

OFFICE OF THE CITY CLERK

CITY OF OAKLAND



2006 JUN 15 PM 5:02

CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

City Council

(510) 238-3266  
TDD (510) 839-6451  
FAX (510) 238-6129

June 27, 2006

To: Public Works Committee  
Oakland City Council  
Oakland, California

From: Vice Mayor Jean Quan & Council President Ignacio De La Fuente

RE: **A RESOLUTION IN SUPPORT OF AMENDING FISH AND GAME  
REGULATIONS TO PROHIBIT FISHING IN OAKLAND'S CREEKS,  
STREAMS AND WATERWAYS**

Dear Members of the Public Works Committee:

We are proposing a resolution in support of amending California's Fish and Game regulations to prohibit fishing in Oakland's creeks, streams, and waterways.

#### **SUMMARY**

Oakland's watershed has fifteen main creeks with over thirty tributaries - over 40 miles of open creeks. Because of this unique and precious resource, the City of Oakland, by implementing the Watershed Improvement Program has made environmental protection of creeks a priority.

Various creek restoration projects throughout the city such as the Sausal Creek restoration project which was completed in 2001, aim to improve water quality, hydrology, and flood control, and will improve habitat for rainbow trout and other riparian (creekside) species.

In addition, the City offers various volunteer opportunities for community members to work on creek projects. Oakland Citizens donate thousands of hours each year to our Cities Creeks and waterways in their various efforts to restore our creeks, restore natural habitats. Last year's Creek to Bay Day drew 927 volunteers who participated in a range of projects at 20 locations around the City. As a result of everyone's efforts, 3,943 pounds of trash were removed from Oakland's creeks and Lake Merritt, and 187 cubic yards of non-native green waste was removed from our riparian (creek) corridors to make way for native plants and wildlife to flourish.

It is important that we protect our creeks, streams and waterways and asking for an amendment to California's Fish and Game regulations to prohibit fishing in Oakland's creeks, streams and waterways will provide an additional tool for protecting our creeks and protecting the small and fragile population of wild native fish that inhabit our creeks.

## **BACKGROUND**

The California Fish and Game Commission (the Commission) has general regulatory powers, under which it decides seasons, bag limits and methods of take for sport fishing

Every three years, the Commission devotes its early August, October, November and December meetings to recommendations for changes in the sport fishing regulations. The public may make recommendations in writing at or before the early August meeting or give its proposals verbally at this meeting. These proposals are discussed at the October and November meetings. The Commission also holds a variety of special meetings to obtain public input on items of a more localized nature, requests for use permits on certain streams or establishment of new ecological reserves.

The California Fish and Game Commission is composed of five members appointed by the Governor and confirmed by the State Senate. In addition to formulating general policies for the conduct of the Department of Fish and Game, and regulating aspects of commercial fishing, the Commission sets hunting and sport fishing regulations including seasons, bag limits and methods and areas of take.

This year, the Fish and Game Commission will hear requests for changes to their sport fishing regulations on August 3<sup>rd</sup> and 4<sup>th</sup>. Given that the Commission considers these requests on a three-year cycle basis, this is the perfect opportunity for the City of Oakland to lobby for fishing restrictions in our creeks, streams, and waterways.

The 2006 California Fishwater Sport Fishing Regulations, District General Regulations, read: "All streams in Alameda, Contra Costa, and Santa Clara Counties except those listed by name in the special regulations have "open season" from the last Saturday in April through November 15." (Page 24)

The areas of water with special fishing regulations in Alameda County include:

- Codornices Creek (Berkeley) – Closed to Fishing All Year
- Redwood Creek – Closed to Fishing All Year
- Sausal Creek- Open Season is Last Saturday in April through November 15. The special regulation at Sausal Creek is that only artificial lures with barbless hooks may be used.

Even though the regulations for Sausal Creek are “catch and release,” it does allow fishermen to catch the fish which can further endanger this small and fragile population.

Oakland’s additional 14 creeks are essentially open for fishing without any special regulations from the last Saturday in April through November 15 each year.

A 1998 survey of Oakland’s creeks found five native trout in Palo Seco creek, Sausal Creek’s primary tributary that comes from Joaquin Miller Park.

In recent weeks, Oakland Citizen’s have reported sports fishermen fishing in Sausal Creek and per the current Department of Fish and Game regulations, this is permitted.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this report.

#### **KEY ISSUES AND IMPACTS**

Due to the fact that only every three years does the California Fish and Game Commission devote its meetings to recommendations for changes in the sport fishing regulations, it is imperative that Oakland submit their request this year for consideration. If approved, the fishing ban will become effective December 2006.

Passage of this resolution will contribute to the environmental protection of creeks as established by the City’s Watershed Improvement Program. Further, it will support the thousands of community volunteers who donate thousands of hours of their time to the improvement of our creeks and the habitats for rainbow trout and other fish species in our creeks.

## SUSTAINABLE OPPORTUNITIES

**Economic:** There are no economic opportunities associated with this report.

**Environmental:** Passage of this resolution will allow for the City of Oakland to advocate for better protection of our creeks, streams, and waterways. By asking the California Fish and Game Commission to prohibit fishing in our waterways we further contribute to the Cities goal of protecting our creeks and waterways and the limited number of native trout in the creeks.

**Social Equity:** Prohibition of fishing in our waterways will apply to all creeks, streams and waterways in the City of Oakland.

## RECOMMENDATION(S) AND RATIONALE

We recommend that the City Council adopt this resolution in support of amending California's Fish and Game regulations to prohibit fishing in Oakland's creeks, streams and waterways. Further, we ask that the City Council direct the City Administrator and the City's State Lobbyist, to immediately advocate for this position with the California Fish and Game Commission.

Respectfully submitted,

  
 Vice Mayor Jean Quan,  
 City Council, District 4

  
 Council President Ignacio De La Fuente  
 City Council, District 5

Prepared By:  
 Claudia Jimenez, Policy Analyst for  
 Vice Mayor Jean Quan

Item No. \_\_\_\_\_  
 Public Works Committee  
 June 27, 2006

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

# OAKLAND CITY COUNCIL

\_\_\_\_\_  
City Attorney

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## RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by  
Vice Mayor Jean Quan & Council President De La Fuente

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### **A RESOLUTION IN SUPPORT OF AMMENDING FISH AND GAME REGULATIONS TO PROHIBIT FISHING IN OAKLAND’S CREEKS, STREAMS AND WATERWAYS**

**WHEREAS**, the California Fish and Game Commission has general regulatory powers, under which it decides seasons, bag limits and methods of take for sport fishing; and

**WHEREAS**, the California Fish and Game Commission considers changes to its sport fishing regulations on a three-year cycle; and

**WHEREAS**, the California Fish and Game Commission will hear requests for changes to their sport fishing regulations on August 3<sup>rd</sup> and 4<sup>th</sup>, 2006; and

**WHEREAS**, City of Oakland creeks are a valuable asset that provide important habitat to a limited number of native fish; and

**WHEREAS**, the City of Oakland’s General Plan calls for the protection and increase of valuable fish habitat in Oakland creeks; and

**WHEREAS**, the City of Oakland implemented a creek restoration and trout habitat improvement project on Sausal Creek in Dimond Canyon in 2001; and

**WHEREAS**, a 1998 survey of Oakland’s creeks found five native trout in Palo Seco creek, Sausal Creek’s primary tributary that comes from Joaquin Miller Park; and

**WHEREAS**, the trout population has continued to increase in recent years; and

**WHEREAS**, DNA analysis showed these fish are wild native fish, not hatchery stock; now, therefore be it

**RESOLVED:** the City of Oakland declares its support for the permanent restriction of sport fishing in Oakland’s creeks, streams and waterways to preserve our wildlife heritage and protect these small fragile populations; and be it

**FURTHER RESOLVED:** that the City council directs the City Administrator and the City's State Lobbyist, to immediately advocate for the above position with the California Fish and Game Commission.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California