

# California Fish and Game Commission Emergency Meeting Binder



**April 9, 2020**  
**Sacramento**

**Commissioners**  
**Eric Sklar**, President  
Saint Helena

**Samantha Murray**, Vice President  
Del Mar

**Jacque Hostler-Carmesin**, Member  
McKinleyville

**Russell E. Burns**, Member  
Napa

**Peter S. Silva**, Member  
Jamul

STATE OF CALIFORNIA  
Gavin Newsom, Governor

## Fish and Game Commission



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*Wildlife Heritage and Conservation*  
*Since 1870*

### \* **REVISED MEETING AGENDA – TELECONFERENCE AND WEBINAR** **April 9, 2020, 8:30 AM**

#### ***Participate via Webinar***

[Link Here to Join the Webinar](#)

Or, copy and paste this URL into your Internet browser:

<https://cawildlife.webex.com/cawildlife/j.php?MTID=m6435b7aec2cf1a5f67dd5f4cd6f4a18c>

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If you use the **web-based** version of WebEx, you will only be able to listen to the meeting; in order to actively participate in the meeting conversations verbally, you must also call into the meeting using the teleconference phone number below.

#### ***Participate via Teleconference***

Call (877) 402-9753 or (636) 651-3141; access code 832 4310

This meeting will be audio-recorded.

**Note: See important meeting deadlines and procedures at the end of the agenda.**

Call to order/roll call to establish quorum

- 1. Consider determining an emergency meeting is necessary and approving the agenda**
- 2. Emergency regulation concerning suspending, delaying or restricting sport and recreational fishing**  
Consider adopting an emergency regulation authorizing the California Department of Fish and Wildlife to temporarily suspend, delay, or restrict sport and recreational fishing in specific areas within the state when necessary to protect public health from the threat posed by COVID-19.  
(Pursuant to Sections 200, 205, and 399, Fish and Game Code)

Adjourn

## California Fish and Game Commission 2020 Meeting Schedule

**Note: As meeting dates and locations can change, please visit [www.fgc.ca.gov](http://www.fgc.ca.gov) for the most current list of meeting dates and locations.**

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
April 15 - 16	<b>Teleconference and webinar</b>		
April 29		<b>Marine Resources, Part 2</b> Note: This meeting is intended to complete the March 17 meeting agenda.	
May 14	<b>Teleconference</b>		
May 14		<b>Wildlife Resources</b> Teleconference and webinar	
June 24 - 25	Holiday Inn Orange County Airport 2726 S. Grand Avenue Santa Ana, CA 92705		
July 21		<b>Marine Resources</b> San Clemente area	
August 18		<b>Tribal</b> River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
August 19 - 20	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540		
September 17		<b>Wildlife Resources</b> Natural Resources Building Redwood Room 1416 Ninth Street, 14 <sup>th</sup> Floor Sacramento, CA 95814	
October 14 - 15	Elihu M Harris Building Auditorium 1515 Clay Street Oakland, CA 94612		
November 9		<b>Tribal</b> Monterey area	
November 10		<b>Marine Resources</b> Monterey area	
December 9 - 10	San Diego area		

## **OTHER 2020 MEETINGS OF INTEREST**

### **Association of Fish and Wildlife Agencies**

- September 13-16, Sacramento, CA

### **Pacific Fishery Management Council**

- April 3-10, Vancouver, WA
- June 11-18, San Diego, CA
- September 10-17, Spokane, WA
- November 13-20, Garden Grove, CA

### **Pacific Flyway Council**

- August 28 (location TBD)

### **Western Association of Fish and Wildlife Agencies**

- July 9-14, Park City, UT

### **Wildlife Conservation Board**

- April 1, Sacramento (Stream Flow Enhancement Board meeting)
- May 20, Sacramento, CA
- August 26, Sacramento, CA
- November 18, Sacramento, CA

## IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

### WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION

This year marks the 150th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.

### PERSONS WITH DISABILITIES

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received as soon as possible to ensure the request can be accommodated.

### STAY INFORMED

To receive meeting agendas and regulatory notices about subjects of interest to you, please visit the Commission's website, [www.fgc.ca.gov](http://www.fgc.ca.gov), to sign up on our electronic mailing lists.

### SUBMITTING WRITTEN COMMENTS

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) or delivery to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Materials provided to the Commission may be made available to the general public.

### COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is **5:00 p.m. on April 8, 2020**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

### VISUAL PRESENTATIONS/MATERIALS

Visual presentations will not be allowed at this meeting.

### SPEAKING AT THE MEETING

1. Speakers will be called one at a time, via webinar first and then on the phone.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
  - a. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Written Comment Deadline**. The president or designee will approve or deny the request no later than two hours prior to the meeting.
  - b. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

## STAFF SUMMARY FOR APRIL 9, 2020

**1. APPROVE AGENDA****Today's Item**Information Action 

Consider determining an emergency meeting is necessary and approving the agenda.

**Summary of Previous/Future Actions**

- **Today's hearing** **Apr 9, 2020; Teleconference**

**Background**

The Bagley-Keene Open Meeting Act provides that in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a state body may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4.

An "emergency situation" means any of the following, as determined by a majority of the members of the state body during a meeting prior to the emergency meeting, or at the beginning of the emergency meeting:

- (1) Work stoppage or other activity that severely impairs public health or safety, or both.
- (2) Crippling disaster that severely impairs public health or safety, or both.

On Mar 22, Governor Gavin Newsom requested a Presidential Major Disaster Declaration to assist in California's COVID-19 preparedness and emergency response efforts. On the same day a federal declaration was issued stating that a major disaster exists in the State of California related to COVID-19.

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

**FGC staff:** Make a finding that an emergency meeting is necessary.

**Exhibits (N/A)****Motion/Direction**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission determines, that:

- (1) the spread of the corona virus that causes COVID-19 constitutes a crippling disaster that severely impairs public health and safety; and
- (2) an emergency meeting is necessary to consider how to address the spread of the virus; and
- (3) the delay necessitated by providing notice 10 days prior to the meeting as required by Section 11125 for a regular meeting could significantly adversely impact the public health and safety necessitating this prompt action.

## STAFF SUMMARY FOR APRIL 9, 2020

**2. EMERGENCY REGULATION CONCERNING SUSPENDING, DELAYING OR RESTRICTING SPORT AND RECREATIONAL FISHING****Today's Item**Information Action 

Consider adopting an emergency regulation authorizing DFW to temporarily suspend, delay, or restrict sport/recreational fishing in specific areas within the state when necessary to protect public health from the threat posed by COVID-19.

**Summary of Previous/Future Actions**

- **Today's adoption hearing** **Apr 9, 2020; Teleconference**

**Background**

On Mar 4, 2020, Governor Gavin Newsom declared a State of Emergency to exist in California as a result of the threat of COVID-19. Due to the rapid spread of COVID-19 throughout California, the Governor issued Executive Order N-33-20 on Mar 19, 2020, ordering all individuals living in the state of California to stay home or at their place of residence except essential needs, such as maintaining continuity of operations of the federal critical infrastructure sectors or to get food, care for a relative or friend, or obtain necessary health care.

The California Department of Public Health has issued guidelines for helping slow the spread of COVID-19, including regular handwashing for at least 20 seconds with soap and water, avoiding people outside of an individual's household, and maintaining a distance of at least six feet whenever outside of the house. Outdoor activities are encouraged, but only locally and while maintaining physical distancing.

Many sport (also known as recreational) fisheries are defined by calendar dates, typically with an "opener" and a "closing" date. When a season opens, people regularly travel to fish, and congregate in parking lots, near waterways, on trails and access paths, on boat ramps, and in other areas, taking advantage of the newly opened fishing season. Travel and potential concentration of fishers at "choke points" where it may not be possible to maintain six feet of separation (e.g., launch ramps, parking lots, etc.) have the potential to increase the spread of COVID-19. In addition, when traveling for a fishing trip, a fisher has the potential to travel to remote, small towns, often stopping at gas stations or convenience marts, tackle shops, fast food and other restaurants, marinas or boat launches, and/or hotels/motels. The travel can lead to inadvertent transmission of the virus to the local business attendants or employees, even if the fisher is asymptomatic.

Given the risks associated with some public behavior and guidance to avoid unnecessary travel and maintain physical distancing, a patchwork of locally-based decisions are limiting access, such as closures of launch ramp facilities and charter boat operations, and restrictions to harbor and marina access. Reducing the potential for transmission in certain areas by limiting access can inadvertently lead to aggregations of fishers in surrounding, unrestricted areas, leading to higher probability for increased rates of COVID-19 transmission, or increased competition for the remaining opportunities. Navigating a patchwork of limitations from multiple sources and jurisdictions may lead to confusion in the regulated public.

## STAFF SUMMARY FOR APRIL 9, 2020

FGC recognizes the need to quickly respond to evolving public health and safety concerns arising from the COVID-19 emergency. The dynamic and evolving nature of the emergency will likely require repeated, swift and tailored responses; the adaptive approach this demands would require significant disruption to the small FGC staff to schedule, prepare for, and hold FGC meetings to adopt emergency regulations as conditions change.

Given DFW's expertise in understanding sport fishing throughout the state, and the historical behavior of sport fishers as it relates to those fisheries, DFW and FGC have determined that a temporary, adaptive approach is needed to give DFW the ability to delay, suspend or restrict sport fishing in certain or all inland and marine waters or restrict the taking of any fish species.

The proposed emergency regulation will delegate authority to DFW to temporarily suspend, delay, or restrict sport fishing in specific areas within the state when necessary to protect public health from the threat posed due to by COVID-19. The decisions under this emergency regulation will be based on the most current information available, considering public health and safety guidance from federal, state, tribal, and local officials, and in consultation with the president of FGC.

**Significant Public Comments**

1. Mono and Inyo counties and the Mammoth Lakes Town Council request FGC postpone trout season in Mono and Inyo counties (exhibits 9 and 10)
2. Four state and national sport and recreational fishing organizations request that closures not be overly broad (exhibits 6 and 7)
3. A fishing guide has expressed concerns about anglers traveling to Mono County to fish and other guides not following public health guidelines about physical distancing (Exhibit 5).
4. Several sport fishers are opposed to closures (exhibits 8, 11, 12, 13 and 14)

**Recommendation**

**FGC staff:** Adopt the emergency regulation as proposed by DFW.

**DFW:** Adopt the emergency regulation as outlined in the draft statement of proposed emergency regulatory action.

**Exhibits**

1. DFW memo, received Apr 6, 2020
2. Draft emergency statement
3. Draft economic and fiscal impact statement (Std. 399)
4. Draft notice of exemption
5. Emails from Chris Leonard, received Mar 26 through Mar 31, 2020
6. Email from George Osborn on behalf of Coastside Fishing Club, Coastal Conservation Association-California, American Sportfishing Association, received Apr 2, 2020
7. Email from George Osborn on behalf of American Sportfishing League, received Apr 2 2020
8. Email from Mike Brown, received Apr 2, 2020

## STAFF SUMMARY FOR APRIL 9, 2020

9. Email from Mono County, received Apr 2, 2020
10. Email from Inyo County, received Apr 7, 2020
11. Email from Brooks Taylor, received Apr 6, 2020
12. Email from Mark Badders, received Apr 6, 2020
13. Email from George Wight, received Apr 7, 2020
14. Email from Rosa Zapata, received Apr 7, 2020

**Motion/Direction**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission declares its intent to deviate from the automatic conformance process identified in Section 1.95, Title 14, CCR, regarding ocean salmon and Pacific halibut sport fishing regulations and finds as follows:

Pursuant to Section 399 of the California Fish and Game Code, adopting this regulation is necessary for the immediate preservation of the public peace, health and safety or general welfare.

Based on the record, the proposed action is exempt from the California Environmental Quality Act as an action necessary to prevent or mitigate an emergency as specified in section 21080 (b)(4) of the Public Resources Code.

Pursuant to Section 11346.1 of the California Government Code, an emergency situation exists, the proposed regulation is necessary to address the emergency, the emergency situation clearly poses such an immediate, serious harm that delaying action to allow further notice and public comment after this meeting would be inconsistent with the public interest, and that immediate action is reasonably expected to prevent or significantly alleviate that serious harm;

Therefore, the Commission adopts the emergency regulation to add Section 8.02, Title 14, CCR, directs staff to submit the regulation to the California Office of Administrative Law as promptly as possible, and request that OAL file the regulation with the Secretary of State as promptly as possible.

Received April 6, 2020.  
Original signed copy on file.

## Memorandum

**Date:** April 6, 2020

**To:** Melissa Miller-Henson  
Executive Director  
Fish and Game Commission

**From:** Charlton H. Bonham  
Director

**Subject: Submittal of Emergency Statement for addition of Section 8.02 to Title 14, California Code of Regulations (CCR): Special Measures For Sport Fishing to Protect Public Health from the Threat of COVID-19**

Please find attached the Emergency Statement, STD399 Economic and Fiscal Impact Statement, and STD399 addendum for immediate emergency action to add Section 8.02 to Title 14, California Code of Regulations (CCR). The California Department of Fish and Wildlife (Department) believes that this emergency situation requires prompt action and that delaying action is inconsistent with the public interest. This situation poses such an immediate, serious harm that the Commission may utilize the provisions in Government Code Sections 11346.1(a)(3) and 11349.6(b) and subsection 50(a)(5)(B) of Title 1, CCR, which allow the Commission to forgo typical notification of emergency action and public comment period because of this emergency. As such, the Department requests that this emergency rulemaking be submitted to the Office of Administrative Law no later than April 9, 2020, for an expedited review and requested effective date of April 13, 2020.

Importantly, while this emergency situation addressed by these regulations clearly poses such an immediate, serious harm that these Government Code provisions are warranted, the Department thanks the Commission for doing all it can to ensure public engagement. This memorandum and the supporting regulatory package will be posted on the Commission's website and distributed to both the Department's and the Commission's listservs 48 hours before the scheduled emergency Commission meeting on Thursday April 9, 2020. In addition, the Department and Commission intend to complete stakeholder outreach before the Thursday meeting so that the public is aware of the meeting and may elect to participate.

Further, the actual emergency regulation incorporates transparency mechanisms. The regulation is less than 60 days in duration, expiring May 31, 2020. It requires reporting and accountability before the Commission during upcoming public meetings scheduled in April and in May 2020.

### **BACKGROUND**

COVID-19 is a respiratory disease caused by a novel coronavirus and transmitted by person-to-person contact and community-spread. Due to the rapid spread of COVID-19 throughout California, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all individuals living in the State of California to comply with the California Department of Public Health's order to stay home or at their place of residence except as needed to

Melissa Miller-Henson, Executive Director  
Fish and Game Commission  
April 6, 2020  
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maintain continuity of operations of the federal critical infrastructure sectors.

The federal Centers for Disease Control and Prevention and the California Department of Public Health state that maintaining physical distancing of at least six feet is necessary to help prevent the spread of COVID-19. CDFW and the California Fish and Game Commission (Commission) understand the public's need to enjoy the benefits of nature and the outdoors, and public health officials are advising the public to walk, run, hike, and bike in their local areas, but not to congregate in the outdoors.

Recent developments illustrate the tension between the public's desire to enjoy the benefits of nature and the outdoors and the need to maintain physical distancing. On March 29, 2020, the California Department of Parks and Recreation closed vehicular access at all state parks and began closing state parks properties on April 3; it continues to work with local health officials to temporarily close parks in response to the outbreak. In addition, cities and counties across California have implemented various local ordinances to restrict access to public areas such as beaches, public piers, bike paths, and parks to slow the spread of COVID-19.

Federal, state, local and tribal public health guidance regarding the COVID-19 emergency is evolving rapidly and requires quick action by government entities to reduce the spread and public health impact of the virus. As an example, the annual inland trout sport fishing opener scheduled for April 25, 2020, typically draws high tourism influx to Inyo, Mono, and various other counties. Should the need arise due to public health and safety concerns, it is critical to provide adequate notice of any potential delays or restrictions on sport fishing to potential anglers who may be planning a multi-day excursion to avoid unnecessary travel or expenditure of time and resources preparing for a fishing trip.

The proposed addition of Section 8.02 would grant CDFW, in consultation with the president of the Commission, authority to delay, suspend or restrict marine and inland recreational (sport) fishing of certain species or particular waters, or possibly statewide, based on the best available public health and safety information.

The draft notice of statutory exemption for compliance with the California Environmental Quality Act will be provided to the Commission prior to the emergency hearing.

If you have any questions or need additional information, please contact Roger Bloom, Acting Branch Chief, Fisheries Branch, by mail at [Roger.Bloom@wildlife.ca.gov](mailto:Roger.Bloom@wildlife.ca.gov).

Attachment

ec:

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**DRAFT CALIFORNIA FISH AND GAME COMMISSION**  
**STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION**

Emergency Action to

Add Section 8.02,

Title 14, California Code of Regulations

Re: Special Measures for Sport Fishing to Protect Public Health from the Immediate  
Threat Posed by COVID-19

Date of Emergency Statement: April 6, 2020

**I. Statement of Facts Constituting the Need for Emergency Regulatory Action**

COVID-19 is a respiratory disease caused by a novel coronavirus and transmitted by person-to-person contact and community spread. The COVID-19 outbreak has been characterized as a pandemic by the World Health Organization and determined by the federal Centers for Disease Control and Prevention (CDC) to be a serious public health risk. Federal, state, local and tribal public health guidance regarding the COVID-19 emergency is evolving rapidly and requires quick action by government entities to reduce the spread and public health impact of the virus.

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency to exist in California as a result of the threat of COVID-19. Due to the rapid spread of COVID-19 throughout California, the Governor issued Executive Order N-33-20 on March 19, 2020, ordering all individuals living in the state of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors.

CDC and the California Department of Public Health (CDPH) state that maintaining physical distancing of at least six feet is necessary to help prevent the rapid spread of COVID-19. The state of California understands the public's need to enjoy the benefits of nature and the outdoors, and public health officials are advising the public to walk, run, hike, and bike in their local areas but not to congregate in the outdoors. Congregations of the public while seeking outdoor recreation has led to a number of local and state measures to help promote physical distancing. On March 29, 2019, the California Department of Parks and Recreation closed vehicular access at all state parks; on April 3 it temporarily closed over 50 state parks properties and continues to work with local health officials to temporarily close additional state parks in response to the outbreak. In addition, cities and counties across California have implemented various local ordinances to restrict access to public areas such as beaches, bike paths, and parks to slow the spread of COVID-19.

The Commission recognizes the need to swiftly respond to dynamic public health and safety concerns arising from the COVID-19 emergency. Given the California Department of Fish and Wildlife's (CDFW) expertise in understanding sport (including recreational) fishing throughout the state, and the behavior of sport fishers as it relates to those fisheries, CDFW and the California Fish and Game Commission (Commission) have determined that a temporary, adaptive

approach is needed to give CDFW the ability to suspend or restrict certain or all inland and marine waters to sport fishing or restrict the taking of any fish species.

Many fisheries are defined by calendar dates, typically with an “opener” and a “closing” date. When the season opens, people regularly travel to fish, and congregate in parking lots, near waterways, on trails and access paths, on boat ramps, and in other areas, taking advantage of the newly opened fishing season. Various fisheries are currently open to sport fishing throughout the state. Other fisheries are scheduled to open to sport fishing soon, including fisheries that attract high levels of public participation. For example, the groundfish sport fishing season opened April 1, 2020 between Point Conception, Santa Barbara County and Point Arena, Mendocino County and will open on May 11, 2020 north of Point Arena, Mendocino County. Inland trout sport fishing in waters across the state (36 counties) is scheduled to open on April 25, 2020, notably in the Sierra District, comprising all or a portion of the counties listed in Section 6.35 of Title 14, CCR, including Inyo and Mono counties.

The recreational ocean salmon fishing season is set by the National Marine Fisheries Service on advice from the Pacific Fishery Management Council (PFMC), of which California is a member. California’s PFMC members and recreational salmon representatives recommended delaying to April 30, 2020 the salmon seasons that were set to open on April 4, 2020 south of Pigeon Point (in San Mateo County) and on April 11, 2020 north of Pigeon Point. Ocean salmon openers typically draw fishers from across the state to coastal ports to launch private boats at launch ramps and board charter boat trips.

On March 31, the National Marine Fisheries Service heeded the advice of PFMC and took “in-season” action to delay California’s recreational ocean salmon fishery through the month of April. The in-season delay mechanism exists within PFMC procedures, is well-understood by stakeholders, and is used to manage fisheries in near real-time. Recreational salmon season dates and regulations that will take effect on or after May 1, 2020 in all areas of California will be determined at the April 5-9, 2020 PFMC meeting when PFMC will make a recommendation to the National Marine Fisheries Service.

Although the delayed recreational ocean salmon season will reduce potential crowds at coastal access points, CDFW is working with local officials to monitor fisher behavior associated with existing ocean fishing opportunities.

Travel and potential concentration of fishers at “choke points” where it may not be possible to maintain six feet of separation (e.g., launch ramps, parking lots, etc.) have the potential to increase the spread of COVID-19. In addition, when traveling for a fishing trip, a fisher has the potential to travel to remote, small towns, often stopping at gas stations or convenience marts, tackle shops, fast food and other restaurants, marinas or boat launches, and/or hotels/motels. The travel can lead to inadvertent transmission of the virus to the local business attendants or employees, even if the fisher is asymptomatic (i.e., not exhibiting any symptoms of infection). Transmission risks of COVID-19 resulting from the aggregation and travel of fishers may require temporary restrictions on fishing to protect public health and reduce the spread of COVID-19.

Given the risks and guidance to avoid unnecessary travel and maintain physical distancing, CDFW and the Commission are seeing a patchwork of locally-based decisions limiting access, such as closures of launch ramp facilities and charter boat operations, and restrictions to harbor and marina access. Limiting the potential for transmission in certain areas by limiting access can inadvertently lead to aggregations of fishers in unrestricted areas, leading to higher probability for increased rates of COVID-19 transmission, or increase competition for the remaining opportunities, potentially leading to vandalism or injuries. Navigating a patchwork of limitations from multiple sources and jurisdictions may lead to confusion in the regulated public.

Of note, the April 25, 2020 inland trout fishery opening date across 36 counties in California represents an annual event that typically draws a high tourism influx to Inyo, Mono, and other counties in the Sierra District. A well-established tradition among many families, fishers often travel from several hours away for this particular opening weekend, where accommodations are often booked many months in advance. CDFW is receiving correspondence and increasing interest from fishers, guides, and certain Sierra District counties regarding potential delays for the inland trout opener or season due to concerns for potential transmission of COVID-19 from outside the area, and limited health infrastructure in the small towns hosting the openers. Any delay for an opener in a county would be expected to push fishers to neighboring counties where the opening day may remain intact.

Importantly, this approach includes specific public engagement and accountability measures. CDFW's memorandum to the Commission and supporting regulatory materials were posted on the Commission's website and distributed to both CDFW's and the Commission's mailing lists almost 36 hours before the scheduled emergency Commission meeting on Thursday April 9, 2020, well in advance of the legally-mandated 1-hour notice. In addition, CDFW and Commission conducted stakeholder outreach before the Thursday meeting so that the public was made aware of the meeting. Further, the actual emergency regulation incorporates transparency mechanisms: The regulation is limited in time to less than 60 days, expiring on May 31, 2020, and requires reporting and accountability before the Commission during scheduled public meetings in April 2020 and May 2020.

The Commission finds that this emergency situation requires prompt action and that delaying action to allow for notice and public comment is inconsistent with the public interest. This situation poses such an immediate, serious harm that the Commission is utilizing the provisions in Government Code Sections 11346.1(a)(3) and 11349.6(b) and Section 50(a)(5)(B) of Title 1, CCR, which allow the Commission to forgo typical notification of emergency action and public comment period.

In order to have this regulation take effect in advance of upcoming fishery opening dates (e.g., opening of inland trout fishing on April 25, 2020), the Commission does not have enough time to provide advance notice of this emergency rulemaking action and receive public comments for five days. As described above, every day that this action is delayed will likely result in serious

harm to the public health and safety of fishers based on the transmission risks of COVID-19. Taking immediate action to provide CDFW with authority to suspend, delay, or restrict fishing is necessary to significantly alleviate that harm.

## **II. Proposed Emergency Regulations**

To ensure that fishers, local communities, and government employees are protected from increased risk of transmission of COVID-19, the CDFW director will consider public health and safety guidance from federal, state, tribal, and local governments to guide the decision whether to delay, suspend, or restrict sport or recreational fishing for particular species or areas. Issuing temporary restrictions will be based on:

- (1) Current public health guidance from the director of CDPH,
- (2) Current public health guidance from the primary public health official of any county or tribe that would be affected by the delay, suspension or restriction on take,
- (3) Current public health guidance from CDC, and
- (4) The need to preserve public safety based on input from state, federal, tribal, or local law enforcement and other government agencies.

The director's decision to delay, suspend or restrict fishing, or to lift suspensions or restrictions, in any waters or to restrict the taking of any fish species, or lift such restrictions, will be based on the most current information available, considering public health and safety guidance from federal, state, tribal, and local officials, and in consultation with the president of the Commission. Special attention will be focused on areas and regions where aggregations of fishers have been historically known to occur, waters or areas where new aggregations are occurring, water or areas that experience a significant number of non-resident fishers, and/or areas and counties that have limited emergency and health services available. The director will report to the Commission on any decision made pursuant to Section 8.02.

## **III. Identification of Reports or Documents Supporting Regulation Change**

- (1) Executive Order N-33-20, Governor Newsom, March 19, 2020
- (2) Order of the State Public Health Officer, CDPH, March 19, 2020
- (3) Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission, CDC, March 12, 2020

## **IV. Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Commission expects that there will be costs to the State in the form of reduced revenue from fishing license and report card sales (estimated at a maximum to be \$15.2 million, depending upon the extent of actions taken), and reduced revenue to state and local governments from reduced sales tax (see the addendum to the STD 399, Economic and Fiscal Impact Statement for details). Federal funding to the state, specifically allocations from the Sport Fish Restoration Act, while hard to predict, may decline, if license sales numbers fall enough to impact the allocation algorithm used by the U.S. Fish and Wildlife Service. Potential savings to state agencies could occur with an anticipated reduction in COVID-19 infections and, therefore, a potentially reduced need for emergency response services from state agencies.

(b) Nondiscretionary Costs/Savings to Local Agencies:

This emergency regulation could decrease visitors to local, state, or federal areas where sport fishing is allowed, and result in reduced fee revenues for boat launches, local visitor expenditures, sales tax and transient occupancy tax to certain areas with high fishing activity. Local agencies may see savings resulting from a reduced need for emergency response if sport fishing restrictions result in fewer COVID-19 infections.

(c) Programs Mandated on Local Agencies or School Districts:

None.

(d) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

## V. Authority and Reference

The Commission adopts this emergency action pursuant to the authority vested by sections 200, 205, and 399 of the Fish and Game Code and to implement, interpret, or make specific sections 200, 205, and 399 of the Fish and Game Code.

## VI. Section 399 Finding

The proposed emergency regulation is necessary to protect public health and safety, consistent with Executive Order N-33-20 and the latest guidance from state and federal public health authorities. The Commission recognizes the need

for a swift, temporary, adaptive approach to respond to dynamic public health and safety concerns arising from the COVID-19 response. This emergency regulation is necessary to quickly respond to COVID-19 public health guidance and public safety needs to prevent and mitigate transmission of COVID-19. The Commission finds that the director can more promptly respond to changing circumstances and shifting guidance from public health organizations than the Commission can, as a body. An inability to respond quickly to the changing public health and safety needs across the state poses an immediate, serious harm to California citizens. This emergency regulation would authorize the director, in consultation with the president of the Commission, to manage sport (including recreational) fishing in California in accordance with the latest public health guidance and the need to ensure public safety to prevent or limit potential transmission of the virus that could occur as a result of a fishing trip.

Pursuant to Section 399, subdivision (b), of the Fish and Game Code, the Commission finds, based on the information above, that adopting this regulation is necessary for the immediate preservation of the public peace, health and safety, and general welfare.

## Informative Digest

The COVID-19 outbreak has been characterized as a pandemic by the World Health Organization and determined by the federal Centers for Disease Control and Prevention (CDC) to be a serious public health risk. The Governor's March 19, 2020, Executive Order requires all individuals residing in California to stay at home except as needed to maintain continuity of operations of the federal critical infrastructure sectors. Federal, state, local and tribal public health guidance regarding the COVID-19 emergency is evolving rapidly and requires quick action by government entities to reduce the spread and public health impact of the virus.

Recent developments illustrate the tension between the public's desire to enjoy the benefits of nature and the outdoors and the need to maintain physical distancing. A number of local and state measures have been put in place to help promote physical distancing among members of the public. In addition, cities and counties across California have implemented various local ordinances to restrict access to public areas, such as beaches, bike paths and parks, to slow the spread of COVID-19.

In some California fisheries, recreational and sport (hereinafter referred to as "sport") fishing may pose a high risk of increasing the spread of COVID-19, which would exacerbate the public health crisis. Travel and potential concentration of fishers at locations where it may not be possible to maintain six feet of separation (e.g., gas stations, launch ramps, parking lots, etc.) has the potential to increase the spread of COVID-19. Further, sport fishing in certain fisheries may increase the number of social interactions between fishers and employees of businesses that provide goods and services to those fishers, which has the potential to further increase the fast spread of COVID-19.

Transmission risks of COVID-19 resulting from the aggregation and travel of fishers may require temporary restrictions on fishing to protect public health and reduce the spread of COVID-19. The California Department of Fish and Wildlife (CDFW) and the California Fish and Game Commission (Commission) has determined that a temporary, adaptive approach is needed to give CDFW the ability to suspend sport fishing in any waters of the state or restrict the taking of any fish species to protect public health and safety from the immediate threat posed by COVID-19.

The proposed addition of Section 8.02, Title 14, CCR, grants CDFW the authority to temporarily suspend, delay, or restrict sport fishing if the director of CDFW, or his designee, in consultation with the president of the commission or his designee, finds that such closure or restriction is necessary to protect public health from the immediate threat posed by COVID-19.

Any suspension, delay or restriction on fishing shall supersede any other sport fishing regulation, including those implemented in accordance with Section 1.95 of Title 14, CCR, for automatic conformance to federal regulations for salmon and Pacific halibut.

The director's decision to delay, suspend or restrict fishing, or to lift suspensions or restrictions, in any waters or to restrict the taking of any fish species, or lift such restrictions, will be based on the most current information available, considering public health and safety guidance from federal, state, tribal, and local officials, and in

consultation with the president of the Commission. Special attention will be focused on areas or regions where large gatherings of fishers have been historically known to occur, areas where new gatherings are occurring, water or areas that experience a significant number of non-resident fishers, and or areas or regions that have limited emergency and health services available.

The director will report to the Commission on any decision made pursuant to Section 8.02 and that report will be a standing agenda item before the Commission, providing an opportunity for public input.

Commission staff has searched the CCR and has found no other state regulation relating to the Commission's delegation of authority to CDFW to delay, suspend or restrict sport fishing due to public health concerns of COVID-19 and therefore concludes that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

## Regulatory Language

Section 8.02, Title 14, CCR is added to read:

§ 8.02. Special Measures for Sport Fishing to Protect Public Health from the Immediate Threat Posed by COVID-19.

(a) The commission has established a quick response process to temporarily suspend, delay, or restrict sport (also known as recreational) fishing to protect public health from the immediate threat posed by COVID-19, including deviation from the automatic conformance process for salmon and Pacific halibut provided in Section 1.95.

(b) The department shall temporarily close any waters of the state to sport fishing or restrict the sport take of any species of fish if the director, or his designee, after consulting with the president of the commission, or the president's designee, finds that such action is necessary to protect public health from the immediate threat posed by COVID-19 after considering:

(1) Current public health guidance from the director of the California Department of Public Health,

(2) Current public health guidance from the primary public health official of any county or Native American tribal government that would be affected by the closure or restriction on take,

(3) Current public health guidance from the federal Centers for Disease Control and Prevention, and

(4) The need to preserve public safety based on input from state, federal, tribal, or local law enforcement or other government agencies.

(c) The department shall reopen any waters or lift any restrictions on the taking of a fish species imposed pursuant to subsection (b) when the director, or his designee, after consulting with the president of the commission, or the president's designee, and after considering current public health guidance and the need to preserve public safety, finds that the closures of those waters or restrictions on the taking of a fish species is no longer necessary to protect public health from the immediate threat posed by COVID-19.

(d) It shall be unlawful to take fish in any waters of the state closed to sport fishing or in violation of any restrictions imposed on the sport take of a fish species pursuant to this section.

(e) The department shall maintain a list of affected waters and restrictions on the taking of a fish species imposed pursuant to subsection (b) and update that list daily by 7:00 pm. The fishing status for each specific water or fish species shall take effect at 12:01 am on the day immediately following the update. It shall be the responsibility of the fisher to use the telephone number provided below or to check the department's website at <https://www.wildlife.ca.gov/Regulations> to obtain the current status of any water and restrictions on the taking of a fish species. The number to call for information is (916) 445-7600.

(f) At each regularly-scheduled commission meeting, the department shall report on any action taken pursuant to this section since the previous report. While this regulation is in effect, the commission shall maintain a standing agenda item for this report to allow for public comment and commission discussion. The department shall consider any discussion or vote by the commission and public comment during those agenda items to determine whether further action is warranted under subsection (b).

(g) This section shall remain in effect through May 31, 2020, and shall be repealed effective June 1, 2020.

Note: Authority cited: Sections 200, 205 and 399, Fish and Game Code. Reference: Sections 200, 205 and 399, Fish and Game Code.

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME <b>Fish and Game Commission</b>	CONTACT PERSON <b>Michelle Selmon michelle.selmon</b>	EMAIL ADDRESS <b>@wildlife.ca.gov</b>	TELEPHONE NUMBER <b>916-704-3215</b>
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 <b>Add Section 8.02: Special Measures for Sport Fishing to Protect Public Health from the Threat of COVID-19</b>			NOTICE FILE NUMBER <b>Z</b>

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- |  |   |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees  | <input type="checkbox"/> e. Imposes reporting requirements                |
| <input type="checkbox"/> b. Impacts small businesses           | <input type="checkbox"/> f. Imposes prescriptive instead of performance   |
| <input type="checkbox"/> c. Impacts jobs or occupations        | <input type="checkbox"/> g. Impacts individuals                           |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

**Economic impact statement not required for emergency regulations -- See addendum for fiscal impacts.**

***If any box in Items 1 a through g is checked, complete this Economic Impact Statement.***

***If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***

2. The \_\_\_\_\_ estimates that the economic impact of this regulation (which includes the fiscal impact) is:  
(Agency/Department)

- Below \$10 million
- Between \$10 and \$25 million
- Between \$25 and \$50 million
- Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: \_\_\_\_\_

Describe the types of businesses (Include nonprofits): \_\_\_\_\_

Enter the number or percentage of total businesses impacted that are small businesses: \_\_\_\_\_

4. Enter the number of businesses that will be created: \_\_\_\_\_ eliminated: \_\_\_\_\_

Explain: \_\_\_\_\_

5. Indicate the geographic extent of impacts:  Statewide  
 Local or regional (List areas): \_\_\_\_\_

6. Enter the number of jobs created: \_\_\_\_\_ and eliminated: \_\_\_\_\_

Describe the types of jobs or occupations impacted: \_\_\_\_\_

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?  YES  NO

If YES, explain briefly: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ \_\_\_\_\_

a. Initial costs for a small business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

b. Initial costs for a typical business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

c. Initial costs for an individual: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

d. Describe other economic costs that may occur: \_\_\_\_\_

2. If multiple industries are impacted, enter the share of total costs for each industry: \_\_\_\_\_

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ \_\_\_\_\_

4. Will this regulation directly impact housing costs?  YES  NO  
If YES, enter the annual dollar cost per housing unit: \$ \_\_\_\_\_

Number of units: \_\_\_\_\_

5. Are there comparable Federal regulations?  YES  NO

Explain the need for State regulation given the existence or absence of Federal regulations: \_\_\_\_\_

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ \_\_\_\_\_

**C. ESTIMATED BENEFITS** *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: \_\_\_\_\_

2. Are the benefits the result of:  specific statutory requirements, or  goals developed by the agency based on broad statutory authority?

Explain: \_\_\_\_\_

3. What are the total statewide benefits from this regulation over its lifetime? \$ \_\_\_\_\_

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: \_\_\_\_\_

**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 1: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 2: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: \_\_\_\_\_  
\_\_\_\_\_

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?  YES  NO

Explain: \_\_\_\_\_  
\_\_\_\_\_

**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.*

***California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***

1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**?  YES  NO

***If YES, complete E2. and E3  
If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: \_\_\_\_\_

Alternative 2: \_\_\_\_\_

*(Attach additional pages for other alternatives)*

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 1: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 2: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES  NO

*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: \_\_\_\_\_

The incentive for innovation in products, materials or processes: \_\_\_\_\_

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

**FISCAL IMPACT STATEMENT**

**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

a. Funding provided in \_\_\_\_\_

Budget Act of \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

b. Funding will be requested in the Governor's Budget Act of \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

*Check reason(s) this regulation is not reimbursable and provide the appropriate information:*

a. Implements the Federal mandate contained in \_\_\_\_\_

b. Implements the court mandate set forth by the \_\_\_\_\_ Court.

Case of: \_\_\_\_\_ vs. \_\_\_\_\_

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_

Date of Election: \_\_\_\_\_

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: \_\_\_\_\_  
\_\_\_\_\_

e. Will be fully financed from the fees, revenue, etc. from: \_\_\_\_\_

Authorized by Section: \_\_\_\_\_ of the \_\_\_\_\_ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in \_\_\_\_\_

3. Annual Savings. (approximate)

\$ \_\_\_\_\_

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain The proposed regulation would decrease local city and county tax revenue. See addendum for explanation.

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

**FISCAL IMPACT STATEMENT (CONTINUED)****B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.* 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

*It is anticipated that State agencies will:* a. Absorb these additional costs within their existing budgets and resources. b. Increase the currently authorized budget level for the \_\_\_\_\_ Fiscal Year 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

 3. No fiscal impact exists. This regulation does not affect any State agency or program. 4. Other. Explain The proposed regulation would result in revenue loss to the California Department of Fish and Wildlife from reduced fishing license and report card sales. See addendum for explanation.**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.* 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program. 4. Other. Explain Federal grant allocation for California from the federal Sport Fish Restoration Act (SFRA) is dependent upon annual fishing license sales and land area. See addendum for explanation.

FISCAL OFFICER SIGNATURE

  
**Williams, Tyrone@Wildlife**Digitally signed by Williams, Tyrone@Wildlife  
DN: dc=Gov, dc=Ca, dc=Dfg, dc=AD, ou=DFG Divisions, ou=Users, cn="Williams, Tyrone@Wildlife"  
Reason: I am approving this document  
Location: your signing location here  
Date: 2020.04.06 09:10:48  
Foxit PhantomPDF Version: 9.6.0

DATE

April 6, 2020

*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY

  
*Melissa A. Miller-Henson*Digitally signed by Miller-Henson, Melissa@FGC  
DN: dc=Gov, dc=Ca, dc=Dfg, dc=AD, ou=DFG Divisions, ou=EXEC, ou=Users, cn=Miller-Henson, Melissa@FGC  
Date: 2020.04.06 11:41:04 -07'00'

DATE

April 6, 2020

*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

**aspiraSTD399 CALCULATIONS WORKSHEET  
ADDENDUM**

Emergency Action to Adopt Section 8.02,  
Title 14, California Code of Regulations  
Re: Special Measures for Sport Fishing to Protect Public Health from the Threat of  
COVID-19

**Economic Impact Statement**

Emergency regulations do not require an economic impact statement; only fiscal impacts must be evaluated (California Government Code Section 11346.1).

**Fiscal Impact Statement**

The proposed addition of Section 8.02 to Title 14, California Code of Regulations (CCR) has the potential to have a fiscal impact on local government, state government, and federal funding of state programs.

The proposed regulation would grant the director of the California Department of Fish and Wildlife (CDFW), in consultation with the president of the California Fish and Game Commission (Commission), the authority to temporarily delay, restrict or postpone sport and recreational (hereinafter “sport”) fishing to protect public health from the threat of the novel coronavirus COVID-19. Any such delay, postponement, or restriction on fishing shall supersede any other sport fishing regulation, including those implemented in accordance with Section 1.95 of Title 14, CCR, for automatic conformance to federal regulations for salmon and Pacific halibut. Based on the latest information and advisories from federal, California, tribal and local county health officials regarding potential threats to public safety and health, the director in consultation with the Commission’s president may lift any delays or restrictions imposed on sport fishing pursuant to this emergency regulation.

Over 1.6 million sport fishers in California could be directly affected by the proposed emergency action for limited periods of time. Approximately 46 percent (about 753,000) of sport fishers fish in the marine environment. Many saltwater fishers also fish in freshwater environments, such that about 81 percent (or 1.3 million individuals) pursue freshwater fish; of these freshwater or inland fishers, nearly 60 percent (or about 782,000) pursue trout among other popular species, such as bass (U.S. Fish and Wildlife Service, California Report, 2014; CDFW 2019 License and Revenue Branch License Statistics).

**Table 1.** California sport fishing license holders

Resident & Non-Resident Fishing License Holders	1,635,950	100%
Saltwater	752,537	46%
Freshwater	1,325,120	81%
Freshwater Trout Fishers	781,821	59%

Sources: CDFW License and Revenue Branch Statistics, U.S. Department of the Interior, U.S. Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau, 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; USFWS Service License Statistics. Note: Figures do not total to 100% because these are overlapping categories of sport fishers.

**Table 2.** Recreational sport fishing days and spending/day for saltwater & freshwater

Total Recreational Fisher Days	23,278,920	100%
Saltwater Days	6,983,676	30%
Freshwater Days	16,993,612	73%
Saltwater spending per day	\$ 175	
Freshwater spending per day	\$ 115	
Annual Total Expenditures	\$ 3,176,408,634	
Fisher's expenditures during emergency period from April – May 31	\$ 529,507,319	

Sources: U.S. Department of the Interior, U.S. Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau, 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; U.S. Department of the Interior, *In-River Sport Fishing Economics Technical Report*, National Oceanographic and Atmospheric Administration, National Marine Fisheries Service, September 2011; CDFW Fisheries Branch Creel survey results.

As stated, the economic impacts are not required to be reported for an emergency regulation. However, fiscal impacts are driven by impacts on individuals' and businesses' spending patterns. Spending on various goods and services, purchases of licenses, as well as potential changes in the administration of an emergency action will be reflected in fiscal impacts by way of local and state taxes, costs or savings to local and state governments, and potentially federal funding to the state.

## Scenarios

The proposed regulations could result in a spectrum of potential fiscal impacts resulting from actions taken by the director, in consultation with the Commission president, to delay, suspend, or otherwise restrict inland and marine sport fisheries in response to the threat to public health posed by the COVID-19 virus. Given the multiple possible combinations of delays by location and duration of emergency actions that could be taken, the anticipated impacts are difficult to quantify. In order to illustrate the relative magnitude of the attendant impacts, three potential scenarios are presented:

- A) Restrictions or suspended opportunities over limited areas resulting in an approximately 25 percent reduction in fishing opportunities;
- B) More extensive restrictions or suspended opportunities over longer periods of time resulting in an approximately 50 percent reduction in fishing opportunities; and

- C) Most restrictive scenario of statewide restrictions or suspended opportunities through the entire emergency period from April to May 31, 2020 or a 100 percent reduction in fishing opportunity.

Each of these hypothetical scenarios would result in reductions in sport fisher trips and fisher spending, translating into a reduction in local and state tax revenue, and reductions to revenue to CDFW with decreases in license, report card, and validation revenue. However, it should be kept in mind that partial suspensions of fishing in only a few areas could allow for sport fisher effort to shift to other open areas such that the anticipated reduction in angling visits and spending may be less than the deduction of the typical number of angling days in a given area.

Time throughout the year allowable to sport fishing in the marine or inland freshwater environments comprise a spectrum of most liberal (open year-round) to most conservative (closed year-round). However, the majority of marine and inland sport fishing time frames coincide with periods of high sport fishing effort attributed to season “opener” dates. Tables 3-4 outline seasons that are currently open and could be curtailed, or those seasons that could be delayed entirely under the proposed emergency period of April – May 31, 2020.

**Table 3.** Marine sport fisheries and opener/2020 season dates for certain marine areas.

Marine Fishery	Opener/ Season dates for 2020
Rockfish, Cabezon, Greenling, Lingcod, Leopard Shark*, ocean whitefish, California Sheephead, California scorpionfish, most other groundfish	Mar 1-Dec 31 (boat-based) – Southern MA (Point Concepcion to U.S./Mexico Border) Apr 1-Dec 31 (boat-based) – San Francisco MA (Point Arena to Pigeon Point), Central MA (Pigeon Point to Point Concepcion) May 1-Oct 31 (boat-based) – Northern MA (OR/CA border to Cape Mendocino), Mendocino MA (Cape Mendocino to Point Arena) Year-round (diver, shore-based)*
Dungeness crab	^Nov 7-July 30 (Del Norte, Humboldt, Mendocino counties) ^Nov 7-Jun 30 (all other counties)
Ocean salmon	<i>Season to be determined in April 2020</i> – OR/ CA border Apr 11-30 – Horse Mountain to Point Arena (Fort Bragg), Point Arena to Pigeon Point Apr 4-30 – Pigeon Point to U.S./Mexico Border

^denotes 2020 date for first Saturday in November

MA = Management Area

\*certain restrictions on season by bay

Year-round opportunities include most lakes, reservoirs, and certain rivers, streams and creeks, for species that include landlocked salmon, shad, splittail, white sturgeon, as well as non-native warm-water fisheries such as striped and black bass, sunfish, crappie, tilapia and yellow perch. The black bass fishery has a season from April 25-September 30 (Siskiyou Co.), and from April 25-November 15 (Inyo, Mono, and Shasta counties).

Inland sport salmon, hatchery trout and steelhead, and other trout demonstrate a mixture of open and closed year-round opportunities, and specific seasons. As shown in Table 4, seasons starting with an opener on the last Saturday in April (April 25 in 2020) include special waters from over half of California’s counties (36 counties), with a varying season closure date. Following up in popularity is the season starting with an opener the fourth Saturday in May preceding Memorial Day (May 23 in 2020) in 26 counties, with a varying season closure date. Based on these opener dates examined from Table 4, the emergency action period of April – May 31, 2020, could severely impact resident and non-resident sport fishing opportunities.

**Table 4.** Sport salmon, hatchery trout, hatchery steelhead, or other trout opener/ 2020 season dates for inland waters summarized by county

Opener/ 2020 season dates	Counties with special waters
Jan 1-Jul 15	Butte, Sacramento, San Joaquin, Sutter, Yuba
Jan 1-Sep 30	Inyo, Mono
Jan 1-Oct 31	Calaveras, San Joaquin, Merced, Stanislaus, Tuolumne
Feb 1-Sep 30	Siskiyou

Opener/ 2020 season dates	Counties with special waters
Mar 7-Oct 31	Inyo, Mono
Mar 7-Nov 15	Inyo
*Apr 25-Sep 14	Mono
*Apr 25-Sep 30	Siskiyou
*Apr 25-Nov 15	Alameda, Alpine, Amador, Colusa, El Dorado, Fresno, Glenn, Inyo, Kern, Lake, Lassen, Madera, Marin, Mariposa, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, San Benito, San Luis Obispo, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Sonoma, Sierra, Stanislaus, Tehama, Trinity, Tulare, Tuolumne, Yuba
*Apr 25-May 22, Oct 1-Nov 15	Mono
*Apr 25-Jul 31	Mono
*May 23-Sept 30/ Oct 1	Inyo, Mendocino, Mono, Plumas
*May 23-Jul 15	San Joaquin
*May 23-Oct. 15	Nevada, Placer, Yuba
*May 23-Oct. 31	Del Norte, Monterey
*May 23-Nov 15	Lake, Lassen, Modoc, Plumas, Shasta, Siskiyou
*May 23-Nov 30	Los Angeles, Orange, Ventura
*May 23-Dec 31	Lassen
*May 23-Feb 28	San Bernardino
*May 23- Mar 31	Calaveras, Contra Costa, Del Norte, Humboldt, Marin, Mendocino, Napa, San Joaquin, Sonoma
*May 23-Apr 30	Del Norte
Jun 1-Oct 15	Fresno
Jun 16-Sep 30	Tehama
Jun 16-Nov 15	Fresno, Madera
Jun 16-Feb 15	Butte
Jun 16-Apr 30	Fresno, Madera
Jul 1-Sep 30	Placer, El Dorado, Alpine
Jul 1-Nov 15	Inyo, Tuolumne
Jul 16-Oct 31	Butte, Sacramento, San Joaquin, Sutter, Yolo, Yuba
Aug 1-Nov 15	Mono
Sep 4-Oct 31	Alpine
Dec 1-Aug 31	Nevada, Yuba
	Imperial – Colorado River District
	Kings, Solano – Valley District
	Riverside, San Diego – Southern District
	Santa Cruz – all special waters Dec 1-Mar 7 weekends+Wed

Notes: This table excludes those fisheries/waters with a year-round open or closed season.

\* Denotes 2020 date for last Saturday in April, or the fourth Saturday in May/ Saturday preceding Memorial Day

While CDFW does not have complete sport fisher (creel) survey data for all marine or inland waters, past sport fisher purchasing patterns for annual fishing licenses, report cards, and validations provides some indication of effort.

The proposed emergency regulation period of April through May 31, 2020 coincides with the approach of summer, the peak season openers, and generally higher work and school vacations; these events would optimize the potential for increased visitor expenditures, sales tax, and transient occupancy tax revenues to the affected areas where fisher aggregations during season openers are typical. During sport fishing seasons, fisher spending is anticipated to be received by an array of small businesses that serve sport fishing activities. While difficult to measure, the fiscal impact is likely to be mitigated due to reduced travel as a result of state and local stay-at-home orders in response to the COVID-19 pandemic. Many local businesses are already closed due to these orders. The closures are causing existing fiscal losses, which are likely to exist regardless of the availability of sport fishing opportunities. In addition, potential savings to state and local agencies would be expected due to fewer COVID-19 infections and a decreased need for emergency response.

**A. Fiscal Impact on Local Government**

**1. Tax Revenue Impact Projections Methods**

The proposed regulation was evaluated as to what extent it would impact sport fisher travel, broadly estimated by the “peak” season or date of opener for certain fisheries, estimated by times, visits to each fishery area, and length of stay to each area. The activities involve participant expenditures in the retail, food and accommodations, automotive service and fuel, sporting equipment sales/rent/lease, and recreational services sectors. Direct expenditures generate local sales and transient occupancy tax for local governments throughout California.

**a. Local Sales Tax**

The California State Board of Equalization reports local sales tax rates for all cities and counties in California. The statewide tax rate is 7.25%, and local sales tax rates vary across cities and counties. Decreases in visitor spending due to fewer sport fisher day trips and overnight stays would result in reductions in sales tax revenue through the emergency period from April through May 31, 2020.

Single figure estimates of the amount of local sales tax losses by area are difficult to provide, given the various ways in which the proposed emergency action could be implemented: suspended seasons or restrictions by certain areas or species or a uniform delay statewide.

Thus, as described in the scenarios section, this analysis presents a range of possible local tax impacts for three alternative scenarios: A) 25% - shorter restrictions or suspended opportunities over limited areas; B) 50% - more extensive restrictions or suspended opportunities over longer periods of time; and C) 100% - statewide restrictions or suspended seasons through the entire emergency period from April to May 31, 2020.

**Table 5.** Local tax impacts by alternative scenario

Alternative Reduction Scenarios	Expenditures	Local Tax
A - 25 percent	\$ (132,376,830)	\$ (1,943,887)

B - 50 percent	\$ (264,753,660)	\$ (3,887,774)
C - 100 percent	\$ (529,507,319)	\$ (7,775,548)

Sources: California Department of Tax and Fee Administration; U.S. Department of the Interior, U.S. Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau, 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; U.S. Department of the Interior, *In-River Sport Fishing Economics Technical Report*, National Oceanographic and Atmospheric Administration, National Marine Fisheries Service, September 2011; CDFW Fisheries Branch Creel survey results.

### b. Transient Occupancy Tax (TOT)

Sport fishers' survey responses reveal that those who travel a greater distance to the fishery area are more likely to choose to stay overnight in the area. Those who live in the closest proximity to fishery sites and those who fish in the earliest hours of the day show a lower likelihood of staying overnight. State or federal campgrounds do not collect TOT and are, to date, already closed to the public in response to COVID-19 risks. However, overnight stays are often at private campgrounds, motels, and hotels, all of which collect TOT. County treasurer tax collectors report the TOTs, with rates in cities and counties ranging from 8% to 10%. The estimated TOT revenue figures under the alternative scenarios considered are presented in Figure 6.

**Table 6.** Local TOT impacts by alternative scenario

Alternative Reduction Scenarios	Expenditures	Local TOT
A - 25 percent	\$ (132,376,830)	\$ (2,619,402)
B - 50 percent	\$ (264,753,660)	\$ (5,238,805)
C - 100 percent	\$ (529,507,319)	\$ (10,477,609)

Sources: California Department of Tax and Fee Administration; U.S. Department of the Interior, U.S. Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau, 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; U.S. Department of the Interior, *In-River Sport Fishing Economics Technical Report*, National Oceanographic and Atmospheric Administration, National Marine Fisheries Service, September 2011; CDFW Fisheries Branch Creel survey results.

## B. Fiscal Impact on State Government

### 1. State Government Sales Tax Revenue

The state sales tax rate is currently 7.25%. As described for local sales tax revenue, decreases in visitor expenditures would result in reduced state sales tax revenue. .

A range of possible state sales tax impacts are presented in Table 7 for three alternative scenarios: A) 25% - shorter restrictions or suspended opportunities over limited areas; B) 50% - more extensive restrictions or suspended opportunities over longer periods of time; and C) 100% - statewide restrictions or

suspended opportunities through the entire emergency period from April to May 31, 2020.

**Table 7.** State tax impacts by alternative scenario

Alternative Reduction Scenarios	Expenditures	State Tax
A - 25 percent	\$ (132,376,830)	\$ (7,942,610)
B - 50 percent	\$ (264,753,660)	\$ (15,885,220)
C - 100 percent	\$ (529,507,319)	\$ (31,770,439)

Sources: California Department of Tax and Fee Administration; U.S. Department of the Interior, U.S. Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau, 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; U.S. Department of the Interior, *In-River Sport Fishing Economics Technical Report*, National Oceanographic and Atmospheric Administration, National Marine Fisheries Service, September 2011; CDFW Fisheries Branch Creel survey results.

## 2. California Department of Fish and Wildlife Revenue Impact

### a. Changes in fishing license sales

Sport fishing programs are primarily user-funded by fishers through the sale of sport fishing licenses, money which directly supports wildlife and fisheries management. Revenue from the sale of licenses is used to employ wildlife officers who protect California’s fish and wildlife, to employ biologists who manage our fish and wildlife habitats and populations, and to operate fish hatcheries that plant millions of trout for sport fishers annually.

Between 2015 and 2019, California issued approximately 1.7 million sport fishing licenses annually. Including the sale of additional validations and report cards, license sales generated an average \$68.2 million for fisheries management and protection (Table 8). Most license items are purchased and issued on an annual basis, except for lifetime license packages, which include the purchaser receiving an annual sport fishing license each year for life for a single flat fee paid at one time, depending on age (Table 8). It is likely that the annual license items would see a greater decline in purchasing as those items may not be usable during a short-term suspension of sport fishing during part (Scenario A, B) or all (Alternative C) of the proposed affected period of April-May 31, 2020. However, those that experience reductions in employment and wages as a result of the pandemic may have very little, if any, discretionary income to direct towards lifetime license packages.

**Table 8.** License sales statistics averaged across 2015-2019 license years broken down by annual revenue, and the months of April and May.

Sport Fish License Item	Total Annual Avg. Revenue (2015-2019)*	Avg. Revenue Apr - May (2015-2019)*
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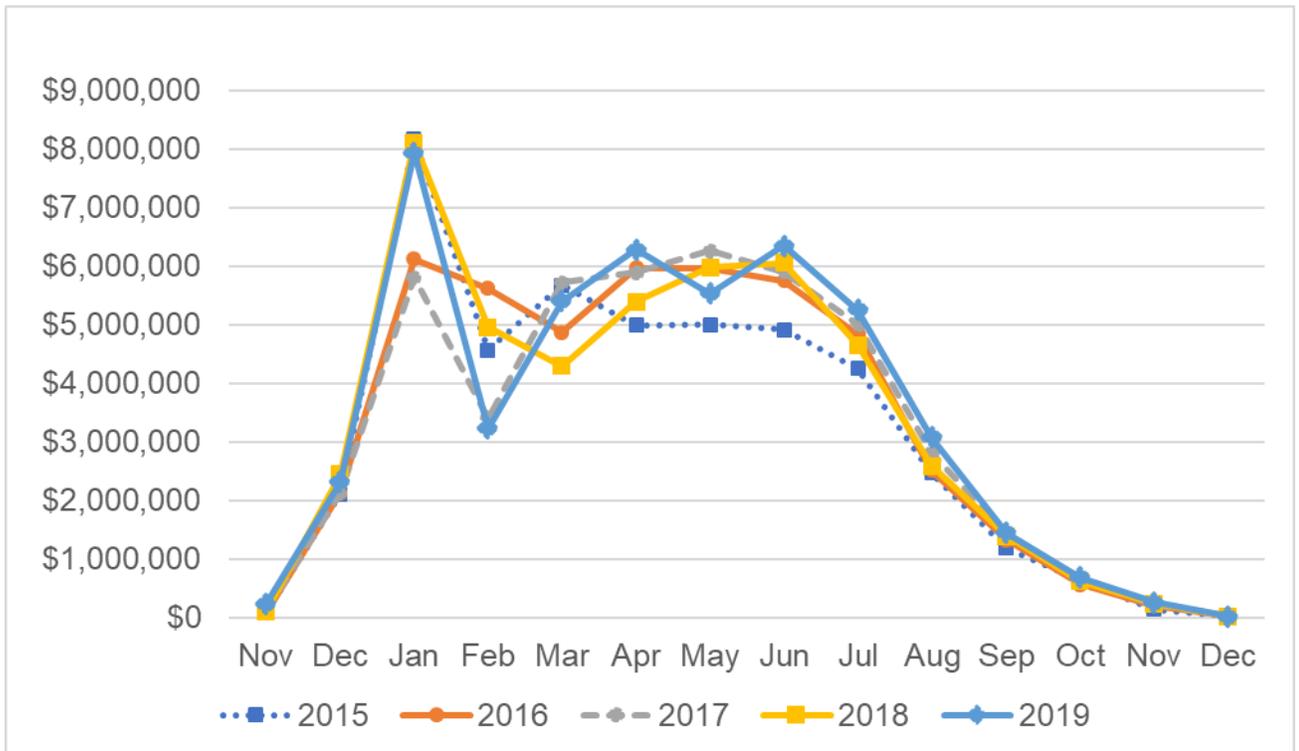
Annual Sport Fishing License (Resident)	\$ 46,340,925	<b>\$ 11,496,620</b>
Annual Sport Fishing License (Reduced-Fee)	\$ 135,599	<b>\$ 27,141</b>
Gift Voucher for Sport Fishing License (Resident)	\$ 2,118,327	<b>\$ 118,942</b>
Annual Sport Fishing License (Nonresident)	\$ 1,519,036	<b>\$ 492,713</b>
10-Day Sport Fishing License (Nonresident)	\$ 742,270	<b>\$ 117,876</b>
2-Day Sport Fishing License	\$ 2,172,407	<b>\$ 302,762</b>
1-Day Sport Fishing License	\$ 8,050,741	<b>\$ 1,256,930</b>
Second-Rod Validation	\$ 4,043,750	<b>\$ 911,138</b>
Ocean Enhancement Validation	\$ 1,349,873	<b>\$ 278,028</b>
North Coast Salmon Report Card	\$ 115,609	<b>\$ 12,171</b>
Steelhead Report Card	\$ 324,461	<b>\$ 32,435</b>
Sturgeon Report Card	\$ 356,272	<b>\$ 44,194</b>
Multi-Day Declaration Fishing Trip Permit	\$ 10,182	<b>\$ 1,342</b>
Fishing Tournament Permit	\$ 44,101	<b>\$ 2,156</b>
Lifetime Fishing Package - Age 0 To 9	\$ 132,588	<b>\$ 17,704</b>
Lifetime Fishing Package - Age 10 To 39	\$ 324,876	<b>\$ 50,453</b>
Lifetime Fishing Package - Age 40 To 61	\$ 256,570	<b>\$ 41,539</b>
Lifetime Fishing Package - Age 62 And Over	\$ 132,173	<b>\$ 22,547</b>
Lifetime Privilege Package - Fish Privileges	\$ 116,105	<b>\$ 16,718</b>
<b>Annual Totals</b>	<b>\$68,285,866</b>	<b>\$ 15,243,406</b>

\*Average revenue includes duplicate licenses for applicable license items, and the 3% Automated License Data System processing fee for all license items. Analysis excludes: 5% agent handling fees for all license items, spiny lobster report card, as the season is outside the timeframe proposed to be affected (April-May 31).

The fiscal impact from loss of license sales revenue will depend on the action taken under the authority of the proposed regulation. As noted under Scenarios A-C, actions could range from CDFW postponing fishing activities in localized areas (Scenario A), to postponing fishing activities statewide (Scenario C). Additionally, the length of the postponement will impact the reduction in license revenue. The longer fishing activities are postponed, the greater the reduction in license revenue. If CDFW postpones sport fishing activities statewide for from April to May 31, based on the last five years' worth of license sales data, CDFW could experience an estimated \$15.2 million reduction in revenue from the sale of licenses, validations, report cards, and sport fish permits.

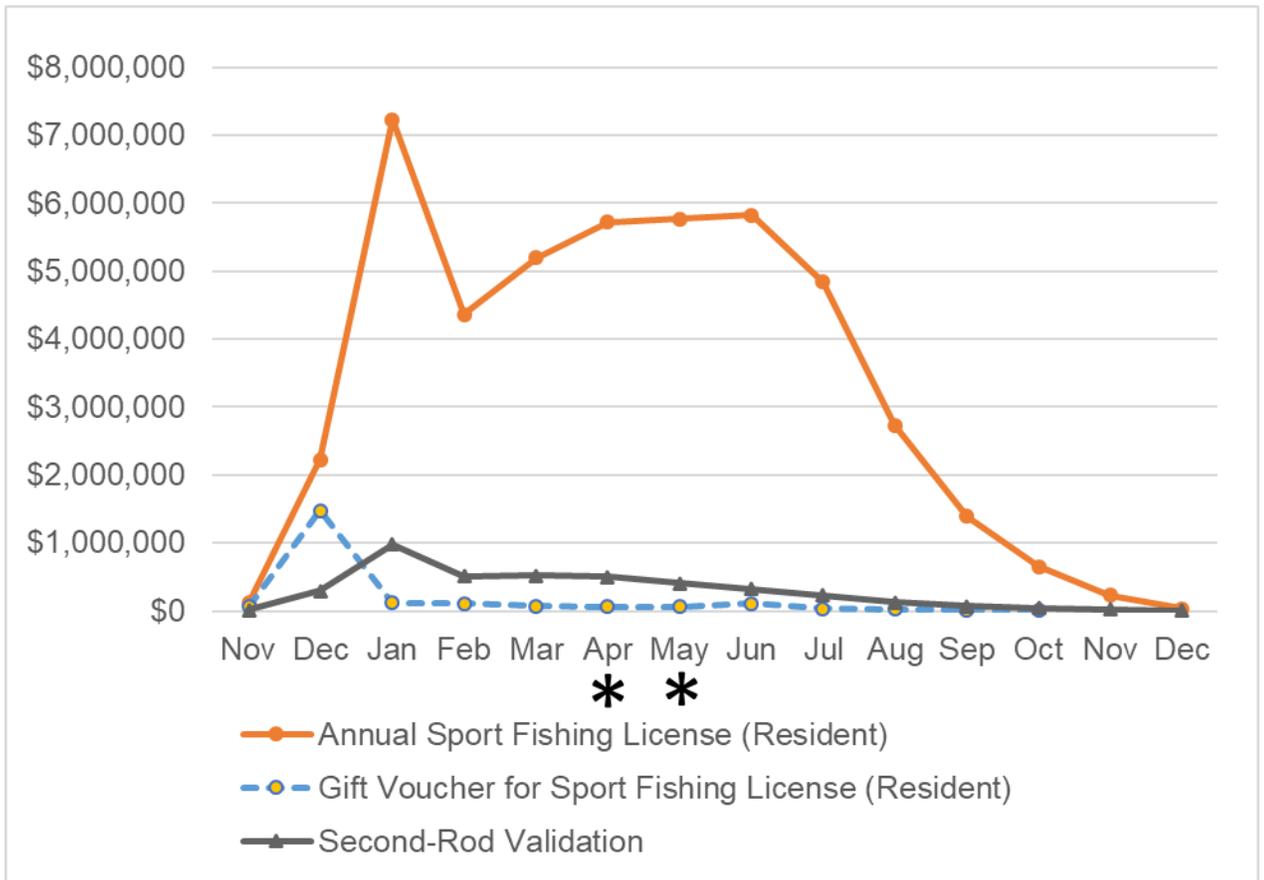
License revenue data averaged across 2015-2019 shows rather consistent purchasing patterns by month for most license items. For instance, the annual license (resident) sales peaks in January, with an even bell curve purchasing pattern into the spring from March through July (Figure 1), and that pattern is relatively consistent across the five years examined.

Figure 1. Average sales amount, 2015-2019 by month for the resident annual sport fishing license.



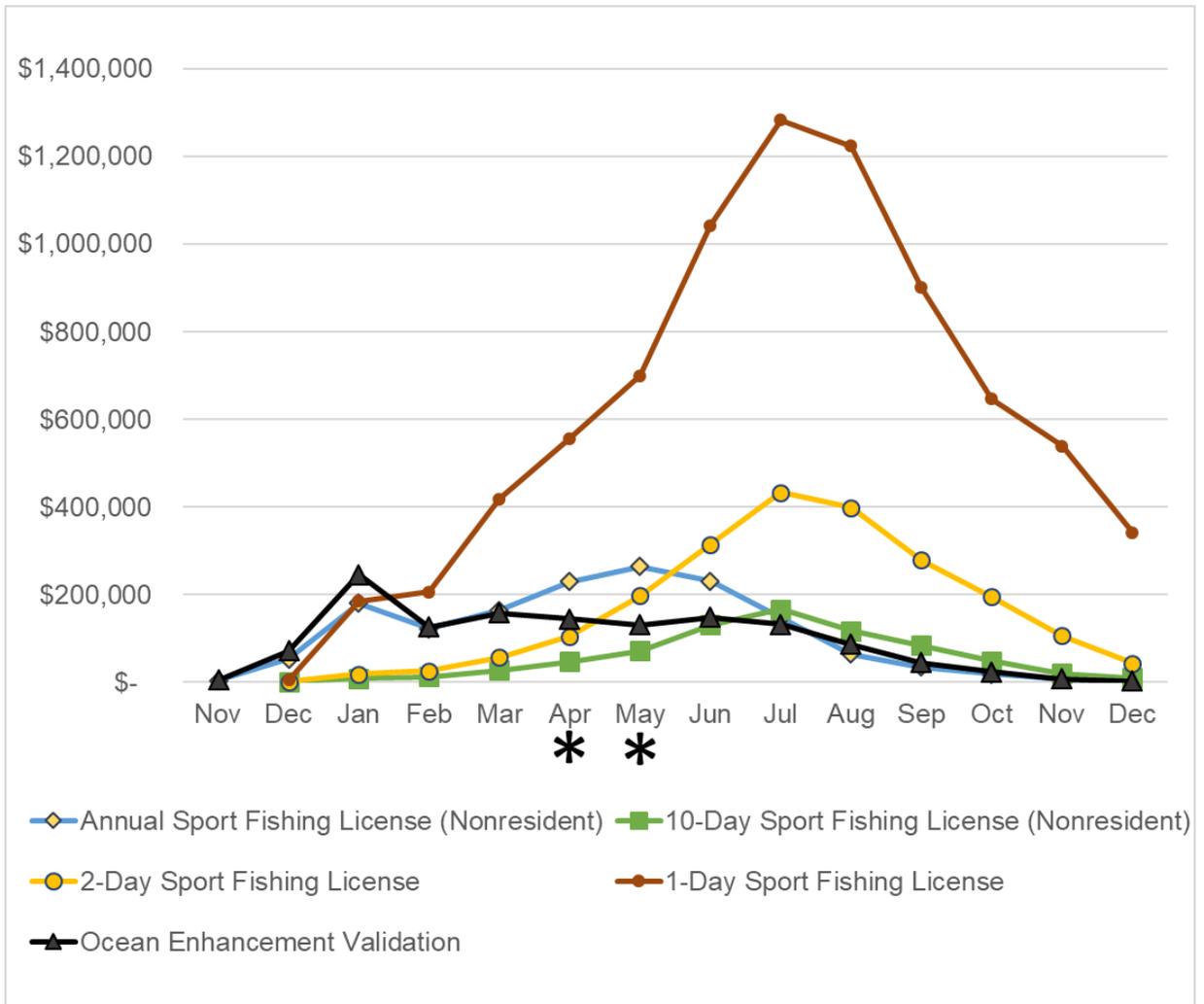
A general trend appears where certain license items are purchased in November, December, and January at the beginning of a license year, and then taper off for the rest of the year (Figure 2). This pattern is suggestive of residents purchasing their license to maximize full utilization for the entire license year. License items for upcoming license years are made available for purchase beginning on November 15 of the preceding calendar year.

Figure 2. Average sales amount, 2015-2019 by month for the resident annual sport fishing license, gift voucher, and second rod validation, demonstrating a January purchasing pattern peak. Asterisks indicate the months including the end of April and end of May openers.



Another pattern of license items purchased occurs again in the spring, presumably for license items primarily purchased by non-residents, such as the annual license (non-resident), 2-day, and 10-day licenses (Figure 3). Such patterns support the idea that non-residents engage in opportunities that coincide with the April-May 31, 2020 period that could be affected by potential emergency restrictions at local or statewide levels (scenarios A-C). The time period overlaps with the approach of summer, the peak season openers in April and May, and generally higher work and school vacations for those visiting from out of state.

Figure 3. Average sales amount, 2015-2019 by month for five license items demonstrating a summer purchasing pattern peak. Asterisks indicate the months including the end of April and end of May openers.



### C. Fiscal Impact on Federal Funding of State Programs

#### Federal Grant Funding to the Department

CDFW receives federal grant funding from the United States Fish and Wildlife Service, partially based on fishing license sales. The funding is generated from a federal excise tax on sales of sport fishing tackle and motorboat fuels. Each state in the country receives federal grant money from the Sport Fish Restoration Act (SFRA). Grant amounts are based on 60% sport fish license sales (number of paid licensed fishers in California in proportion to national total) and 40% land area (includes inland and coastal water area). A tiered system is then used to allocate grants to the states.

For example, in 2020, Alaska and Texas received the maximum grant of \$18,486,258. California received the second highest grant of \$17,703,209, followed by the states of Florida and Minnesota, which received \$12,949,384 and \$13,330,3473, respectively.

A reduction in fishing license sales could result in a decrease in the amount of SFRA grant funds provided to the state. This, in turn, would result in reduced funding for sport

fishing conservation and management programs. However, due to the complexity in the formula used by the United States Fish and Wildlife Service to calculate grant distribution, the amount the grant funding would decline cannot be determined at this time.

Additionally, due to potential reduced fishing activity caused by the COVID-19 pandemic, excise taxes collected on the sale of fishing tackle and motorboat fuel may be reduced during 2020, potentially reducing the total amount of grant funds available for distribution to states during 2021. The amount of the potential reduction in grant funds to states cannot be determined with the information available at this time.

The SFRA funds critical fish habitat restoration projects throughout California, providing increased fishing opportunities for California fishers. California's final apportionment is allocated as: 15% to boating access projects, up to 15% for aquatic education projects, and 70% to core sport fish projects.

**DRAFT****Notice of Exemption****Appendix E**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

**From:** (Public Agency):  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

County Clerk

County of: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Project Title: Emergency Action to Add Section 8.02, Title 14, California Code of Regulations  
Re: Special Measures for Sport Fishing to Protect Public Health from the Immediate Threat Posed by COVID-19

Project Applicant: N/A

Project Location - Specific: Statewide

The emergency action will result in a statewide regulation that has the potential to impact sport fishing across California.

Project Location - City: Not applicable

Project Location – County: Not applicable

Description of Nature, Purpose and Beneficiaries of Project:

The California Fish and Game Commission has determined that a temporary, adaptive approach is needed to give the California Department of Fish and Wildlife the ability to delay or suspend sport fishing (including recreational fishing) in waters of the state, or restrict the taking of any fish species, to protect public health and safety from the immediate threat posed by COVID-19.

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: California Fish and Game Commission

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

On March 4, 2020, Governor Newsom proclaimed a state of emergency in California as a result of the threat of COVID-19. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing Californians to heed the California Department of Public Health directives ordering all Californians to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors. The emergency regulation is being adopted to prevent or mitigate the emergency situation created by COVID-19 that threatens the health and safety of all Californians.

Lead Agency

Contact Person: Melissa Miller-Henson

Area Code/Telephone/Extension: 916-653-4899

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

Signed by Lead Agency  Signed by Applicant

---

**From:** Christopher Leonard <[REDACTED]>  
**Sent:** Thursday, March 26, 2020 8:18 AM  
**To:** FGC  
**Subject:** Restrictions on fishing in California

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Ms. Miller-Henson,

A friend of mine who guides in the State of Washington shot me a text today informing me that recreational fishing is temporarily closed due to COVID-19. I absolutely commend the State of Washington for putting public health and safety first above everything else. I read the CA DFW recommendations two days ago. Stay six feet apart. Sure, that works on the river, but we all know 99.95% of license holders do not have a fishery in their backyard. Recreational fishing in the State of California equates travel and tourism. Every health expert in the world is advising people to "stay home." I know you are in a tough position with this. But, recreational fishing in California is both travel and tourism. Please consider saving lives until this passes - and it will.

Chris Leonard  
Mammoth Lakes resident and guide  
[REDACTED]

---

**From:** Christopher Leonard [REDACTED]  
**Sent:** Thursday, March 26, 2020 8:32 AM  
**To:** FGC  
**Subject:** Photo of local guide operating in Eastern Sierra...

Warning: This email originated from outside of CDFW and should be treated with extra caution.

This photograph was take yesterday... please point out to me how social distancing is working on fisheries in the Eastern Sierra...



**Jay Preston**

Tuesday at 08:26 · 

Brad did well yesterday. Another beautiful day.

  Joe P. Contaldi and 25 others

5 Comments

 Like

 Comment



---

**From:** Christopher Leonard [REDACTED]  
**Sent:** Friday, March 27, 2020 2:06 PM  
**To:** FGC  
**Subject:** Re: Photo of local guide operating in Eastern Sierra...

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

This is worth a read...

<https://www.sierrawave.net/covid-19-mono-becomes-californias-most-highly-infected-county/>

Sent from my iPhone

On Mar 26, 2020, at 08:31, Christopher Leonard [REDACTED] > wrote:

This photograph was take yesterday... please point out to me how social distancing is working on fisheries in the Eastern Sierra...

<image0.jpeg>

---

**From:** Christopher Leonard [REDACTED]  
**Sent:** Saturday, March 28, 2020 6:23 PM  
**To:** FGC  
**Subject:** Re: Photo of local guide operating in Eastern Sierra...

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

No matter what you tell people, they aren't gonna understand until you legally restrict them...



**Kern River Fly Shop**

Yesterday at 14:50 · 🌐



As I pull up to the shop today, two dudes are waiting for me to open the shop, even though I've been closed for 10 days. I ask them where they're from, and they say LA. I told them their not suppose to be up here and then they called me paranoid. Am I? Or are you two kooks that don't care about anyone else but yourselves. (That's what I was thinking, but I didnt say that) I told them we don't have any cases of the virus up here and to please go home for the sake of our Kern Valley residents. I understand that people are jonesin to fish, but please respect us up here in the mountains for now. Any of you thinking about coming up here to fish please dont . I must be getting cranky as I get older!!  
@kookoftheday #pissed #clueless #localonly please #notepicbro #oldcrankyflyfisherman

## Fishing Report 3-27-20

If you aren't from the Kern River Valley or Kernville, you need to go home. Please, out of respect for the locals and everyone's health. Go home!!!

Thank you - See ya soon!



Sent from my iPhone

On Mar 27, 2020, at 14:05, Christopher Leonard [REDACTED] > wrote:

This is worth a read...

<https://www.sierrawave.net/covid-19-mono-becomes-californias-most-highly-infected-county/>

Sent from my iPhone

On Mar 26, 2020, at 08:31, Christopher Leonard [REDACTED] > wrote:

This photograph was take yesterday... please point out to me how social distancing is working on fisheries in the Eastern Sierra...

<image0.jpeg>

---

**From:** Christopher Leonard [REDACTED]  
**Sent:** Sunday, March 29, 2020 10:42 PM  
**To:** FGC  
**Subject:** Re: Photo of local guide operating in Eastern Sierra...

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Fly shop in bridgeport...

22:29 ↗



**Ken's Sporting Goods**

11 hrs · 🌐



## Bridgeport Fish Report - March 29, 2020

### EAST WALKER RIVER      March 29, 2020

The East is running about 55 cfs right now, there has been some fishing traffic down there lately, mostly on the weekends. We have had mostly good reports but of course there have been some slow reports mixed in as well. There has been some killer baetis hatches down there as well as lots of midges coming off too. Nymphing has been the big success story, not much for dry reports or streamer reports yet. It's still been off and on snowy and we have had some pretty good news from anglers who have fished during the snow flurries. Most of our reports have been about 50/50 browns and rainbows with some really beefy fish being caught, some well over 20 inches and nice and thick. We also heard about some 16+ inch whitefish being caught, it is said that a good indication of a healthy river is a healthy whitefish population. The Nevada side of the EW is also fishing pretty well and similar to the Cali side, stonefly nymphs will be a bit more prominent down there but the midge and smaller nymph patterns will work as well.

Patterns to try: Poxystack stone, rubber legs, micro stone, flashback emerger (BWO and PMD), prince nymph, soft emerger, top secret midge, WD-40, psycho prince, squirmy wormy, rainbow warrior, silver streak, San Juan worm, zebra midge, zuddler, moal leech.

### SCEIRINE RANCH      March 29, 2020

Very good reports from the ranch this week, lots of nice fish up to nearly 20" were caught down there. The patterns that were reported included rainbow warrior, squirmy wormy, rubber legs, pheasant tail, soft hackle and flashback emerger. One angler told us they fished a dry/dropper rig for



Write a comment...



Sent from my iPhone

On Mar 28, 2020, at 18:23, Christopher Leonard [REDACTED] > wrote:

No matter what you tell people, they aren't gonna understand until you legally restrict them...  
<image0.jpeg>

Sent from my iPhone

On Mar 27, 2020, at 14:05, Christopher Leonard [REDACTED] > wrote:

This is worth a read...

<https://www.sierrawave.net/covid-19-mono-becomes-californias-most-highly-infected-county/>

Sent from my iPhone

On Mar 26, 2020, at 08:31, Christopher Leonard [REDACTED] wrote:

This photograph was take yesterday... please point out to me how social distancing is working on fisheries in the Eastern Sierra...  
<image0.jpeg>

---

**From:** Christopher Leonard [REDACTED] >  
**Sent:** Tuesday, March 31, 2020 9:13 AM  
**To:** FGC  
**Subject:** Re: Photo of local guide operating in Eastern Sierra...

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Three cars parked at Hot Creek had their tires slashed by vandals yesterday. Mono County Sheriff Ingrid Braun has the report if you want to reach out to her.

Please, just close the fisheries. We don't need more problems becoming of what is already happening. Governor Newsom ordered "Stay at Home." Not - go fishing, but stay six feet apart. CA DFW is completely contradicting the Governor's orders. Yesterday's unjustifiable and disgusting act at Hot Creek just further illustrates possible problems to arise by keeping fisheries open. For the sake of humanity, do what's right.

Chris Leonard  
[REDACTED]

Sent from my iPhone

On Mar 29, 2020, at 22:42, Christopher Leonard [REDACTED] > wrote:

Fly shop in bridgeport...  
<image0.png>

Sent from my iPhone

On Mar 28, 2020, at 18:23, Christopher Leonard [REDACTED] > wrote:

No matter what you tell people, they aren't gonna understand until you legally restrict them...  
<image0.jpeg>

Sent from my iPhone

On Mar 27, 2020, at 14:05, Christopher Leonard  
[REDACTED] wrote:

This is worth a read...

<https://www.sierrawave.net/covid-19-mono-becomes-californias-most-highly-infected-county/>

Sent from my iPhone

On Mar 26, 2020, at 08:31, Christopher Leonard  
[REDACTED] wrote:

This photograph was take yesterday... please point out  
to me how social distancing is working on fisheries in  
the Eastern Sierra...  
<image0.jpeg>

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**From:** George Osborn <george@osbornstrategies.com>  
**Sent:** Thursday, April 2, 2020 3:11 PM  
**To:** FGC  
**Cc:** Marc Gorelnik  
**Subject:** Potential Closure of Recreational Fishing in California  
**Attachments:** 4-2-2020 COVID-FGC.pdf

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Dear Commissioners,

Please find attached a letter from my client, the Coastside Fishing Club, as well as CCA-CAL and the American Sportfishing Association regarding potential recreational fishing closures in California because of the COVID-19 pandemic.

We understand the need for some measures for the protection of the public, but such measures must not be overbroad. For example, the Mono County Board of Supervisors has sent a letter to “the DFW and the Fish and Wildlife Commission (sic) requesting a delay to the fishing opener.” So it is reasonable to expect that the Commission would honor that request. That should not, however, cause a lone kayaker to be prohibited from fishing in Lake Mendocino for dinner for his family.

Furthermore, we ask that any selective fishing closures have a near-term sunset in the regulations establishing such closures.

Thank you for considering our views.

--

George L. Osborn  
4840 Finlandia Way  
Carmichael, CA 95608  
Cell – 916-290-2789

--



Coastal Conservation  
Association – California  
13015 Abing Ave  
San Diego, CA 92129



Coastside Fishing Club  
P.O. Box 5501  
San Mateo, CA 94402



American Sportfishing  
Association  
1001 N. Fairfax St.  
Alexandria, VA 22314

April 2, 2020

VIA EMAIL: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

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

Re: Potential Closure of Recreational Fishing in California

Dear President Sklar:

The Coastside Fishing Club and Coastal Conservation Association-California are the largest recreational fishing organizations in California. We focus on marine fisheries, but our members also take advantage of freshwater fishing opportunities in California. The American Sportfishing Association is the nation's recreational fishing industry trade association. California's two million recreational fishermen contribute \$5.2 billion to the California's economy, supporting 37,000 jobs.

We have learned that the Commission has been asked by the Department to consider emergency regulations to close recreational fishing in California. Any restrictions should be narrowly tailored as the least restrictive tool to address a genuine public safety issue. The duration should be limited. In no event should the Commission consider a statewide closure. That would be an action without parallel. Unlike the State of Washington, where Gov. Inslee ordered the *temporary* statewide closure of recreational fishing, Gov. Newsom has encouraged citizens to safely participate in recreational activities.

There is no hint in California of blanket restrictions on hiking, rock climbing, cycling, swimming in the state's waters or any other recreational activities. There is nothing inherently unsafe in those forms of recreation, which can be practiced consistent with Gov. Newsom's executive orders. The same is true for recreational fishing, which is often practiced individually or with

close family members in the same household. Recreational fishing and the safety measures articulated by Gov. Newsom are not in conflict.

We understand the need for physical distancing, a requirement that isn't limited to recreational fishing. We see no recreational activity targeted for blanket prohibitions. Why fishing? California State Parks, for example, has been working with county health agencies to tailor park access restrictions based on local circumstances. As capable as Fish and Game Commissioners may be, local health officials are more qualified to design access requirements and restrictions on recreational fisheries.

Even without action by the Commission, local agencies have taken aggressive steps to restrict recreational fishing. Launch ramps have closed. Commercial passenger fishing vessels are tied up. Beach and pier access is restricted. However, some recreational fishing opportunities remain and can be enjoyed safely. Before undertaking any further regulatory activity, the Commission must consider whether local agencies are doing an adequate job of protecting the health and safety of Californians. If deficiencies are found and publicly identified, then the Commission (or Department) should work with those agencies to adopt measures short of blanket sport fishing closures.

Recreation is important for the mental and physical health of Californians. Moreover, for some anglers in these troubling times, sport caught fish are a matter of subsistence. The Commission should not unnecessarily interfere with otherwise safe forms of recreation, especially one that simultaneously serves as a food source. Some recreational activities are inherently dangerous in current circumstances, like basketball where equipment is shared among the many participants. Fishing isn't basketball. So long as otherwise applicable physical distancing rules are followed, fishing is no different than other forms of recreation not under scrutiny. Let local agencies deal with local circumstances.

Respectfully submitted,

Coastside Fishing Club

Coastal Conservation  
Association – California

American Sportfishing  
Association

cc: Gov. Newsom, Wade Crowfoot, Chuck Bonham, Craig Shuman, Kevin Shaffer, Fish and Game Commission

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**From:** George Osborn <george@osbornstrategies.com>  
**Sent:** Thursday, April 2, 2020 4:43 PM  
**To:** FGC  
**Cc:** Miller-Henson, Melissa@FGC; Marko Mlikotin  
**Subject:** Potential fishing closures  
**Attachments:** 4-2-2020 FGCommissionCOVID19FishingBan.pdf

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Dear Commissioners,

Please find attached a letter from my client, the California Sportfishing League, regarding potential recreational fishing closures in California because of the COVID-19 pandemic.

We understand the need for some measures for the protection of the public, but such measures must not be overbroad. For example, the Mono County Board of Supervisors has sent a letter to “the DFW and the Fish and Wildlife Commission (sic) requesting a delay to the fishing opener.” So it is reasonable to expect that the Commission would honor that request. That should not, however, cause a lone kayaker to be prohibited from fishing in Lake Mendocino to catch dinner for his family.

Furthermore, we ask that any fishing closures have a near-term sunset in the regulations establishing such closures.

Thank you for considering our views.

--

George L. Osborn  
4840 Finlandia Way  
Carmichael, CA 95608  
Cell – 916-290-2789

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April 2, 2020

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

**SUBJ: COVID-19 Consideration of Recreational Fishing Closures**

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.

It has come to our attention that the commission is considering an emergency meeting for the purpose of considering a prohibition on certain recreational fishing so long as COVID-19 remains a threat to the health and safety of Californians. As an organization that represents recreational anglers, we are not health experts, however, we are very familiar with fishing practices and recognize the many health benefits to spending time outdoors, especially during times of stress.

It is also important for the commission to recognize that anglers generally practice social distancing, even before the COVID-19 pandemic required it. Anglers typically do not congregate in tight quarters except, perhaps, on commercial passenger fishing vessels which today are not in operation. Not only is there competition for catch, anglers prefer solitude and purposely practice distance in order to avoid tangling fishing lines. Moreover, unlike other recreational activity, equipment is rarely shared.

As the commission deliberates, we respectfully request consideration of the following issues.

### **Health**

- 1) Several states consider recreational fishing therapeutic and are waiving fishing fees during this pandemic to encourage anglers to fish. In addition, states such as New York, which has the most COVID-19 cases in the United States, have not closed their state parks, nor is fishing prohibited. In fact, their wildlife agency highlights that trout season began April 1<sup>st</sup>.

**1835 Iron Point Road, Ste. 180, Folsom, CA 95630, 916.936.1333**  
**[www.savefishing.com](http://www.savefishing.com)**

- 2) The State of California has not conducted any risk assessment to determine whether fishing poses a greater risk to the public in comparison to other outdoor recreational activity that is currently permitted (walking, biking, etc.).
  - a. The commission should consult with healthcare experts before fishing closures to determine a selective approach to ensure that any closures are necessary to protect human health and safety.
  - b. Current social distancing policies allow no more than ten people to be in a room at one time with a distance of 6 feet (the length of an average fishing rod) between them. Recreational fishing does not pose a greater threat and outdoor activity is inherently safer than indoor activity.

### **Merits of Additional Enforcement**

- 3) State and local jurisdictions already have the authority to enforce social distance policies. The California Fish and Game Commission should take into account such existing policy when considering fishing closures.
  - a) The Commission should consider that fishing closures in some rural quarters of the state may not have any practical impact given their smaller populations, less population density and lack of social interaction.
    - a. In addition, the commission may choose to consider different fishing techniques. As an example, social distancing practices are different in flowing rivers and streams where anglers do not congregate in close proximity because of floating fishing lines.
  - b) For some to fish, access to state and local parks, beaches and boat ramps are required. The Commission should consider that many or most are closed at this time, and commercial passenger fishing vessels are not in operation.
  - c) If local jurisdictions do not have the statutory authority to limit recreation fishing, the state could give them temporary and limited authority to do so. Given the size and diversity of the state, empowering local agencies to consider the merits of limiting local fishing rather than a closure from the state level makes much more sense.
- 4) The Commission should recognize that many Californians, especially those with low incomes are dependent on recreational fishing for sustenance. They fish not for recreation but to feed their families.
- 5) Many of our Nation's state wildlife agencies have developed public education campaigns directed at hunters and anglers, promoting the public health benefits of social distancing. Before considering closures, the California Department of Fish and Wildlife should consider and deploy a public education campaign encouraging social distancing by anglers.

We recognize that the health and safety of Californians is paramount. However, if required, we strongly encourage you to consider selective closures, rather than a broader action. Further, we urge the Commission to consider where such selective action is required given the existing state and local authority. And if additional measures are required, it would be prudent to impose them regionally rather than statewide.

We strongly recommend a sunset date of no longer than three-four weeks for any emergency fishing closure. We are adamantly opposed to any open-ended closures that could remain in place once social distancing policies are lifted in whole or part.

And lastly, if emergency closures are imposed, we encourage you to develop policies that will stimulate fishing participation once the ban is lifted. As you well know, recreational fishing is a major contributor to our state's outdoor economy and jobs.

Again, we understand that the commission will consider the health and safety of Californians first. However, we strongly encourage a measured, selective approach as a last resort.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marko Mlikotin', with a long horizontal flourish extending to the right.

Marko Mlikotin  
Executive Director

cc: Chuck Bonham, Director, CDFW  
Stafford Lehr, Deputy Director, CDFW  
Rachel Wagoner, Deputy Secretary for Legislation, Office of Governor Newsom  
Wade Crowfoot, Secretary, Natural Resources Agency

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**From:** Mike Brown [REDACTED] >  
**Sent:** Thursday, April 2, 2020 8:06 AM  
**To:** FGC  
**Subject:** Opposition to Emergency Fishing Ban -COVID-19

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

President Sklar and commissioners,

In light of the unprecedented Corona virus pandemic we should take appropriate measures, many extreme that drastically counter our normal American way of life. We also need to balance risk with mental health. With that note I am writing to plead with you to not to adopt broad emergency measures like the state of Washington. Currently I have not seen due diligence by the Department of Fish and Wildlife (department). Actions like providing guidance and examples on physical distancing while fishing, cancelling tournaments and outreaching to party boats, which took action themselves and inland fishing guides. The department has not provided guidance on activities through the outreach, press releases or social media. I also have not heard of enforcement talking to fishermen and advising them of physical distancing. For this alone you should vote NO on a broad fishing ban and kick it back to the department to act appropriately, if that fails then you should reconsider. Other processes have already addressed potential crowding such as the delay in the ocean salmon season in light of the launched being closed. This can be done through outreach and smaller actions, likely within the authority of the department.

Fishing is an activity that can be done alone or in small groups and definitely within the state's order of physical distancing. Boat operators can limit the amount of passengers, go out solo and fish only with members of a household. Kayak fishermen inherently practice social distancing. Shore anglers can spread them selves out, choose locations that are not so populous and leave if it gets crowded. Please note, other allowed outdoor activities and public guidance leaves the discretion up to the outdoor enthusiast. All of the concerns with fishing also apply to those that are hiking, walking, bird watching etc.

Please vote No and thank you for taking the time to read this email.

Mike

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**From:** Scheereen Dedman <[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)>  
**Sent:** Thursday, April 2, 2020 11:31 AM  
**To:** Wildlife DIRECTOR  
**Cc:** [KMourits@blm.gov](mailto:KMourits@blm.gov); [nora.rasure@usda.gov](mailto:nora.rasure@usda.gov); [randy.moore@usda.gov](mailto:randy.moore@usda.gov); Dan Holler; Jamie Gray; Clint Quilter; Leslie Chapman; Robin Picken; Stacey Simon; Steve Barwick; Robert Lawton; Jeff Simpson; Alicia Vennos; [jcutts@fs.fed.us](mailto:jcutts@fs.fed.us); Martin, Gordon P -FS; Nelson, Steven L; Dulen, Deanna M; [clarence.martin@ladwp.com](mailto:clarence.martin@ladwp.com); [senator.borgeas@senate.ca.gov](mailto:senator.borgeas@senate.ca.gov); [Dana.Jorgensen@asm.ca.gov](mailto:Dana.Jorgensen@asm.ca.gov); [maria.heredia@asm.ca.gov](mailto:maria.heredia@asm.ca.gov); [lexie.gutierrez@mail.house.gov](mailto:lexie.gutierrez@mail.house.gov); [richard.harasick@ladwp.com](mailto:richard.harasick@ladwp.com); Lehr, Stafford@Wildlife; FGC; Office of the Secretary CNRA; Wagoner, Monica@CDPH; Thomas Boo; Bryan Wheeler; Debbie Diaz; Brianna Brown; Justin Caporusso  
**Subject:** Postponement of Regular Fishing Season and California Department of Fish and Wildlife (CDFW)  
**Attachments:** 4-1 Fish and Wildlife Letter - Updated\_encrypted\_.pdf

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Director Bonham,

Please see the attached letter from the Mono County Board of Supervisors, Mammoth Lakes Town Council, Mono County Sheriff Ingrid Braun, and Mono County Public Health Officer Dr. Thomas Boo.

Thank you.

Scheereen Dedman  
Senior Deputy Clerk – Elections Assistant  
County of Mono  
760-932-5538 (office)  
760-932-5531 (fax)  
760-932-5530 (main line)  
[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)





Jennifer Kreitz ~ District One    Fred Stump ~ District Two    Bob Gardner ~ District Three  
John Peters ~ District Four    Stacy Corless ~ District Five

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## BOARD OF SUPERVISORS COUNTY OF MONO

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P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517  
(760) 932-5533 • FAX (760) 932-5531  
*Shannon Kendall, Clerk of the Board*

April 1, 2020

Director Charlton H. Bonham  
State of California – Natural Resources Agency  
Department of Fish and Wildlife (CDFW)  
1416 Ninth Street, Room 125  
Sacramento, CA 95814  
**Via Email**

**Re: Postponement of Regular Fishing Season and California Department of Fish and Wildlife (CDFW)  
Fish Stocking in Mono County**

Dear Mr. Bonham,

On behalf of the Mono County Board of Supervisors, Mammoth Lakes Town Council, Mono County Sheriff Ingrid Braun, and Mono County Public Health Officer, we are writing to request the postponement of the opening of trout fishing season scheduled for April 25, 2020.

On April 1, 2020 the Mono County Board of Supervisors discussed potential impacts of the annual Fishing Opener weekend, April 25-26, 2020, on the public health and safety of local residents, communities and visitors. Fishing Opener, known as, “Fishmas” in Mono County, is a long-standing, traditional event that celebrates the beginning of the regular trout fishing season, and attracts thousands of anglers to the County’s front country lakes and rivers.

Governor Newsom's March 19 “Stay-At-Home” Executive Order requiring all Californians to stay in their place of residence through April 30, 2020 should theoretically eliminate visitation to the Eastern Sierra. Indeed, all short-term lodging rentals and campgrounds, most restaurants, shops, amenities, and attractions are closed in compliance with the State and local Public Health Officer’s orders. However, despite the Governor’s directives, and despite the lack of available accommodation and amenities, we are unfortunately still seeing numerous visitors who are hiking, climbing, ski touring, camping, and recreating in the County.

Based on these observations, the consensus is that Fishing Opener will draw significant numbers of people from Southern California, Sacramento, Bay Area, San Diego, Reno, and many other urban areas to fish in our region. This influx of anglers and potentially families/companions will promote transmission of COVID-19 and put additional strain on our already taxed health care services. Mono County is simply not equipped to handle multiple cases of COVID-19 illness. There is one small hospital in Mammoth Lakes which has limited beds and four ventilators – as of today, there are 15 confirmed cases of COVID-19 in Mono County, with more cases expected in the coming weeks. It is highly possible that by April 25 and Fishing Opener, our health care system will be overwhelmed.

We request that the CDFW fish stocking schedule for Opener be postponed to further discourage recreational fishing.

In summary, for the protection of public health and safety, the Mono County Board of Supervisors, the Mammoth Lakes Town Council, Mono County Sheriff Ingrid Braun, and Mono County Public Health Officer Dr. Thomas Boo respectfully request that the California Department of Fish and Wildlife delay Fishing Opener and its fish stocking plans for Mono County waters until the Governor's Stay-At-Home Order is lifted.

Please let us know if we can take any further action to expedite this request. Thank you in advance for your understanding and consideration of our situation.

Respectfully,



Stacy Corless, Chair, Mono County Board of Supervisors

  
Bill Sauser (Apr 2, 2020)

Bill Sauser, Mayor, Town of Mammoth Lakes



Sheriff Ingrid Braun

*Thomas Boo, MD*

Dr. Thomas Boo, Mono County Health Officer

**CC Via Email:** Governor Gavin Newsom  
Senator Andreas Borgeas  
Assemblyman Frank Bigelow  
California Fish and Game Commission  
California Department of Natural Resources  
California Department of Public Health  
Inyo County Board of Supervisors  
Town of Mammoth Lakes Council  
City of Bishop Council  
Karen E. Mouritsen, California State Director, Bureau of Land Management  
Stafford Lehr – Deputy Director, California Department of Fish and Wildlife  
Nora Rasure, Regional Forester Region 4, United States Forest Service  
Randy Moore, Regional Forest Region 5, United States Forest Service  
Los Angeles Department of Water and Power

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**From:** Darcy Ellis <dellis@inyocounty.us>  
**Sent:** Tuesday, April 7, 2020 1:54 PM  
**To:** FGC; Miller-Henson, Melissa@FGC; Ana.Matosantos@gov.ca.gov; Angell, Sonia Y@CDPH; Lehr, Stafford@Wildlife; castatedirector@blm.gov; assemblymember.mathis@assembly.ca.gov; justin.turner@asm.ca.gov; Julie.sauls@sen.ca.gov; senator.borgeas@senate.ca.gov; Crowfoot, Wade@CNRA; debra.schweizer@usda.gov; R5@fs.fed.us; R4@fs.fed.us; Clarence.martin@ladwp.com; pkobylarz@townofmammothlakes.ca.gov; rpicken@cityofbishop.com; Skendell@monocounty.ca.gov  
**Cc:** Clint Quilter; Jeff Hollowell; Marilyn Mann; Dan Totheroh; Jeff Griffiths; Mark Tillemans; Matt Kingsley; Rick Pucci  
**Subject:** Inyo County Letter of Request

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Good afternoon,  
Please find attached a letter sent to DFW Director Bonham by the Inyo County Board of Supervisors, Inyo County Sheriff, and Inyo County Public Health Officer requesting a postponement of the Eastern Sierra fishing season.  
For more information, please contact Inyo County CAO Clint Quilter at (760) 878-0292, Chairperson Matt Kingsley at (760) 614-0611, or Inyo County Sheriff Jeff Hollowell at (760) 878-0383.  
Thank you for your time and consideration.

Darcy Ellis,  
Assistant Clerk of the Board  
(760) 878-0373



EL CAMINO SIERRA

## BOARD OF SUPERVISORS COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526  
TELEPHONE (760) 878-0373  
e-mail: dellis@inyocounty.us

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*Clerk of the Board*

DARCY ELLIS  
*Assistant Clerk of the Board*

April 7, 2020

Director Charlton H. Bonham  
State of California – Natural Resources Agency  
Department of Fish and Wildlife (CDFW)  
1416 Ninth Street, Room 125  
Sacramento, CA 95814

**Via Email**

**Re: Postponement of Regular Fishing Season and California Department of Fish and Wildlife (CDFW) Fish Stocking in Inyo County**

Dear Mr. Bonham,

On behalf of the Inyo County Board of Supervisors, Inyo County Sheriff Jeff Hollowell, and Inyo County Public Health Officer, Dr. James Richardson, we are writing to request the postponement of the opening of trout fishing season scheduled for April 25, 2020. Attached is a previously sent request from Dr. James Richardson.

On April 7, 2020 the Inyo County Board of Supervisors considered the possible impacts of the annual Fishing Opener the weekend of April 25-26, 2020, on the public health and safety of local residents, communities and visitors.

Within Inyo County there is an insufficient quantity of critical healthcare infrastructure, including hospital beds, ventilators, and health care staff capable of adequately treating mass numbers of patients. For this reason, recreational travel to this area has been discouraged, developed recreation sites have been closed, and recreational short term lodging (including short-term rentals, vacation rentals, timeshares, hotels, motels, campgrounds, RV parks, and any other facility or property offering accommodation to renters for less than 30 days) throughout Inyo County has been prohibited.

The annual fishing opener is one of Inyo County's most popular recreational events. Though the opener is a major driver of our local tourist economy and is beloved by locals and visitors alike, the event annually draws thousands of people into our small communities, potentially bringing disease into the area and burdening our health care system. We believe that Governor Newsom's March 19 "Stay-At-Home" Executive Order requiring all Californians to stay in their place of residence through April 30, 2020 prohibits all non-essential visitation to the Eastern Sierra. Further, all non-essential businesses in Inyo County are closed, including dining, lodging, and camping options. The Bureau of Land Management and Los Angeles Department of Water and Power have recently announced that their land is closed to recreation. In essence, should the fishing opener be held as scheduled, there will be no place for visitors to eat, sleep, or recreate.

We believe, based on these facts, that the Fishing Opener will draw significant numbers of people from throughout the state and beyond to fish in our region. This will exacerbate the transmission of COVID-19 and put additional strain on our already taxed health care services. We have begun seeing an increase in COVID-19 cases and have extremely limited resources to manage them. It is likely that by the time of the fish opener our medical system will simply be overwhelmed.

Again, we respectfully request that the Fishing Opener and the CDFW fish stocking schedule for the opener be postponed until the Governor's Stay-At-Home Order is lifted for the protection of public health and safety.

Please let us know if we can take any further action to expedite this request. Thank you in advance for your understanding and consideration of our situation.

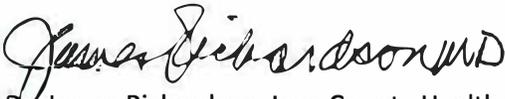
Respectfully,



Matt Kingsley, Chair, Inyo County Board of Supervisors



Sheriff Jeff Hollowell



Dr. James Richardson, Inyo County Health Officer

**CC Via Email:** Governor Gavin Newsom  
Senator Andreas Borgeas  
Assemblyman Devon Mathis  
California Fish and Game Commission  
Melissa Miller-Henson, Executive Director, California Fish and Game Commission  
California Department of Natural Resources  
California Department of Public Health  
Mono County Board of Supervisors  
Town of Mammoth Lakes Council  
City of Bishop Council  
Karen E. Mouritsen, California State Director, Bureau of Land Management  
Stafford Lehr, Deputy Director, California Department of Fish and Wildlife  
Nora Rasure, Regional Forester Region 4, United States Forest Service  
Randy Moore, Regional Forester Region 5, United States Forest Service  
Los Angeles Department of Water and Power



*County of Inyo*

**HEALTH & HUMAN SERVICES DEPARTMENT**

James Richardson, M.D.  
Public Health Officer, Inyo County  
760-873-7868

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April 3, 2020

CDFW Director Charlton H. Bonham  
California Department of Fish and Wildlife  
1416 9th Street, 12th Floor  
Sacramento, CA 95814

Dear Director Bonham,

I am writing to request that the California Department of Fish and Wildlife prioritize public health and safety by postponing the scheduled April 25, 2020 Eastern Sierra fishing opener in Inyo County.

Coronavirus disease (COVID-19) is an infectious and potentially fatal disease caused by a newly discovered coronavirus which leads to respiratory illness. The virus is thought to spread mainly between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs or sneezes. COVID-19 can also live on surfaces for days, leading to the spread of the disease through public facilities such as restrooms, recreational equipment, food service, and retail. As of April 1, 2020, the United States Centers for Disease Control and Prevention reported a total of 186,101 cases of COVID-19 nationwide with almost 9,640 cases in California alone.

There is currently no vaccine to prevent COVID-19. As a result, the best way to prevent illness is to avoid being exposed to the virus. California has seen rapid community spread of the virus. As a result, the Governor of California issued on March 19<sup>th</sup> Executive Order N-33-20, which directs all individuals living in the state to stay home or at their place of residence. These requirements were implemented to preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all residents.

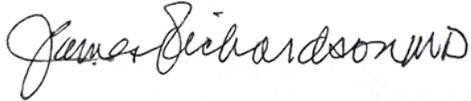
Within Inyo County there is an insufficient quantity of critical healthcare infrastructure, including hospital beds, ventilators, and health care staff capable of adequately treating mass numbers of patients. For this reason, recreational travel to this area has been discouraged, developed recreation sites have been closed, and recreational short term lodging (including short-term rentals, vacation rentals, timeshares, hotels, motels, campgrounds, RV parks, and any other facility or property offering accommodation to renters for less than 30 days) throughout Inyo County has been prohibited.

The annual fishing opener is one of Inyo County's most popular recreational events. Though the opener is a major driver of our local tourist economy and is beloved by locals and visitors alike, the event annually draws thousands of people into our small communities, potentially bringing disease into the area and burdening our health care system. Further, all non-essential business in Inyo County is

closed, including dining, lodging, and camping options. The Bureau of Land Management and Los Angeles Department of Water and Power have recently announced that their land is closed to recreation. In essence, should the fishing opener be held as scheduled, there will be no place for visitors to eat, sleep, or recreate.

Again, for the sake of the health and safety of the people of Inyo County, I ask that in accordance with the Governor's Order and local Health Officers Orders, the Fishing Opener be rescheduled to take place only after California Governor Gavin Newsom's Executive Order N-33-20 is rescinded.

Respectfully,

A handwritten signature in black ink that reads "James Richardson MD". The signature is written in a cursive style with a large, prominent "J" and "R".

James Richardson, MD  
Inyo County Health Officer

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**From:** brooks taylor <[REDACTED]>  
**Sent:** Monday, April 6, 2020 3:36 PM  
**To:** FGC  
**Subject:** fishing season

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Dear commission,

Yesterday i hiked in about a mile to Big Chico Creek and fished. had the place all to myself. All i could think was that i was so happy i still had that. Please dont take fishing away from us. please.

Brooks Taylor

*"You cannot be unhappy in the middle of a big beautiful river." Jim Harrison*

---

**From:** Mark Badders <[REDACTED]>  
**Sent:** Monday, April 6, 2020 6:37 PM  
**To:** FGC  
**Subject:** Fishing is not a crime

Warning: This email originated from outside of CDFW and should be treated with extra caution.

To whom it may concern, I've never tried to compose a letter of this importance before. In my opinion, fishing is a good ,healthy, wholesome and fun activity. Closing lakes and bays isn't the answer. Fishing is an independent endeavor and most people who fish do it as an escape to be in a natural surrounding. Taking nature away and the ability to open one's lungs and minds can only come at a great price. You see, to put it mildly, fishing saves lives . Thank you for your help and understanding regarding this important choice.

Regards, Mark B.  
Lifelong fishing enthusiast.

Sent from my iPhone

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**From:** wight1 [REDACTED]  
**Sent:** Tuesday, April 7, 2020 8:06 AM  
**To:** FGC  
**Subject:** Delta closure

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

I hear rumors about closing fishing on the Delta. Certainly hope this is not true. This is my only escape from being cooped up in a house with nothing to do. I go to my boat in the water in Antioch and fish by myself. So what or who am I going to harm. If this happens, i demand a rebate on my license for time i cant use it. George Wight. CSBA Board member

Sent from my Samsung Galaxy smartphone.

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**From:** Rosa Zapata [REDACTED] >  
**Sent:** Tuesday, April 7, 2020 8:47 AM  
**To:** FGC  
**Subject:** Closure of fishing

Warning: This email originated from outside of CDFW and should be treated with extra caution.

I think this is a terrible idea.

#1) how will this help? Fishermen/women DO NOT generally go fishing to hang out shoulder to shoulder with their friends. They go in small family groups and as such they have already been quarantined. This serves no purpose not demonstrates logic.

#2) in a state with low / difficult rentals of licenses etc. it does not make sense to restrict this flow of income to small retailers nor to the Department of Fish and Game. They need our support to make sure this resource is available to the future generations.

Thank you for your time.

Sent from my iPhone