

AMENDED IN SENATE MARCH 28, 2007

SENATE BILL

No. 384

Introduced by Senator Cogdill

February 21, 2007

An act to amend Sections 1726, 1726.4, and 1727 of the Fish and Game Code, relating to fisheries.

LEGISLATIVE COUNSEL'S DIGEST

SB 384, as amended, Cogdill. Wild trout.

The Trout and Steelhead Conservation and Management Planning Act of 1979 finds and declares that it is the policy of the state to establish and maintain wild trout stocks in suitable waters of the state and establish angling regulations designed to maintain the wild trout fishery in those waters by natural reproduction. The act requires the Department of Fish and Game to determine for each stream or lake ~~as to~~ whether it should be managed as a wild trout fishery, or whether its management should involve the planting of trout. *Existing law requires that the Fish and Game Commission develop, as part of the wild trout program, catch and release fisheries in those waters containing trout. Existing law requires the department to establish an ongoing program to determine the viability of various forms of catch and release regulations for trout streams and lakes. Existing law requires the department to prepare a list each year of no less than 25 miles of stream or stream segments and at least one lake that it deems suitable for consideration as catch and release trout fisheries and to submit this list to the commission for its consideration, and the commission is required to annually submit a report to the Legislature that includes its reasons why any stream or lake listed by the department as suitable for*

consideration as a catch and release fishery was or was not included in the program.

This bill would additionally find and declare that it is the policy of the state to discourage artificial planting of hatchery-raised hybrid and nonnative fish species in wild trout waters or in other areas that would adversely affect native aquatic species. The bill would require the department to determine whether a stream or lake should be managed as a wild trout fishery, or whether its management should involve the planting of native trout species to supplement wild populations. *The bill would eliminate the requirement that the commission develop catch and release fisheries and would instead require the commission to develop additional wild trout waters. The bill would require the department to prepare a list of no less than 25 miles of stream or stream segments and at least one lake that it deems suitable for designation as wild trout waters and to submit this list to the commission. The bill would require that if the commission removes any stream or lake that it has designated as a catch and release fishery from the program, an equivalent amount of stream mileage or an equivalent size lake shall be added to the wild trout program. The bill would require the department, subject to funds being made available, to prepare and complete management plans for all wild trout waters not more than 3 years following their initial designation by the commission, and to update the management plan every 5 years following completion of the initial management plan.* The bill would delete certain obsolete provisions from the act and make other, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1726 of the Fish and Game Code is
- 2 amended to read:
- 3 1726. The Legislature hereby finds and declares that it is the
- 4 policy of the state to do all of the following:
- 5 (a) Establish and maintain wild trout stocks in suitable waters
- 6 of the state that are readily accessible to the general public as well
- 7 as in those waters in remote areas.
- 8 (b) Establish angling regulations designed to maintain the wild
- 9 trout fishery in those waters by natural reproduction.

1 (c) Discourage artificial planting of hatchery-raised hybrid and
2 nonnative fish species in wild trout waters or in other areas that
3 would adversely affect native aquatic species.

4 SEC. 2. Section 1726.4 of the Fish and Game Code is amended
5 to read:

6 1726.4. (a) It is the intent of the Legislature that the
7 department, in administering its existing wild trout program, shall
8 conduct a biological and physical inventory of all California trout
9 streams and lakes to determine the most suitable angling
10 regulations for each stream or lake. The department shall determine
11 for each stream or lake ~~as to~~ whether it should be managed as a
12 wild trout fishery, or whether its management should involve the
13 planting of native trout species to supplement wild populations.
14 In making that inventory, the department shall give priority to
15 those streams and lakes where public use is heaviest, which have
16 the highest biological potential for producing sizeable wild trout,
17 which are inhabited by rare species, or where the quality of the
18 fishery is threatened or endangered. Biological and physical
19 inventories prepared for each stream, stream system, or lake shall
20 include an assessment of the resource status, threats to the
21 continued well-being of the fishery resource, the potential for
22 fishery resource development, and recommendations, including
23 necessary changes in the allowed take of trout, for the development
24 of each stream or lake to its full capacity as a fishery.

25 (b) This section does not provide any public entity or private
26 party with any new or additional authority to affect the management
27 of, or access to, any private land without the written consent of
28 the owner. Privately owned lakes and ponds not open to the use
29 of the general public shall be subject to the provisions of this
30 section only with the written consent of the owner. This chapter
31 shall not be construed as authorizing or requiring special treatment
32 of adjacent land areas or requiring land use restrictions. It is the
33 intent of the Legislature that this chapter should not diminish the
34 existing authority of the department, nor should it interfere with
35 the department's existing fisheries management planning process.

36 SEC. 3. Section 1727 of the Fish and Game Code is amended
37 to read:

38 1727. (a) In order to provide for a diversity of available angling
39 experiences throughout the state, it is the intent of the Legislature
40 that the commission maintain the existing wild trout program, and

1 as part of ~~such program develop catch and release fisheries~~ *the*
2 *program, develop additional wild trout waters* in the more than
3 20,000 miles of trout streams and approximately 5,000 lakes
4 containing trout in California.

5 ~~(b) As part of the program, described in subdivision (a), the~~
6 ~~department shall do both of the following:~~

7 ~~(1) Establish an ongoing program to determine the viability of~~
8 ~~various forms of catch and release regulations for trout streams~~
9 ~~and lakes. A zero-limit catch and release fishery means that all~~
10 ~~trout must be released by the angler. A one-trout-limit catch and~~
11 ~~release fishery means that only one trout may be kept by the angler,~~
12 ~~and a two-trout-limit catch and release fishery means that only~~
13 ~~two trout may be kept by the angler. In conjunction with~~
14 ~~determining the best management tools for the one- or~~
15 ~~two-trout-limit fisheries, the department shall consider imposing~~
16 ~~minimum and maximum size limits.~~

17 ~~(2) In administering its existing wild trout program,~~

18 ~~(b) The department shall prepare a list of no less than 25 miles~~
19 ~~of stream or stream segments and at least one lake that it deems~~
20 ~~suitable for consideration as catch and release trout fisheries~~
21 ~~designation as wild trout waters. The department shall submit this~~
22 ~~list to the commission for its consideration at the regular October~~
23 ~~commission meeting. Those recommendations by the department~~
24 ~~shall give highest priority to designating trout waters as zero-limit~~
25 ~~fisheries, even if on a temporary basis. The department shall also~~
26 ~~consider making proposals for zero-limit trout fisheries during~~
27 ~~seasons otherwise closed by the commission.~~

28 ~~(c) The commission may remove any stream or lake that it has~~
29 ~~designated as a catch and release fishery from the program at any~~
30 ~~time. If any of those waters are removed from the program, the~~
31 ~~commission may add another stream or lake of a comparable size~~
32 ~~to the an equivalent amount of stream mileage or an equivalent~~
33 ~~size lake shall be added to the wild trout program.~~

34 ~~(d) The commission shall in January of each year submit a report~~
35 ~~to the Legislature regarding progress in implementing this chapter.~~
36 ~~In that report, the commission shall state its reasons why any stream~~
37 ~~or lake listed by the department as suitable for consideration as a~~
38 ~~catch and release fishery wild trout water was or was not included~~
39 ~~in the program. The commission shall also state its reasons for~~
40 ~~removing and replacing any waters within the program.~~

1 (e) *To the extent that funds are appropriated to the department*
2 *for this purpose, the department shall prepare and complete*
3 *management plans for all wild trout waters not more than three*
4 *years following their initial designation by the commission, and*
5 *to update the management plan every five years following*
6 *completion of the initial management plan.*

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