CALIFORNIA TROUT

FISH · WATER · PEOPLE

22 April 2019

Dear Roger Bloom and Brett Anderson:

Thank you for the opportunity to comment on the proposed changes to the inland trout angling regulations in California. We are supportive of the intent to simplify and streamline trout fishing regulations and the general "menu" approach you have identified to pursue these changes. We believe that season, gear, bag and possession, and other restrictions can be effective management tools to achieve conservation and management goals. However, we are concerned that the proposed regulation changes are likely to have negative impacts on native inland trout populations and self-sustaining wild fisheries in the name of regulation simplification, and that many of the proposed changes lack adequate science or monitoring justification. We submit these comments to ensure that the important strides that have been made in California to protect wild, self-sustaining trout fisheries over decades are not undermined in this regulation simplification effort without adequate information or clear objectives that could lead to unintended negative impacts.

Background

California Trout since its inception has been the champion for protecting native and wild trout in California and promoting the use of catch and release to ensure future generations' opportunity to pursue these fishes. Our organization represents thousands of members statewide who pursue California's trout species mostly, but not exclusively, via catch-and-release angling with fly gear to ensure future generations can experience the same or better fishing prospects than the ones we now enjoy. California Trout remains committed to balancing the needs of wild fish and people and finding solutions to management challenges that adequately protect sensitive and native species, support recreational angling opportunities for trout, and allow for some sustainable harvest of trout in areas that can sustain it.

Guiding Principles

Fishing regulations can be an effective tool to achieve different management objectives, depending upon the nature of the species and fishery. However, clear management objectives for different fisheries should be communicated, and adequate investments in monitoring and enforcement made, to help inform selection of effective regulations:

> *"It is critical fisheries managers evaluate, adopt, and monitor special regulations with specific strategies and objectives. This approach will allow for assessment of regulations and associated responses within a fishery. Adopting special regulations without specific justification, realistic goals, and measurable objectives can lead to conflicts and poor results."* Bloom 2013, pg. 494.[1]

[1] Bloom, R. 2013. Capture Efficiency of Barbed versus Barbless Artificial Flies for Trout. North American Journal of Fisheries Management. 33(3): 493-498.

We would like to better understand the overarching objectives for different types of fisheries that are driving the regulation simplification process so that any changes can be set up explicitly to achieve those goals. We offer comments and regulation amendment recommendations in an attempt to balance the competing management objectives of preservation of sensitive species, opportunities for increasing angler participation and license sales, allowing for some trout harvest, affording high Catch Per Unit Effort, and providing opportunities to catch trophy trout. We agree in principle with the intent to simplify regulations to the extent practicable and would advocate for consistent trout fishing regulations in watersheds that support multiple age classes and expression of diverse life histories. Given the lack of adequate monitoring and enforcement currently in place to monitor existing impacts of regulations on trout population status, we recommend exercising precaution in setting the Statewide Regulation and Exceptions to ensure native and wild trout populations are adequately protected from negative impacts and trophy fish are protected as valuable spawning broodstock that also provide a way to increase angler license sales, associated fishing expenditures such as guides and lodges, and angler satisfaction.

Given the significant scientific and management uncertainty that exists under currently in California, any regulation changes should be amended only where negative impacts to existing fisheries can be avoided or reduced. The most recent statewide assessment of salmonid status found that most of California's inland trout species are at critical or high risk of extirpation in California in the next century if current trends persist (www.caltrout.org/sos/), and so regulations for targeting these species should be used to reduce mortality to the extent possible.

General Statewide Regulation

With these general guidelines in mind, we suggest that the Statewide Regulation for inland trout be amended from the current proposal to limit harvest to:

- 2 fish per day with a 4 fish bag limit, with a slot limit imposed to protect the smallest and largest fish in the fishery, and single barbless flies or lures only. We suggest adding a scientifically-based slot limit to the General Statewide Regulation that protects large spawning fish as well as young age classes. Some Western States utilize slot limits or minimum/maximum size limits for trout fishing to achieve various objectives (Oregon, Idaho, Utah), and we believe this tool could be used to effectively balance offering trophy trout fishing opportunities to anglers with biological needs of the fishery and economics. Recent peer reviewed research on slot limits governing trout fishing backs up this thinking:

> *"Harvest slots and minimum-length limits were both effective at compromising between yield, numbers harvested and catch of trophy fish while conserving reproductive biomass. However, harvest slots consistently produced greater numbers of fish harvested and greater catches of trophy fish while conserving reproductive biomass and a more natural population age-structure. Additionally, harvest slots resulted in less waste in the presence of hooking mortality. Our results held across a range of exploitation rates, life-history strategies and fisheries objectives."* Gwinn, D. et al. 2013.[2]

[2] *Gwinn, D., Allen, M., Johnston, F., Brown, P., Todd, C. and Arlinghaus, R. 2015. Rethinking length-based fisheries regulations: the value of protecting old and large fish with harvest slots. Fish and Fisheries, (16)2: 259-281.*

> *"Fishing scenarios under a harvest slot limits regulation (HS) were best at maintaining a high status of old, large, fecund fish and a more natural age-structure with higher biomass and reproductive potential, performing increasingly better than minimum-length limit (MLL) regulations with decreasing hooking mortality."* Ayllon, D. et al. 2019.[3]

- The trout season length should only be changed with sound scientific underpinning, such as a desire to protect spring-spawning fish. Many lodges, fishing guides, local tackle and fly shops, hotels, and other related businesses, especially in rural areas, rely on a reliable number of available fishing days for trout to operate, and changing dates could have unnecessary and outsize negative impacts on such segments of the economy. In the absence of scientific information to reduce trout fishing seasons in length or shifting their timing, we recommend no changes to the existing trout fishing season length take place.

Exceptions to General Statewide Regulation

For the exceptions to this Statewide Regulation, we offer two management options on either end of a spectrum to achieve different management goals: taking fish by any means for harvest where it is feasible and the fishery can sustain such pressure, and forbidding take and restricting gear to limit mortality where it is not.

We recommend allowing an exception on one end of the spectrum to increase harvest:

- allowing harvest of 5 fish per day with a 10-fish bag limit, without gear restrictions, and extended fishing seasons in select cases where there is heavy stocking or where data is available that suggests a fishery could sustain such pressure. Such generous regulation Exceptions could be used to encourage angler participation, foster license sales, and harvest in some locations by increasing the Catch Per Unit Effort and boost angler satisfaction.

At the opposite end of the spectrum, we propose that where sensitive native species or wild fisheries cannot sustain heavy angler harvest, such as in Wilderness areas, streams upstream of reservoirs, Wild and Heritage-designated waters or candidate waters, and high elevation lakes, that there be:

- zero limit on trout, with barbless flies or lures only, and that fishing be limited to seasons that protect trout from hooking mortality.

By removing harvest, bait, and barbed hooks, wild trout fisheries and the opportunity to pursue native trout species in their historical habitats per the guidelines of the Wild & Heritage Trout Program can be adequately protected for the future.

Specific Regional Water Recommendations

Finally, we have specific regulation recommendations in key legacy watersheds that are based in science and have buy-in from local communities, which are essential to creating regulations that are durable and will be followed (See Attachment A).

We believe that these proposals would help balance various objectives for trout fisheries in California, including adequately protecting sensitive and native species or wild fisheries that

[3] Daniel Ayllón, Graciela G. Nicola, Benigno Elvira, Ana Almodóvar. 2019. Optimal harvest regulations under conflicting tradeoffs between conservation and recreational fishery objectives. *Fisheries Research*, (216): 47-58.

currently have no stocking of fish, ensuring opportunities remain to target and harvest trout in certain circumstances where fisheries can sustain such pressure, keeping businesses that rely on trout fishing viable, and protecting opportunities to fish for trout for future generations.

For any regulations to be successful, a significant investment in scientific study, monitoring and enforcement must be made to adaptively manage inland trout fisheries and revisit their effectiveness to ensure they are helping to achieve management goals on an ongoing basis.

Thank you for your careful consideration of these comments.

Sincerely,

Patrick Samuel
Bay Area Program Manager
California Trout

Cc: Brett Anderson
Cc: Curtis Knight
Cc: Mike Wier
Cc: Jessica Strickland

Attachment A: Regional Regulation Proposal for Mt. Shasta/Fall River Region

Existing	CDFW Proposal	Key Issues/CT Recommendations
Fall River (A) Fall River from its origin at Thousand Springs downstream to the mouth of the Tule River and including Spring Creek and excluding all other tributaries Last sat in Apr through Nov 15 Max size limit 14 inches total Artificial lures with barbless hooks 2 Trout	All year 0 bag Artificial lures with barbless hooks	Fall River Complex needs unified regs to protect genetically distinct trout populations and unique life-history adaptations (Ali et al. 2016). Also see UCD/CDFW/CT/FRC PIT/genetics study. Unified regulation All year 0 bag Artificial lures with barbless hooks
Fall River (1) All lakes and reservoirs except those listed by name in the Special Regulations. (a) Except as otherwise authorized, all fish may be taken only by angling with one closely attended rod and line or one hand line with not more than three hooks nor more than three artificial lures (each lure may have three hooks attached) attached thereto. All other tributaries and lakes in upper system. Tule River, Little Tule River, Eastman Lake, Lava Creek, Ahjumawi Springs, Crystal Springs, Horr Pond, Big Lake	All year 5 trout	Fall River Complex needs unified regs to protect genetically distinct trout populations and unique life-history adaptations (Ali et al. 2016). Also see UCD/CDFW/CT/FRC PIT/genetics study. Unified regulation All year 0 bag Artificial lures
Bear Creek (15) Bear Creek and tributaries (Shasta and Siskiyou cos.) between Ponderosa Way bridge and confluence with Fall River. Saturday preceding Memorial Day through Nov. 15. 5 trout per day 10 in possession	Saturday preceding Memorial Day through September 30 5 fish bag no gear restrictions	Fall River Complex needs unified regs to protect genetically distinct trout populations and unique life-history adaptations (Ali et al. 2016). Also see UCD/CDFW/CT/FRC PIT/genetic study. Bear Creek is the only surface-fed spawning tributary supporting genetically distinct wild trout in the Fall River Complex and should be protected accordingly. Unified regulation; All year 2 bag Artificial lures

Hat Creek From Lake Britton upstream to Baum Lake, exclusive of the concrete Hat No. 2 intake canal between Baum Lake and the Hat No. 2 Powerhouse. Last Saturday in Apr. through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used. Aquatic invertebrates of the orders Plecoptera (stoneflies), Ephemeroptera (mayflies) and Trichoptera (caddisflies) may not be taken or possessed. 2 Trout	All year 2 fish bag Artificial lures	All year 0 bag Artificial lures, barbless If not 0 bag, then need 6-14 slot limit
McCloud River (E) McCloud River from McCloud Dam downstream to confluence of Ladybug Creek. Last Saturday in Apr. through Nov. 15. Only artificial lures with barbless hooks may be used. 2 Trout	Saturday preceding Memorial Day through the last day in February 2 fish bag Artificial lures	Season pushed back but extended through February: CT supports 6-14 slot limit or 0 bag artificial lures, barbless
McCloud River (TNC and below) (F) McCloud River from confluence of Ladybug Creek downstream to lower boundary of the U.S. Forest service loop (southern boundary of section 36, T38N, R3W). Last Saturday in Apr. through Nov. 15. Only artificial lures with barbless hooks may be used. 0 Trout	Saturday preceding Memorial Day through the last day in February 0 fish bag Artificial lures	Season pushed back but extended through February: CT supports
Pit River (B) From Pit No. 3 (Britton Dam) downstream to the outlet of the Pit No. 3 Powerhouse. Last Saturday in Apr. through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used. 2 trout Nov. 16 through the Friday preceding the last Saturday in Apr. Only artificial lures with barbless hooks may be used. 0 trout	(B) From Pit No. 3 (Britton Dam) downstream to Pit No. 7 dam All year 2 fish bag 4 fish possession limit no gear restrictions	Pit 3 not stocked, therefore take not appropriate. Area should remain as originally defined, Pit 3 is unique and needs different regs than Pit 4 through Pit 7. 0 Bag Britton Dam to Pit No. 3 Powerhouse. Gear restrictions needed artificial lures, barbless

Pit River (C) Pit River, from Pit No. 3 Powerhouse downstream to Pit No. 7 dam. Last Saturday in Apr. through Nov. 15. 5 trout Nov. 16 through the Friday preceding the last Saturday in Apr. Only artificial lures with barbless hooks may be used. 0 trout	(C) From Pit No. 7 dam downstream to Shasta Lake. All year 5 fish bag no gear restrictions	All year 2 fish bag recommended 6-14 slot Artificial lures