



DELTA STEWARDSHIP COUNCIL

A California State Agency

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

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EXECUTIVE OFFICER
P. Joseph Grindstaff

RE: Council Comments on the Department of Fish and Game's Proposed Changed Regulations for Striped Bass

Dear Mr. Kellogg:

The Delta Stewardship Council (Council) has reviewed the proposed changes to the striped bass sport fishing regulations that the Department of Fish and Game (DFG) released on November 4, 2011, and supports proceeding with the process that leads to or could lead to the adoption of these regulations, providing a strong adaptive management process is implemented as discussed in these comments.

Our review assessed the proposed regulations' consistency with the Delta Reform Act. In general, the Act calls for the Council to develop a legally enforceable Delta Plan to achieve the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California in a manner that protects and enhances the Delta as an evolving place. The Act identifies the protection of native fish and wildlife and reduction of ecosystem stressors as important contributors to achieving the coequal goals. A stated subgoal and strategy of the Act is to "Promote self-sustaining, diverse populations of native and valued species by reducing the risk of take and harm from invasive species" (Water Code Section 85302(e)(3)). The Act also includes objectives inherent in the coequal goals that promote "Viable populations of native resident and migratory species," "Reduced threats and stresses on the Delta ecosystem," and "Conditions conducive to meeting or exceeding the goals in existing species recovery plans and state and federal goals with respect to doubling salmon populations" (Water Code 85302 (c)(1)(4)(5)).

We believe that the intent of DFG's proposed regulation changes is consistent with achieving the coequal goals, although some of our scientists are skeptical about the likelihood that the changes will achieve their intended purpose. By raising the daily bag and possession limit for striped bass, lowering the minimum size requirements, and further increasing harvest opportunities at a "South Delta Hot Spot" near the Clifton Court Forebay, the proposed regulations seek to reduce the abundance and average size of

Coequal goals means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

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striped bass and, thereby, reduce striped bass predation on listed native fish species such as Chinook salmon and delta smelt.

We concur that striped bass prey on juvenile Chinook salmon, delta smelt, and longfin smelt at specific locations in the Delta and tributary streams. However, there is considerable uncertainty regarding (1) the magnitude of reduction in striped bass population needed to significantly reduce mortality of native fish, and (2) the effectiveness of the proposed regulation changes in achieving that magnitude of reduction in the striped bass population. There is also uncertainty regarding the potential cascading effects on the broader ecosystem that might result from manipulation of this one component of the system. This uncertainty poses a number of unanswered questions that should be answered if the proposed changes are implemented. For example:

- What effect would the proposed changes in striped bass fishing regulations have on the population structure (abundance and size distribution) of striped bass?
- How would the population of other predatory fish species (including native species such as pikeminnow) be affected by changes to the population of striped bass?
- How would the populations of other native and non-native prey species be affected by changes to the population of striped bass?

The influence of striped bass predation on the recovery of listed fish species has recently received considerable attention and debate because of the desire by many to find and implement actions that produce near-term results. The proposal may have merit, and we believe that resolution of this issue would contribute to an improved understanding of the Delta ecosystem and its stressors. However, we are convinced that the efficacy of this strategy cannot be meaningfully resolved without environmental review and carefully planned field testing. For this reason, the Council recommends that the Fish and Game Commission (Commission) take up the issue of proposed changes to the striped bass regulation and subject the proposal to its public adoption process.

We strongly support the use of adaptive management and understand that DFG will be presenting an adaptive management plan for the Commission's consideration on this issue. The Council urges the Commission to follow the adaptive management approach required by the Delta Reform Act and described in the Delta Plan. The Delta Reform Act requires the use of science-based, transparent, and formal adaptive management strategies for ongoing ecosystem restoration and water management decisions (Water Code section 85308(f)). The Fifth Staff Draft Delta Plan describes a nine-step adaptive management framework for actions involving ecosystem restoration.

In consideration of adaptive management, we recommend that the Commission treat the changes in the regulations as an experiment with clear goals, quantified objectives/targets,

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and performance measures stated up front. The Commission should be prepared to implement the changes over a time period of sufficient duration to allow definitive answers to the unresolved questions and be prepared to discontinue the regulation changes if the monitoring suggests that the goals are not being met or if unintended negative consequences of the action arise.

We also recognize that implementation of an effective monitoring and adaptive management program, including data collection and evaluation, will require a reliable commitment of financial resources. To this end, we recommend that the Commission identify funding in advance of approving the revised regulations to ensure that DFG has sufficient resources to resolve the unanswered questions with the required scientific rigor. The Commission could consider requesting the legislature to authorize funding for the adaptive management program through a fishing stamp or other mechanism.

We look forward to working with the Commission on reducing the uncertainty regarding the influence of the striped bass population on the recovery of listed fish species, and offer the assistance of our Delta Science Program staff if needed. Should the revised regulations be approved, we anticipate that the Council will request periodic updates on the program's effectiveness, and may request that the Delta Independent Science Board review the scientific underpinnings of those evaluations.

If there are any questions, please contact Lauren Hastings, Deputy Executive Officer, Delta Science Program, at lauren.hastings@deltacouncil.ca.gov or (916) 455-5026.

Sincerely,



P. Joseph Grindstaff
Executive Officer

cc: Sonke Mastrup, Executive Director
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