



Tracking Number: (Click here to enter text.)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Coalition for a Sustainable Delta, California Chamber of Commerce, California Farm Bureau Federation, Kern County Water Agency, Metropolitan Water District of Southern California, Northern California Water Association, San Joaquin Tributaries Authority, Southern California Water Committee, State Water Contractors, Western Growers
Address: c/o Paul Weiland Nossaman LLP, 18101 Von Karman Ave., Suite 1800, Irvine, CA, 92612
Telephone number: (949) 833-7800
Email address: pweiland@nossaman.com

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish and Game Code sections 200, 202, 205, and 220.

3. Overview (Required) - Summarize the proposed changes to regulations: The proposed changes would increase the size and bag limits for black bass and striped bass in the Sacramento-San Joaquin Delta and rivers tributary to the Delta. In section 5.00(a)(1), with respect to black bass, the size limit would be decreased from 12 inches to 8 inches and the daily bag limit would be increased from 5 fish to 10 fish. In section 5.75, with respect to striped bass, the bag limit in subsection (b) would be increased from 2 fish to 6 fish and the size limit in subsection (c) would be decreased from 18 inches to 12 inches.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: The purpose of the proposed changes is to reduce predation by non-native black bass and striped bass on fish that are native to the Sacramento-San Joaquin Delta and listed as threatened or endangered under the federal or California Endangered Species Act. The fact that predation is a major source of mortality of listed fish including Central Valley spring-run Chinook salmon, Central Valley steelhead, Delta smelt, and Sacramento River winter-run Chinook salmon is well documented. For example, in a 2011 report to this Commission, the then Department of Fish and Game concluded "studies of striped bass feeding habits indicate they consume an enormous volume of fish, overlap in their geographic range with the listed species, and have historically consumed listed species, at times in very substantial quantities." [5]



More recently, in its 2014 Recovery Plan for Central Valley Salmonids, the National Marine Fisheries Service ranked predation in the highest stressor category in its threat assessments for Central Valley spring-run Chinook salmon, Central Valley steelhead, and Sacramento River winter-run Chinook salmon. [7]

These reports from the state and federal agencies entrusted to manage fish populations within California are reinforced by outside experts. For example, in a 2008 report on the Central Valley Project Improvement Act fisheries program, a blue-ribbon panel of scientists characterized predation as a “key limiting factor” on Central Valley salmonids and concluded that predation reduction efforts are among those actions that have the “greatest ability to improve anadromous fish populations in the near term.” [3] Furthermore, the populations of a number of these fish are at or near historic lows. For example, the four major indices of Delta smelt abundance – the spring Kodiak trawl, the 20mm survey, the summer townet survey, and fall midwater trawl – all indicate the species is at the lowest point on record. The population of winter-run Chinook salmon is also severely depressed, which led this Commission at its February 2016 meeting at the urging of the Department of Fish and Wildlife to close a reach of the Sacramento River downstream of Keswick dam to recreational fishing.

There is ample precedent for regulatory action to address impacts of predators on native fish. For example, in the Columbia River system, resource managers have taken steps to control predation by birds, marine mammals, and fish on salmonids. [1] There, the effort to address northern pikeminnow predation on young salmon was initiated in 1990 and is credited with reducing predation on outmigrants by more than 35 percent. [1] Washington also has removed size and bag limits on warm-water fishes above the McNary Dam on the Columbia River to reduce predation on native fish. [12] Utah has mandated that on Green River tributaries anglers harvest four nonnative predators – burbot, northern Pike, smallmouth bass, and walleye – in order to protect native species including the endangered Bonytail chub, Colorado pikeminnow, razorback sucker and humpback chub. [11] Similarly, in its 2016 sport fishing regulations, Oregon removed bag limits for warm-water fish in the Columbia River and for smallmouth bass in the John Day and Umpqua Rivers to reduce predation on salmonids. [8,9]

The regulatory change sought will advance the co-equal goals (Cal. Water Code, § 85054) of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem, because the change will reduce the adverse effects of predation by non-native fish on fish species that are native to the Delta ecosystem and in danger of extinction or likely to become in danger of extinction in the foreseeable future. By contributing to the conservation of native species, the regulatory change will allow for more water management flexibility and reduce the need to address this significant stressor on native species through other actions, including imposition of limits on water supplies. This regulatory change will also help realize the full benefits of various upstream actions that have and will continue to be taken to help recover native salmon and steelhead species.

We encourage the Commission to work in cooperation with the Department to implement this regulatory change in a manner that allows for adaptation in response to information regarding the effects of the change on both predator and prey populations. This can occur consistent with the Commission’s past practices, which provide for annual review of and adjustment to sport fishing regulations and, in unusual circumstances, in-season changes to such regulations where warranted. An adaptive approach to implementation of regulatory changes is based on the acknowledgement that any regulatory rule-set implemented in a complex ecosystem may have unanticipated effects. While active adaptive management is not feasible in this circumstance, data collection, analysis, and learning is both feasible and necessary in order to achieve sensible resource management.



SECTION II: Optional Information

5. **Date of Petition:** [Click here to enter text.](#)
6. **Category of Proposed Change**
- Sport Fishing
 - Commercial Fishing
 - Hunting
 - Other, please specify: [Click here to enter text.](#)
7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>*)
- Amend Title 14 Section(s):5.0, 5.75
 - Add New Title 14 Section(s): [Click here to enter text.](#)
 - Repeal Title 14 Section(s): [Click here to enter text.](#)
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)
Or Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: Immediately upon approval by the Commission consistent with legal requirements.
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents:
1. Bonneville Power Administration, Predator Control Helps Salmon (available at <http://www.salmonrecovery.gov/Files/Fact%20sheets/Predator%20control%20-%20Sept%202010.pdf>).
 2. California Department of Fish and Wildlife, Delta Science Program, National Marine Fisheries Service, Annotated Bibliography, Predation Workshop July 22-23, 2013.
 3. Cummins, Ken et al., Listen to the River: An Independent Review of the CVPIA Fisheries Program, December 2008.
 4. Department of Fish and Game, Striped Bass Sport Fishing Regulation Amendment Proposal, dated Dec. 5, 2011.
 5. Department of Fish and Game, Report and Recommendation to the Fish and Game Commission in Support of a Proposal to Revise Sportfishing Regulations for Striped Bass, dated Dec. 2011.
 6. Grossman, Gary et al., Effects of Fish Predation on Salmonids in the Sacramento River – San Joaquin Delta and Associated Ecosystems, dated Sept. 25, 2013.
 7. National Marine Fisheries Service, Recovery Plan for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley steelhead, dated July 2014.
 8. Oregon Fish and Game Commission, Oregon Sport Fishing Regulations 2016 (<http://www.eregulations.com/oregon/fishing/pageFlip/>).
 9. Oregon Fish and Game Commission, September 3-4, 2015 Commission Agenda, Exhibit B, Attachment 1 (available at http://www.dfw.state.or.us/agency/commission/minutes/15/09_september/Exhibit_B_Attachment_1_Ag



enda_Item_Summary.pdf).

10. U.S. House of Representatives, Committee on Natural Resources, Subcommittee on Water, Power, and Oceans, Hearing Memo re Oversight Hearing on “The Costly Impacts of Predation and Conflicting Federal Statutes on Native and Endangered Fish Species,” dated Feb. 8, 2016.

11. Utah Fishing Guidebook 2015 (available at http://wildlife.utah.gov/guidebooks/2015_pdfs/2015_fishing_low.pdf).

12. Washington Sport Fishing Rules 2015-16 (available at <http://wdfw.wa.gov/publications/01726/wdfw01726.pdf>).

11. Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: The proposed change in regulation is likely to have positive short-term impacts on a very narrow segment of the State’s economy by contributing to an increase in sport fishing, which may be expected to increase license revenue to the Department of Fish and Wildlife as well as the revenues of certain businesses that support recreational fishing. In addition, the proposed change in regulation is likely to have on-going and increasing positive impacts on a broad base of the State’s economy by contributing to the conservation of populations of multiple native fish species, which will both allow regulators to reduce limits on commercial harvest of Chinook salmon (benefitting the industry that relies on such harvest) and also lead to increased operational flexibility of the Central Valley Project and State Water Project that provide water for tens of millions of agricultural, industrial, and municipal water users across the State, fueling the economy.

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

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- Denied by FGC
- Denied - same as petition _____
- Granted for consideration of regulation change

Tracking Number