



VIA EMAIL ONLY

July 31, 2025

Ms. Erika Zavaleta President
California Fish and Game Commission
715 P Street, 16th Floor
P.O. Box 944209
Sacramento, CA 94244-2090

**Re: Petition to the California Fish and Game Commission for a
Regulation Change Regarding the Striped Bass Slot Limit
(Petition Tracking Number 2022-12)**

Dear President Zavaleta,

We are writing on behalf of a coalition of water agencies and farming associations (“water and farming coalition”) with respect to Petition 2022-12 (“Striped Bass Petition” or “Petition”). The water and farming coalition represents urban and rural water agencies statewide and the Central Valley’s farming community. Members of the water and farming coalition have raised concerns about striped bass predation on listed fish in the Bay-Delta region over a decades-long period. This is the case because the water and farming communities invest hundreds of millions of dollars each year in efforts to protect native, listed fish species, and predation by non-native striped bass harms those same species we seek to protect.

At the same time, the water and farming coalition recognizes that striped bass is a popular sport fish. Sport fishing professionals and enthusiasts share many of the same rural communities that are home to California farm families. Our members are similarly focused on supporting rural economies while carefully preserving our natural resources. Therefore, the water and farming coalition supports the establishment and maintenance of sustainable recreational fisheries in the Bay-Delta region and across California where such fisheries comply with federal and state law and Commission policies.

While members of the water and farming coalition have historically opposed any change to the striped bass sport fishing regulations intended to increase the striped

bass population in the Bay-Delta region, we are prepared to drop our prior objections to the proposed regulatory changes provided the Fish and Game Commission (Commission) and Department of Fish and Wildlife (Department) obtain federal approval of the changes under the federal Endangered Species Act (ESA) and the Commission determines the changes are consistent with its *Delta Fisheries Management Policy* and *Striped Bass Policy*.

Members of the water and farming coalition actively participated in open stakeholder meetings facilitated by Department and Commission staff that ultimately led the Commission to unanimously adopt the *Delta Fisheries Management Policy* (adopted Feb. 21, 2020). Among other things, that Policy states “the Department shall manage Delta fisheries in a manner that provides for maximizing sustainable recreational angling opportunities while avoiding or minimizing adverse effects to native and listed species, species of greatest conservation need, and recovery activities.” The Policy reflects the Commission’s recognition that listed species have highest priority, and also the importance of providing recreational angling opportunities. The Policy provides the Commission with a roadmap to balance competing priorities in the context of Delta fisheries management, but it gives the Commission some latitude to determine how to respond to the Petition.

It is appropriate for the Commission to seek to protect and expand recreational angling opportunities where it can do so consistent with the other priorities articulated in the Policy and also with federal and state law. Over the last several months, the Commission has considered how to balance these various priorities in the context of the recreational white sturgeon fishery. Published research suggests that the Commission’s prior white sturgeon sport fishing regulations (including a 40-60 inch slot limit) led to over-exploitation of the population (Blackburn et al. 2019). Members of the water and farming coalition supported – and continue to support – the modified white sturgeon sport fishing regulations (including a 42-48 inch slot limit) the angling community has requested and that Commission was poised to adopt before receiving the petition to list white sturgeon. While we understand the Commission is likely to adopt regulations authorizing a catch-and-release fishery only, we do not believe that the best available scientific information dictates this outcome. Our preference would be to see the Commission authorize a limited recreational fishery with a substantially reduced exploitation rate.

With respect to striped bass, we are likewise open to balancing that provides for sustainable recreational angling opportunities while limiting the extent to which striped bass predation reduces the populations of native, listed fish. Such balancing may involve efforts to minimize and mitigate the take of native, listed fish. But any change to the existing regulation intended to increase the striped bass population can only occur in consultation with the federal fisheries agencies consistent with the federal ESA.

The federal ESA (like its state counterpart) prohibits take of listed species, such as delta smelt and Sacramento River winter-run Chinook salmon. The exercise of regulatory authority by state or local governments can subject those entities to liability for unauthorized take of listed species. See, e.g., *Strahan v. Cox*, 127 F.3d 155 (1st

Cir. 1997); *see also Nat'l Audubon Soc'y, Inc. v. Davis*, 307 F.3d 835 (9th Cir. 2002). Here, (i) the express purpose of the regulatory changes is to increase the striped bass population, (ii) there is uncontroverted evidence that striped bass prey on listed species, and (iii) there can be no question that an increase in the striped bass population will increase the likelihood and magnitude of striped bass predation on listed species. To be clear, all we are asking is that the Commission and Department comply with Commission policy as well as the same federal requirements that all other federal and non-federal entities, including its sister agency the California Department of Water Resources, must fulfill.

Compliance with the federal ESA is consistent with the *Delta Fisheries Management Policy* and *Striped Bass Policy* as it will ensure that the regulatory change is implemented in a manner that avoids or minimizes adverse effects of the regulatory change on listed species. The water and farming coalition is committed to continue to seek opportunities to work with the angling community, this Commission, and the Department to protect and promote sustainable recreational and commercial fisheries while at the same time seeking to conserve listed species and protecting and promoting sustainable ground water and surface water supplies necessary to support communities and farmers across the state. We appreciate your consideration of our views.

Sincerely,

Coalition for a Sustainable Delta
Association of California Water Agencies
Western Growers
California Farm Bureau Federation
Kern County Water Agency
State Water Contractors
Santa Clara Valley Water District (Valley Water)
San Luis Delta Mendota Water Authority
San Luis Water District