| Period 5 | 0-30 | | 0-10 | | | | | | | |
| Independence | | | | | | | | | | |
| Period 1 Muzzleloader (New) | | | | | 0-10 | 0-10 | | | | |
| Period 2 | 0-30 | | 0-10 | | | | | | | |
| Period 3 | 0-30 | | 0-10 | | | | | | | |
| Period 4 | 0-30 | | 0-10 | | | | | | | |
| Period 5 | 0-30 | | 0-10 | | | | | | | |
| Lone Pine | | | | | | | | | | |
| Period 1 Archery (New) | | | | | | | | | 0-30 | 0-10 |
| Period 2 | 0-30 | | 0-10 | | | | | | | |
| Period 3 | 0-30 | | 0-10 | | | | | | | |
| Period 4 | 0-30 | | 0-10 | | | | | | | |
| Period 5 | 0-30 | | 0-10 | | | | | | | |
| Tinemaha | | | | | | | | | | |
| Period 1 Archery | | | | | | | | | 0-30 | 0-10 |
| Period 2 | 0-30 | | 0-10 | | | | | | | |
| Period 3 | 0-30 | | 0-10 | | | | | | | |
| Period 4 | 0-30 | | 0-10 | | | | | | | |
| Period 5 | 0-30 | | 0-10 | | | | | | | |
| West Tinemaha | | | | | | | | | | |
| Period 1 | 0-30 | | 0-10 | | | | | | | |
| Period 2 | 0-30 | | 0-10 | | | | | | | |
| Period 3 | 0-30 | | 0-10 | | | | | | | |
| Period 4 | 0-30 | | 0-10 | | | | | | | |
| Period 5 | 0-30 | | 0-10 | | | | | | | |
| Tinemaha Mountain (New) | | | | | | | | | | |
| Period 1 | | | 0-8 | | | | | | | |
| Period 2 | | | 0-8 | | | | | | | |
| Period 3 | | | 0-8 | | | | | | | |
| Period 4 | | | 0-8 | | | | | | | |
| Period 5 | | | 0-8 | | | | | | | |
| Whitney (New) | | | | | | | | | | |
| Period 1 Archery | | | | | | | | | 0-30 | 0-10 |
| Period 2 | 0-10 | | 0-4 | | | | | | | |
| Period 3 | 0-10 | | 0-4 | | | | | | | |
| Period 4 | 0-10 | | 0-4 | | | | | | | |
| Period 5 | 0-10 | | 0-4 | | | | | | | |
| Grizzly Island | | | | | | | | | | |
| Period 1 | 0-12 | | 0-2 | 0-6 | | | | | | |
| Period 1 Apprentice | 0-2 | | | 0-2 | | | | | | |
| Period 2 | 0-12 | | 0-3 | 0-6 | | | | | | |
| Period 2 Apprentice | | | | 0-2 | | | | | | |

| 2010 Proposed Elk Tag Allocation | | | | | | | | | | |
|----------------------------------|-------------|------------|------|-------|--------------------|---------------------------|--------------------------|--------------------|---------------------|--------------|
| Hunt Name | Antler-less | Either-Sex | Bull | Spike | Muzzle-loader Bull | Muzzle-loader Antler-less | Muzzle-loader either-sex | Archery Either-Sex | Archery Antler-less | Archery Bull |
| Period 3 | 0-12 | | 0-3 | 0-4 | | | | | | |
| Fort Hunter Liggett | | | | | | | | | | |
| Archery Only | | | | | | | | 0-12 | 0-20 | |
| Period 1 | 0-28 | | | | | | | | | |
| Period 1 Apprentice | 0-8 | | | | | | | | | |
| Period 2 | 0-32 | | | | | | | | | |
| Period 3 | | | 0-28 | | | | | | | |
| Period 3 Apprentice | | | 0-4 | | | | | | | |
| Muzzleloader Bull (new) | | | | | 0-12 | | | | | |
| Early Season Bull (new) | | | 0-4 | | | | | | | |
| East Park Reservoir | | | | | | | | | | |
| Period 1 | | | 0-4 | | | | | | | |
| Period 3 | 0-8 | | | | | | | | | |
| San Luis Reservoir | 0-5 | 0-10 | 0-10 | | | | | | | |
| Mendocino (New) | 0-4 | | 0-4 | | | | | | | |
| Bear Valley (new) | 0-2 | | 0-4 | | | | | | | |
| Lake Pillsbury (New) | 0-4 | | 0-4 | | | | | | | |
| Alameda (New) | | | 0-4 | | | | | | | |
| Santa Clara (New) | | | 0-4 | | | | | | | |

Existing regulations do not allow the appropriate allocation of tags to obtain the desired harvest between subgroups in the Lone Pine zone in the Owens Valley. The proposal will modify the hunt boundary and create an additional zone (Whitney tule elk hunt). Tags will be issued for the new Whitney zone period one archery (range 0-30 antlerless, 0-10 bull) and periods two, three, four, and, five general season methods (range 0-10 antlerless, 0-4 bull). The proposal will provide elk hunting opportunities consistent with the objectives for tule elk in the Owens Valley.

Existing regulations do not allow the appropriate allocation of tags to obtain the desired harvest between subgroups in the West Tinemaha zone in the Owens Valley. The proposal will modify the hunt boundary and create an additional zone (Tinemaha Mountain tule elk hunt). Tags will be issued for the new Tinemaha zone utilizing existing hunt periods one through five in the Owens Valley (range 0-8 bull). The proposal will provide elk hunting opportunities consistent with the objectives for tule elk in the Owens Valley.

Existing regulations do not provide for public tule elk hunting in Mendocino County. The proposal will establish a new tule elk hunt in a portion of Mendocino County (called Mendocino tule elk hunt) with bull tags (range 0-4) and antlerless tags (range 0-4) during a season beginning on the Wednesday preceding the fourth Saturday in September and continue for 12 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations provide limited opportunities for public tule elk hunting in Lake County. The proposal will establish a new tule elk hunt in a portion of Lake County (called Lake Pillsbury tule elk hunt) with bull tags (range 0-4) and antlerless tags (range 0-4) during a season beginning on the second Wednesday in September and continue for 10 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations provide none or limited opportunities for public tule elk hunting in portions of Colusa, Lake, and Yolo Counties. The proposal will establish a new tule elk hunt in portions of Colusa, Lake, and Yolo Counties (called Bear Valley tule elk hunt) with bull tags (range 0-) and antlerless tags (range 0-2) during a season beginning on the second Saturday in October and continue for 9 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations do not provide for public tule elk hunting in portions of Alameda and San Joaquin Counties. The proposal will establish a new tule elk hunt in portions of Alameda and San Joaquin Counties (called Alameda tule elk hunt) with bull tags (range 0-4) during a season beginning on the

second Saturday in October and continue for 16 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations provide none or limited opportunities for public tule elk hunting in portions of Merced, Santa Clara, and Stanislaus Counties. The proposal will establish a new tule elk hunt in portions of Merced, Santa Clara, and Stanislaus Counties (called Santa Clara tule elk hunt) with bull tags (range 0-4) during a season beginning on the second Saturday in October and continue for 16 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposed regulations for Fort Hunter Liggett increase the number of hunt days for each hunt. The proposal modifies the following: extends the season dates for the archery either-sex from five days to nine days beginning on the first Saturday in September; modifies the archery antlerless from the second Thursday in October to the fourth Saturday in September and extends it from five to nine consecutive days; modifies the period one antlerless (general and apprentice) from the second Thursday in October to the third Saturday in October and extends it from five to nine consecutive days; modifies the period two antlerless from the fourth Wednesday in November to the third Saturday in November and extends it from five to nine consecutive days; modifies the period three bull (general and apprentice) from the last Wednesday in December to the fourth Wednesday in December and extends it from five to 12 consecutive days in order to increase hunter opportunity accommodate military operations.

Existing regulations end the fund raising tag in the Northwestern Roosevelt elk zone prior to the close of the general season. The proposed regulation modifies the ending date of the fund raising tag to end on the same day as the general hunt. Season shall open on the last Wednesday in August and continue for 19 consecutive days.

Existing regulations end the fund raising tag in the Northeastern Rocky Mountain elk zone prior to the close of the general season. The proposed regulation modifies the ending date of the fund raising tag to end on the same day as the general hunt. Season shall open on the Wednesday preceding the last Saturday in August and continue for 33 consecutive days.

Existing regulations specify boundaries for the Marble Mountain Roosevelt elk hunt and Northeastern Rocky Mountain elk hunt. The proposed change expands the Marble Mountain and Northeast zone south to encompass additional area occupied by elk and is consistent with the natural range expansion of elk which has occurred since these hunts were established. The proposal is necessary to improve hunter opportunity and is consistent with management objectives for elk in these areas.

Existing regulations specify the boundary for the Big Lagoon Roosevelt elk hunt. The proposed change modifies the boundary from a power line right of way to a road in order to better distinguish the boundary between zones.

Existing regulations specify boundaries for the West Tinemaha tule elk zone. The proposal modifies the boundary by dividing the zone into two separate zones. This will create a new zone called Tinemaha Mountain. This will allow more precise allocation of tags to allow appropriate harvest between subgroups

Existing regulations specify boundaries for the Lone Pine tule elk zone. The proposal modifies the boundary by dividing the zone along highway 395 into two separate zones. This will create a new zone called Whitney. This will allow more precise allocation of tags to allow appropriate harvest between subgroups.

Existing regulations specify hunts for the Marble Mountain elk hunts. The proposed change adds an additional combination archery and muzzleloader hunt after the existing hunt period. Either-sex tags (range 0-10) would be issued during a season beginning the last Saturday in October and continuing for nine consecutive days. The proposal is necessary to improve hunter opportunity and is consistent with management objectives for elk in the area.

Existing regulations do not offer muzzleloader hunts at Fort Hunter Liggett. The proposed regulation would establish a muzzleloader bull hunt (range 0-6) during a season beginning the first Saturday in November and continuing for nine consecutive days.

Existing regulations do not offer an early season general method bull hunt at Fort Hunter Liggett. The proposed regulation would establish a new hunter for bull tule elk (range 0-2) for military use during a season beginning on the second Tuesday in September and continuing for nine consecutive days.

Existing regulations allow the Owens Valley early season region wide archery tags to be utilized in all the Owens Valley zones (Bishop, Independence, Lone Pine, Tinemaha, and West Tinemaha). The proposed regulation would limit the zones the tags are valid in to the Bishop, Independence, Lone Pine, Tinemaha Mountain (new), and Whitney (new) zones and change the name of hunt to the Owens Valley early season multiple zone archery hunt.

Existing regulations specify methods of take for each hunt period in the Owens Valley. In an effort to increase hunter success the proposed regulation modifies the period one hunt in the Independence zone from archery to muzzleloader and the Lone Pine zone period one hunt from muzzleloader to archery.

Existing regulations authorize tags that are valid in both the Tinemaha and West Tinemaha zones. In an effort to manage harvest between these groups of elk the proposed regulation would issue tags independently for each zone.

Existing regulations for the Siskiyou Roosevelt elk hunt authorizes either-sex and antlerless tags. In an effort to better manage harvest the proposal would convert the either-sex tags to bull tags.

Existing regulations for the Marble Mountain, Northeastern, and Big Lagoon elk hunts authorizes either-sex general tags. In an effort to better manage harvest and allow more opportunity to hunters the proposal would convert general either-sex tags to bull and antlerless tags.

Amend Subsection 365 Re: Bear

Existing subsection 365(a), Title 14, California Code of Regulations, provides a description of the bear hunting area for California. The proposed regulation change provides additional hunting opportunity by enlarging the Northern California bear hunting area to include deer hunting zone X-3b in Modoc and Lassen counties, enlarging the Southern California bear hunting area to include portions of San Luis Obispo County, and the Southeastern Sierra bear hunting area by including an additional portion of Inyo County to make the boundary more enforceable.

Existing subsection 365(b), Title 14, California Code of Regulations, requires the bear season to close early when the Department receives notification that 1,700 bears have been taken. In addition, the Department is required to send a letter to each bear hunter when this early closure occurs. The proposed change eliminates the early closure of the bear hunting season, because it is unnecessary and insignificant to the bear population, and the cost of notifying all hunters by mail is an unnecessary expense.

In addition, there is a minor edit to clarify the regulations by specifying that the limit for bear hunting is one bear per hunting license year rather than one bear per season.

Amend Subsection 366 Re: Archery Bear Hunting

Existing Section 366, Title 14, California Code of Regulations, provides a statewide archery bear hunting season beginning the third Saturday in August for 23 consecutive days. The proposed change would begin the archery bear seasons with the archery deer seasons. This would eliminate a problem in deer hunting zone A, where the general bear hunting season opens before the archery bear hunting season.

Current regulations specify that one bear may be taken per season. This is confusing for individuals who hunt both the general and archery seasons, because only one bear may be taken per year. The proposed change clarifies that one bear may be taken per license year.

Currently, subsection 366(f) specifies that "no more than 15,000 bear tags shall be issued pursuant to section 367." This subsection refers to old regulatory language which no longer exists. The proposed change deletes this subsection.

Amend Section 555 Re: Cooperative Elk Hunting Areas

Existing regulations specify that the Department will issue tags by random drawing from the pool of qualified applicants. In recent years for many of the cooperative elk hunts the number of applicants has exceeded the number of available tags. In an attempt to issue tags in an equitable manner the proposed amendment implements one year of non-eligibility for previously successful applicants for cooperative elk hunts with more applicants than tags.

Amend Subsection 360(d), Section 702 & Subsections 708(a)(2)(A) and(D), 708(b)(1), 708(c)(3), 708(d)(1), 708(g)(1)(K); and Add Subsections 708(g)(1)(L) and 708(h) Re: Hunting Applications, Tags, Seals, Permits, Reservations and Fees; and Big Game License Tag, Application, Distribution and Reporting Procedures

Adjust the hunting fees in regulation as allowed under Fish and Game Code. Existing regulations provide for the issuance of deer tags based on when the tag quota for the hunt or zone filled during the previous license year. This regulatory proposal would repeal the exceptions for C, D12 and D17 deer tags. This proposal would specify requirements for hunters who appeal for preference points.

Option 1 would allow any hunter who was awarded an elk, antelope or big horn sheep tag in the big game drawing to return the tag under specific conditions. Option 2 would allow any hunter who was awarded an elk, antelope or big horn sheep tag in the big game drawing to return the tag to the Department for any reason upon payment of a nonrefundable processing fee.

Additionally, this proposed regulatory action would allow the Department to conduct a random drawing for fund-raising big game license tags.

| 005- 2009 Summary of C, D12, and D17 Tag Quotas | | | | | |
|---|------|-----------|-----------------------|--|-----------------|
| Tag | Year | Tag Quota | Date Tag Quota Filled | Comments | Date of Drawing |
| C | 2005 | 9,025 | 7/6/2005 | Tag quota filled after the drawing | 6/17/2005 |
| | 2006 | 9,025 | 6/27/2006 | Tag quota filled after the drawing | 6/17/2006 |
| | 2007 | 8,575 | 6/20/2007 | Tag quota filled in third round of the drawing. 1,005 hunters drawn out of 3,390 3rd choice applicants | 6/20/2007 |
| | 2008 | 8,575 | 6/18/2008 | Tag quota filled in second round of the drawing. 3,504 hunters drawn out of 6,754 2nd choice applicants | 6/18/2008 |
| | 2009 | 8,150 | 6/16/2009 | Tag quota filled in second round of the drawing. 2,126 hunters drawn out of 6,052 2nd choice applicants. | 6/16/2009 |
| D12 | 2005 | 950 | 7/19/2005 | Tag quota filled after the drawing | 6/17/2005 |
| | 2006 | 950 | 7/10/2006 | Tag quota filled after the drawing | 6/17/2006 |
| | 2007 | 950 | 6/20/2007 | Tag quota filled in third round of the drawing. 24 hunters drawn out of 77 3rd choice applicants | 6/20/2007 |
| | 2008 | 950 | 6/12/2008 | Tag quota filled prior to the drawing | 6/18/2008 |
| | 2009 | 950 | 6/2/2009 | Tag quota filled prior to the drawing | 6/16/2009 |
| D17 | 2005 | 500 | 6/17/2005 | Tag quota filled in third round of the drawing. 36 hunters drawn out of 119 3rd choice applicants | 6/17/2005 |

| 005- 2009 Summary of C, D12, and D17 Tag Quotas | | | | | |
|---|------|-----------|-----------------------|---|-----------------|
| Tag | Year | Tag Quota | Date Tag Quota Filled | Comments | Date of Drawing |
| | 2006 | 500 | 6/17/2006 | Tag quota filled in second round of the drawing. 142 hunters drawn out of 184 2nd choice applicants | 6/17/2006 |
| | 2007 | 500 | 6/8/2007 | Tag quota filled prior to the drawing | 6/20/2007 |
| | 2008 | 500 | 5/20/2008 | Tag quota filled prior to the drawing | 6/18/2008 |
| | 2009 | 500 | 5/15/2009 | Tag quota filled prior to the drawing | 6/16/2009 |

Add Section 713 Re: Condemned Big-Game Carcasses

Existing regulations require big-game hunters to make all reasonable efforts to retrieve big-game animals and tag them immediately with the appropriate tag. Current regulations do not allow the Department to issue a duplicate tag if a harvested animal was sick, injured, or chemically immobilized rendering the carcass inedible or unfit for human consumption; once the animal is killed current regulations require the hunter to lawfully tag the animal and count as their bag limit for the hunt. This proposal establishes a regulatory procedure whereby a hunter in this situation can be issued a duplicate tag for the remainder of the season; be issued a tag for the subsequent season; have an additional point added to their original point total for that species to compete in the following big-game drawing; or request a refund and have their point total restored to the original amount.

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 Double Tree Hotel – Ontario Airport, Ontario, California, on Wednesday, March 3, 2010, 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 in The La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, at 8:30 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 6, 2010 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than April 8, 2010, at the meeting in Monterey. 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 and modifications indicated in double strikeout/underline, 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 Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445-3553, 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>.

Draft environmental documents, associated with the proposed regulatory actions for Bear and Elk Hunting, were made available for comment commencing January 27, 2010. Oral or written comments relevant to these documents will be received at the March 3, 2010, meeting in Ontario. Written comments on these documents may be submitted to the Commission office (address given herein) until 5:00 p.m., March 13, 2010. Draft environmental documents are available for review at the Commission office and at the Department of Fish and Game's, Wildlife Programs Branch office in Sacramento. Copies of the documents are also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Long Beach, Bishop, Eureka, Belmont, Monterey, Chino and San Diego. NO

WRITTEN COMMENTS ON DRAFT ENVIRONMENTAL DOCUMENTS WILL NOT BE ACCEPTED
AFTER 5:00 P.M. ON MARCH 13, 2010.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

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

The proposed actions 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.

Section 265

The proposed action eliminates undue restrictions on outdoor recreation by modifying dog control zone boundaries and removing restrictions pertaining to the use of tip switches and GPS technology on dog collars. Given the number of individuals who use or train dogs for hunting purposes will remain relatively static in California, this proposal is economically neutral to business.

Subsection 360(a)

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(b)

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(c)

The proposed action would modify season dates for two hunts, modify tag restrictions for one military hunt and adjust tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 361

The proposed action adjusts tag quotas for existing hunts and modifies the season closing date for one hunt. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 362

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 363

Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

Section 364

Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

Section 365

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 366

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 555

Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

Sections 702 and 708, and subsection 360(d)

The proposed action adjusts the issuance of deer tags. These proposals are economically neutral to business.

Section 713

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

For all Sections

- (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 net impacts are unknown at this time.

- (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. The proposed action will open up new marketing opportunities for the California's aquaculture and retail seafood industries which will offset the new permit fees and inspection costs.

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

The proposed regulation changes would provide a cost recovery mechanism to offset Department costs related to permitting restricted species and for escaped animals.

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

FISH AND GAME COMMISSION

Dated: February 9, 2010

John Carlson, Jr.
Executive Director

COMMISSIONERS
Jim Kellogg, President
Discovery Bay
Richard Rogers, Vice President
Carpinteria
Michael Sutton, Member
Monterey
Daniel W. Richards, Member
Upland
Don Benninghoven, Member
Santa Barbara

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STATE OF CALIFORNIA
Fish and Game Commission

February 19, 2010

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 7.50, Title 14, California Code of Regulations, relating to Central Valley sport fishing, which will be published in the California Regulatory Notice Register on February 19, 2010.

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

Mr. Neil Manji, 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.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

BOARD OF SUPERVISORS
2010 FEB 22 A 11:57

**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 Section 7.50, Title 14, California Code of Regulations, relating to Central Valley salmon sport fishing.

Informative Digest/Policy Statement Overview

The Pacific Fishery Management Council (PFMC) will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 11, 2010 meeting and develop the final PFMC regulatory recommendations to the National Marine Fisheries Service at their April 15, 2010 meeting. The PFMC coordinates Pacific coast management of the sport and commercial salmon fisheries of Washington, Oregon, California, and Idaho aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan.

Although there are no PFMC regulatory options to review at this time, there exists a strong possibility of closure of ocean waters off California. This closure will result in PFMC recommendations for sport salmon fishery closure in inland waters due to low 2009 Sacramento River Fall Chinook salmon returns to the Central Valley river system.

Further Commission actions affecting the Central Valley salmon sport fishery may be developed after the annual PFMC reports, *Review of 2009 Ocean Salmon Fisheries and Preseason Report / Stock Abundance Analysis for 2010 Ocean Salmon Fisheries*, are available in late February 2010.

Present Regulations

The current regulations allow for no salmon fishing for Chinook salmon in all anadromous Central Valley rivers and streams except for a one salmon bag limit in the Sacramento River from Red Bluff Diversion Dam to Knights Landing from November 16 through December 31.

Proposed Regulations

For public notice purposes and to facilitate Commission discussion, the Department is proposing the following three options for the 2010 regulations:

Option 1 - No change option, to keep present regulations in place

Option 2 - No salmon fishing in all anadromous Central Valley rivers and streams

This option proposes to close all anadromous areas of the Central Valley to salmon sport fishing with the following changes:

- 1) In subsection 7.50(b)(156)(J), replace the one salmon bag limit in Sacramento River from Red Bluff Diversion Dam to Knights Landing from November 1 through December 31 with language that states "Closed to salmon fishing" and "No take or possession of salmon".

This option would increase protection for all Central Valley Chinook stocks in all anadromous Central Valley rivers and streams.

Option 3 – Limited salmon fishing in the American or Feather rivers or the Sacramento River below Red Bluff Diversion Dam

This option depends on Chinook salmon being allocated for Central Valley river sport harvest from PFMC coordination of west coast salmon management. The scope of this option is intentionally broad to encapsulate all possibilities for the Commission final action on the PFMC 2010 recommendations for Central Valley salmon stocks in mid-April.

For the American and Feather rivers and the Sacramento River below the Red Bluff Diversion Dam, the proposed changes are bag limit ranges of 1 or 2 for Chinook salmon. Varied season dates for lower river reaches as shown below:

American River, subsection 7.50(b)(5)

- 1) Revise subsections (A) and (D) [from near Nimbus Dam to Hazel Avenue Bridge, and from the southwest boundary of Ancil Hoffman Park to the mouth]:
 - a. Reduce season length to January 1 through a date between July 15 and December 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the remainder of the year, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.
- 2) Revise subsection (B) [from Hazel Avenue Bridge to the USGS gauging station cable crossing near Nimbus Hatchery]:
 - a. Reduce season length to January 1 through a date between July 15 and September 14 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the period after a. above through September 14, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.
- 3) Revise subsection (C) [from the USGS gauging station cable crossing near Nimbus Hatchery to the southwest boundary of Ancil Hoffman Park]:
 - a. Reduce season length to January 1 through a date between July 15 and October 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the period after a. above through October 31, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.

Feather River, subsection 7.50(b)(68)

- 1) Revise subsection (C) [Highway 70 to the Sunset Pumps]:
 - a. Reduce season length to January 1 through a date between July 15 and September 30 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the period after a. above through September 30, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.
 - c. Add October 1 through December 31 as "Closed to salmon fishing" and "No take or possession of salmon", allowing existing trout and steelhead limits to reinstate pre-2008 protective closure for migrating Yuba River salmon.
- 2) Add subsection (D) [Sunset Pumps to the mouth]:
 - a. Add season length to January 1 through a date between July 15 and December 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the remainder of the year, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.

Sacramento River, subsection 7.50(b)(156)

- 1) In subsections (J) and (K) [from near the Lower Red Bluff Boat Ramp to Knights Landing and

from Knights Landing to the Carquinez Bridge]:

- a. Reduce season length to January 1 through a date between July 15 and December 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
- b. For the remainder of the year, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.

This option will increase protection for Central Valley Chinook in all anadromous Central Valley rivers and streams while providing flexibility to develop a possible season, if salmon are available for inland sport harvest.

Additional minor changes to the regulations are proposed to improve clarity, reduce public confusion, and simplify Title 14 structure.

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 Doubletree Ballroom, Doubletree Hotel-Ontario Airport, 222 North Vineyard Ave., Ontario, California, on Wednesday, March 3, 2010 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 La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, 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 in the Fish and Game Commission Conference Room, State of California Resources Building, 1416 Ninth Street, Room 1320, Sacramento, California, on Wednesday, April 21, 2010, at 8:30 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 16, 2010 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 April 20, 2010. All comments must be received no later than April 21, 2010 at the hearing in Sacramento, 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, 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 Fonbuena at the preceding address or phone number. **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.** 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, 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 or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John Carlson, Jr.
Executive Director

Dated: February 9, 2010

COMMISSIONERS
Jim Kellogg, President
Discovery Bay
Richard Rogers, Vice President
Carpinteria
Michael Sutton, Member
Monterey
Daniel W. Richards, Member
Upland
Don Benninghoven, Member
Santa Barbara

Correspondence No. 1
ARNOLD SCHWARZENEGGER

Page 24 of 36



JOHN CARLSON, JR.
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(916) 653-4899
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fgc@fgc.ca.gov

STATE OF CALIFORNIA
Fish and Game Commission

February 19, 2010

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which will be published in the California Regulatory Notice Register on February 19, 2010.

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

Ms. Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, (805) 568-1246 has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

BOARD OF SUPERVISORS
2010 FEB 22 A 11:57

**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, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations, relating to ocean 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 Washington, Oregon and California. These recommendations are subsequently implemented as ocean fishing regulations by the National Marine Fisheries Service.

California's sport fishing regulations will need to conform to the new Federal regulations to achieve optimum yield in California under the FMP. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport fishery in State waters (zero to three miles offshore) which are consistent with Federal fishery management goals and are effective at the same time.

PFMC Regulatory Outlook

On March 11, 2010, the PFMC will develop the ocean salmon fisheries regulatory options for public review and the final PFMC regulation recommendations will be made on April 14, 2010. The various ocean salmon sport fishery alternatives that the PFMC will examine in the process of adopting options may include:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;
5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

Commission Regulatory Outlook

Although there are no PFMC regulatory options to review at this time, the PFMC March options will serve as the basis for the Commission's 2010 regulatory action affecting the State's ocean

salmon sport fishery. There exists a possibility of continued ocean water closures off California due to low Sacramento River fall Chinook salmon returns to the Central Valley river system in 2009.

Further Commission actions affecting the ocean salmon sport fishery may be developed after the annual PFMC reports, *Review of 2009 Ocean Salmon Fisheries* and *Preseason Report I Stock Abundance Analysis for 2010 Ocean Salmon Fisheries*, are available in late February 2010.

Present Regulations

Current regulations have a short salmon fishing season north of Horse Mountain including Humboldt Bay from August 29 through September 7, 2009. All areas south of Horse Mountain were closed in 2009, but include a note that in 2010, the season in these areas will open on April 3.

Proposed Regulations

For public notice purposes to facilitate Commission discussion, the Department of Fish and Game (Department) is proposing two regulatory options:

- 1) No fishing in all areas, and
- 2) Limited salmon fishing, if salmon allocations are made available

The proposed changes from current regulations are shown below:

Option 1 - No fishing in all areas

The date ranges in the following areas are proposed to encapsulate all possibilities of the Commission final action on the PFMC 2010 recommendations in mid-April. This approach will allow final State ocean salmon regulations to be effective at the same time as salmon regulations in federal ocean waters.

- (1) For the area north of Horse Mountain, the following language is proposed to replace the existing regulations:
 - a. All waters of the ocean north of Horse Mountain and in Humboldt Bay are closed to salmon fishing.
 - b. (Note: In 2011, the season will open on a date within the range of May 21 – September 30.)
- (2) For the area between Horse Mountain and Point Arena, the following language is proposed to replace the existing note in the regulations:
 - a. (Note: In 2011, the season will open on a date within the range of February 12 - April 30)
- (3) For all areas south of Point Arena, the following language is proposed to replace the existing note in the regulations:
 - a. (Note: In 2011, the season will open on a date within the range of April 2 - April 30).

Option 2 - Limited salmon fishing, if salmon allocations are made available

The date ranges in the following areas are proposed to encapsulate all possibilities of the Commission final action on the PFMC 2010 recommendations in mid-April. This approach will allow final State ocean salmon regulations to be effective at the same time as salmon regulations in federal ocean waters.

- (1) For all waters of the ocean north of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 15 - September 30. The exact opening and closing dates, and the length of the season will be determined in April by the PFMC. In 2011, the season will open on a date within the range of May 21 - September 30.
- (2) For the area between Horse Mountain and Point Arena: The season, if any, may occur within the range of April 3 - November 14. The exact opening and closing dates, and the length of the season will be determined in April by the PFMC. In 2011, the season will open on a date within the range of February 12 - April 30.
- (3) For the area between Point Arena and Pigeon Point: The season, if any, may occur within the range of April 3 - November 14. The exact opening and closing dates, and the length of the season will be determined in April by the PFMC. In 2011, the season will open on a date within the range of April 2 - April 30.
- (4) For the areas between Pigeon Point and Point Sur: The season, if any, may occur within the range of April 3 - October 3. The exact opening and closing dates, and the length of the season will be determined in April by the PFMC. In 2011, the season will open on a date within the range of April 2 - April 30.
- (5) For the areas south of Point Sur: The season, if any, may occur within the range of April 3 - October 3. The exact opening and closing dates, and the length of the season will be determined in April by the PFMC. In 2011, the season will open on a date within the range of April 2 - April 30.

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 Doubletree Ballroom, Doubletree Hotel-Ontario Airport, 222 North Vineyard Ave., Ontario, California, on Wednesday, March 3, 2010 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 La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, 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 in the Fish and Game Commission Conference Room, State of California Resources Building, 1416 Ninth Street, Room 1320, Sacramento, California, on Wednesday, April 21, 2010, at 8:30 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 16, 2010 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 April 20, 2010. All comments must be received no later than April 21, 2010 at the hearing in Sacramento, 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, 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 Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, phone (805) 568-1246, 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, 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 or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated February 9, 2010

John Carlson, Jr.
Executive Director

COMMISSIONERS
Jim Kellogg, President
Discovery Bay
Richard Rogers, Vice President
Carpinteria
Michael Sutton, Member
Monterey
Daniel W. Richards, Member
Upland
Don Benninghoven, Member
Santa Barbara

Correspondence No. 1
ARNOLD SCHWARZENEGGER



Page 30 of 36

JOHN CARLSON, JR.
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(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA
Fish and Game Commission

February 19, 2010

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath Trinity River sport fishing, which will be published in the California Regulatory Notice Register on February 19, 2010.

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

Mr. Mark Stopher, Acting Regional Manager, Northern Region, Department of Fish and Game, phone (530) 225-2275, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

BOARD OF SUPERVISORS
2010 FEB 22 11:57

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 Section 7.50, Title 14, California Code of Regulations, relating to Klamath-Trinity rivers sport fishing.

Informative Digest/Policy Statement Overview

The Klamath River System, which consists of the Klamath River and Trinity River basins, is managed through a cooperative system of State, Federal, and Tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean recreational, ocean commercial, river recreational and Tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational (inside three miles) and the Klamath River System recreational fisheries which are consistent with federal fishery management goals.

Two Tribal entities within the Klamath River System, the Hoopa Valley Tribe and the Yurok Tribe, maintain fishing rights for ceremonial, subsistence and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations are promulgated by the Hoopa and Yurok Tribes.

Klamath River Fall-Run Chinook

Klamath River fall-run Chinook salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between Tribal and non-Tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2010 KRFC in-river recreational fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath basin and equitably distribute harvest while operating within annual allocations.

Klamath River Spring-Run Chinook

The Klamath River System also supports Klamath River spring-run Chinook salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases. In addition to natural stocks, the California Department of Fish and Game's (Department) Trinity River Hatchery facility produces 1.4 million KRSC salmon annually as mitigation for habitat lost above the Trinity Dam.

KRFC Allocation Management

The 2009 allocation for the Klamath River System recreational harvest was 30,800 adult KRFC. Preseason stock projections of 2010 adult KRFC abundance will not be available from the PFMC until March 2010. The 2010 basin allocation will be recommended by the PFMC in April 2010 and presented to the Commission for adoption prior to its April 21, 2010 teleconference call.

For public notice requirements, the Department recommends the Commission consider an allocation range of 0 – 40,000 adult KRFC in the Klamath River basin for the river recreational fishery. This recommended range encompasses the historical range of the Klamath River basin allocations and allows the PFMC and Commission to make adjustments during the 2010 regulatory cycle.

The Commission may modify the KRFC in-river recreational salmon harvest allocation which is normally 15% of the non-Tribal PFMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan otherwise harvest opportunities may be reduced in the California ocean fisheries.

The annual KRFC in-river harvest allocation is split into 4 geographic areas with sub-quotas assigned to each. They are as follows;

1. For the main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec 17% of the recreational fishery allocation,
2. for the main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth 50% of the recreational fishery allocation,
3. for the Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat 16.5% of the recreational fishery allocation, and
4. for the Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River 16.5% of the recreational fishery allocation.

The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth), closes to all fishing after 15% of the lower Klamath River sub-quota (area number 2 above) has been taken downstream of the Highway 101 bridge. This provision only applies if the Department projects that the total Klamath River System recreational fishery allocation will be met. This closure is intended to prevent excessive take near the mouth where fish are concentrated and will help to provide an equitable distribution of KRFC harvest in the upper river.

These geographic areas are based upon historical angler effort distribution and ensure equitable harvest of adult KRFC in the upper Klamath River and Trinity River. The sub-quota system requires the Department to monitor angler harvest of adult KRFC in each geographic area. All areas will be monitored on a real time basis except for the following:

Klamath River upstream of Weitchpec and the Trinity River: Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct harvest monitoring in the Klamath River upstream of Weitchpec and in the Trinity River for the 2010 season. The Department has reviewed salmon harvest and run-timing data for these areas. Based on this review, the Department has developed a Harvest Predictor Model (HPM) which incorporates historic creel survey data from the Klamath River downstream of Iron Gate Dam to the confluence with the Pacific Ocean and the Trinity River downstream of Lewiston Dam to the confluence with the Klamath River. The HPM is driven by the positive relationship between

KRFC harvested in the Klamath River and Trinity River. The HPM will be used by the Department to implement fishing closures to ensure that anglers do not exceed established sub-quota targets.

Current Recreational Fishery Management

The KRFC in-river recreational harvest allocation is divided into geographic areas and harvest is monitored under real time sub-quota management.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in-river recreational fishery is managed by general basin seasons, daily bag and possession limit regulations. KRSC harvest will be monitored on the lower Klamath River in 2010 and ensuing years by a creel survey.

The Department presently differentiates the two stocks by following dates:

Klamath River

- 1 January 1 through August 14 - General Season KRSC. Text is proposed to be added to subsection (91.1)(C)2. to clarify that the Chinook salmon possession limits apply to that section of the Klamath River downstream of the Highway 96 bridge at Weitchpec.
- 2 August 15 to December 31 - KRFC quota management.

Trinity River

- 1 January 1 through August 31 – General Season KRSC. Text is proposed to be added to subsection (91.1)(C)2. to clarify that the Chinook salmon possession limits apply to that section of the Trinity River downstream of the Old Lewiston Bridge to the confluence with the South Fork Trinity River.
- 2 September 1 through December 31 – KRFC quota management.

The daily bag and possession limits apply to both stocks within the same sub-area and time period

Proposed Changes

The Department is proposing the following changes to current regulations:

KRFC Season, Bag Limit, and Possession Limit

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2010 basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the sub quota has been met.

No changes are proposed for the general (KRSC) opening and closing season dates.

The proposed open seasons and range of bag limits for KRFC salmon stocks are as follows:

1. Klamath River - August 15 to December 31
2. Trinity River - September 1 to December 31
3. Bag Limit - [0-4] Chinook salmon - only [0-3] fish over 22 inches total length until sub quota is met, then 0 fish over 22 inches total length.

The possession limit is proposed as a range of [0-9] Chinook salmon of which [0-6] over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

Expansion of waters open to angling on the South Fork Trinity River

The Department proposes to open that section of the main stem South Fork Trinity River from downstream of the confluence of the East Fork of the South Fork Trinity River to the Hyampom bridge to angling from November 1 through March 31 annually. In the past the Hyampom bridge was the upstream limit for recreational angling in the basin. This action would provide angling opportunity to approximately 30 miles of the main stem South Fork Trinity River while providing regulatory consistency in current fishery management of the basin.

The proposed fishery is intended to target fall-run and winter-run steelhead utilizing barbless artificial lures with a proposed bag and possession limit of 0 for all species. The timing and duration of this fishery are designed to prevent any adverse impacts on sensitive species that inhabit the basin including; fall-run Chinook salmon, spring-run Chinook salmon and summer steelhead. The fishery would open after all Chinook salmon and summer steelhead have completed their spawning cycle and close before adult spring-run Chinook salmon and summer steelhead enter the system the following season.

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 Doubletree Ballroom, Doubletree Hotel-Ontario Airport, 222 North Vineyard Ave., Ontario, California, on Wednesday, March 3, 2010 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 La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, 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 in the Fish and Game Commission Conference Room, State of California Resources Building, 1416 Ninth Street, Room 1320, Sacramento, California, on Wednesday, April 21, 2010, at 8:30 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 16, 2010 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 April 20, 2010. All comments must be received no later than April 21, 2010 at the hearing in Sacramento, 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, 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 Fonbuena at the preceding address or phone number. **Mr. Mark Stopher, Acting Regional Manager, Northern Region, Department of Fish and Game, phone (530) 225-2275, 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 regulations are projected have an unknown impact on the net revenues to businesses servicing sport fishermen. This is not likely to affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. 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, 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 or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: February 9, 2010

John Carlson, Jr.
Executive Director