

REGULATION CHANGE CONCEPT PROPOSAL

1. **Title of Proposed Change:** Rush Creek - Catch and Release Angling between Silver and Grant Lakes (Mono County)
*a) Last Sat. in April through Nov. 15 OR *b) October 1 through Nov. 15. Note: Choice 'b' might be more acceptable to the angling public.*
2. **Title 14 Section(s) Proposed for Change:** Amend Section 7.50 to add subsection 153(B), Rush Creek (Mono County) from the outlet of Silver Lake downstream to Grant Lake.

3A. Program (Primary): Inland Desert Region 6-North, Recreational Fishing **3B. Program (Secondary):** Fisheries Branch

4A. Proponent (Name and DFW Function): James Erdman, Environmental Scientist (Fisheries Biologist) CDFW 787 North Main St., Suite 220 Bishop, Ca, 93514

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5A. List of Authority/Reference Citations: FGC 200, 202, 205, 215, 220, 240, and 315

5B. Is the amendment the result of a new statutory requirement? ☐ Yes ☒ No

5C. The authority for the change rests with: ☒ FGC ☐ DFW

Please address the following areas, keeping the entire proposal to two pages maximum.

6. Describe problem necessity, reasons and urgency for proposed change: Large spawning Brown trout are being caught out of Rush Creek between Silver and Grant Lakes during the fall spawning season. Generally between October 1 and November 15. These fish are being specifically targeted by anglers. Brown trout were introduced to the lakes of the June Lake Loop as early as 1919. They quickly became the dominant fish in the system due to spawning capabilities. The stocking records show Brown trout have not been stocked into Silver or Grant Lakes since 2001 and 2003 respectively and very erratically from 1942 to 2001. Thus these spawning fish should be considered 'wild' and should be managed as such. This should include protecting them during their spawning season.

The Mono County Fish and Wildlife Commission and local residents are aware of and support the CDFW's 'Strategic Plan for Trout Management' and recent policies established by Senate Bill 1148 favoring 'sustainable fishing' and wild trout. (FGC 1725-1730). Recent changes to stocking practices involving stocking 'triploid' fish for the protection of native fish species (hybridization) and wild trout populations lends support for a change in regulations that favor maintaining the wild brown trout population within Silver and Grant Lakes. Long term stocking plans appear to be moving toward the stocking of entirely sterile fish into streams and lakes of the Owens River and Mono Lake drainages. These drainages were historically devoid of trout species and according to FGC 1729(e) meet the exception of "fish planted to supplement waters that the dept. has determined to be genetically isolated from native fish populations". Protecting the established 'wild' trout of the June Lake Loop drainage is a good fit for the future of fishing within the area. Finally, the addition of this section of Rush Creek to a catch and release regulation helps simplify the regulations throughout the Mono Lake drainage by remaining consistent with regulations along lower Rush, Parker, Walker and Lee Vining Creeks.

7. **Summarize proposed changes or additions to regulations:** The addition to the Ca. freshwater Sport Fishing Regulations would be: Rush Creek (Mono Co.) Downstream (north) from Silver Lake to Grant Lake. October 1 through November 15. Only artificial lures with barbless hooks may be used. Zero daily bag and possession limit.
8. **List supporting information including data reports and documents:** CDFW Bishop Field Office files for Silver and Grant Lakes document few Brown trout (BN) plants. This supports the determination that both lakes support a self-sustaining, spawning population of BN. A 1983 proposal to include Silver Lake as a “wild trout” water pursuant to Senate Bill 192 recognized the limited productivity of both Silver and Grant Lakes and also the successful but limited spawning of brown, rainbow and brook trout within the lakes. This proposal was not supported by the CDFW due to a lack of scientific data, the high public use of the lakes within the June Lake loop, maintaining consistent regulations throughout the lakes in the loop and historic management of the lake as a ‘put-and-take’ fishery.
9. **List constituencies contacted about the proposal with contact names, affiliations, date contacted, and summary of their position. Is further public outreach necessary?**
10. **Summarize any political or fiscal implications that could arise and the groups affected:** There should be little to no political or fiscal implications that arise due to the addition of catch and release regulations for the last 46 days of the fishing season. The high use season in the June Lake loop occurs between Memorial Day and Labor Day holidays and there should be few objections from the public. There should be no need to change stocking allotments for this section of Rush Creek. Warden availability and patrol routes may need to be adjusted slightly to ensure adequate coverage and safety of anglers. Low visitation at this time of year and easy access should enable this to be easily accomplished.
11. **Estimated economic and fiscal costs to fully implement (only net change from existing costs):** There should be NO net change to costs for the CDFW.
12. **Will this rulemaking require a follow-up rulemaking? Explain:** Unknown
13. **Develop proposed timeline for when the regulation needs to be effective:** The regulation should take effect on October 1, 2016.
14. **DFW forms that will require amendments (Note: All forms must be listed by name or summarized in the regulations):** The California 2016-2017 Freshwater Sport Fishing Regulations Book would need to be amended to add this regulation.