

STAFF SUMMARY FOR AUGUST 7-8, 2019

11. DELTA FISHERIES MANAGEMENT POLICY**Today's Item**Information Action

Discuss the potential adoption of a Delta Fisheries Management Policy and compatibility of the FGC Striped Bass Policy.

Summary of Previous/Future Actions

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| • Delta Fisheries Forum | May 24, 2017; Sacramento |
| • WRC discussion | Sep 20, 2018; WRC, Sacramento |
| • WRC discussion | Jan 10, 2019; WRC, Ontario |
| • WRC discussion and recommendation | May 16, 2019; WRC, Sacramento |
| • FGC accepted WRC recommendation to schedule | Jun 12-13, 2019; Redding |
| • Today's discussion | Aug 7-8, 2019; Sacramento |

Background

In Jun 2016, FGC received a regulation change petition (Tracking Number 2016-011) from the Coalition for a Sustainable Delta and others requesting to increase the bag limit and reduce the minimum size limit for striped bass and black bass in the Sacramento-San Joaquin Delta (Delta) and rivers tributary to the Delta. The expressed intent of the petition was to reduce predation by non-native bass on fish that are native to the Delta and listed as threatened or endangered under the federal or California endangered species acts, including winter-run and spring-run Chinook salmon, Central Valley steelhead, and delta smelt.

While the regulation change petition was formally withdrawn prior to FGC action, FGC requested that WRC schedule a discussion to explore the issue more comprehensively; the request also included a review of the existing FGC Striped Bass Policy that was adopted in 1996 and focuses on restoring and maintaining striped bass for recreational fishing opportunity (Exhibit 6). FGC staff was directed to hold a half-day forum focused on the State's vision for managing fisheries in the Delta for the benefit of native fish species and sport fisheries, implementation of the State's vision, and soliciting stakeholder input on potential actions FGC could consider related to this topic.

Held in May 2017, the forum was publicized and open to the public. The forum included a state agency panel discussion, an overview of FGC's policies and regulations for sport fisheries in the Delta, and a full group discussion. The discussion included two presentations by representatives for the original petition, consistent with direction provided by FGC. One of the recommendations that emerged from that forum was FGC adoption of a policy for fisheries management in the Delta that would provide science-based guidance to balance native fish needs with sport fishing opportunities in management decisions. The Coalition for a Sustainable Delta offered a proposed draft policy which, together with stakeholder and DFW input, formed the basis for the initial draft policy.

At its Sep 2018, Jan 2019, and May 2019 meetings, WRC discussed the draft policy and in May developed a recommendation that FGC schedule consideration of the draft policy. At its Jun

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2019 meeting, FGC received the draft Delta Fisheries Management Policy advanced from WRC (Exhibit 5). At that meeting and following, stakeholders raised several significant issues with the draft policy. Following considerable public comment regarding the draft policy and current Striped Bass Policy, FGC accepted WRC's recommendation and directed staff to add the draft policy to the Aug 2019 meeting for discussion.

At this time, staff believes that additional discussions between stakeholders and staff of DFW and FGC are warranted to explore how to resolve the identified issues before FGC considers the draft Delta Fisheries Management Policy and any potential changes to the FGC Striped Bass Policy. Postponing discussion would allow dialogue to proceed and give additional stakeholders the chance to participate in ongoing discussions. Staff recommends that FGC consider new draft policies (based on discussions with stakeholders) at its Dec 2019 meeting in Sacramento, which will facilitate participation by stakeholders from in and around the Delta. If approved, FGC staff will provide a progress update at FGC's Oct 2019 meeting.

Significant Public Comments

1. The American Sportfishing Association and Coastside Fishing Club ask FGC to focus on the root causes of poor Delta health and oppose any effort to reduce long-term recreational fishing opportunities (Exhibit 1).
2. The California Sportfishing League emphasizes the economic importance of striped bass, states that predation from non-native game fish in the Delta is a "red herring", and opposes a repeal of the FGC Striped Bass Policy. The league states that reductions in fishing opportunity run counter to the State's R3 project and ask that discussions be scheduled near the greater Sacramento area (Exhibit 2).
3. The Northern California Guides and Sportsmen's Association states that predation on salmonid species is a minor stressor. The association asks that the item be tabled until Dec to allow for ongoing discussions to ensue, and that any further FGC conversations take place in the vicinity of the potential impacts of the draft Delta Fisheries Management Policy (Exhibit 3).
4. The Congressional Sportsmen's Foundation states that striped bass contribute to a healthy Delta ecosystem and that predation is not a significant factor driving Delta fish population abundances. They oppose the repeal of the Striped Bass Policy (Exhibit 4).

Recommendation

FGC staff: Postpone discussion of the draft policy to the Dec 2019 FGC meeting to allow FGC and DFW staff time to work with stakeholders on ways to address the issues that have been raised.

Exhibits

1. [Letter from the American Sportfishing Association and Coastside Fishing Club](#), received Jul 25, 2019
2. [Letter from the California Sportfishing League](#), received July 25, 2019
3. [Letter from the Northern California Guides and Sportsmen's Association](#), received July 25, 2019

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4. [Letter from the Congressional Sportsmen's Foundation](#), received July 25, 2019
5. [Draft Delta Fisheries Management Policy](#), revised Aug 1, 2019
6. [FGC Striped Bass Policy](#), adopted Apr 5, 1996

Motion/Direction

Moved by _____ and seconded by _____ that the Commission postpones discussion of the draft Delta Fisheries Management Policy and Commission's Striped Bass Policy until the December 2019 meeting.



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P.O. Box 550
San Mateo, CA 94402

Mr. Eric Sklar, President
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

RE: Delta Fisheries Management Policy

Dear President Sklar:

While we recognize that Commission policies such as the Delta Fisheries Management Policy are living documents requiring revisions and updates periodically, we urge the Commission to pay special attention to the potential implications of the current proposed update on striped bass and other valuable sportfish.

We appreciate the Commission's interest in protecting listed species and species of special concern. Conservation and recovery of these species requires that the Delta and all of California's river systems again become reliably hospitable. Healthy inland waters benefit both the species living therein as well as the environmental, economic and recreational interests of Californians.

The American Sportfishing Association (ASA) and Coastsiding Fishing Club urge the Commission to focus on the root causes of poor Delta health and the consequential harm to listed species and species of special concern. State and federal water projects and irresponsible water management decisions are the primary challenges faced by California's inland aquatic resources. Therefore, it would be a mistake to misdirect the Commission's efforts against economically valuable and recreationally important fishing activities.

Striped and black bass have long coexisted along with other species in California's Delta and its tributaries. The recent declines of certain species, such as Delta smelt and Sacramento River winter Chinook, are the result of water operations in state and federal water projects that have altered the natural hydrology of the system. Increases in predation occur because of revised hydrological conditions that advantage all predators, native and non-native, and disadvantage all prey species.

The proposed policy could influence future regulatory actions. We would strongly oppose any effort to reduce long-term recreational fishing opportunities through a short-term eradication effort that is unlikely to offer any lasting benefit to listed species.

It is the responsibility of both the Commission and Department to ensure sustainability of the Delta ecosystem. In addition to federally listed species, the integrity of other important native and non-native fish species also contributes to a healthy Delta ecosystem. Therefore, the Commission and Department must continue to protect and enhance all fisheries managed in the Delta.

ASA and Coastside will continue to monitor future Commission actions and any resulting regulations that impact the viability of all recreational fisheries in the Delta.

Respectfully Submitted,



Danielle Brunner, PhD
Pacific Fisheries Policy Director
American Sportfishing Association



Marc Gorelnik
President
Coastside Fishing Club



July 25, 2019

Eric Sklar, President
California Fish and Game Commission
1416 9th St., Suite 1320
Sacramento, CA 95814

SUBJ: Agenda item # 11 – Delta Fisheries Management Policy and potential repeal of the 1996 Striped Bass Policy

SENT VIA EMAIL

Dear President Sklar:

The California Sportfishing League (CSL) represents recreational anglers throughout California on issues important to protecting fishing access, fisheries management, hatchery fish production and conservation of natural resources important to fisheries.

California's Delta is a world class destination for tournament sportfishing that draws thousands of anglers, including local high school fishing clubs and nationally televised Bass Pro Tournaments. This is largely due to the fact that bass fishing represents one of the last thriving recreational fisheries in inland California. It is an economic, tourism, and angling-opportunity powerhouse. Small businesses and their communities depend on it.

As the commission is well aware, CSL has been engaged with the Commission for a number of years on issues related to non-native gamefish in the Sacramento/San Joaquin Delta ("Delta") and the rivers that feed the Delta. Non-native striped bass and black bass have been made to be scapegoats and blamed for the decline in Chinook Salmon, Delta Smelt and other native fishes. We mean no pun, but blaming non-native game fish has been, and continues to be, a "Red Herring" put forth by water exporters and their astro-turf "Coalition to Save The Delta" in order to deflect attention away from agricultural pollutants and other stressors and massive pumping of water from the Delta to benefit monied special interests. There are many stressors to salmon and other native fishes in the Delta, predators being only one of them.

Striped Bass have co-existed with other fishes at far higher levels than exist today in the Delta for more than 100 years without adverse impact to the Delta eco-system. In fact, Stripers and black bass are an integral part now of the Delta eco-system.

Now comes before the Commission a new Delta Fisheries Management Policy (DFMP) and a potential repeal of the 1996 Striped Bass Policy (SBP). CSL has offered to the Commission suggested changes to the draft DFMP, some of which have been incorporated into the draft.

1835 Iron Point Road, Ste. 180, Folsom, CA 95630, 916.936.1333
www.savefishing.com

While CSL has not proposed any changes to the 1996 SBP, we oppose a repeal of the policy and recommend, instead, modifications thereto subsequent to the final language of the DMFP that recognizes the continued presence of economically important non-native game fish that are critical to the Delta economy.

As you are well aware, the California Department of Fish and Wildlife is in the final stages of developing a Recruit, Retain and Reactivate (R3) strategy that aims to increase fishing participation rates and fishing license sales, a major source of department revenue. A DMFP that aims to reduce the number of non-native game fish will undermine the State's objective. **Let me underscore that the goals of the R3 project, which will be submitted to Governor Newsom in the Fall, may remain unrealized if a policy of the Fish and Game Commission devolves to one of reducing fishing opportunity in the Delta**, the largest inland recreational angling fishery remaining in California and a major source of economic activity and jobs for Delta communities.

In conclusion, we share the concern of other recreational fishing organizations, fishing guides, and Delta communities that the draft DMFP explicitly invites future policies that aim to remove non-native fish from the Delta. This concern is fueled by the perception that the astro-turf "Coalition to Save The Delta" drafted significant portions of the plan and they intend to use their political influence to defend the draft from reasonable and meaningful amendments.

As this issue is critically important to Californians who live near, fish and generate their income from outdoor recreation on the Delta, we ask that the Commission schedule future actions on this issue at a public hearing that will facilitate greater attendance by those most concerned. Scheduling the hearing at a location that is hundreds of miles away from the greater Sacramento area would be viewed as an attempt to purposely discourage public participation.

Thank you for considering the views of over 2.6 million California anglers and for identifying a reasonable solution that does not undermine recreational fishing's \$4.6 billion annual economic contribution to California communities dependent on outdoor recreation and tourism for jobs.

Sincerely,



Marko Mlikotin
Executive Director

cc: ! Commissioners Burns, Hostler-Carmesin, Murray and Silva
Chuck Bonham, Director, CDFW
Stafford Lehr, Deputy Director, CDFW



California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

July 25, 2019

RE: Agenda Item #11: Proposed Delta Fisheries Management Policy

Dear President Sklar, Vice President Hostler-Carmesin, and members of the Fish and Game Commission,

On behalf of the Northern California Guides And Sportsmen's Association I am writing to you with an update about our discussions on the proposed Delta Fisheries Management policy.

NCGASA is an association of over 600 licensed guides and over 3,000 sportsmen and women that work together to protect and increase hunting and fishing opportunities throughout California. NCGASA acts as a voice to represent all people who use California's waterways and lands. We work closely with many other conservation organizations to make sure we leave a legacy to our children and grandchildren; the same access to outdoor recreation and appreciation for abundant wildlife and fisheries that was instilled in so many of us. More specifically for this letter, we represent the sportsmen's voice of the recreational angler, and the guiding community the relies on California's recreational fisheries to support and feed our families.

As you know, NCGASA has been a consistent presence at the WRC, and more recently in front of the Commission, arguing in opposition to any proposals that would undermine a thriving recreational bass fishery. We have consistently opposed proposals by various interests to overturn long standing Commission policy to enhance recreational fishing opportunities, including, and in particular, striped bass. Our experience with previous proposals is that they come less out of concern for the well being of California's recreational fisheries and more about the ability to manage, export and deliver water supplies to California's Central Valley agricultural regions and Southern California urban areas.

Further, we believe science demonstrates that predation in all forms (from native and non-native species) is one of the least impactful stressors on salmonid success. Much more important stressors are hydrology, water management decisions, water temperature, Delta pumping operations, lack of spawning and rearing habitat, and hatchery management operations.

We wish to make it very clear that we will continue to vigorously oppose any policy changes that would negatively impact bass fishing in the Delta and Sacramento river system, including policy changes that would prevent the Department from working to restore or enhance these fisheries (as called for in the 1996 Striped Bass policy).

However, that being said, we have recently engaged in productive dialogue with the Delta Fisheries Management Policy facilitated by FGC and CDFW staff. Agreement has been reached on several smaller details, and we remain committed to working in good faith to address the more complex proposals on the

table. While these conversations may or may not ultimately be fruitful, they are occurring in a respectful and productive manner.

Therefore, we have agreed, along with staff and the proponents, to ask that you table this item for discussion to a later Commission meeting. We would respectfully ask that you allow us to continue an offline dialogue with each other, rather than argue back and forth in front of the Commission. At this time we propose returning with an update on our progress at the October Commission meeting, with the possibility of significant Commission discussion at the December meeting, progress depending.

This also squares with our request in June that any further Commission conversations take place in the vicinity of the proposed impact and within easy reach of the community of those affected by this proposed listing, meaning any future agenda items should be located in Sacramento. Many of those people who would be negatively affected by current draft policy are unable to attend in person if the discussion is set for a meeting held in San Diego, Eureka, or other far flung locations. We thank you in advance for your understanding of these logistical constraints.

Bass fishing represents perhaps the last thriving and sustainable inland recreational fishery that our guides and recreational anglers can access on a reliable basis. We are dedicated to protecting that opportunity and encourage you to do the same.

Sincerely,

A handwritten signature in cursive script that reads "James M. Stone".

James Stone
President
Northern California Guides And Sportsmen's Association

Cc: Stafford Lehr, Deputy Director, CDFW
Melissa Miller-Henson, Acting Executive Director, FGC



Mr. Eric Sklar, President
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

July 25, 2019

RE: Striped Bass and Delta Fisheries Management Policies

Dear President Sklar and Members of the Fish and Game Commission:

The Congressional Sportsmen's Foundation opposes the Commission's proposed repeal of the 1996 Striped Bass Policy and strongly urges the Commission to define "best available science" in the draft Delta Fisheries Management Policy.

Established in 1989, the Congressional Sportsmen's Foundation (CSF) works with the Congressional Sportsmen's Caucus, the largest, most active bipartisan caucus on Capitol Hill with nearly 250 Members of Congress from both the House and Senate. Fifteen years ago, CSF extended the legislative network from Washington, DC to states across the country, establishing the bipartisan National Assembly of Sportsmen's Caucuses, which today is made up of 49 state legislative caucuses, and includes over 2,500 legislators. Ten years ago, CSF established a bipartisan Governors Sportsmen's Caucus, which includes more than half the governors from throughout the country. Together, this collective force of bipartisan elected officials works to protect and advance hunting, angling, recreational shooting and trapping for the nearly 40 million sportsmen and women who spend \$90 billion annually on our outdoor pursuits.

The California Outdoor Sporting Caucus joined the National Assembly of Sportsmen's Caucuses in 2004 to represent the interest of the Golden State's 1.82 million hunters and anglers, who spend \$3.5 billion annually and support more than 56,000 jobs within the state.

CSF acknowledges and respects the Commission's commitment to fisheries management in the Delta and protection of listed species and species of concern. However, it is the responsibility of the Commission and the Department to manage Delta resources holistically and sustainably to protect and enhance the Delta ecosystem. The Commission has effectively managed both native and non-native fish species for decades and has created a world-class striped bass fishery and

black bass fishery that attracts anglers from all over the world. Collectively, this contributes to a healthy Delta ecosystem, which provides an economically valuable and recreationally important fishery.

Non-native striped and black bass have co-existed in the Delta since their introduction in 1879. Like the listed species and species of concern, striped bass see population fluctuations due to changes in environmental and hydrological conditions such as water flows, temperature variations and aquatic habitat degradation. Like with any population of fish in a lotic or estuarine environment, these factors are the primary drivers of population abundance. When these conditions have been good for fish, both the listed species and species of concern have enjoyed high population numbers, just as the striped bass population has as well, intimating that predation is not a significant factor driving population abundance.

Repeal of the 1996 Striped Bass Policy and the proposed Delta Fisheries Management Policy would unjustifiably misdirect the blame for listed species and species of concern population declines to the Delta's non-native, popular sport fisheries. Efforts to eliminate or reduce the striped bass and black bass populations would have an irreplaceable detrimental effect on recreational fishing and the economies of local communities surrounding the Delta. Therefore, CSF opposes the repeal of the 1996 Striped Bass Policy.

Additionally, CSF strongly urges the Commission to define "best available science" under the Delta Fisheries Management Policy. Failure to define best available science leaves the Commission at risk of making fundamental Delta fishery management decisions based on inadequate, unsupported or unreliable sources. It is the recommendation of CSF that the Commission define "best available science" as "peer-reviewed," and preferably science that addresses all significant factors influencing population-level dynamics in the Delta. Furthermore, a comprehensive analysis prior to any management decisions should also include peer-reviewed research that discusses additional limiting factors such as water management and allocation policy, development and water diversion infrastructure.

CSF looks forward to working with the Commission on managing the Delta fisheries resources holistically, including managing for both native and non-native species that contribute to a productive, sustainable and economically viable recreational fishery.

Respectfully,



Aoibheann Cline
Western States Coordinator
Congressional Sportsmen's Foundation



Chris Horton
Senior Fisheries Director
Congressional Sportsmen's Foundation

California Fish and Game Commission

Developing a Delta Fisheries Management Policy

Revised August 1, 2019

Since 2012, the California Fish and Game Commission (Commission) has been engaged with stakeholders and the California Department of Fish and Wildlife (Department) in discussions about managing fisheries in the Sacramento-San Joaquin Delta (Delta). In response to a petition (#2016-001) to change fishing regulations for striped and black bass in the Delta, the Commission requested that its Wildlife Resources Committee (WRC) explore the issue more comprehensively with stakeholders and the Department.

In May 2017, WRC held a half-day forum focused on the State's vision for managing fisheries in the Delta for the benefit of native fish species and sport fisheries, the implementation of the State's vision, and soliciting stakeholder input on potential actions FGC could consider related to this topic. In October 2017, the Commission approved WRC's recommendation to approve the recommendations from the forum, including developing and adopting a Delta fisheries management policy that:

1. aligns with the State's goals for the Delta,
2. supports more holistic management of the Delta,
3. encourages interagency coordination and collaboration,
4. requires integration of the best available science into decision-making, and
5. clarifies the Commission's management goals for both listed species and sport fisheries in the Delta.

A draft policy has been developed to reflect the stated goals, taking into consideration the original petition and stakeholder input.

Draft Delta Fisheries Management Policy

It is the policy of the Fish and Game Commission that:

- I. The Commission and Department shall seek to collaborate and coordinate with other agencies with jurisdiction over species and other resources in the Sacramento-San Joaquin Delta (Delta) and its tributaries as they manage fisheries, state and federally listed fish species, such as salmonids and smelt, and other aquatic resources.
- II. The Commission and Department shall strive to manage these resources holistically, sustainably, and consistent with the direction of the legislature to protect, restore, and enhance the Delta ecosystem.
- III. The Department shall rely on the best available science to develop strategies and recommendations for managing fisheries and listed species in the Delta. Using this information, the Department shall strive to improve habitat conditions for and alleviate threats to listed species.
- IV. The Department shall manage listed fish species to protect and enhance each species' abundance, distribution, and genetic integrity to support each species' resiliency and recovery.

- V. The Department shall manage Delta fisheries in a manner that provides for sustainable angling opportunities while minimizing adverse effects to native and listed species and recovery activities.
- VI. Based on current best available science and evaluations of past management of Delta fisheries, the Commission and Department shall not develop or enhance fisheries in the Delta which may pose a direct threat to the survival of, or significantly limit, recovery of a listed species.
- VII. To the extent feasible, the Commission and Department shall support scientific research to help advance the policy goals set forth herein. The Department should consider identified research needs when developing research plans, making research funding decisions, and when reviewing and/or authorizing research projects. The Department may consider the permitted scientific sampling of non-native fish outside sport fishing size and bag limits to advance scientific research to support native species in the Delta, where statutorily permitted and practical. Where feasible, the Department should encourage and permit recreational anglers to contribute to scientific research on predator-prey relationships to help inform efforts to protect native species.

DRAFT

California Fish and Game Commission

Striped Bass Policy

Adopted April 5, 1996

It is the policy of the Fish and Game Commission that:

I. The Department of Fish and Game shall work toward stabilizing and then restoring the presently declining striped bass fishery of the Sacramento-San Joaquin Estuary. This goal is consistent with Commission policy that the Department shall emphasize programs that ensure, enhance, and prevent loss of sport fishing opportunities.

II. The Department shall ensure that actions to increase striped bass abundance are consistent with the Department's long-term mission and public trust responsibilities including those related to threatened and endangered species and other species of special concern. Recognizing issues associated with potential incidental take of these species, an appropriate interim objective is to restore the striped bass population to the 1980 population level of 1.1 million adults within the next 5-10 years.

III. The long-term striped bass restoration goal, as identified in the Department's 1989 Striped Bass Restoration Plan, is 3 million adults.

IV. The Department shall work toward these goals through any appropriate means. Such means may include actions to help maintain, restore, and improve habitat; pen-rearing of fish salvaged from water project fish screens; and artificial propagation.

(Adopted 4/5/96)