

## STAFF SUMMARY FOR DECEMBER 12-13, 2018

**34. WILDLIFE AND INLAND FISHERIES PETITIONS FOR REGULATION CHANGE****Today's Item**Information Action 

This is a standing agenda item for FGC to act on regulation petitions from the public that are non-marine in nature. For this meeting:

- (A) Action on the petition for regulation change received at the Oct 2018 meeting.
- (B) Update on pending regulation petitions referred to staff or DFW for review (none scheduled)

**Summary of Previous/Future Actions**

- (A)
  - Receipt of new petitions Oct 17, 2018; Fresno
  - **Today's action on petitions Dec 12-13, 2018; Oceanside**
- (B)
  - N/A

**Background**

Pursuant to Section 662, Title 14, any request for FGC to adopt, amend, or repeal a regulation must be submitted on form FGC 1, "Petition to the California Fish and Game Commission for Regulation Change." Petitions received at an FGC meeting are scheduled for consideration at the next business meeting, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b).

A petition scheduled for consideration today under (A) was received at the Oct 2018 meeting; it was submitted by the comment deadline and published in the meeting binder.

- (A) ***Petition for regulation change***
  - I. *Petition #2018-14 (Boat limits for finfish):* Allow anglers to continue fishing until boat limits are reached while fishing for finfish in inland waters (Exhibit 1).
- (B) ***Pending regulation petitions***
  - I. No pending wildlife and inland fisheries regulation petitions are scheduled for action at this meeting.

**Significant Public Comments (N/A)****Recommendation**

- (A) ***FGC staff:*** Refer Petition #2018-14 to DFW for review and recommendation.
- (B) N/A

**Exhibits**

- A1. Petition #2018-14: boat limits for finfish, received Oct 4, 2018

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**Motion/Direction**

- (A) Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission adopts the staff recommendation to refer Petition #2018-14 to the California Department of Fish and Wildlife for review and recommendation.



Tracking Number: 2018-014

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: Northern California Guides and Sportsmen's Association, James Stone, President

Address:

Telephone number:

Email address: jstone@ncgasa.org

**2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Authority Cited: Sections 200, ~~202~~265, and 7071 and ~~8587.1~~, Fish and Game Code. Reference: Sections ~~205, 210~~255, 7071 and 7120, Fish and Game Code.**

**3. Overview (Required) - Summarize the proposed changes to regulations: The Northern California Guides and Sportsmen's Association (NCGASA) is asking for an amendment to 27.60(c) relative to boat limits. 27.60 (c) currently allows, when two or more persons that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, defined in Section 27.00, are angling for finfish aboard a vessel in these waters, fishing by all authorized persons aboard may continue until boat limits of finfish are taken and possessed aboard the vessel as authorized under this section or Section 195, Title 14, CCR. The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California's Sacramento Valley and Delta, creating a parity issue between bay and ocean fishing parties, and those who choose to fish inland, in the Delta, or other locations.**

**4. Rationale (Required) - Describe the problem and the reason for the proposed change: There is a parity issue between guided fishing trips in the bay and the ocean and those occurring inland (Delta and Sacramento Valley) when it comes to boat limits with two or more anglers on board. In the bay and ocean, ALL anglers may continue to fish, with their rods in the water, until boat limits of finfish are taken aboard. On guided trips inland, in the Delta and Sacramento Valley, once an angler has taken his/her limit of fish, that angler must REMOVE their rod from the river and sit in the boat until the other anglers have caught their limit. This can result in some anglers sitting idly in guides boats for hours on**



end, reducing enthusiasm and willingness to participate in such activities in the future. NGCASA believes that our clients, who are abiding by all the same rules and regulations, and subject to the annual bag limits imposed by the Commission, should qualify for the same boat limits flexibility as bay and ocean fishing trips, allowing all anglers to continue pursuit until boat limits of finfish are taken. This issue was exacerbated in 2018 when the inland fishery bag limit for fall run salmon was reduced to 1 per person. This change, prompted by significant declines of returning adults, has led to a reduced interest in booking inland river guided trips. We are further exacerbating the situation by imposing the “you can only fish for your own fish” standard when the same does not apply to bay and ocean fishing. Many of our clients, who also fish those waters, are not familiar with the restriction, and don’t find out about it until they are sitting in our boats and we have to take their rods and tell them they are done for the day. Several have told us point blank that with a 1 per person limit, coupled with this restriction, that they would rather take their money and business to guided trips on the bay and ocean (please see the economic section below for further justification of this exact problem). Establishing boat limit parity for inland fisheries would create a more enjoyable experience for all parties involved, the anglers, sportsmen and women, fishing guides, and the communities that benefit from fishing tourism. It would also provide incentive for anglers to book fishing trips in the Sacramento Valley, especially with the restrictions of the 1 fish bag limit. (As an illustrative example, this regulation change would allow a father to hook a fish for his daughter, and hand it off to her to achieve her limit, while educating and teaching her the values of conservation and the pursuit of angling harvest).

## **SECTION II: Optional Information**

**5. Date of Petition: 10/3/18**

**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):27.60 (c)
- 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: [Effective for the start of the 2019 recreational fishing season.](#)

**10. Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [None](#)



**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 following is an economic analysis on the impacts of a declining fishery on professional guides and the communities in which they do their business. NOTE: These numbers are just for the FALL RUN salmon season. It does not include stripers, late fall run, shad, sturgeon, steelhead, and rainbow trout. At the peak of the fishery in the early 2000's, it is estimated that guiding and associated industries brought in roughly \$55M for the counties of Sacramento, Shasta, Butte, Sutter, Yuba, Tehama, Glenn, and Colusa. Roughly \$30M of that was direct revenue for guide services. As the health of the fishery has declined, so have the economics of the industry. By 2017 the industry had collapsed to a fraction of its former self, roughly \$14.5M in total and \$10.5M in direct guide revenue. How do we calculate these numbers? For direct guide revenue: There are currently 100 full time guides that guide 350 clients per year. There are 350 part time guides who guide 50 clients per year. This is a total of 52,500 clients. The average charge, per person, in 2017 was \$200/head. This is \$10.5M in revenue. For community revenue: Roughly 65% of clientele come from out of the area. At two beds per room per night (conservative assuming people share rooms), that's 34,125 clients in 17,062 hotel room nights. At \$100 per night, that's \$1.7M. For just those from out of town, calculate lunch and dinner at \$20 per meal for a total \$1,365M. Add breakfast at \$10 for a total of \$341,250. Assume 3 people travel per car and need one tank of gas, so that's 34,125 / 3 per car = 11,375 cars x \$60 fill up for a total of \$682,500 for fuel. That is the additional \$4M in community benefit. None of this accounts for revenue from fishing licenses to CDFW (either 1 day, 2 day, or annual licenses), bait, tackle, gear, tips, alcohol, additional entertainment (movies, shopping, etc). It also doesn't include guides expenditures in the community: buying fuel, gear, boat repairs, etc. Given how shocking the economic decline is between 2000 and 2017, it's even worse in 2018 with the newly imposed 1 fish bag limit. In 2018, everyone has dropped rates \$25 to \$50 to encourage bookings. Full timers did not drop prices as much, part-timers did more, but everyone is taking a haircut. In addition, bookings with guides, based on conservative estimates, are off at least 50%. Out of town visitors are simply not coming, considering 1 fish limit not worth the time and expense to book a fishing trip. Calculating the 2018 economic impact: Use an average rate of \$175 (\$200/head minus \$25 reduction) 100 full time and 350 part time guides, with a 50% decrease in bookings, direct guide revenue alone is down to \$4,593,750. Cut in half the number of hotel rooms, meals, gas and other incidentals and you start to see the impacts on the broader community. The total economic benefit estimate for 2018 is \$7,294,375, a 86% reduction from the early 2000's. Guides are losing homes, leaving their families behind (if they can) and guiding and fishing in OR, WA, AK, and ID to make money (roughly 15% of the guiding community have left). This data is compiled from NCGASA members (500+ guides) and their clients. Information was collected via direct guide surveys over phone, email, and Facebook polls.

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

None

**SECTION 3: FGC Staff Only**

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

RECEIVED  
CALIFORNIA  
FISH AND GAME  
COMMISSION

FGC staff action:

2018 OCT -4 AM 9:00

- Accept - complete
- Reject - incomplete



State of California – Fish and Game Commission

**PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE**

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Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: October 17, 2018

Meeting date for FGC consideration: December 12-13, 2018

FGC action:

Denied by FGC

Denied - same as petition \_\_\_\_\_

Tracking Number

Granted for consideration of regulation change