

## Staff Summary for June 11-12, 2025

**20. White Sturgeon Sport Fishing 2084 Regular Rulemaking (Consent)****Today's Item****Information** ☒**Action** ☐

Consider adopting proposed amendments to regulations for the recreational take of, tagging of, and reporting requirements for white sturgeon (*Acipenser transmontanus*) in inland and ocean waters, pursuant to California Fish and Game Code Section 2084 and consider taking final action under the California Environmental Quality Act.

***Staff recommends continuing the adoption decision to the August 13-14, 2025 Commission meeting.***

**Summary of Previous/Future Actions**

- |  |                                      |
|--|--------------------------------------|
| • Wildlife Resources Committee (WRC) vetting   | September 2023 and January 2024; WRC |
| • Adoption hearing for white sturgeon catch and release fishing during candidacy <i>emergency regulations</i>            | August 14-15, 2024                   |
| • Adoption hearing for first 90-day extension of catch and release fishing during candidacy <i>emergency regulations</i> | December 11-12, 2024                 |
| • Notice hearing for white sturgeon sport fishing 2084 regular rulemaking  | February 12-13, 2025                 |
| • Discussion hearing   | April 16-17, 2025                    |
| • Adoption hearing for the second 90-day extension of fishing during candidacy <i>emergency regulations</i>              | May 14, 2025                         |
| • <b>Today: Continue adoption decision</b>   | <b>June 11-12, 2025</b>              |
| • Adoption hearing   | August 13-14, 2025                   |

**Background**

At its June 2024 meeting, the Commission declared white sturgeon a candidate under the California Endangered Species Act (CESA). At its August 2024 meeting, to alleviate substantial economic harm to fishing guides and businesses that rely on this fishery, the Commission adopted catch-and-release fishing regulations under an emergency rulemaking, pursuant to California Fish and Game Code Section 2084 (Exhibit 1).

At its February 12-13, 2025 meeting, the Commission authorized notice of its intent for a standard rulemaking to ensure the catch-and-release provisions endured once the emergency regulations expired. In addition to catch-and-release only provisions, minor modifications to the regulations were authorized as outlined in the meeting materials. (Exhibit 2)

There have been no updates to the rulemaking or associated regulatory language since the notice hearing.

***California Environmental Quality Act***

The Department prepared and transmitted to the Commission a draft initial study and negative declaration; Staff evaluated that draft and determined that the document reflects the

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independent judgment of the Commission. Staff submitted the environmental document for public comment. To comply with the California Environmental Quality Act (CEQA), prior to taking final action on a proposed project, the Commission must publish the initial study and negative declaration with the California State Clearinghouse a minimum of 30 days in advance. The thirty-day period is not yet complete as of this meeting. At the conclusion of the 30 days, Commission staff will create a draft final negative declaration, updated to reflect public comment and any changes necessary to address public comment, for the Commission's consideration.

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

**Commission staff:** Continue the decision to the August 13-14, 2025 meeting.

**Department:** Adopt the proposed amendments to the regulations as described in the initial statement of reasons and identified in the proposed regulatory language.

**Exhibits**

1. [Staff summary for Agenda Item 14, August 14-15, 2024 Commission meeting \(for background purposes only\)](#)
2. [Staff summary for Agenda Item 9, February 12-13, 2025 Commission meeting \(for background purposes only\)](#)

**Motion (N/A)**

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(*For background purposes only*)

## 14. White Sturgeon Emergency Sport Fishing During California Endangered Species Act Candidacy

### Today's Item

Information ☐

Action ☒

Consider adopting emergency regulations for the sport take of white sturgeon in inland and ocean waters, pursuant to California Fish and Game Code Section 2084.

### Summary of Previous/Future Actions

- **Today's discussion and consideration of adopting emergency regulations for the sport take of white sturgeon** **August 14-15, 2024**

### Background

On November 29, 2023, the Commission received a petition to list white sturgeon as threatened under the California Endangered Species Act (CESA). The petitioners argued that long-term declines in the abundance of white sturgeon are due to (1) Central Valley water management infrastructure and operations; (2) overharvest in the sport fishery; (3) harmful algal blooms; and (4) other factors such as poaching, pollution, vessel strikes, and climate change. At its June 2024 meeting, after review of the Department's petition evaluation report, comments received, and discussion, the Commission determined that the petitioned action may be warranted.

On July 12, 2024 a notice was published in the California Regulatory Notice Register notifying the public that white sturgeon is officially a candidate species, and that white sturgeon is temporarily afforded the same protections as a species listed as threatened or endangered pursuant to Section 783.1 and Fish and Game Code Section 2085. Protections under CESA during candidacy exist to protect the species until a comprehensive, peer-reviewed status review can be completed and informed decisions made about whether to list, and how to manage, the species.

On May 28, 2024, the Nor-Cal Guides and Sportsmen's Association submitted a petition for regulation change to the Commission stating that candidacy has the potential to cause irreparable damage to the businesses and anglers who fish for white sturgeon in California's coastal, San Francisco Bay/Sacramento-San Joaquin Delta, and inland waters, noting impacts to guides, charter boat captains, and angling-associated businesses (see exhibit B5, item 17, this meeting). Likewise, at its June 19, 2024, meeting, the Commission heard testimony from members of the sturgeon angling and business community requesting that the fishery remain open with some level of take. Generally, the concern expressed was that a complete closure of the fishery during CESA candidacy would create substantial economic harm to businesses that rely on the white sturgeon fishery, including charter captains, guides, bait and tackle stores and suppliers, marinas, and related services. Such factors may be considered when authorizing some form of take under Section 2084 of the California Fish and Game Code, which allows the Commission, based on the best available scientific information, to authorize

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the take any fish by hook and line for sport that is listed as an endangered, threatened, or candidate species provided that the take is consistent with CESA.

The potential for substantial economic harm, coupled with the sudden nature of the protections that candidate species receive, constitutes an emergency that authorizes the Commission to address the matter through regulation. Total closure of the white sturgeon sport fishery as a result of the species becoming a candidate species for CESA listing represents a financial crisis to Californians who rely on this fishery as part of their business, including boat captains, fishing guides, and businesses that rely on anglers such as bait and tackle stores and suppliers, marinas, and other boat services. Additionally, many of these businesses have already been impacted by other major fishery changes in the state, including two years of closure to the salmon fishery and changes to the halibut and rockfish fisheries. A Department memo (Exhibit 1) contains an estimation of economic hardships that will be produced by white sturgeon's candidacy, based on a letter from the Nor-Cal Guides and Sportsmen's Association and the Golden Gate Fishermen's Association (Exhibit 6).

The proposed regulatory action creates two new sections in Title 14 of the California Code of Regulations that supersede, but do not replace, four existing sections addressing white sturgeon fishing and report card requirements. New Section 5.78 combines most elements of existing sections 5.79 and 5.80, and defines seasons, closed areas, gear and handling restrictions, and report card requirements for catch-and-release fishing in inland waters; new Section 27.93 combines the elements of sections 27.90 and 29.72 in the same manner for ocean waters. The existing sections (5.79, 5.80, 27.90, 27.92) are currently inoperative because they are superseded by CESA take prohibitions. This action proposes the sections continue in Title 14 but remain inoperative, pending a later Commission decision about sport harvest with regard to a potential CESA listing for white sturgeon. The goal of these new regulations is to permit during the CESA status review process a catch-and-release fishery for white sturgeon since it is expected to have minimal impact on the population, while providing sport fishing opportunities for anglers and mitigating adverse economic impacts to businesses that serve sturgeon angling.

### Significant Public Comments (N/A)

### Recommendation

**Commission staff:** Adopt the proposed emergency regulation authorizing sport take of white sturgeon as proposed in Exhibit 3 and discussed today.

**Department:** Adopt the regulation as proposed in Exhibit 3.

### Exhibits

1. Department memo transmitting the original draft emergency statement, received July 29, 2024
2. Draft emergency statement and informative digest updated by staff, dated August 6, 2024
3. Draft proposed regulatory language

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4. Draft economic and fiscal impact statement (STD 399) and addendum
5. Department presentation
6. Letter from James Stone, President, Nor-Cal Guides and Sportsmen's Association and James Smith, Member, Golden Gate Fishermen's Association Board of Directors, received June 4, 2024

**Motion**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission finds, pursuant to Section 399 of the Fish and Game Code, that adopting the proposed emergency regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

The Commission further determines, based on the record, that this approval is exempt from the California Environmental Quality Act as an action necessary to prevent or mitigate an emergency as specified in Subsection 15269(c) of Title 14 of the California Code of Regulations, and Public Resources Code Section 21080(b)(4), as well as to protect a natural resource pursuant to the guidelines in California Code of Regulations, Title 14, Section 15307, and relying on Subsection 15061(b)(3) of Title 14.

The Commission further determines, pursuant to Section 11346.1 of the Government Code, that an emergency situation exists and finds the proposed regulation is necessary to address the emergency.

Therefore, the Commission adopts the emergency regulation to add sections 5.78 and 27.93, as discussed today.

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*(For background purposes only)*

## 9. White Sturgeon Sport Fishing 2084 Regular Rulemaking

### Today's Item

Information ☐

Action ☒

Consider authorizing publication of notice of intent to amend regulations for the recreational take of, tagging of, and reporting requirements for, white sturgeon (*Acipenser transmontanus*) in inland and ocean waters, pursuant to California Fish and Game Code Section 2084.

### Summary of Previous/Future Actions

- |   |   |
|---|---|
| • Wildlife Resources Committee vetting  | September 21, 2023 and<br>January 16, 2024; WRC |
| • Adoption hearing for <i>emergency regulations</i>   | August 14-15, 2024                              |
| • Adoption hearing for first 90-day extension of<br><i>emergency regulations</i>                                      | December 11-12, 2025                            |
| • <b>Today's notice hearing for <i>regular rulemaking</i><br/>regarding recreational white sturgeon sport fishing</b> | <b>February 12-13, 2025</b>                     |
| • Discussion hearing for regular rulemaking   | April 16-17, 2025                               |
| • Adoption hearing for the second 90-day extension of<br><i>emergency regulations</i>                                 | May 14, 2025                                    |
| • Adoption hearing for regular rulemaking   | June 18-19, 2025                                |

### Background

The Commission originally adopted catch-and-release regulations for white sturgeon sport fishing as originally described in the staff summary for the August 2024 adoption of emergency regulations (Exhibit 1).

In advance of today's meeting, the Department transmitted draft documents to enable the Commission to consider continuing the emergency regulations through a regular rulemaking (Exhibit 2).

### ***Proposed Regulation Changes for Regular Rulemaking***

The draft proposed regulation changes are fundamentally the same as the emergency regulations, with several minor modifications if approved for notice today:

- Section 1.74. This section will be edited to remove sturgeon-specific information that is now found in sections 5.80 and 27.90.
- Sections 5.80 and 27.90. These sections will be edited to mirror the language in the emergency regulations (sections 5.78 and 27.93). Additionally, these sections will be edited to change the sturgeon fishing report card season from October 1 through June 30 to encompass the fishing season rather than follow the calendar year.
- Sections 5.78 and 27.93. The emergency regulations are currently in these sections, which will be allowed to expire to avoid duplication leading to potential confusion.

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- Sections 5.79 and 27.92. These sections will be repealed since all relevant report card information is now included in sections 5.80 and 27.90.
- Section 27.95. This section will be repealed and the information regarding sturgeon fishing closures will be added to sections 27.90 and 27.91.
- Section 701. The changes will amend the white sturgeon sport fishing report card fee to be a range from \$5 to \$11, to be set by the Commission at the adoption hearing, and will delete the replacement report card fee that is no longer needed.

Further details on the draft proposed amendments are available in the draft initial statement of reasons (ISOR) and draft proposed regulatory language (exhibits 3 and 4).

Today the Department will present an overview of the draft regulation (Exhibit 5).

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

**Commission staff:** Authorize publication of notice of intent to amend sections 1.74, 5.80, 5.81, 27.60 27.90, 27.91 and 701, and repeal sections 5.79, 27.92 and 27.95, as recommended by the Department and discussed today. Allow sections 5.78 and 27.93 to expire.

**Department:** Authorize publication of notice of proposed changes to the regulations regarding white sturgeon sport fishing.

**Exhibits**

1. Staff summary for Agenda Item 14, August 14-15, 2024 Commission meeting (*for background purposes only*)
2. Department memo, received December 19, 2024
3. Draft ISOR and informational digest, dated December 17, 2024
4. Draft proposed regulatory language
5. Draft economic and fiscal impact statement (STD. 399)
6. Department presentation

**Motion**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission authorizes publication of a notice of its intent to amend sections 1.74, 5.80, 5.81, 27.60 27.90, 27.91 and 701, and repeal sections 5.79, 27.92 and 27.95, related to white sturgeon sport fishing as discussed today.