

Senate Bill No. 384

CHAPTER 432

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

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 384, Cogdill. Wild trout.

The Trout and Steelhead Conservation and Management Planning Act of 1979 finds and declares that it is the policy of the state to establish and maintain wild trout stocks in suitable waters of the state and establish angling regulations designed to maintain the wild trout fishery in those waters by natural reproduction. The act requires the Department of Fish and Game to determine for each stream or lake whether it should be managed as a wild trout fishery, or whether its management should involve the planting of trout. Existing law requires that the Fish and Game Commission develop, as part of the wild trout program, catch and release fisheries in those waters containing trout. Existing law requires the department to establish an ongoing program to determine the viability of various forms of catch and release regulations for trout streams and lakes. Existing law requires the department to prepare a list each year of no less than 25 miles of stream or stream segments and at least one lake that it deems suitable for consideration as catch and release trout fisheries and to submit this list to the commission for its consideration, and the commission is required to annually submit a report to the Legislature that includes its reasons why any stream or lake listed by the department as suitable for consideration as a catch and release fishery was or was not included in the program.

This bill would additionally find and declare that it is the policy of the state to discourage artificial planting of hatchery-raised hybrid and nonnative fish species in wild trout waters or in other areas that would adversely affect native aquatic species. The bill would require the department to determine whether a stream or lake should be managed as a wild trout fishery, or whether its management should involve the planting of native trout species to supplement wild trout populations. The bill would eliminate the requirement that the commission develop catch and release fisheries and would instead require the commission to develop additional wild trout waters. The bill would require the department to prepare a list of no less than 25 miles of stream or stream segments and at least one lake that it deems suitable for designation as wild trout waters and to submit this list to the commission. The bill would require, if the commission removes any stream or lake that it has designated as a wild trout fishery from the program,

that an equivalent amount of stream mileage or an equivalent size lake be added to the wild trout program. The bill would require the department to prepare and complete management plans for all wild trout waters not more than 3 years following their initial designation by the commission, and to update the management plan every 5 years following completion of the initial management plan. The bill would delete certain obsolete provisions from the act and make other, nonsubstantive changes.

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

SECTION 1. Section 1726 of the Fish and Game Code is amended to read:

1726. The Legislature hereby finds and declares that it is the policy of the state to do all of the following:

(a) Establish and maintain wild trout stocks in suitable waters of the state that are readily accessible to the general public as well as in those waters in remote areas.

(b) Establish angling regulations designed to maintain the wild trout fishery in those waters by natural reproduction.

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

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

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

(b) This section does not provide any public entity or private party with any new or additional authority to affect the management of, or access to, any private land without the written consent of the owner. Privately owned lakes and ponds not open to the use of the general public shall be subject to the provisions of this section only with the written consent of the owner. This chapter shall not be construed as authorizing or requiring special

treatment of adjacent land areas or requiring land use restrictions. It is the intent of the Legislature that this chapter should not diminish the existing authority of the department, nor should it interfere with the department's existing fisheries management planning process.

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

1727. (a) In order to provide for a diversity of available angling experiences throughout the state, it is the intent of the Legislature that the commission maintain the existing wild trout program, and as part of the program, develop additional wild trout waters in the more than 20,000 miles of trout streams and approximately 5,000 lakes containing trout in California.

(b) The department shall prepare a list of no less than 25 miles of stream or stream segments and at least one lake that it deems suitable for designation as wild trout waters. The department shall submit this list to the commission for its consideration at the regular October commission meeting.

(c) The commission may remove any stream or lake that it has designated as a wild trout fishery from the program at any time. If any of those waters are removed from the program, an equivalent amount of stream mileage or an equivalent size lake shall be added to the wild trout program.

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

(e) The department shall prepare and complete management plans for all wild trout waters not more than three years following their initial designation by the commission, and to update the management plan every five years following completion of the initial management plan.