

California Fish and Game Commission

Meeting Binder



May 16, 2019

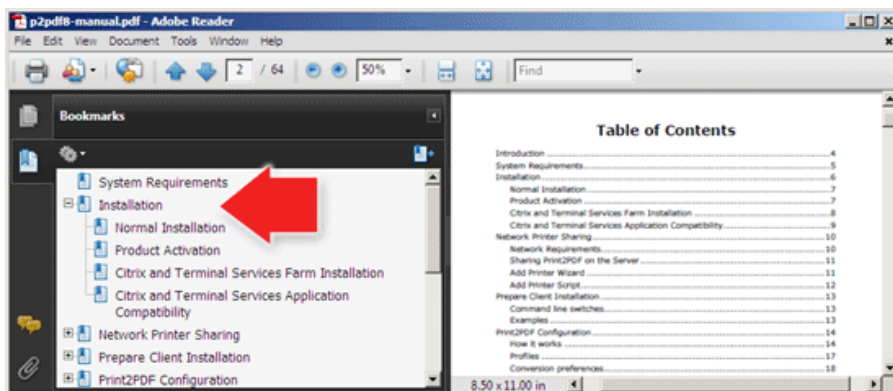
Teleconference

EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It's helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line located between the panels and using a long click /tap to move in either direction. ←→
6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.
8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.
9. Do not hesitate to contact staff if you have any questions or would like assistance.

OVERVIEW OF FISH AND GAME COMMISSION BUSINESS MEETINGS

- This year marks the beginning of the 150th year of operation of the California Fish and Game Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making. These meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.
- We are operating under the Bagley-Keene Open Meeting Act and these proceedings are being recorded and broadcast via <https://videobookcase.com/>.
- In the unlikely event of an emergency, please note the location of the nearest emergency exits. Additionally, the restrooms are located _____.
- Items may be heard in any order pursuant to the determination of the Commission President.
- The amount of time for each agenda item may be adjusted based on time available and the number of speakers.
- Speaker cards need to be filled out **legibly** and turned in to the staff **before** we start the agenda item. Please make sure to list the agenda items you wish to speak to on the speaker card.
- We will be calling the names of several speakers at a time so please line up behind the speakers' podium when your name is called. If you are not in the room when your name is called you may forfeit your opportunity to speak on the item.
- When you speak, please state your name and any affiliation. Please be respectful. Disruptions from the audience will not be tolerated. Time is precious so please be concise.
- To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, www.fgc.ca.gov, and sign up for our electronic mailing lists.
- All petitions for regulation change must be submitted in writing on the authorized petition form, FGC 1, Petition to the California Fish and Game Commission for Regulation Change, available at <http://www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx>.
- **Reminder!** Please silence your mobile devices and computers to avoid interruptions.
- **Warning!** The use of a laser pointer by someone other than a speaker doing a presentation may result in arrest.

INTRODUCTIONS FOR FISH AND GAME COMMISSION MEETINGS

Fish and Game Commission

Eric Sklar	President (Saint Helena)
Jacque Hostler-Carmesin	Vice President (McKinleyville)
Russell Burns	Member (Napa)
Peter Silva	Member (Jamul)
Samantha Murray	Member (Del Mar)

Commission Staff

Melissa Miller Henson	Acting Executive Director
Susan Ashcraft	Acting Deputy Executive Director
Mike Yaun	Legal Counsel
Elizabeth Pope	Acting Marine Advisor
Ari Cornman	Wildlife Advisor
Craig Castleton	Analyst
Sherrie Fonbuena	Analyst
Sergey Kinchak	Analyst

California Department of Fish and Wildlife

Chuck Bonham	Director
Wendy Bogdan	General Counsel
David Bess	Deputy Director and Chief, Law Enforcement Division
Stafford Lehr	Deputy Director, Wildlife and Fisheries Division
Clark Blanchard	Assistant Deputy Director, Office of Communications, Education and Outreach
Kari Lewis	Chief, Wildlife Branch
Kevin Shaffer	Chief, Fisheries Branch
Craig Shuman	Manager, Marine Region

I would also like to acknowledge special guests who are present:
(i.e., elected officials, including tribal chairpersons, and other special guests)

Commissioners
Eric Sklar, President
Saint Helena

Jacque Hostler-Carmesin, Vice President
McKinleyville

Russell E. Burns, Member
Napa

Peter S. Silva, Member
Jamul

Samantha Murray, Member
Del Mar

STATE OF CALIFORNIA
Gavin Newsom, Governor

Melissa Miller-Henson
Acting Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MEETING AGENDA - TELECONFERENCE May 16, 2019, 10:00 AM

**Natural Resources Building
Jim Kellogg Conference Room
1416 Ninth Street, Suite 1320, Sacramento, CA 95814**

Members of the public may participate in the teleconference at the address above and at the following California Department of Fish and Wildlife offices:

- Conference Room, 50 Ericson Court, Arcata, CA 95521
- Conference Room, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534
- Conference Room, 3883 Ruffin Road, San Diego, CA 92123

The meeting will be live streamed *for listening purposes only*; visit www.fgc.ca.gov the day of the meeting.

Notes: See important meeting deadlines and procedures at the end of the agenda.
Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

Call to order/roll call to establish quorum

1. **Consider approving agenda and order of items**
2. **General public comment for items not on agenda**
Receive public comment regarding topics within the Commission's authority that are not included on the agenda.
Note: The Commission **may not** discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).
3. **Mammal hunting**
Consider adopting proposed changes to mammal hunting regulations, including sheep/elk tag quotas, and deer/elk tag validation.
(Sections 362, 364, 364.1 and 708.6, Title 14, CCR)

4. **Klamath River Basin sport fishing**

Consider adopting proposed changes to Klamath River Basin sport fishing regulations.
(Subsection 7.50(b)(91.1), Title 14, CCR)

5. **Central Valley salmon sport fishing**

Consider adopting proposed changes to Central Valley salmon sport fishing regulations.
(Subsections 7.50(b)(5), (68), (124) and (156.5), Title 14, CCR)

Adjourn

California Fish and Game Commission 2019 Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

Meeting Date	Commission Meeting	Committee Meeting
June 11		Tribal Red Lion Hotel Redding 1830 Hilltop Drive Redding, CA 96002
June 12-13	Red Lion Hotel Redding 1830 Hilltop Drive Redding, CA 96002	
July 11		Marine Resources California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672
August 7-8	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
September 5		Wildlife Resources Justice Joseph A. Rattigan State Building Conference Room 410 50 D Street, 4 th Floor Santa Rosa, CA 95404
October 8		Tribal San Diego
October 9-10	San Diego	
November 5		Marine Resources Natural Resources Building 12 th Floor Conference Room 1416 Ninth Street, Room 1206 Sacramento, CA 95814
December 11-12	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	

OTHER 2019 MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 22-25, Saint Paul, MN

Pacific Fishery Management Council

- June 19-25, San Diego, CA
- September 11-18, Boise, ID
- November 13-20, Costa Mesa, CA

Pacific Flyway Council

- August 23, Clackamas, OR

Western Association of Fish and Wildlife Agencies

- July 11-16, Manhattan, KS

Wildlife Conservation Board

- May 22, Sacramento, CA
- August 28, Sacramento, CA
- November 21, Sacramento, CA

IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION

This year marks the beginning of the 150th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.

PERSONS WITH DISABILITIES

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

STAY INFORMED

To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

SUBMITTING WRITTEN COMMENTS

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **E-mail** to fgc@fgc.ca.gov; **mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; **deliver** to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**. Materials provided to the Commission may be made available to the general public.

COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is **5:00 p.m. on May 3, 2019**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Late Comment Deadline** for this meeting is **noon on May 13, 2019**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – Please bring ten (10) copies of written comments to the meeting.

NON-REGULATORY REQUESTS

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Late Comment Deadline** (or heard during public comment at the meeting) will be scheduled for receipt at this meeting, and scheduled for consideration at the next business meeting.

PETITIONS FOR REGULATION CHANGE

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, titled, "Petition to the California Fish and Game Commission for Regulation Change" (as required by Section 662, Title 14, CCR). The form is available at <http://www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx>. To be received by the Commission at this meeting, petition forms must have been delivered by the **Late Comment Deadline** (or delivered during public comment at the meeting). Petitions received at this meeting will be scheduled for consideration at the next business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

VISUAL PRESENTATIONS/MATERIALS

All electronic presentations must be submitted by the **Late Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov.
2. All electronic formats must be Windows PC compatible.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available for use at the meeting.

CONSENT CALENDAR

A summary of all items will be available for review at the meeting. Items on the consent calendar are generally non-controversial items for which no opposition has been received and will be voted upon under single action without discussion. Any item may be removed from the consent calendar by the Commission upon request of a Commissioner, the Department, or member of the public who wishes to speak to that item, to allow for discussion and separate action.

LASER POINTERS

Laser pointers may only be used by a speaker during a presentation; use at any other time may result in arrest.

SPEAKING AT THE MEETING

To speak on an agenda item, please complete a "Speaker Card" and give it to the designated staff member before the agenda item is announced. Cards will be available near the entrance of the meeting room. Only one speaker card is necessary for speaking to multiple items.

1. Speakers will be called in groups; please line up when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time

forfeit their right to speak to the agenda item.

- b. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Late Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.
 - c. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
 - d. An individual may receive additional time to speak to an agenda item at the request of any commissioner.
5. If you are presenting handouts/written material to the Commission at the meeting, please provide ten (10) copies to the designated staff member just prior to speaking.

STAFF SUMMARY FOR MAY 16, 2019 TELECONFERENCE

2. GENERAL PUBLIC COMMENT**Today's Item****Information** ☒**Action** ☐

Receipt of verbal public comments for items not on the agenda.

Summary of Previous/Future Actions (N/A)**Background**

Today's agenda item is to receive verbal public comments for items not on the agenda. Under the Bagley-Keene Open Meeting Act, FGC cannot act on any matter not included on the agenda, except to schedule issues raised by the public for consideration at future meetings.

Comments submitted in writing are traditionally held for receipt at regularly scheduled in-person FGC meetings. Therefore, written comments submitted following the April 17, 2019 FGC meeting will be received at the June 12-13, 2019 meeting in Redding.

Significant Public Comments (N/A)**Recommendation**

Consider whether any new future agenda items are needed to address issues that are raised during public comment and are within FGC's authority.

Exhibits (N/A)**Motion/Direction (N/A)**

STAFF SUMMARY FOR MAY 16, 2019

3. MAMMAL HUNTING**Today's Item****Information** ☐**Action** ☒

Consider adopting proposed changes to mammal hunting regulations, including sheep/elk tag quotas, and deer/elk tag validation.

Summary of Previous/Future Actions

- | | |
|-----------------------------------|-------------------------------------|
| • WRC vetting | Sep 20, 2018; WRC, Sacramento |
| • Notice hearing | Dec 12-13, 2018; Oceanside |
| • Discussion hearing | Feb 6, 2019; Sacramento |
| • Discussion hearing | Apr 17, 2019; Santa Monica |
| • Today's adoption hearing | May 16, 2019; Teleconference |

Background

FGC approves tag counts, hunt zones, and seasons for Nelson bighorn sheep and SHARE elk hunts. The final tag, zone, and season recommendations are provided in pre-adoption statements of reasons (PSORs; (exhibits 1 and 3, respectively).

Originally scheduled for adoption in Apr 2019, FGC moved to continue the item to today's teleconference to allow for completing the full California Environmental Quality Act (CEQA) document review period and a 15-day notice of several sufficiently-related changes (see Exhibit 5 for background). Public review of CEQA documents for bighorn sheep and elk commenced on Feb 19, 2019 and was extended until May 6, 2019.

In addition, edits have been made to the regulatory text provided in an Apr exhibit to correct the number of existing elk tag quotas portrayed in four subsections:

- Subsection 364(u)(5)(C), Lone Pine Period 4 – antlerless tags – should be 0 (not 1)
- Subsection 364(u)(9)(A), Whitney Period 2 – antlerless tags – should be 1 (not 0)
- Subsection 364(u)(10)(B), Goodale Period 2 – antlerless tags – should be 1 (not 0)
- Subsection 364(u)(11)(J), Grizzly Island Period 10 – bull tags – should be 3 (not 0)

The updated elk PSOR highlights the edits, which reflect both “no change” from existing regulatory text and are within the ranges noticed (Exhibit 2). Additionally, a typographical error is corrected in subsection 364(x)(4)(A).

Proposed tag countersigning/validation requirement changes are found in the initial statement of reasons (ISOR) published in Jan 2019 (Exhibit 4). No changes are proposed to the tag countersigning/validation requirements as proposed in the ISOR.

With regard to CEQA, the extended 45-day public comment period ended on May 6, 2019; final environmental documents for bighorn sheep and elk were still being completed at the time this binder was produced. Final environmental documents will be posted to the FGC website as soon as they are available.

STAFF SUMMARY FOR MAY 16, 2019

Significant Public Comments

1. A representative from Del Norte County Board of Supervisors, during public testimony at the Apr FGC meeting, requested a higher allocation of elk tags in the Northwestern Zone. DFW has responded to the commenter in a letter provided as Exhibit 6.
2. No public comments have been received since the Apr 2019 discussion hearing regarding the proposed text of the regulations.
3. Two new public comments were received on the draft supplemental environmental document for elk (exhibits 7- 8) and are addressed with other previous comments in the final document.

Recommendation

FGC staff: Adopt the CEQA documents provided by DFW and adopt the proposed regulation changes as recommended by DFW.

DFW: Adopt the proposed changes to regulations for Nelson bighorn sheep and elk as proposed in the PSORS, and for deer/elk tag validation as proposed in the ISOR.

Exhibits

1. [Nelson bighorn sheep PSOR](#)
2. [Updated Elk PSOR](#)
3. [SHARE elk hunts PSOR](#)
4. [Tag countersigning/validation ISOR](#)
5. [Staff summary from Item 17, Mammal, at Apr 17, 2019 FGC meeting \(for background purposes only\)](#)
6. [Letter from DFW to the Del Norte County Board of Supervisors, dated May 2, 2019](#)
7. [Letter from Del Norte County Fish and Game Advisory Commission, dated May 2, 2019](#)
8. [Letter from Public Interest Coalition, dated May 3, 2019](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission finds that the environmental documents reflect the independent judgment of the Commission, certifies the final environmental documents, adopts the proposed projects, and adopts the staff recommended changes to section 362, et al., regarding mammal hunting.

STAFF SUMMARY FOR MAY 16, 2019 TELECONFERENCE

4. KLAMATH RIVER BASIN SPORT FISHING**Today's Item****Information** ☐**Action** ☒

Consider adopting proposed changes to Klamath River Basin sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|-----------------------------------|-------------------------------------|
| • Notice hearing | Dec 12-13, 2018; Oceanside |
| • Discussion hearing | Feb 6, 2019; Sacramento |
| • Discussion hearing | Apr 17, 2019; Santa Monica |
| • Today's adoption hearing | May 16, 2019; Teleconference |

Background

FGC annually adopts Klamath River Basin sport fishing regulations to bring state law into conformance with federal fishery management goals. In Dec 2018, FGC authorized publication of notice of proposed changes to subsection 7.50(b)(91.1), including quotas and bag and possession limits for Klamath River Basin Fall-run Chinook Salmon (KRFC). Specific bag and possession limits for KRFC are scheduled for adoption at this meeting, after the Pacific Fishery Management Council (PFMC) completed its review of the status of West Coast salmon stocks and adopted final fishery allocation recommendations in Apr 2019.

For notice purposes, DFW recommended an allocation range of 0-67,600 adult KRFC; a bag limit of between 0-4 KRFC, of which 0-4 may be adult KRFC until the quota is met, then 0 adult KRFC; and a possession limit of 0-12 KRFC, of which 0-4 may be adult fish when the take of adult fish is allowed (see Exhibit 2).

A pre-season stock projection of 274,200 adult KRFC was released by PFMC in Mar 2019 (Exhibit 6), and the 2019 basin allocation was recommended by PFMC at its Apr 9-16, 2019 meeting. At today's FGC teleconference meeting, DFW will recommend a specific in-river sport harvest quota based on the allocation selected by PFMC, and FGC will consider adopting final changes to these regulations.

California Environmental Quality Act (CEQA)

A notice of exemption (Exhibit 4) has been drafted consistent with FGC staff's recommendation to rely on two CEQA categorical exemptions (Class 7 and Class 8) for these regulation changes. Staff has reviewed all of the available information possessed by FGC relevant to the issue, including the analysis and rationale presented in Exhibits 3 and 4, and does not believe that reliance on these categorical exemptions is precluded by the exceptions set forth in CEQA Guidelines Section 15300.2.

Significant Public Comments

Four organizations jointly request that FGC adopt a daily bag limit of two Chinook salmon, of which no more than one may exceed the jack cutoff length, equaling a daily bag limit of one adult and one jack Chinook salmon. The organizations also comment on the methodology

STAFF SUMMARY FOR MAY 16, 2019 TELECONFERENCE

used by DFW to determine jack cutoff length in the Central Valley and Klamath River Basin, and request that FGC consider this topic in future Chinook salmon rulemakings. (Exhibit 9)

DFW does not believe that the comments received warrant changes to the proposed Klamath River Basin sport fishing regulation, for the reasons set forth in DFW's updated pre-adoption statement of reasons (PSOR; Exhibit 10).

Recommendation

FGC staff: Rely on two CEQA categorical exemptions (Class 7 and Class 8) for the proposed regulation changes and adopt the proposed regulation changes as recommended by DFW.

DFW: Adopt a daily bag limit of three fish, no more than two adults over 22 inches total length, and a possession limit of nine fish, no more than six of them adults.

Exhibits

1. [DFW memo transmitting initial statement of reasons \(ISOR\), received Dec 3, 2018](#)
2. [ISOR](#)
3. [DFW memo with CEQA overview, received Dec 3, 2018](#)
4. [Draft notice of exemption](#)
5. [Economic and fiscal impact statement \(Std. 399\)](#)
6. [DFW press release, 'Slightly Improved' Forecast for California's 2019 Ocean Salmon Season, published Mar 1, 2019](#)
7. [DFW memo transmitting PSOR, received Apr 8, 2019](#)
8. [PSOR](#)
9. [Email from Mark Smith, transmitting letter from NorCal Guides and Sportsmen's Association, Coastside Fishing Club, American Sportfishing Association, and Coastal Conservation Association – California, received Apr 30, 2019](#)
10. [DFW memo transmitting updated PSOR, received May 8, 2019](#)
11. [Updated PSOR](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission has determined, based on the record, that this approval is exempt from the California Environmental Quality Act pursuant to the guidelines in sections 15307 and 15308, Title 14, California Code of Regulations, and adopts the proposed changes to subsection 7.50(b)(91.1), related to Klamath River Basin sport fishing regulations, as recommended today by the California Department of Fish and Wildlife.

STAFF SUMMARY FOR MAY 16, 2019 TELECONFERENCE

5. CENTRAL VALLEY SALMON SPORT FISHING**Today's Item****Information** ☐**Action** ☒

Consider adopting proposed changes to Central Valley salmon sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|-----------------------------------|-------------------------------------|
| • Notice hearing | Dec 12-13, 2018; Oceanside |
| • Discussion hearing | Feb 6, 2019; Sacramento |
| • Discussion hearing | Apr 17, 2019; Santa Monica |
| • Today's adoption hearing | May 16, 2019; Teleconference |

Background

In Dec 2018, FGC authorized publication of notice of proposed changes to subsections 7.50(b)(5), et al., including a range of size, bag and possession limits for Sacramento River Fall-run Chinook Salmon (SRFC) in the American, Feather, Mokelumne, and Sacramento rivers to encompass possible Pacific Fishery Management Council (PFMC) 2019 recommendations for Central Valley salmon escapement goals. For consistency, FGC generally adopts regulations to bring state law into conformance with federal fishery management goals for Central Valley salmon.

The scope of options in the initial statement of reasons (ISOR; Exhibit 2) is intentionally broad to allow for flexibility in developing the final Central Valley salmon limits. A pre-season stock projection of 379,600 adult SRFC was released by PFMC in Mar 2019 (Exhibit 7), and the final escapement goals were established by PFMC at its Apr 9-16, 2019 meeting.

At today's FGC meeting, DFW will recommend specific size, bag and possession limits for SRFC based on the final escapement goals established by PFMC. FGC will consider adopting final changes to these regulations.

Three options are presented for consideration:

- Option 1 allows take of any size Chinook salmon up to the daily bag and possession limits;
- Option 2 allows for take of a limited number of adult (3-5 year-old) Chinook salmon, with grilse (two year-old) Chinook salmon making up the remainder of the daily bag and possession limits; or
- Option 3 allows for take of only grilse Chinook salmon up to the daily bag and possession limits.

When considering a grilse fishery, it is important to determine a size cut-off that balances angling harvest opportunity for male grilse versus preserving the limited number of females available to spawn. DFW is proposing a grilse salmon size limit range of less than or equal to 26 to 28 inches total length, and this size limit range will be discussed at today's FGC meeting.

STAFF SUMMARY FOR MAY 16, 2019 TELECONFERENCE

All options increase fishing opportunities on the Feather and Mokelumne rivers by: (1) extending the salmon fishing season by two weeks on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp; and (2) extending the salmon and hatchery steelhead fishing season by two and one-half months on approximately ten miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road.

California Environmental Quality Act (CEQA)

A draft negative declaration has been prepared (Exhibit 4) and was filed with the State Clearinghouse on Mar 22, 2019 (Exhibit 5).

The initial study and FGC staff review of the project showed that the project will not have any significant or potentially significant effects on the environment and, therefore, no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. A draft negative declaration has been prepared and a notice of completion with the prepared draft negative declaration to be filed with the State Clearinghouse consistent with CEQA and Section 15205(e), Title 14, California Code of Regulations.

Significant Public Comments

1. One commenter opposes Options 2 and 3 in the ISOR, and supports status quo regulations (Exhibit 8).
2. One commenter clarified oral comments he made at the Apr 17, 2019 FGC discussion hearing; he requests inclusion of a jack Chinook salmon option in the Central Valley and parity with the bag limit in the Klamath River Basin (Exhibit 9).
3. A joint comment from four sport fishing organizations was received in support of DFW's proposed daily bag limit of two Chinook salmon (Exhibit 10).

DFW does not believe that the public comments received warrant changes to the proposed Central Valley salmon sport fishing regulation, for the reasons set forth in DFW's pre-adoption statement of reasons (PSOR; Exhibit 12).

Recommendation

FGC staff: Adopt the negative declaration prepared pursuant to CEQA in Exhibit 4 and adopt the proposed regulation changes as recommended by DFW.

DFW: Adopt Option 1 in the ISOR, which allows for take of any size Chinook salmon within the specified bag limit of two fish and possession limit of four fish for the American , Feather, Sacramento and Mokelumne rivers.

Exhibits

1. [DFW memo transmitting ISOR, received Dec 3, 2018](#)
2. [ISOR](#)
3. [DFW memo transmitting draft negative declaration, received Mar 20, 2019](#)
4. [Draft negative declaration](#)

STAFF SUMMARY FOR MAY 16, 2019 TELECONFERENCE

5. [Notice of completion, filed with State Clearinghouse Mar 22, 2019](#)
6. [Economic and fiscal impact statement \(Std. 399\)](#)
7. [DFW news release, 'Slightly Improved' Forecast for California's 2019 Ocean Salmon Season, published Mar 1, 2019](#)
8. [Email from Mike Brown, received Apr 16, 2019](#)
9. [Email from Mark Smith, received Apr 22, 2019](#)
10. [Email from Mark Smith, transmitting letter from NorCal Guides and Sportsmen's Association, Coastside Fishing Club, American Sportfishing Association, and Coastal Conservation Association – California, received Apr 30, 2019](#)
11. [DFW memo transmitting PSOR, received May 8, 2019](#)
12. [PSOR](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the negative declaration prepared pursuant to the California Environmental Quality Act, adopts the proposed project, and adopts proposed changes to subsections 7.50(b)(5), et al., relating to Central Valley salmon sport fishing regulations, as recommended today by the California Department of Fish and Wildlife.

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-adoption Statement of Reasons)

Amend Section 362
Title 14, California Code of Regulations
Re: Nelson Bighorn Sheep Hunting

- I. Date of Initial Statement of Reasons: November 15, 2018
- II. Date of Pre-adoption Statement of Reasons: April 4, 2019
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 13, 2018
Location: Oceanside, CA
 - (b) Discussion Hearing: Date: February 6, 2019
Location: Sacramento, CA
 - (c) Discussion Hearing: Date: April 17, 2019
Location: Santa Monica
 - (d) Adoption Hearing: Date: May 16, 2019
Location: Teleconference
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:
 - (a) Number of tags

The original proposed language provided a range of tag quota allocations for Nelson bighorn sheep hunting. The language has been modified to identify specific tag quotas determined based upon the completion of surveys and data analysis.
 - (b) Establishment of the Newberry, Rodman and Ord Mountains Hunt Zone

The original proposal seeks to establish the Newberry, Rodman and Ord Mountains Hunt Zone. The language describing the zone boundaries has been modified for clarity.

V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

(a) Number of tags

Section 4902 of the Fish and Game Code specifies the Commission may adopt regulations for the take of no more than 15 percent of the mature Nelson bighorn rams estimated in a management unit. The Department's final recommendation specifies tag allocations that fall within the allowable harvest:

Zone 1 – The number of mature Nelson bighorn rams estimated in the Marble and Clipper Mountains is 106. Resulting final recommendation of 5 tags is less than 15% of estimated mature rams.

Zone 2 – In May 2013, respiratory disease caused severe population decline in bighorn sheep in the Kelso Peak/Old Dad Mountain Unit. The Department continues to monitor this population. While the population has shown positive recruitment trends in recent years, and the current estimate of mature rams in this unit is 28, the final recommendation at this time is zero tags for this unit.

Zone 3 – The number of mature Nelson bighorn rams estimated in the Clark/Kingston Mountains is 87. Resulting final recommendation of 4 tags is less than 15% of estimated mature rams.

Zone 4 – The number of mature Nelson bighorn rams estimated in the Orocopa Mountains is 22. The resulting final recommendation of one tag is less than 15% of estimated mature rams.

Zone 5 – In December 2018, a disease causing a severe population decline was detected in bighorn sheep in the San Geronio Wilderness Unit. The Department has not yet identified the root cause of the disease, and will continue to monitor the unit. At this time the final recommendation is zero tags for this unit.

Zone 6 – The number of mature Nelson bighorn rams estimated in the Sheep Hole Mountains is 11. The resulting final recommendation of tag is zero.

Zone 7 – The number of mature Nelson bighorn rams estimated in the White Mountains is 54. The resulting final recommendation of six tags is less than 15% of estimated mature rams.

Zone 8 – The number of mature Nelson bighorn rams estimated in the South Bristol Mountains is 21. The resulting final recommendation of two tags is less than 15% of estimated mature rams.

Zone 9 – The number of mature Nelson bighorn rams estimated in the Cady Mountains is 24. The resulting final recommendation of two general lottery

tags and one Cady Mountains Fund-raising Tag for a total of three tags is less than 15% of estimated mature rams.

Zone 10 – The number of mature Nelson bighorn rams estimated in the Newberry, Rodman and Ord Mountains is 84. The resulting final recommendation of six tags is less than 15% of estimated mature rams.

(b) Establishment of the Newberry, Rodman and Ord Mountains Hunt Zone

The original zone boundary description for the proposed Newberry, Rodman and Ord Mountains Hunt Zone identified a road name that was used for multiple roads in different directions. The zone boundaries were modified to improve clarity.

Section 4902 authorizes the Commission to adopt regulations for the sport hunting of Nelson bighorn sheep rams in management units for which plans have been developed pursuant to Section 4901 of the Fish and Game Code. A unit plan has been completed, and surveys and data analysis estimate the population within the management unit to be approximately 256 desert bighorn sheep with a positive trend in recruitment.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

One public comment was received regarding proposed 2019 Nelson bighorn sheep hunting regulations as of March 20, 2019.

Comment:

Bill Gaines, Rocky Mountain Elk Foundation, and the California Chapter of the Wild Sheep Foundation.

February, 6, 2019, Fish and Game Commission Meeting:

Supports the Department's elk and bighorn sheep proposal.

Response: Thank you for your comment.

Updated Informative Digest/Policy Statement Overview

The current regulation in Section 362, Title 14, CCR, provides for limited hunting of Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags available for the 2019 season based on bighorn sheep spring population surveys conducted by the Department.

Final tag quota determinations will be made pending completion of all surveys and data analyses.

HUNT ZONE	NUMBER OF TAGS [proposed range]
Zone 1 - Marble Mountains	[0-5]
Zone 2 - Kelso Peak/Old Dad Mountains	[0-4]
Zone 3 - Clark/Kingston Mountain Ranges	[0-4]
Zone 4 - Orocopia Mountains	[0-2]
Zone 5 - San Gorgonio Wilderness	[0-3]
Zone 6 - Sheep Hole Mountains	[0-2]
Zone 7 - White Mountains	[0-6]
Zone 8 - South Bristol Mountains	[0-3]
Zone 9 – Cady Mountains	[0-4]
Zone 10 – Newberry, Rodman, Ord Mountains (New)	[0-6]
Open Zone Fund-Raising Tag	[0-1]
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	[0-1]
Cady Mountains Fund-Raising Tag (New)	[0-1]
TOTAL	[0-42]

Other Amendments:

- Establishment of the Newberry, Rodman and Ord Hunt Zone: The proposed change adds this new bighorn sheep hunt zone in San Bernardino County.
- Reallocation of the Kelso Peak/Old Dad Mountains Fund-Raising to the Cady Mountains: The Kelso Peak/Old Dad herd unit has experienced significant population decline following a recent outbreak of respiratory disease. The proposal would reallocate this fund-raising tag to be valid in the Cady Mountains Hunt Zone.

- Amend the contact telephone number that is no longer in use for the program. The proposed Editorial Change provides a current contact phone number.

Benefits of the regulations

The benefits of the proposed regulations are consistency with statute and the sustainable management of the State's wildlife resources.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate wildlife hunting regulations.

Tag quota determinations have been made, following completion of surveys and data analysis. Surveys and data analysis support the establishment of the Newberry, Rodman and Ord Hunt Zone based upon population size and current understanding of Nelson bighorn sheep health and recruitment. Zone boundaries for the Newberry, Rodman, and Ord Hunt Zone have been modified for clarity and will be included in a 15-day notice to interested and affected parties.

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	<u>5</u>
Zone 2 - Kelso Peak/Old Dad Mountains	0
Zone 3 - Clark/Kingston Mountain Ranges	<u>4</u>
Zone 4 - Orocopia Mountains	1
Zone 5 - San Geronio Wilderness	<u>0</u>
Zone 6 - Sheep Hole Mountains	0
Zone 7 - White Mountains	<u>6</u>

Zone 8 - South Bristol Mountains	<u>2</u>
Zone 9 – Cady Mountains	<u>2</u>
Zone 10 – Newberry, Rodman, Ord Mountains (New)	<u>6</u>
Open Zone Fund-Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	1
Cady Mountains Fund-Raising Tag (New)	<u>1</u>
TOTAL	<u>29</u>

Regulatory Language

Section 362, Title 14, CCR, is amended to read:

§362. Nelson Bighorn Sheep

(a) Areas:

. . . [*No changes to subsections (a)(1) through (9)]*

(10) Zone 10 – Newberry, Rodman and Ord Mountains: That portion of San Bernardino County beginning at the junction with Interstate Highway 40 and Fort Cady Road; West on Interstate Highway 40 to the junction with Barstow Road; South on Barstow Road to the junction with Northside Road; East on Northside Road to the intersection of Camp Rock Road; North on Camp Rock Road to the intersection with Powerline Road; East on Powerline Road and continue on Transmission Line Road to the intersection with Bessemer Mine Road/Canyon Route; North on Bessemer Mine Road/Canyon Route to the intersection with Troy Road; West on Troy Road to the intersection with Fort Cady Road; North on Fort Cady Road to the Junction with Interstate 40 to the point of the beginning. Interstate 40 and Barstow Road; South on Barstow Road to the junction with Northside Road; East on Northside Road to the intersection with Camp Rock Road; Northeast on Camp Rock Road to the intersection with Powerline Road; East on Powerline Road and continue on Transmission Line Road to the intersection with Interstate 40, West along Interstate 40, to the point of the beginning.

(b) Seasons:

. . . [*No changes to subsections (b)(1) through (2)]*

(3) ~~Kelso Peak and Old Dad Mountains~~ Cady Mountains Fund-raising Tag: The holder of the fund-raising license tag issued pursuant to subsection 4902(d) of the Fish and Game Code may hunt:

(A) ~~Zone 2:~~ Zone 9: Beginning the first Saturday in November and extending through the first Sunday in February.

(4) Except as provided in subsection 362(b)(1), the Nelson bighorn sheep season in the areas described in subsection 362(a) shall be defined as follows:

(A) ~~Zones 1 through 4, 6, 8 and 9:~~ Zones 1, 2, 3, 4, 6, 8, 9, and 10: The first Saturday in December and extend through the first Sunday in February.

(B) Zone 5: The third Saturday in December and extend through the third Sunday in February.

(C) Zone 7: Beginning the third Saturday in August and extending through the last Sunday in September.

(5) Except as specifically provided in section 362, the take of bighorn sheep is prohibited.

. . . [*No changes to subsection (c)]*

d) Number of License Tags:

	<i>Tag</i>
<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>Allocation</i>
Zone 1 - Marble/Clipper Mountains	-4- <u>5</u>
Zone 2 - Kelso Peak/Old Dad Mountains	0
Zone 3 - Clark/Kingston Mountain Ranges	-2- <u>4</u>
Zone 4 - Orocopia Mountains	1
Zone 5 - San Gorgonio Wilderness	-2- <u>0</u>
Zone 6 - Sheep Hole Mountains	0
Zone 7 - White Mountains	-3- <u>6</u>
Zone 8 - South Bristol Mountains	-1- <u>2</u>
Zone 9 - Cady Mountains	-4- <u>2</u>
<u>Zone 10 – Newberry, Rodman, Ord Mountains</u>	<u>6</u>
Open Zone Fund-Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	1
Kelso Peak/Old Dad Mountains <u>Cady Mountains</u> Fund-Raising Tag	-0- <u>1</u>
Total:	-19- <u>29</u>

(e) Conditions:

. . . [*No changes to subsections (e)(1) through (3)]*

(4) Successful general tagholders shall present the head and edible portion of the carcass of a bighorn ram to the department's checking station within 48 hours after killing the animal. All successful tagholders shall notify the department's Bishop office by telephone at (760) 872-1171 or ~~(760) 413-9596~~ (760) 872-1346 within 24 hours of killing the animal and arrange for the head and carcass to be examined.

. . . [*No changes to subsections (e)(5) through (6)]*

Note: Authority cited: Sections 200, 203, 265, 1050 and 4902, Fish and Game Code.
Reference: Sections 1050, 3950 and 4902, Fish and Game Code.

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(**Updated** Pre-adoption Statement of Reasons)

Amend Section 364
Title 14, California Code of Regulations
Re: Elk Hunts, Seasons, and Number of Tags

- I. Date of Initial Statement of Reasons: November 15, 2018
- II. Date of Pre-Adoption Statement of Reasons: April 4, 2019 and
Updated April 25, 2019
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 13, 2018
Location: Oceanside, CA
 - (b) Discussion Hearing: Date: February 6, 2019
Location: Sacramento, CA
 - (c) Discussion Hearing: Date: April 17, 2019
Location: Santa Monica, CA
 - (d) Adoption Hearing Date: May 16, 2019
Location: Teleconference
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each elk hunt. A specific tag allocation is proposed for each zone within these ranges.
- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained tag quota ranges for each elk hunt. The Department's final recommendations for specific tag quotas in each hunt zone are set forth in the attached Regulatory Text. These are based on input from Department regional staff and public to address goals for the unit, including alleviating depredation concerns.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:

See attachment.

Updated Informative Digest/Policy Statement Overview

Current regulations in Section 364, Title 14, CCR, provide definitions, hunting zone descriptions, season dates and elk license tag quotas. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria, in response to dynamic environmental and biological conditions. The proposed amendments to Section 364 will establish 2019 tag quotas, season dates, and tag distribution within each hunt adjusting for annual fluctuations in populations.

Proposed Amendments: The proposed ranges of elk tags for 2019 are presented in the Proposed Regulatory Text of Section 364.

1. Subsections 364(r) through (aa) specify elk license tag quotas for each hunt in accordance with management goals and objectives.
2. Amend and correct the Special Condition in subsection (d)(13)(B)3. East Park Reservoir General Methods Tule Elk Hunt, alerting hunters to the current Colusa County variance which permits the use of muzzleloaders.
3. Modify Season Dates. Due to military use constraints at Fort Hunter Liggett, hunt dates are annually subject to change and may be adjusted or cancelled by the base commander.

Benefits of the regulations

The proposed regulations will contribute to the sustainable management of elk populations in California. Existing elk herd management goals specify objective levels for the proportion of bulls in the herds. These ratios are maintained and managed in part by periodically modifying the number of tags. The final number of tags will be based upon findings from annual harvest, herd composition counts, and population estimates where appropriate.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government

Evaluation of incompatibility with existing regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200 and 203, has the sole authority to regulate elk hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to elk tag allocations are consistent with Title 14. Therefore, the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

The attached regulatory text and table has been amended from the version in the Initial Statement of Reasons to replace tag quota ranges with specific recommended tag quotas for each hunt.

Edits are made to the regulatory text in the preadoption statement of reasons used as an exhibit for the April 17, 2019 meeting, as shown in the following subsections:

364(u)(5)(C) Lone Pine Period 4 – antlerless tags – should be 0 and not 1

364(u)(9)(A) Whitney Period 2 – antlerless tags – should be 1 and not 0

364(u)(10)(B) Goodale Period 2 – antlerless tags – should be 1 and not 0

364(u)(11)(J) Grizzly Island Period 10 – bull tags – should be 3 and not 0

The numbers included in the April exhibit were not correct or representative of existing regulations. These edits reflect no change from existing regulatory text and are within the ranges originally noticed.

Additionally, subsection 364(x)(4(A) corrects the spelling from ‘forth’ Saturday to “fourth.”

REGULATORY TEXT

Section 364 is amended to read as follows:

§364. Elk Hunts, Seasons, and Number of Tags.

. . . [No changes subsections (a) through (d)(10)]

(11) Grizzly Island General Methods Tule Elk Hunt:

(A) Area: Those lands owned and managed by the Department of Fish and ~~Game~~ Wildlife as the Grizzly Island Wildlife Area.

(B) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.

. . . [No changes subsection (d)(12)]

(13) East Park Reservoir General Methods Tule Elk Hunt:

(A) Area: In those portions of Glenn and Colusa counties within a line beginning in Glenn County at the junction of Interstate Highway 5 and Highway 162 at Willows; west along Highway 162 (Highway 162 becomes Alder Springs Road) to the Glenn Mendocino County line; south along the Glenn-Mendocino County line to the Glenn Lake County line; east and then south along the Glenn-Lake County line to the Colusa Lake County line; west, and then southeast along the Colusa-Lake County line to Goat Mountain Road; north and east along Goat Mountain Road to the Lodoga-Stonyford Road; east along the Lodoga-Stonyford Road to the Sites-Lodoga Road at Lodoga; east along the Sites-Lodoga Road to the Maxwell-Sites Road at Sites; east along the Maxwell-Sites Road to Interstate Highway 5 at Maxwell; north along Interstate Highway 5 to the point of beginning.

(B) Special Conditions:

1. All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.

2. Access to private land may be restricted or require payment of an access fee.

3. A Colusa County ordinance prohibits firearms on land administered by the USDI Bureau of Reclamation in the vicinity of East Park Reservoir. ~~A variance has been requested to allow~~ A county variance currently allows for the use of muzzleloaders (as defined in Section 353) on Bureau of Reclamation land within the hunt zone, hunters are responsible for checking with county authorities for any change in the variance.

. . . [No changes subsections (d)(14) through (q)]

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(r) Department Administered General Methods Roosevelt Elk Hunts					
(1)(A)	Siskiyou	20	20		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northwestern	15	0	3	
		Shall open on the first Wednesday in September and continue for 23 consecutive days.			
(3)(A)	Marble Mountains	35	10		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(s) Department Administered General Methods Rocky Mountain Elk Hunts					
(1)(A)	Northeastern California Bull	15			
		The bull season shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(B)	Northeastern California Antlerless		10		
		The antlerless season shall open on the second Wednesday in November and continue for 12 consecutive days.			
(t) Department Administered General Methods Roosevelt/Tule Elk Hunts					
(1)(A)	Mendocino	2	0		
		The season shall open on the Wednesday preceding the fourth Saturday in September and continue for 12 consecutive days.			
(u) Department Administered General Methods Tule Elk Hunts					
(1)(A)	Cache Creek Bull	2			
		The Bull season shall open on the second Saturday in October and continue for 16 consecutive days.			

(B)	Antlerless		2		
		The Antlerless season shall open on the third Saturday in October and continue for 16 consecutive days.			
(2)(A)	La Panza Period 1	6	5		
		Shall open on the second Saturday in October and extend for 23 consecutive days			
(B)	Period 2	6	6		
		Shall open on the second Saturday in November and extend for 23 consecutive days.			
(3)(A)	Bishop Period 3	0	0		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(B)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(C)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(4)(A)	Independence Period 2	1	1		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	1	1		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	0	1		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(5)(A)	Lone Pine Period 2	1	1		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	1	1		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			

(C)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(6)(A)	Tinemaha Period 2	0	0		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	0	0		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(7)(A)	West Tinemaha Period 1	0	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	0	0		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	0	0		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(D)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(8)(A)	Tinemaha Mountain Period 1	0			
		Shall open on the second Saturday in September and extend for 16 consecutive days.			

(B)	Period 2	0			
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	0			
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(D)	Period 4	0			
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	0			
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(9)(A)	Whitney Period 2	0	1		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	0	0		
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(C)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(10)(A)	Goodale Period 1	0	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	0	1		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	0	1		
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(D)	Period 4	0	0		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			

(E)	Period 5	0	0		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(11)(A)	Grizzly Island Period 1	0	6		0
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days.			
(B)	Period 2	0	2		4
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3	0	6		0
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days			
(D)	Period 4	0	4		2
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(E)	Period 5	0	8		0
		Shall open on the first Tuesday following the opening of period four and continue for 4 consecutive days			
(F)	Period 6	0	0		0
		Shall open on the first Thursday following the opening of period five and continue for 4 consecutive days.			
(G)	Period 7	0	8		0
		Shall open on the first Tuesday following the opening of period six and continue for 4 consecutive days			
(H)	Period 8	0	0		6
		Shall open on the first Thursday following the opening of period seven and continue for 4 consecutive days.			
(I)	Period 9	0	8		0
		Shall open on the first Tuesday following the opening of period eight and continue for 4 consecutive days.			
(J)	Period 10	3	0		0
		Shall open on the first Thursday following the opening of period nine and continue for 4 consecutive days.			
(K)	Period 11	0	8		0
		Shall open on the first Tuesday following the opening of period ten and continue for 4 consecutive days.			

(L)	Period 12	3	0		0
		Shall open on the first Thursday following the opening of period eleven and continue for 4 consecutive days.			
(M)	Period 13	0	8		0
		Shall open on the first Tuesday following the opening of period twelve and continue for 4 consecutive days.			
(12)(A)	Fort Hunter Liggett General Public Period 1	0	0		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(B)	Period 2	0	0		
		Shall open November 22 and continue for 9 consecutive days.			
(C)	Period 3	0	0		
		Shall open on the third Saturday in December and continue for 16 <u>12</u> consecutive days.			
(13)(A)	East Park Reservoir	2	2		
		Shall open the first Saturday in September and continue for 27 consecutive days.			
(14)(A)	San Luis Reservoir	0	0	5	
		Shall open on the first Saturday in October and continue for 23 consecutive days.			
(15)(A)	Bear Valley	2	1		
		Shall open on the second Saturday in October and continue for 9 consecutive days.			
(16)(A)	Lake Pillsbury Period 1		4		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 10 consecutive days.			
(B)	Period 2	2			
		Shall open Monday following the fourth Saturday in September and continue for 10 consecutive days.			
(17)(A)	Santa Clara	0	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(18)(A)	Alameda	0	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			

(v) Department Administered Apprentice Hunts					
(1)(A)	Marble Mountain General Methods Roosevelt Elk Apprentice			2 <u>4</u>	
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northeast California General Methods Rocky Mountain Elk Apprentice			2	
		Shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(3)(A)	Cache Creek General Methods Tule Elk Apprentice	1	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(4)(A)	La Panza General Methods Tule Elk Apprentice	0	1		
		Shall open on the second Saturday in October and extend for 23 consecutive days.			
(5)(A)	Bishop General Methods Tule Elk Apprentice Period 2	0	0		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(6)(A)	Grizzly Island General Methods Tule Elk Apprentice Period 1		3		0
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days			
(B)	Period 2		0		2
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3		3		0
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days.			
(D)	Period 4		0		2
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(7)(A)	Fort Hunter Liggett General Public General Methods Apprentice	0	0		
		Shall open on the third Saturday in December and continue for 16 <u>12</u> consecutive days.			

(w) Department Administered Archery Only Hunts					
(1)(A)	Northeast California Archery Only	0	0	10	
		Shall open on the Wednesday preceding the first Saturday in September and continue for 12 consecutive days.			
(2)(A)	Owens Valley Multiple Zone Archery Only	3	0		
		Shall open on the second Saturday in August and extend for 9 consecutive days.			
(3)(A)	Lone Pine Archery Only Period 1	0	1		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(4)(A)	Tinemaha Archery Only Period 1	0	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(5)(A)	Whitney Archery Only Period 1	0	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(6)(A)	Fort Hunter Liggett General Public Archery Only Either Sex			3	
		Shall open on the last Wednesday <u>Saturday</u> in July and continue for 9 consecutive days.			
(B)	Fort Hunter Liggett General Public Archery Only Antlerless		4		
		Shall open on the Tuesday preceding the fourth Thursday <u>Second Saturday</u> in November and continue for 9 consecutive days.			
(x) Department Administered Muzzleloader Only Tule Elk Hunts					
(1)(A)	Bishop Muzzleloader Only Period 1	0	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(2)(A)	Independence Muzzleloader Only Period 1	1	0		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(3)(A)	Goodale Muzzleloader Only Period 1	0	1		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			

(4)(A)	Fort Hunter Liggett General Public Muzzleloader Only	4	0		
		Shall open on the third <u>fourth</u> Saturday in December <u>November</u> and continue for 17 <u>9</u> consecutive days.			
(y) Department Administered Muzzleloader/Archery Only Hunts					
(1)(A)	Marble Mountain Muzzleloader/Archery Roosevelt Elk			5 <u>10</u>	
		Shall open on the last Saturday in October and extend or 9 consecutive days.			
(z) Fund Raising Elk Tags					
(1)(A)	Multi-zone Fund Raising Tags	1			
		Siskiyou and Marble Mountains Roosevelt Elk Season shall open on the Wednesday preceding the first Saturday in September and continue for 19 consecutive days. Northwestern Roosevelt Elk Season shall open on the last Wednesday in August and continue for 30 consecutive days. Northeastern Rocky Mountain Elk Season shall open on the Wednesday preceding the last Saturday in August and continue for 33 consecutive days. La Panza Tule Elk Season shall open on the first Saturday in October and extend for 65 consecutive days.			
(2)(A)	Grizzly Island Fund Raising Tags	1			
		Shall open on the first Saturday in August and continue for 30 consecutive days.			
(3)(A)	Owens Valley Fund Raising Tags	1			
		Shall open on the last Saturday in July and extend for 30 consecutive days.			
(aa) Military Only Tule Elk Hunts					
(1)(A)	Fort Hunter Liggett Military Only General Methods Early Season	0	0		
		The early season shall open on the second Monday in August and continue for 5 consecutive days and reopen on the fourth Monday in August and continue for 5 consecutive days			

(B)	Period 1		0		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(C)	Period 2		0		
		Shall open November 22 and continue for 9 consecutive days.			
(D)	Period 3	0			
		Shall open on the third Saturday in December and continue for 16 <u>12</u> consecutive days.			
(2)(A)	Fort Hunter Liggett Military Only General Methods Apprentice	0	0		
		Shall open on the third Saturday in December and continue for 16 <u>12</u> consecutive days.			
(3)(A)	Fort Hunter Liggett Military Only Archery Only Either Sex			3	
		Shall open on the last Wednesday <u>Saturday</u> in July and continue for 9 consecutive days.			
(B)	Antlerless		4		
		Shall open on the last Wednesday in September and continue for 9 consecutive days. <u>Shall open on the Second Saturday in November and continue for 9 consecutive days.</u>			
(4)(A)	Fort Hunter Liggett Military Only Muzzleloader Only	4			
		Shall open on the third Saturday in December <u>November</u> and continue for 17 <u>9</u> consecutive days.			

Note: Authority cited: Sections 200, 203, 203.1, 265, 332 and 1050, Fish and Game Code. Reference: Sections 332, 1050, 1570, 1571, 1572, 1573 and 1574, Fish and Game Code.

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-adoption Statement of Reasons)

Amend Section(s) 364.1
Title 14, California Code of Regulations
Re: Elk Hunts, Seasons, and Number of Tags

- I. Date of Initial Statement of Reasons: November 15, 2018
- II. Date of Pre-Adoption Statement of Reasons: April 4, 2019
- III. Dates and Locations of Scheduled Hearings:
- | | | | |
|-----|---------------------|-----------|-------------------|
| (a) | Notice Hearing: | Date: | December 13, 2018 |
| | | Location: | Oceanside, CA |
| (b) | Discussion Hearing: | Date: | February 6, 2019 |
| | | Location: | Sacramento, CA |
| (c) | Discussion Hearing: | Date: | April 17, 2019 |
| | | Location: | Santa Monica, CA |
| (d) | Adoption Hearing | Date: | May 16, 2019 |
| | | Location: | Teleconference |
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained elk tag quota ranges for the Northwestern and Northeastern Elk zones. The Department recommends specific tag quotas within these ranges for each elk zone.

Two errors in the proposed language of the Initial Statement of Reasons require correction. Section (i)(2) listed an antlerless tag range of 0-32. It should have been 0-34. Section (j)(1) did not list a tag range for either-sex tags. It should have listed a tag range of 0-2. No other modifications were made to the amended proposed language of the Initial Statement of Reasons.

- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

The originally proposed regulatory language contained elk tag quota ranges for the Northwestern and Northeastern Elk zones. The specific tag quotas have been identified after regional and public input to address depredation concerns. In the Northwestern elk zone the additional 21 antlerless and 6 bull tags will be distributed to the SHARE landowners in Del Norte and Humboldt County to help

alleviate property damage. The distribution will keep the tag allocation below 20% of the minimum counts for each area. In the Northeastern elk zone an additional four elk tags, two bull and two either-sex, will be authorized to two landowners in Shasta County to alleviate property damage. Most elk in the Northeastern elk zone are harvested out of the Devil's Garden sub-herd area. The Department's efforts would focus on new SHARE properties in the area of the Shasta Lake sub-herd.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

This item will appear as an appendix to the Final Statement of Reasons.

Updated Informative Digest/Policy Statement Overview

Current regulations in Section 364.1, SHARE Elk Hunts, T14, CCR, specify elk tag quotas for each hunt area. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions.

Preliminary tag quota ranges are indicated pending final 2019 tag allocations in accordance with elk management goals and objectives. Survey data collected between August 2018, and March 2019, will be the basis for the number of tags recommended to the Commission at the April 2019 adoption hearing.

The preliminary tag quota ranges for 2019 are found in the proposed Regulatory Text of Section 364.1

Benefits of the regulations:

The proposed regulations will contribute to the sustainable management of elk populations and to relieve depredation damage to landowners in California. The final number of tags will be based upon findings from annual harvest and herd composition counts where appropriate

Non-monetary benefits to the public:

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Evaluation of Incompatibility with existing regulations:

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200 and 203, has the sole authority to regulate elk hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to elk tag allocations are consistent with Title 14. Therefore, the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

The following table has been amended from the version in the Initial Statement of Reasons. The Department requests FGC authorize a 15-day notice extending the ranges for the Northwestern Elk Hunting Zone (subsection 364.1(i)(2)) from 0-32 to 34 antlerless tags and the Northeast California Elk Hunting Zone subsection 364.1(j)(1)) from 0 to 2 either sex tags. These amendments correct what is accurately reflected in the project as described in the Environmental Document. The corrected tag range in the table below and the final number of tags in the proposed regulatory text and table reflect a proposed increase of 20 tags in the Northwestern elk zone in Section 364. The tag range for either sex tags in the Northeast California Hunt Zone was inadvertently left out of the Initial Statement

of Reasons and is consistent with the approved tag quota ranges previously analyzed in the 2010 Environmental Document.

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area			
(i) Department Administered SHARE Roosevelt Elk Hunts					
(1)	Siskiyou	2	2		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).			
(2)	Northwestern	7 13	13 [0-3234] <u>34</u>	0	
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(2)(A).			
(3)	Marble Mountain	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(3)(A).			
(j) Department Administered General Methods SHARE Rocky Mountain Elk Hunts					
(1)	Northeast California	0 2	0	0 2	
		(B) Area: The tag shall be valid in the area described in subsection 364(b)(1)(A).			
(k) Department Administered SHARE Roosevelt/Tule Elk Hunts					
(1)	Mendocino	2	4		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(1)(A).			
(l) Department Administered SHARE Tule Elk Hunts					
(1)	Cache Creek	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(1)(A).			
(2)	La Panza	5	10		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(2)(A).			
(3)	Bishop	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(3)(A).			
(4)	Independence	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(4)(A).			
(5)	Lone Pine Period 2	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).			
(6)	Tinemaha	0	0		

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(6)(A).			
(7)	West Tinemaha	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(7)(A).			
(8)	Tinemaha Mountain	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(8)(A).			
(9)	Whitney	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(9)(A).			
(10)	Goodale	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(10)(A).			
(11)	Grizzly Island	0	0		0
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A).			
(12)	Fort Hunter Liggett	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(12)(A).			
(13)	East Park Reservoir	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(13)(A).			
(14)	San Luis Reservoir	2	3		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(14)(A).			
(15)	Bear Valley	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(15)(A).			
(16)	Lake Pillsbury	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(16)(A).			
(17)	Santa Clara	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(17)(A).			
(18)	Alameda	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(18)(A).			

REGULATORY TEXT

Section 364.1 is amended to read:

§ 364.1. Department Administered Shared Habitat Alliance for Recreational Enhancement (SHARE) Elk Hunts

. . . [No changes subsections (a) through (h)]

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area			
(i) Department Administered SHARE Roosevelt Elk Hunts					
(1)	Siskiyou	2	2		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).			
(2)	Northwestern	7 <u>13</u>	13 <u>34</u>	0	
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(2)(A).			
(3)	Marble Mountain	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(3)(A).			
(j) Department Administered General Methods SHARE Rocky Mountain Elk Hunts					
(1)	Northeast California	0 <u>2</u>	0	0 <u>2</u>	
		(B) Area: The tag shall be valid in the area described in subsection 364(b)(1)(A).			
(k) Department Administered SHARE Roosevelt/Tule Elk Hunts					
(1)	Mendocino	2	4		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(1)(A).			
(l) Department Administered SHARE Tule Elk Hunts					
(1)	Cache Creek	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(1)(A).			
(2)	La Panza	5	10		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(2)(A).			
(3)	Bishop	0	0		
		(B) Area: The tag shall be valid in the area described in			

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area			
		subsection 364(d)(3)(A).			
(4)	Independence	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(4)(A).			
(5)	Lone Pine Period 2	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).			
(6)	Tinemaha	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(6)(A).			
(7)	West Tinemaha	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(7)(A).			
(8)	Tinemaha Mountain	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(8)(A).			
(9)	Whitney	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(9)(A).			
(10)	Goodale	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(10)(A).			
(11)	Grizzly Island	0	0		0
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A).			
(12)	Fort Hunter Liggett	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(12)(A).			
(13)	East Park Reservoir	1	1		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(13)(A).			
(14)	San Luis Reservoir	2	3		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(14)(A).			
(15)	Bear Valley	1	1		

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(15)(A).			
(16)	Lake Pillsbury	0	0		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(16)(A).			
(17)	Santa Clara	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(17)(A).			
(18)	Alameda	0			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(18)(A).			

Note: Authority Cited: Sections 332 and 1050, Fish and Game Code. Reference: Sections 332, 1050 and 1574, Fish and Game Code.

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 708.6
Title 14, California Code of Regulations
Re: Tag Countersigning and Transporting Requirements

I. Date of Initial Statement of Reasons: November 15, 2018

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing: Date: December 13, 2018
 Location: Oceanside, CA

(b) Discussion Hearing: Date: February 6, 2019
 Location: Sacramento, CA

(c) Adoption Hearing: Date: April 17, 2019
 Location: Santa Monica, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Critical to the management of California's game populations is the countersigning of deer and elk tags indicating that the animal has been legally taken and transported from the hunting area. Countersigning is done by an authorized person who physically signs their name to the tag attached to the deer or elk carcass. In subsection 708.6(c) it is necessary to clarify for the public and law enforcement that "firefighters employed on a full-time basis" are authorized to countersign, in addition to the other authorized persons listed in 708.6. Part time, volunteer, or other fire station personnel are not included and cannot countersign the tag.

The terms "validate" and "countersign" are currently used interchangeably throughout this section. Countersigning deer and elk tags involves having a designated person physically sign their name to the actual tag attached to the deer or elk carcass. The statute in 4341 FGC specifies that:

"Any person legally killing a deer in this state shall have the tag countersigned by ... a person designated for this purpose".

Section 708.11, Title 14, CCR, specifies that

"... Elk tags shall be countersigned before transporting such elk, except for the purpose of taking it to the nearest person authorized to countersign the license tag...."

Deer and Elk License Tags also specify, respectively, that

“Hunter must have tag countersigned” and “Elk tags must be countersigned”

For this reason, the proposed amendments clarify that “countersign (-ed, -ing, etc.)” is the required action, and removes text references to “validate (-ed, -tion, etc.)”. Other minor edits and renumbering are also proposed.

Deer and elk hunting is a highly regulated activity by both statute and regulation. It serves the public to have control over the number of game tags authorized for hunters in certain zones and, once game are taken by hunters, to have them properly accounted for. The first tool wildlife managers use to account for game harvest is the countersign requirement per subsection 708.6(b). Wildlife officers who frequently conduct poaching investigations and need to differentiate between a poached and legally taken deer or elk will check for the proper use of tags. Poached game is rarely properly tagged and countersigned, so it can be an excellent piece of evidence during a poaching investigation. If the tag is countersigned by an authorized person, it can also be a vital piece of evidence in an investigation because there is a named potential witness to the poaching event.

The data collected by hunters and submitted via mandatory reporting, including having those tags, is critical to managing deer and elk populations year-to-year and contributes to the continued availability of deer and elk hunting opportunities.

The Department recognizes the challenge for a person who returns from a successful hunting trip and needs the tag countersigned and must take the game to the nearest person authorized to countersign the license tag on the route followed from the point where the game was taken. Section 708.6 provides a list of persons authorized to validate deer and elk tags. Those classifications of employees of various governmental and non-governmental employers presumes some form of accountability since the authorization is granted as a condition of their employment. There is a presumption that the employees will exercise that authority in accordance with regulation.

Under existing regulation, a certain classification of firefighter is authorized to countersign tags. Section 708.6(c)(1)(C)1. describes them as “County Firemen at and above the class of foreman”. Outside of Department of Fish and Wildlife employees and offices, fire stations are the most commonly known places for hunters to have game tags countersigned. For that reason, all California Department of Forestry and Fire Protection (CALFIRE) employees, regardless of rank or job duties, are authorized to validate tags.

Since this regulation was adopted (2011) there has been a long standing assumption by the public that all firefighters can countersign game tags regardless of rank, or whether they work for a county, city, or district. Unfortunately, current regulation does not authorize non-county firefighters to validate tags.

Proposed Amendments to Regulation

- Subsections (a), and (c). The proposed amendments clarify that the authorized persons “countersign” as the required action. Reference to “validation” of the tags is removed. While the terms have been used interchangeably, the Fish and Game Code 4341 (deer) and Section 708.11, Title 14, CCR, (elk) and the license tags themselves all require that the tag be “countersigned”.
- Subsection (b) is deleted and rewritten as (d).
- Subsection (c) is deleted since it is repetitive of the next subsection (c)(1).
- Subsection (c)(1) is renumbered (c).
- Subsections (c)(1)(A), (B), and (C) are renumbered (c)(1), (2), and (3), with minor editorial changes. In (c)(3) the department acronym CALFIRE is added for clarity.
- Subsections (c)(1)(a)4. and 5. the outdated state job titles of Plant Quarantine Inspectors are deleted and replaced with (c)(1)(D) and the current job titles.
- Subsection (c)(1)(C)1. is deleted and changed to (c)(3)(A) adding “Firefighters employed on a full-time basis, only when the deer or elk carcass is brought to their fire station.”
- Subsection (d) is added.
- Authority and Reference. Deletes repealed or unnecessary sections, the remaining sections are more closely related to FGC authority; and making specific those provisions related to the subject of regulating deer and elk tags.

Department Recommendation

The Department believes it is reasonable to expand the category of firefighter that can countersign game tags by amending the subsection to describe them as “firefighters employed on a full-time basis”. Describing them as firefighters updates the outdated use of the term “firemen” and expands the classification of ranks to include all firefighters employed on a full-time basis. It continues to exclude volunteer firefighters who may not have the same level of accountability as full-time firefighters which is consistent with current regulation. It maintains existing regulatory requirements that the authority be granted only to deer and elk brought to a fire station.

Wildlife managers and law enforcement officers from the Department believe expanding the authority to countersign tags to include all firefighters will make it easier for the public to follow the law and increase the number of reliable witnesses in the event of an investigation of poaching.

(b) Goals and Benefits of the Regulation:

Wildlife managers and law enforcement officers from the Department believe expanding the authority to countersign tags to include all firefighters will make it easier for the public to follow the law and increase the number of reliable witnesses in the event of an investigation of poaching.

(c) Authority and Reference Sections from Fish and Game Code for Regulation:

Note: Authority cited: Sections 200, 203, 332, and 4331, Fish and Game Code.

Reference: Sections 332, 4302, 4330, 4333, 4336, 4340, and 4341, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change:

A regulation change petition was submitted to the California Fish and Game Commission in October of 2016 – labeled 2016-028. The author of the petition, Sean Campbell, a firefighter who had been countersigning tags for 30 years, stopped providing this public service because there was confusion over the term “foreman”. Members of his fire department wanted to stay in strict compliance with the regulation and the petition was submitted to the Commission requesting clarification.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication:

The regulation change proposal was reviewed by the Wildlife Resources Committee on September 20, 2018 and garnered no public opposition.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change: None.

(b) No Change Alternative:

The regulation would remain the same authorizing county firemen to countersign but excluding other firefighters, which has caused problems with the public who assume their local fire department can perform this task.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no adverse impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action expands the list of authorized firefighters able to perform a service for the public.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed regulation will not result in the creation or elimination of jobs within the state, cause the creation of new businesses or the elimination of existing businesses or result in the expansion of businesses in California, because it only expands the list of authorized firefighters able to perform a service for the public.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources, these provisions provide other opportunities for the public to comply with the regulation of hunting.

- (c) Cost Impacts on Representative Private Persons/Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The proposed action will have no statewide economic or fiscal impact because the proposed action would implement a Departmental administrative process to increase efficiency that will only affect the work tasks of Department and Commission staff.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies: No nondiscretionary costs are passed on to local agencies (city, district, or county fire departments) since the authorized action of countersigning the deer or elk tag is entirely discretionary to the local firefighter and department. No costs have been associated with the occasional public request to have a tag countersigned by the listed public officials.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

VII. Economic Impact Assessment:

The proposed action will have no statewide economic or fiscal impact because the proposed action would implement a Departmental administrative process to increase efficiency that will only affect the work tasks of Department and Commission staff. The proposed alternative process to set big game tag quotas would reduce the annual regulatory workload, and permit both the Commission and the Department to devote staff resources to achieve other core missions.

- (a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because the proposed action does not change the level of hunting activity in California.

- (b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not promote the creation of new businesses or the elimination of businesses within the State because the proposed action does not change the level of hunting activity in California.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State:

The regulation will not affect the expansion of businesses currently doing business in the State because the proposed action does not change the level of hunting activity in California.

- (d) Benefits of the regulation to the health and welfare of California residents:

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources.

- (e) Benefits of the regulation to worker safety:

The proposed regulation would not affect worker safety.

- (f) Benefits of the regulation to the State's environment:

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources, these provisions provide other opportunities for the public to comply with the regulation of hunting.

Informative Digest/Policy Statement Overview

Critical to the management of California's game populations is the countersigning requirement of deer and elk tags by an authorized person who physically signs their name to the tag attached to the deer or elk carcass. In subsection 708.6(c), Title 14, CCR, Deer and Elk Tags, Persons Authorized to Validate, it is necessary to clarify for the public and law enforcement that "firefighters employed on a full-time basis" are authorized to countersign, an addition to the other authorized persons found in 708.6(c). Part time, volunteer, or other fire station personnel are not included and cannot sign the tag. The added text maintains the existing regulatory requirement that the countersigning may be done only for deer and elk brought to a fire station.

Wildlife managers and law enforcement officers from the Department believe expanding the authority to countersign tags to include all firefighters will make it easier for the public to follow the law and increase the number of reliable witnesses in the event of an investigation of poaching.

The amendment also clarifies that the authorized persons "countersign" as the required action; corrects outdated state job titles of Plant Quarantine Inspector; clarifies that the provisions apply both to deer and elk tags; and other minor editorial changes.

Non-monetary Benefits to the Public

The Commission anticipates benefits to the health and welfare of California residents through the sustainable management of mammal populations. The Commission does not anticipate non-monetary benefits to worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources, these provisions provide other opportunities for the public to comply with the regulation of hunting.

Consistency and Compatibility with Existing Regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 708.6 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate hunting regulations.

Proposed Regulatory Language

Section 708.6 is amended to read:

§ 708.6. Tag ~~Validation~~, Countersigning and Transporting Requirements.

(a) Any person legally killing a deer in this state shall have the deer license tag ~~validated and~~ countersigned by a person authorized by the commission as described ~~below in subsection (c)~~ before transporting such deer, except for the purpose of taking the deer to the nearest person authorized to countersign the license tag, on the route being followed from the point where the deer was taken (refer to Fish and Game Code, Section 4341).

~~(b) No person may validate or countersign his/her own deer tag or tag.~~

(b) Any person legally killing an elk in this state shall have the elk license tag countersigned by a person authorized by the commission as described in subsection (c) before transporting such elk, except for the purpose of taking the elk to the nearest person authorized to countersign the license tag, on the route being followed from the point where the elk was taken.

~~(c) Deer and Elk Tags, Persons Authorized to Validate Countersign.~~

~~(1)(c)~~ The following persons are authorized to ~~validate or~~ countersign deer and elk tags:

~~(A)(1)~~ State:

1. ~~(A)~~ Fish and Game Commissioners

2. ~~(B)~~ Employees of the Department of Fish and ~~Game~~ Wildlife, including Certified Hunter Education Instructors

3. ~~(C)~~ Employees of the California Department of Forestry and Fire Protection (CAL FIRE)

4. ~~Supervising Plant Quarantine Inspectors~~

5. ~~Junior, Intermediate and Senior Plant Quarantine Inspectors~~

(D) Plant Quarantine Inspector, Supervisor I, and Supervisor II

~~(B)(2)~~ Federal:

1. ~~(A)~~ Employees of the Bureau of Land Management

2. ~~(B)~~ Employees of the United States Fish & Wildlife Service

3. ~~(C)~~ All Uniformed Personnel of the National Park Service

4. ~~(D)~~ Commanding Officers of any United States military installation or their designated personnel for deer or elk taken on their reservation.

~~5. (E)~~ Postmasters & Post Office Station or Branch Manager for deer or elk brought to their post office.

~~(C)~~ (3) Miscellaneous:

~~1. County firemen at and above the class of foreman for deer brought into their station.~~

(A) Firefighters employed on a full-time basis, only when the deer or elk carcass is brought to their fire station.

~~2. (B)~~ Judges or Justices of all state and United States courts.

~~3. (C)~~ Notaries Public

~~4. (D)~~ Peace Officers (salaried & non-salaried)

~~5. (E)~~ Officers authorized to administer oaths

~~6. (F)~~ Owners, corporate officers, managers or operators of lockers or cold storage plants for deer or elk brought to their place of business.

(d) No person may countersign his/her own deer tag or elk tag.

Note: Authority cited: Sections 200, 202, 203, 215, 219, 220, 332, 1050, 1572, 4302, and 4331, 4336, 4340, 4341 and 10502, Fish and Game Code. Reference: Sections 200, 201, 202, 203, 203.1, 207, 210, 215, 219, 220, 332, 1050, 1570, 1571, 1572, 3950, 4302, 4330, 4331, 4332, 4333, 4336, 4340, and 4341, 10500 and 10502, Fish and Game Code.

STAFF SUMMARY FOR APRIL 17, 2019

15. MAMMAL HUNTING

Today's Item

Information ☐Action ☒

Consider adopting proposed changes to mammal hunting regulations for bighorn sheep, elk, elk (SHARE), and deer and elk tag validation.

Staff recommends that this item be continued to the May 16, 2019 teleconference meeting for potential adoption.

Summary of Previous/Future Actions

- | | |
|--|-----------------------------------|
| • WRC vetting | Sep 20, 2018; WRC, Sacramento |
| • Notice hearing | Dec 12-13, 2018; Oceanside |
| • Discussion hearing | Feb 6, 2019; Sacramento |
| • Today's hearing | Apr 17, 2019; Santa Monica |
| • Adoption hearing (if approved today) | May 16, 2019; Teleconference |

Background

FGC approves tag counts, hunt zones, and seasons for Nelson bighorn sheep, elk, and SHARE elk hunts; final tag, zone, and season recommendations are provided in pre-adoption statements of reasons (PSOR) (exhibits 1, 4 and 5, respectively). Proposed tag countersigning/validation requirement changes are found in the initial statement of reasons (ISOR) published in Jan 2019 (Exhibit 10).

While public review of the California Environmental Quality Act (CEQA) documents for bighorn sheep and elk commenced on Feb 19, 2019, the full 45-day review period for CEQA documents filed with county clerks will not be completed until May 6, 2019. Therefore, continuing the adoption hearing to the May 16, 2019 teleconference would accommodate the additional CEQA review timeline. A 15-day notice that the adoption hearing may be continued from today's meeting to the teleconference, to allow for additional CEQA review, was published on Mar 22, 2019 in anticipation of today's potential action (Exhibit 11).

Additionally, DFW has identified minor changes, noted in the text of the PSORs, that will require a new 15-day notice:

- simplifying the boundary description of Zone 10 for Nelson bighorn sheep (Exhibit 1),
- updating the noticed range and final tag recommendation for the Northwestern Elk Hunting Zone (subsection 364.1(i)(2)), and
- change the number of antlerless tags for the Northeast California Elk Hunting Zone (subsection 364.1(j)(1)) (Exhibit 5).

No changes are proposed to the tag countersigning/validation requirements as proposed in the ISOR.

STAFF SUMMARY FOR APRIL 17, 2019

Significant Public Comments

1. No public comments have been received since the Feb 6, 2019 discussion hearing regarding the proposed text of the regulations.
2. Three comments have been received regarding concerns with the draft supplemental environmental document for elk (Exhibits 7-9).

Recommendation

FGC staff: Continue adoption of both the draft CEQA documents and the proposed regulation changes to the May 16, 2019 teleconference to allow for the full 45-day CEQA comment period, and authorize staff to publish a second 15-day notice with the additional proposed changes.

Exhibits

1. Nelson bighorn sheep PSOR
2. Nelson bighorn sheep management plan for the Newberry, Rodman and Oro Mountains Unit, dated April 14, 2019
3. Nelson bighorn sheep CEQA filing and draft environmental document, filed Feb 19, 2019
4. Elk PSOR
5. SHARE elk hunts PSOR
6. Elk CEQA notice of completion and draft supplemental environmental document, filed Feb 19, 2019
7. Email comments from Phoebe Lenhart regarding elk CEQA, received Apr 3, 2019
8. Letter and documents from Friends of Del Norte regarding elk CEQA, received Apr 4, 2019
9. Letter from the Environmental Protection Information Center regarding elk CEQA, received Apr 4, 2019
10. Tag countersigning/validation ISOR
11. 15-day notice, dated Mar 22, 2019

Motion/Direction

Moved by _____ and seconded by _____ that the Commission authorizes staff to publish notice confirming it has continued to its May 16, 2019 teleconference consideration of adopting proposed changes to sections 362, 364, 364.1 and 708.6 regarding mammal hunting and tag validation regulations, and to further notice sufficiently-related additional changes to sections 362 and 364.1.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Deputy Director's Office
Wildlife and Fisheries Division
P.O. Box 944209
Sacramento, CA 94244-2090
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 2, 2019

Chris Howard
Del Norte County Board of Supervisors
981 H Street, Suite 200
Crescent City, California 95531

Dear Mr. Howard:

Mammal Hunting Regulations Package Proposed Allocation of Elk Tags for 2019 in the Northwestern Zone

The California Department of Fish and Wildlife (Department) would like to provide you and the Del Norte County Board of Supervisors with additional information to clarify the differences in possible numbers of elk tags between the draft Elk Supplemental Environmental Document and the Initial Statement of Reasons (ISOR) currently being considered for possible adoption by the Fish and Game Commission (Commission).

The Department's comprehensive elk monitoring program is in its third year of survey and data analysis. Population data collected and analyzed over the survey period to date include minimum counts (direct counts of individuals in a geographic subset of the population's range) and composition counts (counts of bulls, cows and calves). Analysis of data collected in these initial efforts suggests a healthy and growing population. Direct counts conducted from 2016 to 2017 resulted in a minimum count of 990 elk in 22 distinct groups. Preliminary results of 2018 surveys show a minimum count of 1,075. Tracking elk movements over the past two years using GPS collars, data from composition counts, and documentation of calf survival also suggest a 10 percent increase in the total number of elk in the Northwestern elk hunt zone.

Data from composition counts show stable calf:cow ratios at 32 and 34 calves to 100 cows. Bull:cow ratios have increased from 21 to 31 bulls to 100 cows. Within the surveyed area of the management unit, consisting primarily of private lands where conflicts and property damage continue to increase, the Department collared 58 calves from 2017 to 2018 to investigate calf survival. Initial analysis suggests juvenile survival may be as high as 80%. When combined with increases shown by observed count data and the high calf:cow ratio, these data indicate a growing population.

To evaluate different harvest strategies (tag quotas), the Department uses a spreadsheet model called Elk Pop (Smith and Updike 1987). This model, developed by the Department to analyze harvest alternatives, allows the user to vary carrying capacity to reflect real-world changes in habitat. Elk Pop employs data on age and sex

composition of the herd, maximum calf survival, estimated population, non-hunting mortality, and hunting mortality. Age and sex composition and maximum calf survival data used in the model are based on actual observed rates. Population level and non-hunting mortality rates are estimated based on literature. Herd response to harvest strategies was modeled for a 10-year period to help inform the Department's recommendation.

Based on the Department's ongoing monitoring and the results of the modeling, the Department recommends increasing the allocation of tags in the Northwestern Zone by 20 tags at this time. This increased level of harvest will not impact the population. Even at 100% hunter success, the total harvest would amount to less than 7% of the population. While the Department believes a potential increase by 60 tags in the Northwestern Zone would not result in significant population effects, the model results showed potential to limit population growth toward the end of 10 years. Calf:cow ratios are expected to increase in response to increased harvest under a 60 tag alternative, however, herd growth in Northwestern California may be limited if an increase of 60 tags annually was implemented for 10 years according to the model. While this level of harvest is unlikely to impact the environment and sustainability of California's elk population, the Department recommends a 20 tag increase alternative for the 2019 hunting season (see table below) and will evaluate opportunities to further modify tag allocations based on analysis of additional data from the ongoing monitoring program. The Department recognizes there have been significant increases in landowner conflicts and property damage in this zone and looks forward to working with stakeholders over the next several months to identify additional opportunities.

Current Tags Available			Tags Proposed in December ISOR			60 Tag Increase Alternative		
General and SHARE	PLM and Coop	Total	General and SHARE	PLM and Coop	Total	General and SHARE	PLM and Coop	Total
0-45	43	88	0-65	43	108	0-105	43	148

Although analyzed in the Supplemental Environmental Document, an increase of 60 elk tags for the Northwestern Zone has not been considered by the Commission for the 2019 Elk season. This current proposal would result in 108 total tags for general and SHARE tags (plus the 40 PLM tags and 3 Cooperative Elk tags). However, the tag range proposed in the ISOR is maximized at 65 total tags for general and SHARE tags (plus the 40 PLM tags and 3 Cooperative Elk tags). If directed by the Commission, the Department could propose a 60 tag increase but since the total tags would exceed what was proposed in the ISOR the entire regulatory package would have to be re-noticed to the public

Chris Howard
Del Norte County Board
Of Supervisors
May 2, 2019
Page 3

The result of re-notice of the ISOR and moving adoption to June 2019, would not allow the Department to hold the elk tag draw on June 2, 2019 due to not having official published regulations by that date.

As noted above, the Department looks forward to working with stakeholders over the next several months to identify additional opportunities, including a discussion about potential changes to the 2020 mammal regulations at the Commission's Wildlife Resources Committee meeting on May 17, 2019.

Should you have any further questions please contact Mr. Brad Burkholder at 916-445-1829 or email brad.burkholder@wildlife.ca.gov.

Sincerely,

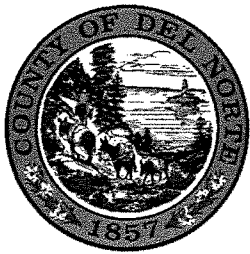


Stafford Lehr, Deputy Director
Wildlife and Fisheries Division

ec: Melissa Miller Henson
Acting Executive Director
Fish and Game Commission

Kari Lewis
Chief, Wildlife Branch
California Department of Fish and Wildlife

Brad Burkholder
Environmental Program Manager
California Department of Fish and Wildlife



COUNTY OF DEL NORTE

Fish and Game Advisory Commission

Advisory body to the Del Norte County Board of Supervisors on fish, wildlife, recreation, and natural resource issues

981 H Street

Crescent City, CA 95531

Zack Larson,
Chairman

Jennifer Jacobs,
Vice-Chairman

District 1:
Jimmy Faulkner
Jennifer Jacobs
District 2:

District 3:
Zack Larson

District 4:
Helen Ferguson
Jaytuk Steinruck
District 5:
Kendell Smith

Secretary:
Jaclyn Bennett

President Eric Sklar
California Fish and Game Commission
PO Box 944209
Sacramento, CA 94244-2090

May 2, 2019

Re: Northwestern Elk Zone Tag Quotas
Dear President Sklar,

We are writing in support of the Department of Fish and Wildlife (Department) proposal to increase the Northwestern Elk Zone tag quota range for Roosevelt elk by 20 tags, as described in the Department's 2018 Draft Supplemental Environmental Document (DSED). We are also providing comments regarding the Private Lands Management Program and elk relocation strategies that should be part of the 2018 Elk Conservation and Management Plan (Management Plan) and DSED.

Private Lands Management (PLM) Elk Tags:

The Department has recommended that the number of PLM tags not exceed 50 percent of the general draw tags (Management Plan). We believe that PLM tags should be well below 50 percent of the general draw. In 2018, the PLM tags accounted for 44 percent of the elk harvested in the Northwest California Zone (DSED). The PLM uses up tags within the Northwestern Elk Zone that would otherwise be available for general draw tags. PLM Bull Roosevelt elk tags often sell for tens of thousands of dollars while a Northwestern Elk Zone tag costs \$459.25 for a California resident who successfully draws a tag.

Though PLM tags will not increase as a result of the proposed modifications to the current elk hunting regulations (2019-2020) we believe the public, particularly local hunters who apply for elk tags, unfairly lose opportunities to draw an elk tag in the Northwestern Elk Zone. **We understand that the PLM helps landowners alleviate depredation, however it does so at the expense of local hunters who likely can't afford to buy PLM tags.**

Elk Relocation Efforts:

We believe Roosevelt elk-specific relocation criteria, actions and strategies should be called out in the Management Plan and included in the DSED. Relocation of Roosevelt elk does not appear to be part of the Management Plan even though past relocation efforts are responsible for the success of Roosevelt elk in California. We are concerned that the absence of Roosevelt elk relocation strategies in the Management Plan will preclude any efforts to relocate individual elk and/or herds to Six Rivers National Forest within Del Norte County.

While the Management Plan states that 60 percent of the North Coast Unit is privately owned, Del Norte County is actually mostly publicly owned land (>80 percent) with US Forest Service (Six Rivers National Forest) as the dominant land manager.

Ironically most of the elk in Del Norte County occur on private land and relatively few elk occur on public lands currently open to hunting.

Elk relocation efforts in the 1940s to early 1960s were thought to be unsuccessful. However it is unknown why. From 1982 through 2000 more than 350 elk were translocated to reestablish populations in Humboldt, Mendocino, Siskiyou and Trinity Counties (Management Plan). Since 1985, the Department has translocated more than 280 Roosevelt elk to reestablish populations in portions of southern Humboldt, Mendocino, Siskiyou, and Trinity counties (DSED SCH 2018112037).

The Management Plan states that elk in western Siskiyou County showed the same genetic characteristics as those in Del Norte and Humboldt Counties and that Interstate 5 may be a physical barrier to eastern elk populations. Therefore relocating animals within Del Norte County would have no effect on inland populations (genetics) in California and Oregon. **The Six Rivers National Forest in Del Norte County should be included as priority area for Roosevelt elk relocation effort.**

The North Coast Unit contains the least amount of habitat loss and fragmentation anywhere in the state. According to the Management Plan, Roosevelt elk populations are growing and expanding within the unit and both current population size and biological carrying capacity are likely much larger than estimated (Management Plan). Del Norte County includes abundant opportunities for reestablishing elk in wide, wildlife corridors within large interconnected regions that can maintain the genetic diversity of healthy populations.

Roosevelt elk are extremely important to Del Norte County for their consumptive, non-consumptive and intrinsic values. The Management Plan, with respect to the North Coast Unit, must favor the sportsman and include the opportunities to capture and relocate animals in order to alleviate road and private land conflicts and future public consumptive and non-consumptive uses.

We look forward to receiving a response from the Fish and Game Commission.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Zack Larson', with a long horizontal flourish extending to the right.

Zack Larson, Chairman



PUBLIC INTEREST COALITION



[sent via email: fgc@fgc.ca.gov]
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

May 3, 2019

Ladies and Gentlemen:

Re: Comments for FGC, 5/16/19, Agd Item 3

Please accept our comments for both the May FGC meeting and inclusion as public comments in the administrative record of the CEQA review.

Bighorn Sheep Hunting

Hunting periods ranging from two to three months (as indicated in the “Statement of Reasons, page 9 of 270) are entirely too long. Disruptions and stress induced from being hunted and/or being shot at, wounded, maimed, etc., can cause targeted and non-targeted wildlife to become more skittish and secluded, thereby depriving the non-killing public (nonconsumptives) of their rightful viewing or photographing experiences. No hunting period should last more than six weeks at the most.

Draft Supplemental DED comments—Elk Hunting

We fully support comments submitted by Phoebe Lenhard (4/3/19), Supporters for Del Norte Rosevelt Elk and EPIC (4/4/19). We are very concerned that a ratio of 25 bulls, at a minimum, for 100 cows is recommended by the scientific community, but the DFW/FGC arbitrarily or carelessly recommends a reduction of bulls to 15 per 100 cows. Where is the peer-reviewed, scientific studies to support a 40% increase of bull killing?

We submit that such a drastic increase in the killing of bulls, is unacceptable. This is exacerbated when coupled with an apparent non consideration or factoring of maiming, wounding, and/or other subsequent lethal injuries created by failed attempts to kill where the animal is not retrieved. DFW/FGC needs to lean toward the Precautionary Principle and err on the side of caution.

We also agree and support most of the comments submitted by Friends of Del Norte (4/4/19).

One notable exception is: In our opinion, no one group, whether it be a nonprofit, religious, spiritual, conservation, environmental, tribal, political, public agency, or any other type of group or organization should ever be granted special privileges, priorities, or preferences over any other individual member of the public. IF tags are to be issued, they should be available to all, whether their intention is to view (nonconsumptive) or to kill (consumptive).

Free or discounted tags have no place in protecting and preserving the common good or any other resource held in public trust by DFW/FGC. Whether it's subsistence

food, religious food, and/or additional use of any parts of the animal for any type of spiritual ceremony, medicinal purposes, etc., is irrelevant and not the purview of DFW/FGC. As a public agency, DFW/FGC's role is simply to treat everyone equally and to ensure enforcement of regulations for full compliance is applied equally to all.

Should any member of the public wish to be included in a drawing or allocation of a tag, he/she should not have to buy a license to kill in order to do so. A license to view--not kill--should be available for the same nominal fee that is paid by those who choose to enter the drawing/allocation process. No tags or special allocations should ever be "gifted" to any group or individual, regardless of the purpose. Such a process creates an unacceptable perception of questionable practices and/or conflicts of interest.

Thank you for considering our views,

A handwritten signature in cursive script, reading "Marilyn Jasper".

Marilyn Jasper, Chair

State of California
Department of Fish and Wildlife

Original on file.
Received December 3, 2018, 10:40AM

Date: November 29, 2018

To: Melissa Miller-Henson
Acting Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Initial Statement of Reasons to Amend Subsection (b)(91.1) of Section 7.50, Title 14, CCR, Klamath River Basin Sport Fishing Regulations**

Please find attached the Initial Statement of Reasons package for the 2019 Klamath River Basin sport fishing regulations. As in the past, the Department is proposing a range of bag and possession limits for adult Klamath River fall-run Chinook Salmon (KRFC) until after federal review of west coast salmon stocks and fishery allocations have been proposed. The 2019 Klamath River Basin allocation of adult KRFC will be recommended by the Pacific Fisheries Management Council in April 2019 and presented to the Commission for adoption at its May 16, 2019 teleconference.

If you have any questions or need additional information, please contact Kevin Shaffer, Chief, Fisheries Branch, at (916) 327-8841 or by e-mail at Kevin.Shaffer@wildlife.ca.gov. The public notice should identify Senior Environmental Scientist, Wade Sinnen, as the Department's point of contact for this rulemaking. Mr. Sinnen can be reached at (707) 822-5119, or by e-mail at Wade.Sinnen@wildlife.ca.gov.

Attachment

ec: Stafford Lehr, Deputy Director
Wildlife and Fisheries Division
Stafford.Lehr@wildlife.ca.gov

Kevin Shaffer, Chief
Fisheries Branch
Kevin.Shaffer@wildlife.ca.gov

Curt Babcock, Acting Regional Manager
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David Bess, Chief
Law Enforcement Division
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Melissa Miller-Henson, Acting Executive Director
Fish and Game Commission
November 29, 2018
Page 2

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Ari Cornman, Wildlife Advisor
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Ari.Cornman@fgc.ca.gov

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsection (b)(91.1) of Section 7.50
Title 14, California Code of Regulations
Re: Klamath River Basin Sport Fishing Regulations

I. Date of Initial Statement of Reasons: November 20, 2018

II. Dates and Locations of Scheduled Hearings

- | | | |
|-------------------------|-----------|-------------------|
| (a) Notice Hearing: | Date: | December 13, 2018 |
| | Location: | Oceanside |
| (b) Discussion Hearing: | Date: | February 6, 2019 |
| | Location: | Sacramento |
| (c) Discussion Hearing | Date: | April 17, 2019 |
| | Location: | Santa Monica |
| (d) Adoption Hearing: | Date: | May 16, 2019 |
| | Location: | Teleconference |

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

The Klamath River Basin, which consists of the Klamath River and Trinity River systems, is managed for fall-run Chinook Salmon (*Oncorhynchus tshawytscha*) through a cooperative system of State, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean sport, ocean commercial, river sport, and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of sport and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River Basin (in-river) sport fisheries, which are consistent with federal fishery management goals.

Tribal entities within the Klamath River Basin maintain fishing rights for ceremonial, subsistence, and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations are promulgated by the tribes.

Klamath River Fall-Run Chinook Salmon

Adult Klamath River fall-run Chinook Salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between tribal and non-tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, salmon greater than 22 inches total length are defined as adult (ages 3-5) and salmon less than or equal to 22 inches total length are defined as grilse salmon (age 2).

PFMC Overfishing Review

KRFC stocks have been designated as “overfished” by the PFMC. This designation is the result of not meeting conservation objectives for this stock. Management objectives and criteria for KRFC are defined in the PFMC Salmon Fishery Management Plan (FMP). The threshold for overfished status of KRFC is a three-year geometric mean less than or equal to 30,525 natural area adult spawners. This threshold was not met for KRFC during the 2015-2017 period. The 30,525 KRFC natural area adult spawners is considered the minimum stock size threshold, per the FMP.

Accordingly, the FMP outlines a process for preparing a “rebuilding plan” that includes assessment of the factors that lead to the decline of the stock, including fishing, environmental factors, model errors, etc. The rebuilding plan includes recommendations to address conservation of KRFC, with the goal of achieving rebuilt status. Rebuilt status requires meeting a three-year geometric mean of 40,700 adult natural area KRFC spawner escapement. The plan is currently under development by representatives of NMFS, PFMC, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife (Department), and Tribal entities, with a timeline for completion in spring of 2019. Forthcoming recommendations from the rebuilding plan may alter how KRFC are managed in the future, including changing the in-river allocation number, and/or allocating less than the normal target number.

Klamath River Spring-Run Chinook Salmon

The Klamath River Basin also supports Klamath River spring-run Chinook Salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PFMC. This in-river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations. KRSC harvest will be monitored on the Klamath River below the Highway 96 bridge at Weitchpec to the mouth of the Klamath River in 2019 and ensuing years by creel

survey. The upper Trinity River, upstream of Junction City, will be monitored using tag returns from anglers in 2019 and future years.

KRFC Allocation Management

The PFMC 2018 allocation for the Klamath River Basin sport harvest was 3,490 adult KRFC. Preseason stock projections of 2019 adult KRFC abundance will not be available from the PFMC until March 2019. The 2019 basin allocation will be recommended by the PFMC in April 2019 and presented to the Commission for adoption as a quota for the in-river sport harvest at its May 2019 teleconference meeting.

The Commission may modify the KRFC in-river sport harvest quota, which is normally a minimum of 15 percent of the non-tribal PFMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the FMP, otherwise harvest opportunities may be reduced in the California ocean or in-river fisheries.

The annual KRFC in-river sport harvest quota is specified in subsection 7.50(b)(91.1)(D)1. The quota is split between four geographic areas with a subquota for each area, expressed as a percentage of the total in-river quota, specified in subsection 7.50(b)(91.1)(D)2. For angler convenience, the subquotas, expressed as the number of fish, are listed for the affected river segments in subsection 7.50(b)(91.1)(E). The in-river sport subquota percentages are as follows:

1. for the main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the in-river sport quota;
2. for the main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the in-river sport quota;
3. for the Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the in-river sport quota; and
4. for the Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the in-river sport fishery quota.

The spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) closes to all fishing after 15 percent of the total Klamath River Basin quota has been taken downstream of the Highway 101 bridge.

These geographic areas are based upon the historical distribution of angler effort to ensure equitable harvest of adult KRFC in the Klamath River and Trinity River. The subquota system requires the Department to monitor or assess angler harvest of adult KRFC in each geographic area. All areas will be monitored on a real time basis, except for the following:

Klamath River upstream of Weitchpec and the Trinity River: Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct real time harvest monitoring in the Klamath River upstream of Weitchpec and in the Trinity River for the 2019 season. The Department has developed Harvest Predictor Models (HPM) which incorporate historic creel survey data from the Klamath River downstream of Iron

Gate Dam to the confluence with the Pacific Ocean, and the Trinity River downstream of Lewiston Dam to the confluence with the Klamath River. Each HPM is driven by the positive relationship between KRFC harvested in the respective lower and upper subquota areas of the Klamath River and the Trinity River. The HPMs will be used by the Department to implement fishing closures to ensure that anglers do not exceed established subquota targets. Using this method, the upper Klamath River subquota area generally closes between 28-30 days after the lower Klamath River subquota is reached. Similarly, the upper Trinity River subquota area generally closes 28-30 days after the lower Trinity River subquota has been met. The Department also takes into consideration several other factors when implementing closure dates for subquota areas, including angler effort, KRFC run timing, weir counts, and ongoing recreational creel surveys performed by the Hoopa Valley Tribe in the lower Trinity River below Willow Creek.

Sport Fishery Management

The KRFC in-river sport harvest quota is divided into geographic areas, and harvest is monitored under real time subquota management. On the other hand, KRSC in-river sport harvest is managed by general season, daily bag limit, and possession limit regulations.

The Department presently differentiates the two stocks by the following dates in each sub-area:

Klamath River

1. January 1 through August 14 - General Season KRSC.
For purposes of clarity, daily bag and possession limits apply to that section of the Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth.
2. August 15 to December 31 - KRFC quota management.

Trinity River

1. January 1 through August 31 – General Season KRSC.
For purposes of clarity, daily bag and possession limits apply to that section of the Trinity River downstream of the Old Lewiston Bridge to the confluence with the South Fork Trinity River.
2. September 1 through December 31 – KRFC quota management.

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

Current regulations in subsections 7.50(b)(91.1)(E)2.a. and b. specify bag limits for KRFC stocks in the Klamath River. Current regulations in subsections 7.50(b)(91.1)(E)6.b., e., and f. specify bag limits for KRFC stocks in the Trinity River. Current regulations in subsection 7.50(b)(91.1)(C)2.b. specify KRFC possession limits.

Proposed Changes

Because PFMC recommendations are not known at this time, ranges (shown in brackets in the text below) of subquotas and bag and possession limits, which encompass historical

quotas, are being proposed for the 2019 KRFC fishery in the Klamath and Trinity rivers. The final KRFC bag and possession limits will align with the final federal regulations to meet biological and fishery allocation goals specified in law, or established in the FMP, otherwise harvest opportunities may be reduced in the California ocean fisheries.

KRFC SPORT FISHERY (QUOTA MANAGEMENT):

Quota: For public notice requirements, the Department recommends the Commission consider a quota range of 0 – 67,600 adult KRFC in the Klamath River Basin for the river sport fishery. This recommended range encompasses the historical range of the Klamath River Basin allocations and allows the PFMC and Commission to make adjustments during the 2019 regulatory cycle.

Subquotas: The proposed subquotas for KRFC stocks are as follows:

- Main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the total quota equates to [0-11,492];
- Main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the total quota equates to [0-33,800];
- Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the total quota equates to [0-11,154]; and
- Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the total quota equates to [0-11,154].

Seasons: No changes are proposed for the Klamath River and Trinity River KRFC seasons:

- Klamath River - August 15 to December 31
- Trinity River - September 1 to December 31

Bag and Possession Limits: As in previous years, no retention of adult KRFC is proposed for the following areas once the subquota has been met.

The range of proposed bag and possession limits for KRFC stocks are as follows:

- Bag Limit - [0-4] Chinook Salmon – of which no more than [0-4] fish over 22 inches total length may be retained until the subquota is met, then 0 fish over 22 inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

KRSC SPORT FISHERY:

No regulatory changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

OTHER CHANGES

No other changes are proposed, except those described above, and to change the year 2018 to 2019 for the upcoming season.

(b) Goals and Benefits of the Regulation:

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based Klamath River Basin salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence.

The benefits of the proposed regulations are consistency with federal fishery management goals, sustainable management of Klamath River Basin fish resources, health and welfare of California residents, and promotion of businesses that rely on salmon sport fishing in the Klamath River Basin.

(c) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 205, 265, 270, 315, 316.5, and 399, Fish and Game Code.

Reference: Sections 200, 205, 265, 270, and 316.5, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change:

In-River Sport Fishing Economics Technical Report, National Oceanographic and Atmospheric Administration, National Marine Fisheries Service, September 2011.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

KRFC Stocks

The use of more liberal regulations for KRFC bag limits, possession limits and fishing methods (Alternative 1 in the STD 399; Economic and Fiscal Impact Statement). More

liberal regulations would be less desirable than those proposed, because they could create risk of an intense fishery, reaching or exceeding the quota in a very short time. Reaching the quota in a very short time could be damaging to the local economy, and exceeding the allowable harvest could damage the KRFC stocks.

KRSC Stocks

Presently there are no alternatives for the Commission to consider with regard to KRSC stocks. KRSC stocks are not currently managed by the PFMC, therefore forecast of abundance, and ocean and in-river harvest allocations do not occur on an annual basis.

KRSC stocks are currently managed as a separate life history type by the Commission. In most years, regulatory controls are generally more restrictive for KRSC than KRFC, and include time and area closures and reduced bag and possession limits.

(b) No Change Alternative:

The No Change Alternative (Alternative 2 in the STD 399; Economic and Fiscal Impact Statement) would leave the current 2018 daily bag and possession limit regulations in place and would not allow flexibility to develop bag and possession limits based on 2019 PFMC allocations. The change for 2019 is necessary to continue appropriate harvest rates and an equitable distribution of the harvestable surplus.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to range from minor to no impact on the net revenues to local businesses servicing sport fishermen. If the 2019 KRFC quota is reduced, visitor spending may correspondingly be reduced, and in the absence of the emergence of alternative visitor activities, the drop in spending could induce business contraction. If the quotas remain similar to previous quotas, then local economic impacts are expected to be unchanged. Neither scenario is expected to directly affect the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed regulations range from no fishing of KRFC, to normal Klamath River Basin salmon season, size, bag and possession limits.

The Commission anticipates some impact on the creation or elimination of jobs in California. The potential adverse employment impacts range from no impact to the loss of 22 jobs which are not expected to create, eliminate or expand businesses in the State.

An estimated 30-50 businesses that serve sport fishing activities are expected to be directly and/or indirectly affected depending on the final quota. The impacts range from no impact (Projection 1 under the Economic Impact Assessment (EIA), below) to unknown impacts on the creation of new business or the elimination of existing businesses (Projection 3, EIA, below).

The Commission does not anticipate any impacts on the expansion of businesses in California.

For all projections, the possibility of growth of businesses to serve substitute activities exists. Adverse impacts to jobs and/or businesses would be less if fishing of other species and grilse KRFC is permitted, than under a complete closure to all fishing. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, consequently, promoting the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages a healthy outdoor activity and the consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's salmonid resources.

The Commission does not anticipate any benefits to worker safety because the proposed action does not affect working conditions.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

VII. Economic Impact Assessment:

The regulatory amendments of subsection 7.50(b)(91.1) under consideration will set the 2019 Klamath River Basin salmon sport fishing regulations to conform to the PFMC KRFC allocation. The Klamath River Basin is anticipated to be open for salmon sport fishing at levels similar to the 2018 levels; however, the possibility of marine fishery area closures still exists. Ocean closures may in turn result in PFMC recommendations for Klamath River Basin salmon sport fishery closures for the take of adult KRFC. Adverse or positive impacts to jobs and businesses will depend on the 2019 KRFC allocation ultimately adopted by the PFMC, and the specific regulations promulgated by the Commission.

The proposed quota range of 0 to 67,600 adult KRFC in 2019 represents a range from 0 percent or no salmon fishing on adult KRFC to greater than 100 percent of the 2018 Klamath River Basin KRFC quota. Under all scenarios, sport fishing may be allowed for other sportfish species and for grilse KRFC regardless of PFMC regulations, thus any adverse impacts to businesses could be less severe than under a complete closure of fishing.

The preservation of Klamath River salmon stocks is necessary for the success of Klamath River Basin businesses which provide goods and services related to fishing. Scientifically-based KRFC allocations are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

Based on a 2011 NMFS report on In-River Sport Fishing Economics of the Klamath River, and adding a 33 percent increase to account for the Trinity River^a, in a normal year, non-resident Klamath River salmon and steelhead sport anglers together contribute about \$3,442,750 in direct expenditures, resulting in about \$4,221,945 (2017\$) in total economic output to California businesses. The NMFS study found that non-resident (outside the immediate locale) salmon or steelhead angler average expenditures are estimated to be \$108.82 (2017\$) per angler day (for lodging, food, gasoline, fishing gear, boat fuel, and guide fees). The projections do not distinguish between spring and fall runs, however, the in-river harvest is almost exclusively fall-run.

Local resident average expenditures per angler day are estimated to be 60 percent less

^a The NMFS study excluded the Trinity River, the largest tributary to the Klamath. The Trinity River is allocated 33 percent of the KRFC total quota. Using the Trinity quota as a measure of salmon and steelhead angler effort, and thus impacts on associated businesses that support anglers, the Department added 33 percent to the total economic output listed in the NMFS report.

(markedly reduced lodging, gasoline and food expenditures), which yields an estimate of \$43.53 per angler-day. Local resident anglers comprise about 36 percent of Klamath River Basin anglers. Any decreases to expenditures by resident anglers associated with reduced fishing opportunities may be offset by increased expenditures on other locally purchased goods and services – with no net change in local economic activity. Thus, this economic impact assessment focuses on non-resident angler expenditures that represent new money whose injection serves to stimulate the local economy.

The total impact of non-resident angler direct expenditures support about 45 jobs for salmon alone or up to 70 jobs for all salmon and steelhead spending.

Table 1. Klamath Salmon and Steelhead Total Economic Output (Non-resident anglers)

Klamath Sport Fishing	Salmon	Steelhead	Total
Total Output	\$ 2,733,115	\$ 1,488,830	\$ 4,221,945
Labor Income	\$ 1,264,576	\$ 688,862	\$ 1,953,438
Jobs	45.7	24.9	70.6

To demonstrate the potential economic impacts that may result from a quota anywhere within the range of 0 - 67,600 KRFC, three adult salmon catch projections are as follows: 100 percent of the 2018 adult KRFC catch limit; 50 percent of the 2018 adult KRFC catch limit; and 0 percent of the 2018 adult KRFC catch limit.

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

Projection 1. 100 percent of the 2018 adult KRFC catch limit: The Commission does not anticipate any adverse impacts on the creation or elimination of jobs, as the quotas would not decrease effort nor curtail the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2. 50 percent of the 2018 adult KRFC catch limit: The Commission anticipates some impact on the creation or elimination of jobs, which may be partially offset by the potential for continued sport fishing allowed for other sportfish and grilse KRFC. A 50 percent salmon catch reduction will likely reduce visitor spending by slightly less than 50 percent, given price elasticities of demand for salmon fishing activity of less than one. As the “price” of fishing per unit catch increases, the demand for fishing trips declines by a lesser extent, particularly in the short-run. While difficult to predict, job losses associated with a 50 percent reduction in the adult KRFC catch limit are expected to be less than half of the 45 estimated total jobs supported by salmon angler visits (i.e. fewer than 22 jobs).

Projection 3. 0 percent of the 2018 adult KRFC catch limit: In the event of fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission anticipates less than 50 percent reduction in fishery-related jobs. As mentioned earlier, sport fishing for other species and grilse KRFC may still be allowed, thus mitigating potential job losses.

A closure on the take of all KRFC was instituted in 2017, and only steelhead could be legally harvested during the fall season. The impact of the 2017 closure on angler days

and consumer demand is still being evaluated. However, job creation or elimination tends to lag in response to short-term changes in consumer demand. Thus, the potential impacts of a 2019 closure on the take of adult KRFC are estimated to result in the loss of less than 22 jobs due to adjustment lags and the continued sport fishing allowed for other species and potentially for grilse KRFC.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

Projection 1. 100 percent of the 2018 adult KRFC catch limit: The Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses, as the quotas would not decrease effort nor curtail the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2. 50 percent of the 2018 adult KRFC catch limit: The Commission anticipates a decline in visits to the fishery areas of less than 50 percent due to the continued sport fishing allowed for other species and grilse KRFC. This may result in some decline in business activity, but the Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses directly related to fishing activities. However, with less effort being expended on salmon fishing, the possibility of substitute activities and the growth of businesses to serve those activities exists.

Projection 3. 0 percent of the 2018 adult KRFC catch limit: In the event of salmon fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission anticipates a decline in regional spending and thus reduced revenues to the approximately 30 to 50 businesses that directly and indirectly serve sport fishing activities with unknown impacts on the creation of new business or the elimination of existing businesses. However, adverse impacts may be mitigated by the continued opportunity to harvest other sportfish and the potential for take of grilse KRFC. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, consequently, the long-term viability of these same small businesses.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

Projection 1. 100 percent of the 2018 adult KRFC catch limit: The Commission does not anticipate any impacts on the expansion of businesses in California as the quotas would not increase effort nor increase the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2. 50 percent of the 2018 adult KRFC catch limit: The Commission does not anticipate any impacts on the expansion of businesses currently doing business within the State. Decreases in expenditures by resident anglers associated with reduced fishing opportunities may be offset by increased expenditures on other locally purchased goods and services – with no net change in local economic activity. For non-resident anglers, however, decreases in local expenditures associated with decreases

in local fishing opportunities may result in increases in other expenditures outside the Klamath River Basin area.

Projection 3. 0 percent of the 2018 adult KRFC catch limit: In the event of salmon fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission does not anticipate any expansion of businesses in California. Decreases in expenditures by anglers associated with reduced fishing opportunities may be partially offset by increased expenditures on other locally purchased goods and services as visitors fish for other sportfish, potentially including grilse KRFC, or the substitution of salmon fishing with other recreational pursuits.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

Under all projections, the Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a Klamath River Basin salmon sport fishery and other sport fisheries encourages a healthy outdoor activity and the consumption of a nutritious food. Sport fishing also contributes to increased mental health of its practitioners, as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety:

Under all projections, the Commission does not anticipate benefits to worker safety because the proposed regulations will not impact working conditions.

(f) Benefits of the Regulation to the State's Environment:

Under all projections, the Commission anticipates benefits to the environment in the sustainable management of Klamath River Basin salmonid resources. It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based Klamath River Basin salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence.

(g) Other Benefits of the Regulation:

Consistency with Federal Fishery Management Goals: California's salmon sport fishing regulations need to align with the new Federal regulations to achieve optimum yield in

California. The PFMC annually reviews the status of west coast salmon populations. As part of that process, it recommends west coast adult salmon fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the FMP. These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries off the coasts of Washington, Oregon, and California and state inland salmon sport fisheries. These recommendations are subsequently implemented as ocean fishing regulations by the NMFS, and as salmon sport regulations for California marine and inland waters by the Commission.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

The Klamath River Basin, which consists of the Klamath River and Trinity River systems, is managed for fall-run Chinook Salmon (*Oncorynchus tshawytscha*) through a cooperative system of State, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean sport, ocean commercial, river sport, and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of sport and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River Basin (in-river) sport fisheries, which are consistent with federal fishery management goals.

Tribal entities within the Klamath River Basin maintain fishing rights for ceremonial, subsistence, and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations are promulgated by the Tribes.

Klamath River Fall-Run Chinook Salmon

Adult Klamath River fall-run Chinook Salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between tribal and non-tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, salmon greater than 22 inches total length are defined as adult (ages 3-5) and salmon less than or equal to 22 inches total length are defined as grilse salmon (age 2).

PFMC Overfishing Review

KRFC stocks have been designated as “overfished” by the PFMC. This designation is the result of not meeting conservation objectives for this stock. Management objectives and criteria for KRFC are defined in the PFMC Salmon Fishery Management Plan (FMP).

The FMP outlines a process for preparing a “rebuilding plan” that includes assessment of the factors that lead to the decline of the stock, including fishing, environmental factors, model errors, etc. The rebuilding plan includes recommendations to address conservation of KRFC, with the goal of achieving rebuilt status. The plan is currently under development by representatives of NMFS, PFMC, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife (Department), and Tribal entities, with a timeline for completion in spring of 2019. Forthcoming recommendations from the rebuilding plan may alter how KRFC are managed in

the future, including changing the in-river allocation number, and/or allocating less than the normal target number.

Klamath River Spring-Run Chinook Salmon

The Klamath River Basin also supports Klamath River spring-run Chinook Salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PPMC. This in-river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations. KRSC harvest will be monitored on the Klamath River below the Highway 96 bridge at Weitchpec to the mouth of the Klamath River in 2019 and ensuing years by creel survey. The upper Trinity River, upstream of Junction City, will be monitored using tag returns from anglers in 2019 and future years.

KRFC Allocation Management

The PPMC 2018 allocation for Klamath River Basin sport harvest was 3,490 adult KRFC. Preseason stock projections of 2019 adult KRFC abundance will not be available from the PPMC until March 2019. The 2019 basin allocation will be recommended by the PPMC in April 2019 and presented to the Commission for adoption as a quota for the in-river sport harvest at its May 2019 teleconference meeting.

The Commission may modify the KRFC in-river sport harvest quota, which is normally a minimum of 15 percent of the non-tribal PPMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the FMP, otherwise harvest opportunities may be reduced in the California ocean or in-river fisheries.

The annual KRFC in-river sport harvest quota is specified in subsection 7.50(b)(91.1)(D)1. The quota is split between four geographic areas with a subquota for each area, expressed as a percentage of the total in-river quota, specified in subsection 7.50(b)(91.1)(D)2. For angler convenience, the subquotas, expressed as the number of fish, are listed for the affected river segments in subsection 7.50(b)(91.1)(E). The in-river sport subquota percentages are as follows:

1. for the main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the in-river sport quota;
2. for the main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the in-river sport quota;
3. for the Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the in-river sport quota; and
4. for the Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the in-river sport quota.

The spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) closes to all fishing after 15 percent of the total Klamath River Basin quota has been taken downstream of the Highway 101 bridge.

These geographic areas are based upon the historical distribution of angler effort to ensure

equitable harvest of adult KRFC in the Klamath River and Trinity River. The subquota system requires the Department to monitor or assess angler harvest of adult KRFC in each geographic area. All areas will be monitored on a real time basis, except for the following:

Klamath River upstream of Weitchpec and the Trinity River: The Department has developed Harvest Predictor Models which it will use to implement fishing closures to ensure that anglers do not exceed established subquota targets. Using this method, the upper Klamath River generally closes between 28-30 days after the lower Klamath River quota is reached. Similarly, the upper Trinity River subquota area generally closes 28-30 days after the lower Trinity River subquota has been met.

Sport Fishery Management

The KRFC in-river sport harvest quota is divided into geographic areas, and harvest is monitored under real time subquota management. On the other hand, KRSC in-river sport harvest is managed by general season, daily bag limit, and possession limit regulations.

The Department presently differentiates the two stocks by the following dates in each sub-area:

Klamath River

1. January 1 through August 14 - General Season KRSC.
For purposes of clarity, daily bag and possession limits apply to that section of the Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth.
2. August 15 to December 31 - KRFC quota management.

Trinity River

1. January 1 through August 31 – General Season KRSC.
For purposes of clarity, daily bag and possession limits apply to that section of the Trinity River downstream of the Old Lewiston Bridge to the confluence with the South Fork Trinity River.
2. September 1 through December 31 – KRFC quota management.

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

Current regulations in subsections 7.50(b)(91.1)(E)2.a. and b. specify bag limits for KRFC stocks in the Klamath River. Current regulations in subsections 7.50(b)(91.1)(E)6.b., e., and f. specify bag limits for KRFC stocks in the Trinity River. Current regulations in subsection 7.50(b)(91.1)(C)2.b. specify KRFC possession limits.

Proposed Changes

Because PFMC recommendations are not known at this time, ranges (shown in brackets in the text below) of subquotas and bag and possession limits, which encompass historical quotas, are being proposed for the 2019 KRFC fishery in the Klamath and Trinity rivers. The final KRFC bag and possession limits will align with the final federal regulations to meet biological and fishery allocation goals specified in law, or established in the FMP, otherwise harvest opportunities may

be reduced in the California ocean fisheries.

KRFC SPORT FISHERY (QUOTA MANAGEMENT):

Quota: For public notice requirements, the Department recommends the Commission consider a quota range of 0 – 67,600 adult KRFC in the Klamath River Basin for the river sport fishery. This recommended range encompasses the historical range of the Klamath River Basin allocations and allows the PFMC and Commission to make adjustments during the 2019 regulatory cycle.

Subquotas: The proposed subquotas for KRFC stocks are as follows:

- Main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the total quota equates to [0-11,492];
- Main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the total quota equates to [0-33,800];
- Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the total quota equates to [0-11,154]; and
- Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the total quota equates to [0-11,154].

Seasons: No changes are proposed for the Klamath River and Trinity River KRFC seasons:

- Klamath River - August 15 to December 31
- Trinity River - September 1 to December 31

Bag and Possession Limits: As in previous years, no retention of adult KRFC is proposed for the following areas once the subquota has been met.

The range of proposed bag and possession limits for KRFC stocks are as follows:

- Bag Limit - [0-4] Chinook Salmon – of which no more than [0-4] fish over 22 inches total length may be retained until the subquota is met, then 0 fish over 22 inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

KRSC SPORT FISHERY:

No regulatory changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

OTHER CHANGES

No other changes are proposed, except those described above, and to change the year 2018 to 2019 for the upcoming season.

Benefits of the Proposed Regulations

The Commission anticipates benefits to the environment in the sustainable management of Klamath River Basin salmonid resources.

Other benefits of the proposed regulations are conformance with federal fishery management goals, health and welfare of California residents and promotion of businesses that rely on salmon sport fishing in the Klamath River Basin.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (Sections 200, 205, 315, and 316.5, Fish and Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. Commission staff has searched the California Code of Regulations and has found no other State regulations related to sport fishing in the Klamath River Basin.

Proposed Regulatory Language

Subsection (b)(91.1) of Section 7.50, Title 14, CCR is amended to read as follows:

§ 7.50. Alphabetical List of Waters with Special Fishing Regulations.

. . . [No changes to subsections (a) through (b)(91)]

(91.1) Anadromous Waters of the Klamath River Basin Downstream of Iron Gate and Lewiston dams. The regulations in this subsection apply only to waters of the Klamath River Basin which are accessible to anadromous salmonids. They do not apply to waters of the Klamath River Basin which are inaccessible to anadromous salmon and trout, portions of the Klamath River system upstream of Iron Gate Dam, portions of the Trinity River system upstream of Lewiston Dam, and the Shasta River and tributaries upstream of Dwinnel Dam. Fishing in these waters is governed by the General Regulations for non-anadromous waters of the North Coast District (see Section 7.00, subsection (a)(4)).

(A) Hook and Weight Restrictions.

1. Only barbless hooks may be used. (For definitions regarding legal hook types, hook gaps and rigging see Chapter 2, Article 1, Section 2.10.)
2. During closures to the take of adult salmon, it shall be unlawful to remove any adult Chinook Salmon from the water by any means.

(B) General Area Closures.

1. No fishing is allowed within 750 feet of any Department of Fish and Wildlife fish-counting weir.
2. No fishing is allowed from the Ishi Pishi Road bridge upstream to and including Ishi Pishi Falls from August 15 through December 31. EXCEPTION: members of the Karuk Indian Tribe listed on the current Karuk Tribal Roll may fish at Ishi Pishi Falls using hand-held dip nets.
3. No fishing is allowed from September 15 through December 31 in the Klamath River within 500 feet of the mouths of the Salmon, the Shasta and the Scott rivers and Blue Creek.
4. No fishing is allowed from June 15 through September 14 in the Klamath River from 500 feet above the mouth of Blue Creek to 500 feet downstream of the mouth of Blue Creek.

(C) Klamath River Basin Possession Limits.

1. Trout Possession Limits.
 - a. The Brown Trout possession limit is 10.
 - b. The hatchery trout or hatchery steelhead possession limits are as follows:
 - (i) Klamath River - 4 hatchery trout or hatchery steelhead.
 - (ii) Trinity River - 4 hatchery trout or hatchery steelhead.
2. Chinook Salmon Possession Limits.
 - a. Klamath River downstream of the Highway 96 bridge at Weitchpec from January 1 to August 14 and the Trinity River downstream of the Old Lewiston Bridge to the confluence of the South Fork Trinity River from January 1 to August 31: 2 Chinook Salmon.
 - b. Klamath River from August 15 to December 31 and Trinity River from September 1 to December 31: 6[0-12] Chinook Salmon. No more than 3[0-4] Chinook Salmon over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

(D) Klamath River Basin Chinook Salmon Quotas.

The Klamath River fall-run Chinook Salmon take is regulated using quotas. Accounting of the tribal and non-tribal harvest is closely monitored from August 15 through December 31 each year. These quota areas are noted in subsection (b)(91.1)(E) with “Fall Run Quota” in the *Open Season and Special Regulations* column.

1. Quota for Entire Basin.

The ~~2018~~2019 Klamath River Basin quota is ~~3,490~~0 – 67,600 Klamath River fall-run Chinook Salmon over 22 inches total length. The department shall inform the Commission, and the public via the news media, prior to any implementation of restrictions triggered by the quotas. (NOTE: A department status report on progress toward the quotas for the various river sections is updated weekly, and available at 1-800-564-6479.)

2. Subquota Percentages.

a. The subquota for the Klamath River upstream of the Highway 96 bridge at Weitchpec and the Trinity River is 50% of the total Klamath River Basin quota.

(i) The subquota for the Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec is 17% of the total Klamath River Basin quota.

(ii) The subquota for the Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat is 16.5% of the total Klamath River Basin quota.

(iii) The subquota for the Trinity River main stem downstream of the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River is 16.5% of the total Klamath River Basin quota.

b. The subquota for the lower Klamath River downstream of the Highway 96 bridge at Weitchpec is 50% of the total Klamath River Basin quota.

(i) The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) will close when 15% of the total Klamath River Basin quota is taken downstream of the Highway 101 bridge.

(E) Klamath River Basin Open Seasons and Bag Limits.

All anadromous waters of the Klamath River Basin are closed to all fishing for all year except those areas listed in the following table. Bag limits are for trout and Chinook Salmon in combination unless otherwise specified.

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag Limit</i>
1. Bogus Creek and tributaries.	Fourth Saturday in May through August 31. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**
2. Klamath River main stem from 3,500 feet downstream of Iron Gate Dam to the mouth.		
a. Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec.	January 1 to August 14	0 Chinook Salmon 2 hatchery trout or hatchery steelhead**
	Fall Run Quota 593 <u>0-11,492</u> Chinook Salmon	2 <u>0-4</u> Chinook Salmon – no more than 4 <u>0-4</u> fish over 22 inches total

	August 15 to December 31, 2018 <u>2019</u> .	length until subquota is met, then 0 fish over 22 inches total length. 2 hatchery trout or hatchery steelhead**
	Fall Run Quota Exception: Chinook Salmon over 22 inches total length may be retained from 3,500 feet downstream of Iron Gate Dam to the Interstate 5 bridge when the department determines that the adult fall-run Chinook Salmon spawning escapement at Iron Gate Hatchery exceeds 8,000 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.	
b. Klamath River downstream of the Highway 96 bridge at Weitchpec.	January 1 to August 14.	2 Chinook Salmon 2 hatchery trout or hatchery steelhead**
	Fall Run Quota 1,745 <u>0-</u> <u>33,800</u> Chinook Salmon August 15 to December 31, 2018 <u>2019</u> .	2 <u>0-4</u> Chinook Salmon – no more than 4 <u>0-4</u> fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length. 2 hatchery trout or hatchery steelhead**
	Fall Run Quota Exception: Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth). This area will be closed to all fishing after 15% of the Total Klamath River Basin Quota has been taken. All legally caught Chinook Salmon must be retained. Once the adult (greater than 22 inches) component of the total daily bag limit has been retained anglers must cease fishing in the spit area.	
3. Salmon River main stem, main stem of North Fork downstream of Sawyer's Bar bridge, and main stem of South Fork downstream of the confluence of the East Fork of the South Fork.	November 1 through February 28.	2 hatchery trout or hatchery steelhead**
4. Scott River main stem downstream of the Fort Jones-Greenville bridge to the confluence with the Klamath River.	Fourth Saturday in May through February 28.	2 hatchery trout or hatchery steelhead**

5. Shasta River main stem downstream of the Interstate 5 bridge north of Yreka to the confluence with the Klamath River.	Fourth Saturday in May through August 31 and November 16 through February 28.	2 hatchery trout or hatchery steelhead**
6. Trinity River and tributaries.		
a. Trinity River main stem from 250 feet downstream of Lewiston Dam to the Old Lewiston Bridge.	April 1 through September 15. Only artificial flies with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**
b. Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat.	January 1 to August 31.	2 Chinook Salmon 5 Brown Trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota 576 <u>[0-11,154]</u> Chinook Salmon September 1 through December 31, 2018 <u>2019</u> .	2 <u>[0-4]</u> Chinook Salmon – no more than 4 <u>[0-4]</u> fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length. 5 Brown Trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota Exception: Chinook Salmon over 22 inches total length may be retained downstream of the Old Lewiston Bridge to the mouth of Indian Creek when the department determines that the adult fall-run Chinook Salmon spawning escapement at Trinity River Hatchery exceeds 4,800 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.	
c. Trinity River main stem downstream of the Highway 299 West bridge at Cedar Flat to the Denny Road bridge at Hawkins Bar.	January 1 through August 31.	2 Chinook Salmon 5 Brown Trout 2 hatchery trout or hatchery steelhead**
	September 1 through December 31.	Closed to all fishing.
d. New River main stem downstream of the confluence of the East	September 15 through November 15. Only artificial	2 hatchery trout or hatchery steelhead**

Fork to the confluence with the Trinity River.	lures with barbless hooks may be used.	
e. Trinity River main stem downstream of the Denny Road bridge at Hawkins Bar to the mouth of the South Fork Trinity River.	January 1 to August 31.	2 Chinook Salmon 5 Brown Trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota 576 <u>[0-11,154]</u> Chinook Salmon September 1 through December 31, 2018 <u>2019</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table.	2 <u>[0-4]</u> Chinook Salmon – no more than 4 <u>[0-4]</u> fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length. 5 Brown Trout 2 hatchery trout or hatchery steelhead**
f. Trinity River main stem downstream of the mouth of the South Fork Trinity River to the confluence with the Klamath River.	January 1 to August 31.	0 Chinook Salmon 5 Brown Trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota 576 <u>[0-11,154]</u> Chinook Salmon September 1 through December 31, 2018 <u>2019</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table.	2 <u>[0-4]</u> Chinook Salmon – no more than 4 <u>[0-4]</u> fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length. 5 Brown Trout 2 hatchery trout or hatchery steelhead**
g. Hayfork Creek main stem downstream of the Highway 3 bridge in Hayfork to the confluence with the South Fork Trinity River.	November 1 through March 31. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**
h. South Fork Trinity River downstream of the confluence with the East Fork of the South Fork Trinity River to the South Fork Trinity River bridge at Hyampom.	November 1 through March 31. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**

i. South Fork Trinity River downstream of the South Fork Trinity River bridge at Hyampom to the confluence with the Trinity River.	November 1 through March 31.	0 Chinook Salmon. 2 hatchery trout or hatchery steelhead**

. . . [No changes subsections 7.50(b)(92) through (b)(212)]

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

Note: Authority cited: Sections 200, 205, 265, 270, 315, 316.5 and 399, Fish and Game Code.

Reference: Sections 200, 205, 265, 270 and 316.5, Fish and Game Code.

Date: November 28, 2018

To: Melissa Miller-Henson
Acting Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Klamath River Basin Sport Fishing Regulations CEQA Overview**

The Klamath River Basin, which consists of the Klamath River and Trinity River systems, is managed through a cooperative system of State, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean sport, ocean commercial, river sport and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of sport and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The Commission adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River Basin sport fisheries, which are consistent with federal fishery management goals.

The purpose of this memo is to describe staff's analysis of use of a categorical exemption under the California Environmental Quality Act (CEQA).

Categorical Exemptions to Protect Natural Resources and the Environment

The Commission adoption of these regulations is an action subject to CEQA. The review effort by Department staff pursuant to CEQA Guidelines section 15061 lead staff to conclude that adoption of the regulations would fall within the Class 7 and Class 8 categorical exemptions (CEQA Guidelines sections 15307, 15308). These two exemptions are related to agency actions to protect natural resources and the environment. This regulatory proposal will specify the 2019 Klamath River Fall-run Chinook Salmon quota and will define daily bag and possession limits, consistent with federal fishery management goals.

In staff's view, because these regulations are intended to protect the sustainability of

Melissa Miller-Henson,
Acting Executive Director
Fish and Game Commission
November 28, 2018
Page 2

the fishery as a natural resource, the Commission's adoption of regulations is an activity that is the proper subject of CEQA's Class 7 and 8 categorical exemptions.

No Exceptions to Categorical Exemptions Apply

As to the exceptions to categorical exemptions set forth in CEQA Guidelines section 15300.2, including the prospect of unusual circumstances and related effects, the Department's review was guided by the California Supreme Court's recent decision in *Berkeley Hillside Preservation v. City of Berkeley*. Staff has reviewed all of the available information possessed by the Department relevant to the issue and does not believe adoption of the regulations poses any unusual circumstances that would constitute an exception to the categorical exemptions set forth above. Compared to the activities that fall within Class 7 and Class 8 generally, which include the given example of wildlife preservation activities such as the effort here, there is nothing unusual about the proposed regulations.

In addition, even if there were unusual circumstances, no potentially significant effects on either a project-specific or cumulative bases are expected. The intent of the proposed regulations is alignment of State regulations with federal fishery management goals. The regulations are anticipated to achieve optimum yield in the fishery, but also to prevent overfishing and thereby take into consideration the potential for negative impacts on the fishery.

Therefore, staff does not believe that the Department's reliance on the Class 7 and Class 8 categorical exemptions is precluded by the exceptions set forth in CEQA Guidelines section 15300.2.

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: N/A

From: (Public Agency): CA Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

(Address)

Project Title: Amend subsection 7.50(b)(91.1), Title 14, CCR, Re: Klamath River Basin Sport Fishing

Project Applicant: N/A

Project Location - Specific:

Del Norte, Siskiyou, and Humboldt counties

Project Location - City: N/A

Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:

The Klamath River Basin is managed for Klamath River Fall-run Chinook Salmon through a cooperative system of State, federal, and tribal management agencies. The Fish and Game Commission has taken action to align State sport fishing regulations to federal fishery management goals.

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: California Department of Fish and Wildlife

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Cal. Code Regs., tit. 14, §§ 15307, 15308
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

See attached.

Lead Agency
Contact Person: Melissa Miller-Henson Area Code/Telephone/Extension: (916) 653-4899

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: Acting Executive Director

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

May 16, 2019

ATTACHMENT TO NOTICE OF EXEMPTION

Adoption of Klamath River Basin Sport Fishing Regulations

Subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations

The California Fish and Game Commission (Commission) has taken final action with respect to the project mentioned above. On May 16, 2019, the Commission adopted sport fishing regulations for the Klamath River Basin consistent with the Pacific Fishery Management Council (PFMC) recommendations for this area. In taking this final action for the purposes of the California Environmental Quality Act (CEQA, Pub. Resources Code §21000 et seq.), the Commission approved the amendment to the current regulations relying on the categorical exemption for “Actions by Regulatory Agencies for Protection of Natural Resources” contained in CEQA Guidelines § 15307, and the categorical exemption for “Actions by Regulatory Agencies for Protection of the Environment” contained in CEQA Guidelines § 15308. (Cal. Code Regs., tit. 14, §§15307, 15308.)

Categorical Exemptions to Protect Natural Resources and the Environment

In adopting the amendment to the sport fishing regulations for the Klamath River Basin consistent with PFMC recommendations in 2019, the Commission relied for purposes of CEQA on the Class 7 and Class 8 categorical exemptions. The intent of the 2019 amendment to sport fishing regulations for the Klamath River Basin is to create scientifically-based Klamath River Basin salmon seasons, size limits, and bag and possession limits to ensure the maintenance of sufficient populations of salmon and their continued existence. Therefore, the activity is one that is the proper subject of CEQA’s Class 7 and 8 categorical exemptions.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**[SAM Section 6601-6616](#)

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON Margaret Duncan margaret.duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER (916) 653-4676
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Subsection (b)(91.1) of Sec. 7.50, Title 14, CCR, re: Klamath River Basin Sport Fishing Regulations			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input checked="" type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input checked="" type="checkbox"/> c. Impacts jobs or occupations | <input checked="" type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below): |

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

2. The Fish and Game Commission estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☒ Below \$10 million
☐ Between \$10 and \$25 million
☐ Between \$25 and \$50 million
☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: 30 - 50

Describe the types of businesses (Include nonprofits): Fishing boat owners, tackle stores, guides, food, fuel, lodging, camping vendors

Enter the number or percentage of total businesses impacted that are small businesses: 80%

4. Enter the number of businesses that will be created: none eliminated: none

Explain: Anticipated changes in fishing activity are not expected to be large enough to induce business loss/creation.

5. Indicate the geographic extent of impacts: ☐ Statewide
☒ Local or regional (List areas): Siskiyou, Trinity, Del Norte and Humboldt Counties

6. Enter the number of jobs created: 0 and eliminated: 0 - 22

Describe the types of jobs or occupations impacted: Fishing guides, retail sales clerks in sport fish-serving businesses such as:
tackle stores, food, fuel, lodging, and camping vendors

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☒ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**[SAM Section 6601-6616](#)

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 0
- a. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- d. Describe other economic costs that may occur: N/A, This action will set Klamath River Fall-Run Chinook (KRFC) bag and possession limits with no compliance costs. See addendum.
2. If multiple industries are impacted, enter the share of total costs for each industry: N/A
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ N/A
4. Will this regulation directly impact housing costs? ☐ YES ☒ NO
If YES, enter the annual dollar cost per housing unit: \$ _____
Number of units: _____
5. Are there comparable Federal regulations? ☐ YES ☒ NO
Explain the need for State regulation given the existence or absence of Federal regulations: Fish and Game Code (FGC) sections 200 and 205
Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: This action should result in the continued sustainability of the salmon fisheries that benefit sport anglers and the area businesses that support sport fishing activities.
2. Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?
Explain: Statute provides the Fish & Game Commission authority to establish sport fishing regulations (FGC sections 200 and 205)
3. What are the total statewide benefits from this regulation over its lifetime? \$ 2-2.7M see addendum
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: Any changes in fishing activity levels are not expected to be sufficient enough to induce the expansion of businesses currently doing business within the State.

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: see addendum
- Alternatives considered 1) More liberal bag/possession limits and fishing methods could induce a rush to fish that may damage salmon stocks.
- 2) No Change to the 2018 Klamath River Fall-Run Chinook (KRFC) limits may not be in accord with PFMC quota allocations.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ 2 - 2.7 M Cost: \$ 0Alternative 1: Benefit: \$ 2 - 2.7 M Cost: \$ - 3.7 M*Alternative 2: Benefit: \$ 2 - 2.7 M Cost: \$ see addendum

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:

Benefits = estimated (salmon angler days x spending) xmultipliers for total economic impact. *Costs may include long-run over-fishing costs to fishery sustainability.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?

☐ YES☒ NOExplain: Fisheries management regulations traditionally involve setting harvest quotas, seasons, bag and possession limits.**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☐ NO***If YES, complete E2. and E3******If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES☒ NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____

- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**[SAM Section 6601-6616](#)

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain _____**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE



original signature on file 12/19/2018

DATE

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY



original signature on file 1/7/2019

DATE

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

STD. 399 Addendum

Amend Subsection (b)(91.1) of Section 7.50
Title 14, California Code of Regulations
Re: Klamath River Basin Sport Fishing Regulations

The regulatory amendments of subsection 7.50(b)(91.1) under consideration will set the 2019 Klamath River Basin salmon sport fishing regulations to conform to the Pacific Fishery Management Council (PFMC) Klamath River Fall-run Chinook Salmon (KRFC) allocation. The Klamath River Basin is anticipated to be open for salmon sport fishing at levels similar to the 2018 levels; however, the possibility of marine fishery area closures still exists. Ocean closures may in turn result in PFMC recommendations for Klamath River Basin salmon sport fishery closures for the take of adult KRFC. Adverse or positive impacts to jobs and businesses will depend on the 2019 KRFC allocation ultimately adopted by the PFMC, and the specific regulations promulgated by the Commission.

The proposed quota range of 0 to 67,600 adult KRFC in 2019 represents a range from 0 percent or no salmon fishing on adult KRFC to greater than 100 percent of the 2018 Klamath River Basin KRFC quota. Under all scenarios, sport fishing may be allowed for other sportfish species and for grilse KRFC regardless of PFMC regulations, thus any adverse impacts to businesses could be less severe than under a complete closure of fishing.

The preservation of Klamath River salmon stocks is necessary for the success of Klamath River Basin businesses which provide goods and services related to fishing. Scientifically-based KRFC allocations are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

Based on a 2011 NMFS report on In-River Sport Fishing Economics of the Klamath River, and adding a 33 percent increase to account for the Trinity River¹, in a normal year, non-resident Klamath River salmon and steelhead sport anglers together contribute about \$3,442,750 in direct expenditures, resulting in about \$4,221,945 (2017\$) in total economic output to California businesses. The NMFS study found that non-resident (outside the immediate locale) salmon or steelhead angler average expenditures are estimated to be \$108.82 (2017\$) per angler day (for lodging, food, gasoline, fishing gear, boat fuel, and guide fees). The projections do not distinguish between spring- and fall-runs, however, the in-river harvest is almost exclusively fall-run.

Local resident average expenditures per angler day are estimated to be 60 percent less (markedly reduced lodging, gasoline and food expenditures), which yields an estimate

¹ The NMFS study excluded the Trinity River, the largest tributary to the Klamath. The Trinity River is allocated 33 percent of the KRFC total quota. Using the Trinity quota as a measure of salmon and steelhead angler effort, and thus impacts on associated businesses that support anglers, the Department added 33 percent to the total economic output listed in the NMFS report.

of \$43.53 per angler-day. Local resident anglers comprise about 36 percent of Klamath River Basin anglers. Any decreases to expenditures by resident anglers associated with reduced fishing opportunities may be offset by increased expenditures on other locally purchased goods and services – with no net change in local economic activity. Thus, the economic impact assessment focuses on non-resident angler expenditures which represent new money whose injection serves to stimulate the local economy.

The total impact of non-resident angler direct expenditures support about 45 jobs for salmon alone or up to 70 jobs for all salmon and steelhead spending.

Table 1. Klamath Salmon and Steelhead Total Economic Output (Non-resident anglers)

Klamath Sport Fishing	Salmon	Steelhead	Total
Total Output	\$ 2,733,115	\$ 1,488,830	\$ 4,221,945
Labor Income	\$ 1,264,576	\$ 688,862	\$ 1,953,438
Jobs	45.7	24.9	70.6

To demonstrate the potential economic impacts that may result from a quota anywhere within the range of 0 - 67,600 KRFC, three adult salmon catch projections are as follows: 100 percent of the 2018 adult KRFC catch limit; 50 percent of the 2018 adult KRFC catch limit; and 0 percent of the 2018 adult KRFC catch limit.

Section A

Question 4. Number of businesses that will be created or eliminated.

Projection 1. 100 percent of the 2018 adult KRFC catch limit: The Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses, as the quotas would not decrease effort nor curtail the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2. 50 percent of the 2018 adult KRFC catch limit: The Commission anticipates a decline in visits to the fishery areas of less than 50 percent due to the continued sport fishing allowed for other species and grilse KRFC. This may result in some decline in business activity, but the Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses directly related to fishing activities. However, with less effort being expended on salmon fishing, the possibility of substitute activities and the growth of businesses to serve those activities exists.

Projection 3. 0 percent of the 2018 adult KRFC catch limit: In the event of salmon fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission anticipates a decline in regional spending and thus reduced revenues to the approximately 30 to 50 businesses that directly and indirectly serve sport fishing activities with unknown impacts on the creation of new business or the elimination of existing businesses. However, adverse impacts may be mitigated by the continued opportunity to harvest other sportfish and the potential for take of grilse KRFC. Additionally, the long-term intent of the proposed action is to increase sustainability in

fishable salmon stocks and, consequently, the long-term viability of these same small businesses.

Section A

Question 6. Number of jobs that will be created or eliminated.

Projection 1. 100 percent of the 2018 adult KRFC catch limit: The Commission does not anticipate any adverse impacts on the creation or elimination of jobs, as the quotas would not decrease effort nor curtail the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2. 50 percent of the 2018 adult KRFC catch limit: The Commission anticipates some impact on the creation or elimination of jobs, which may be partially offset by the potential for continued sport fishing allowed for other sportfish and grilse KRFC. A 50 percent salmon catch reduction will likely reduce visitor spending by slightly less than 50 percent, given price elasticities of demand for salmon fishing activity of less than one. As the “price” of fishing per unit catch increases, the demand for fishing trips declines by a lesser extent, particularly in the short-run. While difficult to predict, job losses associated with a 50 percent reduction in the adult KRFC catch limit are expected to be less than half of the 45 estimated total jobs supported by salmon angler visits (i.e. fewer than 22 jobs).

Projection 3. 0 percent of the 2018 adult KRFC catch limit: In the event of fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission anticipates less than 50 percent reduction in fishery-related jobs. As mentioned earlier, sport fishing for other species and grilse KRFC may still be allowed, thus mitigating potential job losses.

A closure on the take of all KRFC was instituted in 2017, and only steelhead could be legally harvested during the fall season. The impact of the 2017 closure on angler days and consumer demand is still being evaluated. However, job creation or elimination tends to lag in response to short-term changes in consumer demand. Thus, the potential impacts of a 2019 closure on the take of adult KRFC are estimated to result in the loss of less than 22 jobs due to adjustment lags and the continued sport fishing allowed for other species and potentially for grilse KRFC.

Section B

Question 1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$0

The regulations under consideration seek to maintain the Klamath River Basin fall-run Chinook Salmon fishing opportunities with no new compliance costs. The proposed bag and possession limits do not prescribe any particular equipment or methods.

Section C

Question 1. Briefly summarize the benefits of the regulation.

Under all projections, the Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a Klamath River Basin salmon sport fishery and other sport fisheries encourages a healthy outdoor activity and the consumption of a nutritious food. Sport fishing also contributes to increased mental health of its practitioners, as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

Under all projections, the Commission does not anticipate benefits to worker safety because the proposed regulations will not impact working conditions.

Under all projections, the Commission anticipates benefits to the environment in the sustainable management of Klamath River Basin salmonid resources. It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based Klamath River Basin salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence

Under all projections, consistency with Federal Fishery Management Goals: California's salmon sport fishing regulations need to align with the new Federal regulations to achieve optimum yield in California. The PFMC annually reviews the status of west coast salmon populations. As part of that process, it recommends west coast adult salmon fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the FMP. These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries off the coasts of Washington, Oregon, and California and state inland salmon sport fisheries. These recommendations are subsequently implemented as ocean fishing regulations by the NMFS, and as salmon sport regulations for California marine and inland waters by the Commission.

Section C

Question 3. What are the total statewide benefits from this regulation over its lifetime?
\$2.0 - 2.7 M annually.

A normal season for the Klamath River Basin (including the Trinity River) experiences an average of 21,000 nonresident sport salmon angler days in which anglers spend an average of \$109 per day contributing a total of \$2.0 M (2017\$) in

direct expenditures to California businesses. This expenditure is received by area businesses that spend a share on inputs and payroll. As employees receive income, their household spending again circulates in the local economy and statewide. These multiplier effects result in an estimated total economic impact of \$2.7 M (2017\$), and up to 45.7 jobs.

Section C

Question 4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation.

Projection 1. 100 percent of the 2018 adult KRFC catch limit: The Commission does not anticipate any impacts on the expansion of businesses in California as the quotas would not increase effort nor increase the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2. 50 percent of the 2018 adult KRFC catch limit: The Commission does not anticipate any impacts on the expansion of businesses currently doing business within the State. Decreases in expenditures by resident anglers associated with reduced fishing opportunities may be offset by increased expenditures on other locally purchased goods and services – with no net change in local economic activity. For non-resident anglers, however, decreases in local expenditures associated with decreases in local fishing opportunities may result in increases in other expenditures outside the Klamath River Basin area.

Projection 3. 0 percent of the 2018 adult KRFC catch limit: In the event of salmon fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission does not anticipate any expansion of businesses in California. Decreases in expenditures by anglers associated with reduced fishing opportunities may be partially offset by increased expenditures on other locally purchased goods and services as visitors fish for other sportfish, potentially including grilse KRFC, or the substitution of salmon fishing with other recreational pursuits.

Section D

Question 1. Alternatives to the Regulation

Alternative 1: More liberal bag limits, possession limits, and fishing methods that in sum, posed a greater risk of reducing salmon stocks below the number minimally necessary to sustain a viable ongoing population of salmon. Overfishing could diminish and/or eliminate future sport salmon fishing opportunities and likewise curtail the associated benefits to the state economy.

Alternative 2: The No Change Alternative would leave the current 2018 daily bag and possession limit regulations in place and would not allow flexibility to develop bag and possession limits based on 2019 PFMC allocations. The change for 2019 is necessary to continue appropriate harvest rates and an equitable distribution of the harvestable surplus.

CDFW News



FISHERIES, FISHING (COMMERCIAL), FISHING (SPORT), MARINE, REGULATIONS, SALMON

'Slightly Improved' Forecast for California's 2019 Ocean Salmon Season

MARCH 1, 2019 | KMACINTY

California's 2019 ocean salmon fishing season should be slightly better than last year's, according to information presented at this week's annual Salmon Information Meeting held in Santa Rosa by the California Department of Fish and Wildlife (CDFW). The ocean abundance projections for Sacramento River fall Chinook (SRFC), a main salmon stock harvested in California waters, is estimated at 379,600 adult salmon, an increase over 2018 forecasts. This may result in increased fishing opportunity in some central coastal areas. The Klamath River fall Chinook (KRFC) abundance forecast of 274,200 adult salmon is lower than 2018 forecast, but still an improvement over low forecast numbers seen in recent years.

"We are cautiously optimistic that the increase in ocean abundance of SRFC will translate into more fishing opportunity this year," said CDFW Environmental Scientist Kandice Morgenstern.

Recreational anglers and commercial salmon trollers at the meeting provided comments and voiced concerns to a panel of fishery managers, scientists and industry representatives. Stakeholder input will be taken into consideration when developing three season alternatives during the March 6-12 Pacific Fishery Management Council (PFMC) meeting in Vancouver, Wash. Final ocean salmon seasons will be adopted during the April 9-16 PFMC meeting in Rohnert Park.

The PFMC may take a conservative approach when crafting 2019 ocean salmon seasons since both SRFC and KRFC stocks are considered to be overfished under the terms of the federal Salmon Fishery Management Plan due to three years of low spawning escapement. Additionally, persistent concerns over protected Sacramento River winter Chinook and California Coastal Chinook could limit fishing opportunity south of Point Arena and north of Point Sur, respectively.

For more information on the salmon season setting process or general ocean salmon fishing information, please visit the Ocean Salmon Project website (<http://www.wildlife.ca.gov/fishing/ocean/%20regulations/salmon>) or call the ocean salmon hotline at (707) 576-3429.

###

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Harry Morse (mailto:harry.morse@wildlife.ca.gov), CDFW Communications, (916) 322-8958

◀ **FISHING** ◀ **OCEAN** ◀ **REGULATIONS** ◀ **SALMON** ◀ **SALMON FISHERIES**

Date: April 4, 2019

To: Melissa Miller-Henson
Acting Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Submission of Pre-Adoption Statement of Reasons to Amend Subsection (b)(91.1) of Section 7.50, Title 14, CCR, RE: Klamath River Basin Sport Fishing Regulations**

Please find attached the Pre-Adoption Statement of Reasons (PSOR) for the 2019 Klamath River Basin sport fishing regulations. The PSOR includes a response to comment from James Stone, President of the NorCal Guides and Sportsmen's Association, on the proposed sport fishing regulations. No changes were made to the original proposed regulations. Specific bag and possession limits for Klamath River Basin adult fall-run Chinook Salmon will be adopted during the Commission teleconference on May 16, 2019, after federal (Pacific Fisheries Management Council) review of west coast salmon stocks and fishery allocations have been proposed.

If you have any questions or need additional information, please contact Kevin Shaffer, Chief, Fisheries Branch, at (916) 327-8841 or by e-mail at Kevin.Shaffer@wildlife.ca.gov.

Attachment

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Melissa Miller-Henson, Acting Executive Director
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April 4, 2019
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STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-adoption Statement of Reasons)

Amend Subsection (b)(91.1) of Section 7.50
Title 14, California Code of Regulations
Re: Klamath River Basin Sport Fishing Regulations

- I. Date of Initial Statement of Reasons: November 20, 2018
- II. Date of Pre-adoption Statement of Reasons: April 4, 2019
- III. Dates and Locations of Scheduled Hearings:
- | | | | |
|-----|---------------------|-----------|-------------------|
| (a) | Notice Hearing: | Date: | December 13, 2018 |
| | | Location: | Oceanside |
| (b) | Discussion Hearing: | Date: | February 6, 2019 |
| | | Location: | Sacramento |
| (c) | Discussion Hearing: | Date: | April 17, 2019 |
| | | Location: | Santa Monica |
| (d) | Adoption Hearing: | Date: | May 16, 2019 |
| | | Location: | Teleconference |

- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made to the originally proposed regulatory language.

- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made to the originally proposed regulatory language.

- VI. Summary of Primary Considerations Raised in Opposition and in Support:

Comment by James Stone, President of the NorCal Guides and Sportsmen's Association, received at the February 6, 2019 Commission meeting: Mr. Stone asked that the Commission amend the regulatory language, changing "total length" to "fork length" to have parity and equality between the way that the Department of Fish and Wildlife (Department) and all biologists and hatcheries consider a jack salmon (by fork

length) and how guides and fishermen consider a jack salmon (by total length).

Response: The Department recommends denial of the proposed amendment as it would cause a greater likelihood of exceeding adult quotas. The total length measurement for sport angling regulations in the Klamath River Basin is consistent with statewide regulations. Biological fisheries sampling does generally assess fork length as a metric. Fork length is used because it is a more consistent measurement when fin erosion occurs, particularly in salmonids that are sampled post mortem. Additionally, the actual size (average and range) of Chinook Salmon jacks varies annually, and the pre-season use of a “jack” cut off size is used provisionally. Post-season analyses determine the actual size of jacks in any particular year, which often overlaps with age three Chinook Salmon to some degree. If 22 inches fork length were used in a regulatory context for the proposed Klamath River Basin sport fishing regulations, it would, in effect, increase the jack size from the current regulatory delineation, since 22 inches fork length equals approximately 23 inches total length. This change would result in more age three fish (adults) provisionally harvested in the fishery as jacks, but later classified as adults during post-season analysis. Because Klamath River Basin fall Chinook Salmon fisheries are managed under an adult quota (exclusive of jacks), it is important to manage for this quota and to avoid exceedance to the extent possible. Increasing the jack size from the current regulatory framework of total length to fork length would cause a greater likelihood of exceeding adult quotas. This was demonstrated in 1998 when cut off for Chinook Salmon jacks was 24 inches total length. Post-season analyses resulted in reclassification of thousands of “jacks” as adults, which exceeded the adult fall Chinook Salmon quota by approximately 5,000 fish that year. The regulation was changed back to the original 22 inches total length the following year.

Castleton, Craig@FGC

From: FGC
Sent: Tuesday, April 30, 2019 7:29 AM
To: Castleton, Craig@FGC; Fonbuena, Sherrie@FGC
Cc: Cornman, Ari@FGC
Subject: Fw: May 16th Inland Fisheries Regulations Adoption Letter
Attachments: California Fish and Game Commission May 2019 Regulations Adoption Comment Letter 04.30.19.pdf

From: Mark Smith <mark@smithpolicygroup.com>
Sent: Tuesday, April 30, 2019 07:16 AM
To: FGC
Cc: Cornman, Ari@FGC
Subject: May 16th Inland Fisheries Regulations Adoption Letter

Ari,

Can you please distribute this letter to the Commission?

Thank you,
Mark



MARK SMITH

Smith Policy Group
1001 K Street, 6th Floor
Sacramento, CA 95814
(916) 335-5072
mark@smithpolicygroup.com
smithpolicygroup.com



VIA ELECTRONIC COPY

California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

April 30, 2019

RE: Central Valley and Klamath River Basin Salmon Regulations

Dear President Sklar, Vice President Hostler-Carmesin, and members of the Fish and Game Commission,

Thank you for the opportunity at the April Fish and Game Commission meeting in Santa Monica to discuss the proposed 2019 inland river recreational fishing seasons. As mentioned by our organizations' representatives in public comment at the hearing, we are appreciative of the opportunity that the Commission has afforded us with the extra time between the end of the PFMC and the April Commission meeting by scheduling a tele-conference to adopt the inland regulations. We are hopeful that you will find this process valuable on your end as well.

We ask for one change to the proposed Klamath River Basin 2019 season presented by the Department of Fish and Wildlife at the April meeting. The change errs on the side of conservation and insures a longer season for a fishery managed under a quota. We also take this opportunity to remind the Commission of the need to consider a longer overall length for two-year-old ("jack") salmon in the Klamath River Basin.

Central Valley ISOR

We again wish to acknowledge and thank you for working with our affected communities to introduce additional flexibility and, in part, extended seasons for the Central Valley recreational fishery.

As you know, the salmon bag limit was reduced to one per angler per day in the 2018 season. This year, the Department's April proposal is 2 salmon any size per angler per day for the 2019 season. We are appreciative and enthusiastic about the opportunity to restore this fishery and ask that you approve this proposal.

Klamath River Basin ISOR

Relative to the Klamath River Basin, we ask that the Commission adopt a daily bag limit of two fish, of which no more than one may exceed the jack cutoff length. This is a slightly more conservative bag limit than suggested by the Department at the April Commission meeting and falls within the range set forth in the Initial Statement of Reasons.

Unlike the Central Valley, the Klamath season is restricted in its total take. This year the PFMC and the Department are recommending roughly 7600-7800 fish for the recreational in-river harvest. Our organizations propose that we would like the take of those fish to be slowed and extended over a longer period of time. We are therefore asking for a 1 adult 1 jack per day limit. We would prefer a longer fishery instead of a more intense shorter duration season. This benefits not just river guides (who will be on the river longer), but the RV parks, the local restaurants, hotels, and more. More people over a longer period of

time boosts our local economies. It also helps extend opportunity to more anglers. Not everyone can get up to the Klamath right at the beginning of the season. This proposal would leave more adult fish in the river over a longer period of time for those anglers who want or must come up mid or later season. We did not make this public comment at the April meeting but feel like it is a sensible option that the Commission has discretion to enact.

We note with regret that the Department failed to amend the ISOR to include a jack cutoff length representative of the typical length of a two-year-old Klamath Chinook. In a written request last December, we asked for consistency in the Department's treatment of jack cutoff lengths. We noted the scientific basis and calculation that the Department set forth in the Central Valley ISOR and urged that the same sound process be used in the Klamath River Basin.

The jack salmon length determination in the Central Valley ISOR relied upon historical adult-jack cutoff lengths (measured in fork length) to arrive at a total length calculation. Using the identical methodology applied to the identical years for the Klamath fall Chinook, the mean fork length adult-jack cutoff was 58.75 cm, or 23" fork length. Using the same conversion factor from fork length to overall length as in the Central Valley ISOR, the mean cutoff is 24" overall length. Therefore, the Klamath River Basin ISOR should have included not only a 22" cutoff length, but a 24" cutoff length as well, establishing a range analogous to the range proposed in the Central Valley ISOR.

The Department responds to this request for analytical consistency with reference to 1998, when the cutoff length was 24" and a post-season analysis revealed adult harvest in excess of the quota. The Department's response does not reference any other data or provide any analysis or justification for the 22" cutoff length. Respectfully, the Department should consider a more comprehensive data set. The analysis should account for the latest status and trend data. One twenty-one-year-old data point is not as relevant as the picture painted by more recent data.

Moreover, while we sought to have the cutoff length range broadened in the ISOR – and used the Department's own method of analysis to justify the request – at that time we did not insist that a cutoff length of 24" be enshrined in the final regulations. On the other hand, the Department now seeks to impose a 22" jack cutoff length with no apparent analysis. If there is an analysis that supports a 22" total length as opposed to, for example, a 23" total length, then the Commission and the public are entitled to consider it.

While it is too late to consider a 23" or 24" total length jack cutoff for 2019, we ask that the Commission more fully consider this issue in 2020 and beyond.

Thank you for the opportunity to address these ISOR items and for engaging in dialogue with us over the past several months and at Commission meetings. We urge you to adopt these proposals when setting the 2019 inland regulations on the May 16th Commission tele-conference call.

Sincerely,

James Stone
President, Northern California Guides and Sportsmen's
Association

Marc Gorelnik
President, Coastside Fishing Club

Danielle Cloutier, PhD
Pacific Fisheries Policy Director, American
Sportfishing Association

Wayne Kotow
Executive Director, Coastal Conservation Association
– California

Cc: Stafford Lehr, Deputy Director, CDFW
Melissa Miller-Henson, Acting Executive Director, FGC
Kevin Shaffer, Chief, Fisheries Branch, CDFW

**State of California
Department of Fish and Wildlife**

Original on file.
Received May 8, 2019, 10:30AM

Date: May 8, 2019

To: Melissa Miller-Henson
Acting Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Submission of Updated Pre-Adoption Statement of Reasons to Amend Subsection (b)(91.1) of Section 7.50, Title 14, CCR, RE: Klamath River Basin Sport Fishing Regulations**

Attached is the Updated Pre-Adoption Statement of Reasons (PSOR) for the 2019 Klamath River Basin sport fishing regulations. The Updated PSOR includes responses to public comments on the proposed sport fishing regulations. No changes were made to the original proposed regulations. However, the Pacific Fishery Management Council (PFMC) has reviewed the west coast salmon stocks and the recreational sport fish allocation of Klamath River fall-run Chinook Salmon for the 2019-2020 season has been made of 7,637 fish greater than 22 inches total length. Of the range of recreational bag and possession limits examined in the Initial Statement of Reasons (ISOR), the Department of Fish and Wildlife (Department) recommends a daily bag limit of three fish, no more than two adults over 22 inches total length, and a possession limit of nine fish, no more than six of them adults. The Commission will adopt bag and possession limits for Klamath River fall-run Chinook Salmon during the Commission teleconference on May 16, 2019.

If you have any questions or need additional information, please contact Kevin Shaffer, Chief, Fisheries Branch, at (916) 327-8841 or by e-mail at Kevin.Shaffer@wildlife.ca.gov.

Attachment

cc: Stafford Lehr
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Melissa Miller-Henson, Acting Executive Director
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May 8, 2019
Page 2

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STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Updated Pre-adoption Statement of Reasons)

Amend Subsection (b)(91.1) of Section 7.50
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VI. Summary of Primary Considerations Raised in Opposition and in Support:

Comment by James Stone, President of the NorCal Guides and Sportsmen's Association, received at the February 6, 2019 Commission meeting: Mr. Stone asked that the Commission amend the regulatory language, changing "total length" to "fork length" to have parity and equality between the way that the Department and all biologists and hatcheries consider a jack salmon (by fork length) and how guides and fishermen consider a jack salmon (by total length).

Response: The Department recommends denial of the proposed amendment as it would cause a greater likelihood of exceeding adult quotas. The total length measurement for sport angling regulations in the Klamath River Basin is consistent with statewide regulations. Biological fisheries sampling does generally assess fork length as a metric. Fork length is used because it is a more consistent measurement when fin erosion occurs, particularly in salmonids that are sampled post mortem. Additionally, the actual size (average and range) of Chinook Salmon jacks varies annually, and the pre-season use of a "jack" cut off size is used provisionally. Post-season analyses determine the actual size of jacks in any particular year, which often overlaps with age three Chinook Salmon to some degree. If 22 inches fork length were used in a regulatory context for the proposed Klamath River Basin sport fishing regulations, it would, in effect, increase the jack size from the current regulatory delineation, since 22 inches fork length equals approximately 23 inches total length. This change would result in more age three fish (adults) provisionally harvested in the fishery as jacks, but later classified as adults during post-season analysis. Because Klamath River Basin fall-run Chinook Salmon fisheries are managed under an adult quota (exclusive of jacks), it is important to manage for this quota and to avoid exceedance to the extent possible. Increasing the jack size from the current regulatory framework of total length to fork length would cause a greater likelihood of exceeding adult quotas. This was demonstrated in 1998 when cut off for Chinook Salmon jacks was 24 inches total length. Post-season analyses resulted in reclassification of thousands of "jacks" as adults, which exceeded the adult fall-run Chinook Salmon quota by approximately 5,000 fish that year. The regulation was changed back to the original 22 inches total length the following year.

Comment by Mark Smith, representing the American Sportfishing Association and NorCal Guides and Sportsmen's Association, received at the April 17, 2019 Commission meeting. Mr. Smith supports the three-fish bag limit. He asks that a range of jack size options be included in the Klamath River Basin ISOR to have parity with the Central Valley salmon ISOR. He also asks that total length, not fork length, be used to determine the size of a jack salmon in the Klamath River Basin sport fishery. Mr Smith states that using a total length calculation conversion suggests jacks would be roughly in the 23-inch range.

Response: For the reasons stated above in the response to Mr. Stone's comments, the Department recommends not including a range of jack size options in the Klamath River

Basin ISOR or using total length to determine the size of a jack salmon in the Klamath River Basin sport fishing regulations. Using 22 inches total length protects the majority of adult fish in most years. Klamath River Basin quota allocations are made in terms of adult fish, therefore the Department has an obligation to protect adult fish from being classified as jacks during in-season real time quota management to avoid overharvest of allocated adults. A range of jack sizes for potential incorporation into the regulatory suite of options is not feasible because there are no precursor data to make an annual determination of what each year's size cap may be for two year old jacks.

Date: November 29, 2018

To: Melissa Miller-Henson
Acting Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Submittal of Initial Statement of Reasons to Amend Central Valley Salmon Sport Fishing Regulations**

Please find attached the Initial Statement of Reasons to amend subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50, Title 14, California Code of Regulations, for Chinook Salmon sport fishing regulations in the Central Valley.

For the 2019 Central Valley sport fishery, the California Department of Fish and Wildlife (Department) is presenting three regulatory options for the Commission's consideration to encompass possible Pacific Fishery Management Council (PFMC) 2019 recommendations for Sacramento River fall-run Chinook Salmon (SRFC) stocks. The purpose for providing options is to increase flexibility for development of the final Central Valley sport fishing regulations. The Department's preferred option, including specific bag and possession limits for SRFC, will be presented to the Commission after the PFMC adopts its final recommendations at its April 2019 meeting.

The draft negative declaration will be provided to the Commission prior to the discussion hearing.

If you have any questions or need additional information, please contact Kevin Shaffer, Chief, Fisheries Branch, by telephone at (916) 327-8841 or by e-mail at Kevin.Shaffer@wildlife.ca.gov. The public notice should identify Senior Environmental Scientist, Karen Mitchell, as the Department's point of contact for this rulemaking. Ms. Mitchell can be reached at (916) 445-0826 or by e-mail at Karen.Mitchell@wildlife.ca.gov.

Attachment

cc: Stafford Lehr, Deputy Director
Wildlife and Fisheries Division
Stafford.Lehr@wildlife.ca.gov

Melissa Miller-Henson, Acting Executive Director
Fish and Game Commission
November 29, 2018
Page 2

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STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50,
Title 14, California Code of Regulations
Re: Central Valley Salmon Sport Fishing

I. Date of Initial Statement of Reasons: November 20, 2018

II. Dates and Locations of Scheduled Hearings

- | | | |
|-------------------------|-----------|-------------------|
| (a) Notice Hearing: | Date: | December 13, 2018 |
| | Location: | Oceanside, CA |
| | | |
| (b) Discussion Hearing: | Date: | February 6, 2019 |
| | Location: | Sacramento, CA |
| | | |
| (c) Discussion Hearing: | Date: | April 17, 2019 |
| | Location: | Santa Monica, CA |
| | | |
| (d) Adoption Hearing: | Date: | May 16, 2019 |
| | Location: | Teleconference |

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

Current regulations in subsections (b)(5), (b)(68), (b)(124) and (b)(156.5) of Section 7.50 prescribe the 2018 seasons and daily bag and possession limits for Sacramento River fall-run Chinook Salmon (*Oncorhynchus tshawytscha*; SRFC) sport fishing in the American, Feather, Mokelumne, and Sacramento rivers, respectively. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC for purposes of this document. Each year, the Department of Fish and Wildlife (Department) recommends new Chinook Salmon bag and possession limits for consideration by the Fish and Game Commission (Commission) to align the fishing limits with up-to-date management goals, as set forth below.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2019 meeting, and will adopt its final regulatory recommendations at its April 2019 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2019 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations to the Commission at its April 17, 2019 meeting. The Commission will then consider adoption of the Central Valley salmon sport fishing regulations at its May 16, 2019 teleconference.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, adult salmon are generally those considered three to five years in age, and grilse salmon are those approximately two years of age. The age classes are distinguished by a cutoff of salmon total length measurement, depending on the inland (in-river) fishery. For purposes of the proposed regulation, this cutoff is presented as a range of 26 to 28 inches total length, as outlined under the options for the proposed regulations (below).

Current Regulations

In 2018, salmon sport fishing in the Central Valley was constrained for the first time since 2010 due to a low SRFC stock abundance forecast. At its March 2018 meeting, the PFMC determined it would be necessary to specify an ocean/inland sharing arrangement for the limited SRFC available for harvest (take) in 2018 for ocean sport and commercial fisheries, and in-river recreational fisheries in the Central Valley. As a result, the Department agreed to a one-time limit of the in-river harvest to 15 percent of the total available SRFC harvest.

In December 2017, the Commission provided notice of a range of alternatives for the 2018 Central Valley fishery, including a suite of bag and possession limit alternatives that were area-specific. However, because the Department did not anticipate the impending SRFC stock collapse, this range of alternatives did not include a number of other measures that might have been used to constrain inland SRFC catches to stay within the federal harvest projections. Consequently, the only management measure the Department could recommend to the Commission to target the federal in-river harvest projection was a reduction in the daily bag limit from two fish to one fish in all areas that would be open to retention during 2018.

Proposed Regulations

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2019 Central Valley fishery, the Department is presenting three regulatory options for the Commission's consideration to tailor 2019 Central Valley fishery management to target 2019 in-river fisheries harvest projections.

- Option 1 is the most liberal of the three options and allows take of any size Chinook Salmon up to the daily bag and possession limits.
- Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits.

- Option 3 is the most conservative option and allows for a grilse-only Chinook Salmon fishery.

All three options increase fishing opportunities on the Feather and Mokelumne rivers by: (1) extending the salmon fishing season by two weeks on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp; and (2) by extending the salmon and hatchery steelhead fishing season on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road. The expansion of fishing opportunity on 10 miles on the Mokelumne River for hatchery steelhead is buffered by the overall large run of hatchery steelhead, and because spawning occurs outside this stretch of river.

Grilse Chinook Salmon Fishery Size Considerations

Grilse salmon are salmon that spend two years in the ocean before returning to their natal streams to spawn. These fish are generally smaller in size and contribute less to the overall salmon population than adult salmon, which typically spend three to five years in the ocean before returning to freshwater to spawn. Typically, age-two salmon (grilse) are mostly males (jacks) with relatively few female (jills). Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon. Take of adult salmon would be limited (Option 2) or prohibited (Option 3) under regulation, and the subsequent juvenile production would help rebuild the depressed stock size.

When considering a grilse fishery, determining a size cutoff that balances angling harvest opportunity for jacks versus preserving the limited number of females available to spawn is important. If the total length size cutoff is too short (conservative), too few jacks will be caught by anglers, and they will be underutilized because jacks are infrequently used as hatchery broodstock, or because jacks are out-competed by larger males in-river. If the cutoff is too large (liberal), then angling catch of the smaller females will increase, reducing the hatchery and in-river spawners, since the limiting factor for spawning is egg availability from jills and adult females. Therefore, the Department is proposing a grilse salmon size limit range of less than or equal to 26 to 28 inches total length (TL) for discussion before the Department makes a final recommendation. Considered in this context, the cutoff size discussion is a trade-off between restricting take of the available adult female salmon versus increasing harvest of possibly abundant smaller, two-year old male salmon.

A review of brood year 2008-2015 Central Valley Angler Survey coded wire tag recovery data (2,329 age three and 789 age two Chinook Salmon) shows a grilse to adult cutoff at approximately 27-inch fork length (FL). Using the adult spawning Chinook Salmon fork length to total length conversion formula developed in Pahlke 1988^a, 27-inch FL converts to 28.3-inch TL. Below are the percentages of adult SRFC that would be prohibited from harvest at a 26, 27, and 28-inch TL cutoff for grilse salmon.

^a Pahlke, K, 1988. Length Conversion Equations for Sockeye, Chinook, and Coho salmon in southeast Alaska. Regional Information Report No. IJ88-03. Alaska Department of Fish and Game Division of Commercial Fisheries, Southeast Region.

- On average, a grilse fishery with a 26-inch TL cutoff (i.e., less than or equal to 26 inches TL) would allow harvest of 65 percent of age-two Chinook Salmon, while not allowing harvest on 98.9 percent of age-three Chinook Salmon. It would prevent harvest on 99 percent of adult males and 98.9 percent of adult females, where the majority of harvested fish would be grilse.
- On average, a grilse fishery with a 27-inch TL cutoff (i.e., less than or equal to 27 inches TL) would allow harvest of 81 percent of age-two Chinook Salmon, while not allowing harvest on 97.3 percent of age-three Chinook Salmon. It would prevent harvest on 97.3 percent of adult males and 97.9 percent of adult females, where the majority of harvested fish would be grilse.
- On average, a grilse fishery with a 28-inch TL cutoff (i.e., less than or equal to 28 inches TL) would allow harvest of 93.4 percent of age-two Chinook Salmon, while not allowing harvest on 94.5 percent of age-three Chinook Salmon. It would prevent harvest on 95 percent of adult males and 96 percent of adult females, where the majority of harvested fish would be grilse.

Predicting the abundance of grilse for any given year is currently not possible because they are not susceptible to angling harvest prior to becoming grilse, and ocean abundance of pre-grilse sized fish is not monitored. The first indication of a large Central Valley grilse population is usually from in-river recreational fishing beginning in mid-July. Grilse numbers compared to adult numbers for a given year are usually not fully known until the following January, when spawner survey results are completed. For this reason, using an average of previous grilse data is a reasonable method of setting regulatory limits for future years.

Key to Proposed Regulatory Changes:

Because the PFMC recommendations are not known at this time, a range shown in [brackets] in the text below of bag and possession limits is indicated where it is desirable to continue Chinook Salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers.

Bold text indicates changes to the in-river season or boundary.

The following options are provided for Commission consideration:

Option 1 – Any Size Chinook Salmon Fishery

This option would allow anglers to take up to [0-4] Chinook Salmon of any size per day. This option is the Department's preferred option if the 2019 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-river SRFC harvest.

In addition, this option would extend the salmon fishing season by two weeks (to October 31) on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp to allow for additional fishing opportunity. This section of the Feather River used to

provide spawning habitat for SRFC, but adult spawning has not been observed in this section of the Feather River for approximately 10 years. Allowing the take of salmon in this section of the Feather River during this time period will provide additional sport fishing opportunity without adversely impacting SRFC populations. Lastly, this option would provide additional fishing opportunity by extending the salmon season by two and one-half months (to December 31) and allowing year-round fishing on hatchery steelhead on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road. This would allow anglers to continue to fish lower in the river where no spawning is occurring. In addition, the Mokelumne River supports a large run of hatchery origin steelhead. Allowing the take of salmon and hatchery steelhead in this section of the Mokelumne River during this time period will provide additional sport fishing opportunity without adversely impacting populations of SRFC or wild steelhead.

American River, subsection 7.50(b)(5):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through **October 31** with a daily bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Mokelumne River, subsection 7.50(b)(124):

- (A) From Camanche Dam to **Elliott Road**.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (B) From **Elliott Road** to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 16 with a bag limit of [0-4] Chinook Salmon

Possession limit – [0-12] Chinook Salmon.

- (D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

This option would allow the take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits. Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Take of adult salmon would be limited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

As with Option 1, Option 2 would extend the salmon fishing season by two weeks (to October 31) on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp to allow for additional fishing opportunity. This section of the Feather River used to provide spawning habitat for SRFC, but adult spawning has not been observed in this section of the Feather River for approximately 10 years. Allowing the take of salmon in this section of the Feather River during this time period will provide additional sport fishing opportunity without adversely impacting SRFC populations. Lastly, this option would provide additional fishing opportunity by extending the salmon season by two and one-half months (to December 31) and allowing year-round fishing on hatchery steelhead on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road. This would allow anglers to continue to fish lower in the river where no spawning is occurring. In addition, the Mokelumne River supports a large run of hatchery origin steelhead. Allowing the take of salmon and hatchery steelhead in this section of the Mokelumne River during this time period will provide additional sport fishing opportunity without adversely impacting populations of SRFC or wild steelhead.

American River, subsection 7.50(b)(5):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through **October 31** with a daily bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Mokelumne River, subsection 7.50(b)(124)

- (A) From Camanche Dam **to Elliott Road**.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (B) From **Elliott Road** to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

(C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

(D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

(E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Option 3 – Grilse-only Salmon Fishery

This option would allow for a grilse-only salmon fishery. Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Take of adult salmon would be prohibited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

As with Options 1 and 2, Option 3 would extend the salmon fishing season by two weeks (to October 31) on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp to allow for additional fishing opportunity. This section of the Feather River used to provide spawning habitat for SRFC, but adult spawning has not been observed in this section of the Feather River for approximately 10 years. Allowing the take of salmon in

this section of the Feather River during this time period will provide additional sport fishing opportunity without adversely impacting SRFC populations. Lastly, this option would provide additional fishing opportunity by extending the salmon season by two and one-half months (to December 31) and allowing year-round fishing on hatchery steelhead on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road. This would allow anglers to continue to fish lower in the river where no spawning is occurring. In addition, the Mokelumne River supports a large run of hatchery origin steelhead. Allowing the take of salmon and hatchery steelhead in this section of the Mokelumne River during this time period will provide additional sport fishing opportunity without adversely impacting populations of SRFC or wild steelhead.

American River, subsection 7.50(b)(5):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to the Live Oak boat ramp.

July 16 through **October 31** with a daily bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Mokelumne River, subsection 7.50(b)(124):

- (A) From Camanche Dam to **Elliott Road**

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (B) From **Elliott Road** to the Woodbridge Irrigation District Dam and including lake Lodi.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

(D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

(E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Necessity of the Proposed Regulation Changes

The proposed regulations are necessary to adjust Chinook Salmon bag and possession limits, size limits, and open seasons for the American, Feather, Mokelumne, and Sacramento rivers for consistency with PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. The proposed regulatory changes will maximize salmon and steelhead fishing opportunity where possible through the proposed extensions of season end dates for portions of the Feather and Mokelumne Rivers, without adversely affecting SRFC or wild steelhead.

OTHER CHANGES:

Under all options, changes are proposed to fix punctuation and to remove the extra word "in" in subsection 7.50(b)(124)(A).

(b) Goals and Benefits of the Regulation:

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use.

Adoption of scientifically-based SRFC bag and possession limits provides for the maintenance of sufficient populations of Chinook Salmon to ensure their continued existence.

The benefits of the proposed regulations are consistency with federal fishery management goals, sustainable management of Central Valley Chinook Salmon resources, general

health and welfare of California residents, and promotion of businesses that rely on Central Valley Chinook Salmon sport fishing.

(c) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 205, 265, 270, 315, 316.5, and 399 Fish and Game Code.

Reference: Sections 200, 205, 265, 270 and 316.5, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change:

Pahlke, K, 1988. Length Conversion Equations for Sockeye, Chinook, and Coho salmon in southeast Alaska. Regional Information Report No. Ij88-03. Alaska Department of Fish and Game Division of Commercial Fisheries, Southeast Region.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative:

The no change alternative would leave existing 2018 regulations in place. The no-change alternative would not allow for appropriate harvest rates, while the proposed regulations will allow the state to harmonize its bag and possession limits with NMFS' regulations.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource, while providing inland sport fishing opportunities and thus, the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate adverse impacts, but acknowledges the potential for short-term negative impacts on the creation or elimination of jobs within the state. The Commission anticipates no adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California (see Table 1). Minor variations in the bag and possession limits and/or the implementation of a size limit are unlikely to significantly impact the volume of business activity. The loss of up to 20 jobs with Option 3 is not expected to eliminate businesses because reduced fishing days will be partially offset by the extension of the salmon fishing season on portions of the Feather and Mokelumne rivers and by opportunities to fish for grilse Chinook Salmon and other species.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a Chinook Salmon sport fishery encourages consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of California's Chinook Salmon resources in the Central Valley.

The Commission does not anticipate any benefits to worker safety.

Other benefits of the proposed regulations are concurrence with federal fishery management goals and promotion of businesses that rely on Central Valley Chinook Salmon sport fishing.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

VII. Economic Impact Assessment

The regulatory amendments of subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50 under consideration will set the 2019 sport fishing regulations for Chinook Salmon in the American, Feather, Mokelumne, and Sacramento rivers, respectively, for consistency with PFMC in-river harvest projections.

Option 1 would allow anglers to take any size Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12] (most liberal option).

Option 2 would allow for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag limit [0-4] and possession limit [0-12].

Option 3 is the most conservative option and allows for take of only grilse Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12]. Take of adult salmon would not be allowed.

All three options increase fishing opportunities on the Feather and Mokelumne rivers by: (1) extending the salmon fishing season by two weeks on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp; and (2) by extending the salmon and hatchery steelhead fishing season on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road.

In a normal season, the Central Valley fall Chinook Salmon fishery generates \$18,536,979 in total economic output and supports 130 jobs. The regional and statewide economic impacts factor into the effort to balance the maintenance of the recreational fishery with resource preservation, while complying with PFMC recommendations. The potential economic impacts that may result from each in-river harvest projection as specified in Option 1, Option 2, and Option 3 are evaluated in terms of each scenario's probable impact on the number of angler days, and thus area spending.

Table 1. Central Valley Salmon Fishery Economic Impacts (2017\$)

Regulation	Angler Days	Angler Expenditures	Total Econ Impact	Jobs
Option 1	179,550	\$ 13,182,320	\$ 18,536,979	130
Option 2	161,595	\$ 11,864,088	\$ 16,682,731	120
Option 3	143,640	\$ 10,545,856	\$ 14,829,094	110
Difference	Angler Day Loss	Expenditure Loss	Total Impact Loss	Job Loss
Option 1	0	\$ -	\$ -	0
Option 2	17,955	\$ 1,318,232	\$ 1,854,248	10
Option 3	35,910	\$ 2,636,464	\$ 3,707,885	20

Sources: CDFW Fisheries Branch economic analysis; U.S. Fish and Wildlife Service, 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; dollar figures adjusted for inflation with Implicit Price Deflator for Personal Consumption Expenditures, Bureau of Economic Analysis.

Historical correlations between catch limits and fishery participation levels suggest that Option 1 could enable a historically average number of angler days for the 2019 Chinook Salmon season on the American, Feather, Mokelumne, and Sacramento rivers. Option 2 may result in declines in angler days of 17,955 below an average year. Option 3 may result in larger declines or about 35,910 fewer angler days.

For all options, the proposed extensions of season end dates for portions of the Feather and Mokelumne Rivers would extend the period of angler regional economic contributions. Additionally, anglers may pursue other in-river sport fish aside from Chinook salmon, such as steelhead (*Oncorhynchus mykiss*), striped bass (*Morone saxatilis*), largemouth bass (*Micropterus salmoides*), sturgeon (*Acipenser transmontanus*) and catfish (*Ictalurus spp.*), that may mitigate any adverse impacts from any reductions in salmon fishing. In sum, the options presented to the Commission were conceived with the goal of enabling levels of recreational SRFC fishing in the range of historical averages, and thus should not be a source of significant adverse economic impacts.

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation or elimination of jobs. For Option 1, no change in job creation or elimination is anticipated. Option 2 and Option 3 have the potential to result in fewer angler visits, and absent substitution toward other sportfish and/or activities in the affected areas, the reduction in angler spending could reduce the support for 10 - 20 jobs statewide. These job impacts are statewide and may be moderated by the additional two and one-half months of fishing opportunity on approximately 10 miles of the Mokelumne River between the Highway 99 bridge and Elliott Road, and by the additional two weeks of fishing opportunity on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation of new business or the elimination of existing businesses, because the proposed changes to the regulations are unlikely to be substantial enough to stimulate the creation of new businesses or cause the elimination of existing businesses. The season extensions for portions of the Mokelumne and Feather rivers are expected to sustain the number of fishing trips and the level of economic stimulus within historical averages.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve inland sport fishermen. The number of

fishing trips and angler economic contributions are expected to remain within the range of historical averages.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission anticipates benefits to the health and welfare of California residents. Chinook Salmon is a nutritious food source and providing inland sport fishery opportunities encourages consumption of this nutritious food. Sport fishing also contributes to increased mental health of its practitioners, as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety from the proposed regulations because inland sport fishing does not impact working conditions.

(f) Benefits of the Regulation to the State's Environment

Under all Options 1-3, the Commission anticipates benefits to the environment in the sustainable management of Central Valley Chinook Salmon. It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use.

In accordance with this policy, adoption of scientifically-based inland Chinook Salmon bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence and thus continued economic stimulus.

(g) Other Benefits of the Regulation

Other benefits of the regulation include consistency with federal fishery management goals and the promotion of businesses that rely on Central Valley Salmon sport fishing.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

Current regulations in subsections (b)(5), (b)(68), (b)(124) and (b)(156.5) of Section 7.50 prescribe the 2018 seasons and daily bag and possession limits for Sacramento River fall-run Chinook Salmon (*Oncorhynchus tshawytscha*; SRFC) sport fishing in the American, Feather, Mokelumne, and Sacramento rivers, respectively. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC. Each year, the Department of Fish and Wildlife (Department) recommends new Chinook Salmon bag and possession limits for consideration by the Fish and Game Commission (Commission) to align fishing limits with up-to-date management goals, as set forth below.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2019 meeting and will adopt its final regulatory recommendations at its April 2019 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest (take) for the coming season. Based on the April 2019 recommendations by PFMC, the Department will recommend specific bag and possession limit regulations to the Commission at its April 17, 2019 meeting. The Commission will then consider adoption of the regulations at its May 16, 2019 teleconference.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, adult salmon are generally those considered three to five years in age, and grilse salmon are those approximately two years of age. The age classes are distinguished by a cutoff of salmon total length measurement, depending on the in-river fishery. For purposes of the proposed regulation, this cutoff is presented as a range of 26 to 28 inches total length, as outlined under the options for the proposed regulations (below).

Proposed Regulations

The Department recognizes the uncertainty of Sacramento River fall-run Chinook Salmon (SRFC) inland (in-river) harvest projections. Therefore, the Department is presenting three regulatory options for the Commission’s consideration to tailor 2019 Central Valley fishery management to target 2019 in-river fisheries harvest projections.

- Option 1 is the most liberal of the three options and allows take of any size Chinook Salmon up to the daily bag and possession limits.

- Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits.
- Option 3 is the most conservative option and allows for a grilse-only Chinook Salmon fishery.

All three options increase fishing opportunities on the Feather and Mokelumne rivers by: (1) extending the salmon fishing season by two weeks on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp; and (2) by extending the salmon and hatchery steelhead fishing season on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road.

All options would be applicable to the following river segments and time periods:

American River, subsection 7.50(b)(5):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park, July 16 through October 31
- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge, July 16 through December 31
- (D) From the Jibboom Street bridge to the mouth, July 16 through December 16

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp, July 16 through October 31
- (E) From 200 yards above the Live Oak boat ramp to the mouth, July 16 through December 16

Mokelumne River, subsection 7.50(b)(124):

- (A) From Comanche Dam to Elliott Road, July 16 through October 15
- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake, July 16 through December 31
- (D) From the Lower Sacramento Road bridge to the mouth, July 16 through December 16

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam, August 1 through December 16
- (D) From the Red Bluff Diversion Dam to the Highway 113 bridge, July 16 through December 16.
- (E) From the Highway 113 bridge to the Carquinez Bridge, July 16 through December 16.

The following options are provided for Commission consideration:

Option 1 – Any Size Chinook Salmon Fishery

This option is the Department's preferred option if the 2019 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain inland SRFC harvest.

Bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

Bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Option 3 – Grilse Salmon Fishery Only

Bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

OTHER CHANGES:

Under all options, changes are proposed to fix punctuation and to remove the extra word “in” in subsection 7.50(b)(124(A)).

Benefits of the Proposed Regulations

The Commission anticipates benefits to the environment in the sustainable management of Central Valley Chinook Salmon resources. Other benefits of the proposed regulations are consistency with federal fishery management goals, health and welfare of California residents, and promotion of businesses that rely on Central Valley Chinook Salmon sport fishing.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to Chinook Salmon recreational fishing seasons, bag and possession limits for Central Valley sport fishing.

Proposed Regulatory Language - Option 1 (Any-size Chinook Salmon fishery)

Section 7.50, Title 14, CCR is amended to read:

§ 7.50. Alphabetical List of Waters with Special Fishing Regulations.

. . . [No changes to subsections (a) through (b)(4)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(5) American River (Sacramento Co.) (Co.) .		
(A) From Nimbus Dam to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site.	Closed to all fishing all year.	
(B) From the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site to the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park.	Jan. 1 through July 15. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead ^{**} <u>steelhead</u> ^{**} . 4 hatchery trout or ^{or} hatchery steelhead ^{**} in possession.
	July 16 through Oct. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead ^{**} . 4 hatchery trout or hatchery steelhead ^{**} in possession. 4 [0-4] Chinook Salmon. 2 [0-12] Chinook Salmon in possession.

(C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park downstream to the Jibboom Street bridge.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 4[0-4] Chinook Salmon. 2[0-12] Chinook Salmon in possession.
(D) From the Jibboom Street bridge to the mouth.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 4[0-4] Chinook Salmon.

		2[0-12] Chinook Salmon in possession.
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes to subsections (b)(6) through (b)(67)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(68) Feather River below Fish Barrier Dam (Butte, Sutter and Yuba cos.).		
(A) From Fish Barrier Dam to Table Mountain bicycle bridge in Oroville.	Closed to all fishing all <u>year</u> <u>year</u> .	
(B) From Table Mountain bicycle bridge to Highway 70 bridge.	Jan. 1 through July 15. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(C) From Highway 70 bridge to the unimproved boat ramp above the Thermalito Afterbay Outfall.	All year.	2 hatchery trout or hatchery

		steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery <u>hatchery</u> steelhead** in possession.
	July 16 through Oct. 45 <u>31</u> .	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 4 [0-4] Chinook Salmon. 2 [0-12] Chinook Salmon in possession.
	Oct. 16 <u>Nov. 1</u> through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

(E) From 200 yards above Live Oak boat ramp to the mouth. For purposes of this regulation, the lower boundary is defined as a straight line drawn from the peninsula point on the west bank to the Verona Marine boat ramp.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 4[0-4] Chinook Salmon. 2[0-12] Chinook Salmon in possession.
	Dec. 17 to Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes to subsections (b)(68.1) through (b)(122)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
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(124) Mokelumne River (San Joaquin Co.).		
(A) From Camanche Dam to Highway 99 bridge Elliott Road.	Jan. 1 through Mar. 31.	1 hatchery trout or 1 hatchery steelhead**.
	Fourth Saturday in May through July 15.	1 hatchery trout or 1 hatchery steelhead**.
	July 16 through Oct. 15.	1 hatchery trout or hatchery steelhead**. 2 Chinook salmon. <u>[0-4] Chinook Salmon.</u> <u>[0-12] Chinook Salmon in possession.</u>
(B) From Highway 99 bridge Elliott Road to the Woodbridge Irrigation District Dam including Lodi Lake.	Jan. 1 through July 15.	1 hatchery trout or 1 hatchery steelhead** <u>steelhead**.</u>
	July 16 through Dec. 31.	1 hatchery trout or hatchery steelhead**. 2 Chinook salmon. <u>[0-4] Chinook Salmon.</u> <u>[0-12] Chinook Salmon in possession.</u>
(C) Between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge.	Closed to all fishing all year <u>year.</u>	
(D) From the Lower Sacramento Road bridge to the mouth. For purposes of this regulation, this river segment is defined as Mokelumne River and its tributary sloughs	Jan. 1 through July 15.	1 hatchery trout or 1 hatchery steelhead**.
	July 16 through Dec. 16.	1 hatchery trout or

downstream of the Lower Sacramento Road bridge and east of Highway 160 and north of Highway 12.		hatchery steelhead**. 2 Chinook salmon. <u>[0-4] Chinook Salmon.</u> <u>[0-12] Chinook Salmon in possession.</u>
	Dec. 17 through Dec. 31.	1 hatchery trout or 1 hatchery steelhead**. steelhead**.

. . . [No changes to subsections (b)(125) through (b)(156)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(156.5) Sacramento River and tributaries below Keswick Dam (Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Solano, Sutter, Tehama and Yolo Cos. cos.).	Also see Sierra District General Regulations (See Section 7.00(b)).	
(A) Sacramento River from Keswick Dam to 650 feet below Keswick Dam.	Closed to all fishing all year.	
(B) Sacramento River from 650 feet below Keswick Dam to the Deschutes Road bridge.		
1. Sacramento River from 650 feet below Keswick Dam to the Highway 44 bridge.	Jan. 1 to Mar. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

	Closed to all fishing from Apr. 1 through July 31.	
	Aug. 1 through Dec. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
2. Sacramento River from the Highway 44 bridge to the Deschutes Road bridge.	All year. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(C) Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam.	Jan. 1 through July 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Aug. 1 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 4[0-4] Chinook Salmon. 2[0-12] Chinook Salmon in possession.

	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(D) Sacramento River from the Red Bluff Diversion Dam to the Hwy 113 bridge near Knights Landing. Note: It is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa and Tisdale Weirs.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 4[0-4] Chinook Salmon. 2[0-12] Chinook Salmon in possession.
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(E) Sacramento River from the Hwy 113 bridge near Knights Landing to the Carquinez Bridge	Jan. 1 through July 15.	2 hatchery trout or hatchery

(includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160). Note: It is unlawful to take fish 0-250 feet downstream from the overflow side of the Fremont and Sacramento Weirs.		steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 4[0-4] Chinook Salmon. 2[0-12] Chinook Salmon in possession.
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes subsections 7.50(b)(157) through (b)(212)]

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

Note: Authority cited: Sections 200, 205, 265, 270, 315, 316.5 and 399, Fish and Game Code.
Reference: Sections 200, 205, 265, 270 and 316.5, Fish and Game Code.

Proposed Regulatory Language – Option 2 (Limited Adult, Grilse Chinook Salmon fishery)

Section 7.50, Title 14, CCR is amended to read:

§ 7.50. Alphabetical List of Waters with Special Fishing Regulations.

. . . [No changes to subsections (a) through (b)(4)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(5) American River (Sacramento Co.) Co.).		
(A) From Nimbus Dam to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site.	Closed to all fishing all year.	
(B) From the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site to the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park.	Jan. 1 through July 15. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead** <u>steelhead**.</u> 4 hatchery trout or <u>or</u> hatchery steelhead** in possession.
	July 16 through Oct. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession.

		<p><u>[0-4] Chinook Salmon – no more than [0-4] salmon over [26-28] inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over [26-28] inches total length.</u></p>
(C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park downstream to the Jibboom Street bridge.	Jan. 1 through July 15.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>
	July 16 through Dec. 31.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>1 Chinook Salmon.</p> <p>2 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over [26-28] inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over [26-28] inches total length.</u></p>

(D) From the Jibboom Street bridge to the mouth.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. [0-4] <u>Chinook Salmon – no more than [0-4] salmon over [26-28] inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over [26-28] inches total length.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes to subsections (b)(6) through (b)(67)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(68) Feather River below Fish Barrier Dam (Butte, Sutter and Yuba cos.).		
(A) From Fish Barrier Dam to Table Mountain bicycle bridge in Oroville.	Closed to all fishing all year <u>year</u> .	
(B) From Table Mountain bicycle bridge to Highway 70 bridge.	Jan. 1 through July 15. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(C) From Highway 70 bridge to the unimproved boat ramp above the Thermalito Afterbay Outfall.	All year.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery <u>hatchery</u>

		steelhead** in possession.
	July 16 through Oct. 45 <u>Oct. 31.</u>	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. [0-4] <u>Chinook Salmon –</u> <u>no more than [0-4]</u> <u>salmon over [26-28]</u> <u>inches total length.</u> <u>[0-12] Chinook</u> <u>Salmon in</u> <u>possession of which</u> <u>no more than [0-4]</u> <u>salmon may be over</u> <u>[26-28] inches total</u> <u>length.</u>
	Oct. 16 <u>Nov. 1</u> through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(E) From 200 yards above Live Oak boat ramp to the mouth. For purposes of this regulation, the lower boundary is defined as a	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**.

straight line drawn from the peninsula point on the west bank to the Verona Marine boat ramp.		4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over [26-28] inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over [26-28] inches total length.</u>
	Dec. 17 to Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes to subsections (b)(68.1) through (b)(122)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(124) Mokelumne River (San Joaquin Co.).		
(A) From Camanche Dam to Highway 99 bridge <u>Elliott Road</u> .	Jan. 1 through Mar. 31.	1 hatchery trout or 1 hatchery steelhead**.
	Fourth Saturday in in May through July 15.	1 hatchery trout or 1 hatchery steelhead**.
	July 16 through Oct. 15.	1 hatchery trout or hatchery steelhead**. 2 Chinook salmon. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over [26- 28] inches total length. [0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over [26-28] inches total length.</u>
(B) From Highway 99 bridge <u>Elliott Road</u> to the Woodbridge Irrigation District Dam including Lodi Lake.	Jan. 1 through July 15.	1 hatchery trout or 1 hatchery steelhead <u>steelhead**.</u>
	July 16 through Dec. 31.	1 hatchery trout or hatchery steelhead**. 2 Chinook salmon.

		<u>[0-4] Chinook Salmon –</u> <u>no more than [0-4]</u> <u>salmon over [26-28]</u> <u>inches total length.</u> <u>[[0-12] Chinook Salmon</u> <u>in possession of which</u> <u>no more than [0-4]</u> <u>salmon may be over</u> <u>[26-28] inches total</u> <u>length.</u>
(C) Between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge.	Closed to all fishing all year <u>year</u> .	
(D) From the Lower Sacramento Road bridge to the mouth. For purposes of this regulation, this river segment is defined as Mokelumne River and its tributary sloughs downstream of the Lower Sacramento Road bridge and east of Highway 160 and north of Highway 12.	Jan. 1 through July 15.	1 hatchery trout or 1 hatchery steelhead**.
	July 16 through Dec. 16.	1 hatchery trout or hatchery steelhead**. 2 Chinook salmon. <u>[0-4] Chinook Salmon –</u> <u>no more than [0-4]</u> <u>salmon over [26-28]</u> <u>inches total length.</u> <u>[0-12] Chinook Salmon</u> <u>in possession of which</u> <u>no more than [0-4]</u> <u>salmon may be over</u> <u>[26-28] inches total</u> <u>length.</u>
	Dec. 17 through Dec. 31.	1 hatchery trout or 1 hatchery steelhead** <u>steelhead**</u> .

. . . [No changes to subsections (b)(125) through (b)(156)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(156.5) Sacramento River and tributaries below Keswick Dam (Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Solano, Sutter, Tehama and Yolo Cos. cos.).	Also see Sierra District General Regulations (See Section 7.00(b)).	
(A) Sacramento River from Keswick Dam to 650 feet below Keswick Dam.	Closed to all fishing all year.	
(B) Sacramento River from 650 feet below Keswick Dam to the Deschutes Road bridge.		
1. Sacramento River from 650 feet below Keswick Dam to the Highway 44 bridge.	Jan. 1 to Mar. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Closed to all fishing from Apr. 1 through July 31.	
	Aug. 1 through Dec. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
2. Sacramento River from the Highway 44 bridge to the Deschutes Road bridge.	All year. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery

		trout or hatchery steelhead** in possession.
(C) Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam.	Jan. 1 through July 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Aug. 1 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over [26-28] inches total length. [0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over [26-28] inches total length.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead**

		in possession.
(D) Sacramento River from the Red Bluff Diversion Dam to the Hwy 113 bridge near Knights Landing. Note: It is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa and Tisdale Weirs.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. <u>[0-4]</u> <u>Chinook Salmon – no more than [0-4] salmon over [26-28] inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over [26-28] inches total length.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(E) Sacramento River from the Hwy 113 bridge near Knights Landing to	Jan. 1 through July 15.	2 hatchery trout or

the Carquinez Bridge (includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160). Note: It is unlawful to take fish 0-250 feet downstream from the overflow side of the Fremont and Sacramento Weirs.		hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over [26-28] inches total length. [0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over [26-28] inches total length.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes subsections 7.50(b)(157) through (b)(212)]

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

****Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).**

Note: Authority cited: Sections 200, 205, 265, 270, 315, 316.5 and 399, Fish and Game Code.
Reference: Sections 200, 205, 265, 270 and 316.5, Fish and Game Code.

Proposed Regulatory Language – Option 3 (Grilse Chinook Salmon fishery)

Section 7.50, Title 14, CCR is amended to read as follows:

§ 7.50. Alphabetical List of Waters with Special Fishing Regulations.

. . . [No changes to subsections (a) through (b)(4)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(5) American River (Sacramento Co.) Co.).		
(A) From Nimbus Dam to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site.	Closed to all fishing all year.	
(B) From the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site to the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park.	Jan. 1 through July 15. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead** <u>steelhead**.</u> 4 hatchery trout or <u>or</u> hatchery steelhead** in possession.
	July 16 through Oct. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. [0-4] <u>Chinook Salmon.</u> <u>Maximum size [26-28]</u> <u>inches total length.</u>

		<u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size [26-28] inches total length.</u>
(C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park downstream to the Jibboom Street bridge.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size [26-28] inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size [26-28] inches total length.</u>
(D) From the Jibboom Street bridge to the mouth.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery

		steelhead** in possession.
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. [0-4] Chinook Salmon. <u>Maximum size [26-28]</u> <u>inches total length.</u> <u>[0-12] Chinook Salmon</u> <u>in possession.</u> <u>Maximum size [26-28]</u> <u>inches total length.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes to subsections (b)(6) through (b)(67)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
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(68) Feather River below Fish Barrier Dam (Butte, Sutter and Yuba cos.).		
(A) From Fish Barrier Dam to Table Mountain bicycle bridge in Oroville.	Closed to all fishing all year <u>year</u> .	
(B) From Table Mountain bicycle bridge to Highway 70 bridge.	Jan. 1 through July 15. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(C) From Highway 70 bridge to the unimproved boat ramp above the Thermalito Afterbay Outfall.	All year.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery <u>hatchery</u> steelhead** in possession.
	July 16 through Oct. 15 <u>Oct. 31</u> .	2 hatchery trout or hatchery steelhead**.

		<p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>1 Chinook Salmon.</p> <p>2 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u></p> <p><u>Maximum size [26-28] inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession.</u></p> <p><u>Maximum size [26-28] inches total length.</u></p>
	<p>Oct. 16 <u>Nov. 1</u> through Dec. 31.</p>	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>
<p>(E) From 200 yards above Live Oak boat ramp to the mouth. For purposes of this regulation, the lower boundary is defined as a straight line drawn from the peninsula point on the west bank to the Verona Marine boat ramp.</p>	<p>Jan. 1 through July 15.</p>	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>

	July 16 through Dec. 16.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>1 Chinook Salmon.</p> <p>2 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u></p> <p><u>Maximum size [26-28] inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession.</u></p> <p><u>Maximum size [26-28] inches total length.</u></p>
	Dec. 17 to Dec. 31.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>

. . . [No changes to subsections (b)(68.1) through (b)(122)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(124) Mokelumne River (San Joaquin Co.).		

(A) From Camanche Dam to Highway 99 bridge <u>Elliott Road</u> .	Jan. 1 through Mar. 31.	1 hatchery trout or 1 hatchery steelhead**.
	Fourth Saturday in in May through July 15.	1 hatchery trout or 1 hatchery steelhead**.
	July 16 through Oct. 15.	1 hatchery trout or hatchery steelhead**. 2 Chinook salmon. <u>[0-4] Chinook Salmon.</u> <u>Maximum size [26-28] inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size [26-28] inches total length.</u>
(B) From Highway 99 bridge <u>Elliott Road</u> to the Woodbridge Irrigation District Dam including Lodi Lake.	Jan. 1 through July 15.	1 hatchery trout or 1 hatchery steelhead** <u>steelhead**</u> .
	July 16 through Dec. 31.	1 hatchery trout or hatchery steelhead**. 2 Chinook salmon. <u>[0-4] Chinook Salmon.</u> <u>Maximum size [26-28] inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size [26-28] inches total length.</u>
(C) Between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge.	Closed to all fishing all year <u>year</u> .	

(D) From the Lower Sacramento Road bridge to the mouth. For purposes of this regulation, this river segment is defined as Mokelumne River and its tributary sloughs downstream of the Lower Sacramento Road bridge and east of Highway 160 and north of Highway 12.	Jan. 1 through July 15.	1 hatchery trout or 1 hatchery steelhead**.
	July 16 through Dec. 16.	1 hatchery trout or hatchery steelhead**. 2 Chinook salmon. <u>[0-4] Chinook Salmon.</u> <u>Maximum size [26-28]</u> <u>inches total length.</u> <u>[0-12] Chinook Salmon</u> <u>in possession.</u> <u>Maximum size [26-28]</u> <u>inches total length.</u>
	Dec. 17 through Dec. 31.	1 hatchery trout or 1 hatchery steelhead** <u>steelhead**.</u>

. . . [No changes to subsections (b)(125) through (b)(156)]

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(156.5) Sacramento River and tributaries below Keswick Dam (Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Solano, Sutter, Tehama and Yolo Cos. <u>cos.</u>).	Also see Sierra District General Regulations (See Section 7.00(b)).	
(A) Sacramento River from Keswick Dam to 650 feet below Keswick Dam.	Closed to all fishing all year.	
(B) Sacramento River from 650 feet below Keswick Dam to the Deschutes Road bridge.		

1. Sacramento River from 650 feet below Keswick Dam to the Highway 44 bridge.	Jan. 1 to Mar. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Closed to all fishing from Apr. 1 through July 31.	
	Aug. 1 through Dec. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
2. Sacramento River from the Highway 44 bridge to the Deschutes Road bridge.	All year. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(C) Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam.	Jan. 1 through July 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Aug. 1 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery

		trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size [26-28] inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size [26-28] inches total length.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(D) Sacramento River from the Red Bluff Diversion Dam to the Hwy 113 bridge near Knights Landing. Note: It is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa and Tisdale Weirs.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size [26-28] inches total length.</u> <u>[0-12] Chinook Salmon in possession</u> <u>[26-28] inches total length.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(E) Sacramento River from the Hwy 113 bridge near Knights Landing to the Carquinez Bridge (includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160). Note: It is unlawful to take fish 0-250 feet downstream from the overflow side of the Fremont and Sacramento Weirs.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 1 Chinook Salmon. 2 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size [26-28] inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size [26-28] inches total length.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes subsections 7.50(b)(157) through (b)(212)]

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

Note: Authority cited: Sections 200, 205, 265, 270, 315, 316.5 and 399, Fish and Game Code.
Reference: Sections 200, 205, 265, 270 and 316.5, Fish and Game Code.

State of California
Department of Fish and Wildlife

Original on file.
Received March 20, 2019, 3:00PM

Date: March 20, 2019

To: Melissa Miller-Henson
Acting Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Initial Study/Negative Declaration for Proposed Amendments to Central Valley Salmon Sport Fishing Regulations, Section 7.50, Title 14, California Code of Regulations (CCR)**

In compliance with the California Environmental Quality Act (CEQA), the Department of Fish and Wildlife (Department) has prepared the enclosed *Initial Study/Negative Declaration for Proposed Amendments to Central Valley Salmon Sport Fishing Regulations, Title 14, California Code of Regulations* for 2019.

If you have any questions regarding the enclosed documents, please contact Karen Mitchell, Senior Environmental Scientist, at (916) 445-0826 or at Karen.Mitchell@wildlife.ca.gov.

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STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
FISH AND GAME COMMISSION
NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
CENTRAL VALLEY SALMON SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS

Prepared by:

California Department of Fish and Wildlife
Fisheries Branch

This Report Has Been Prepared Pursuant to the
California Environmental Quality Act of 1970
State of California
Natural Resources Agency
Fish and Game Commission

State Clearinghouse #

**INITIAL STUDY AND NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
CENTRAL VALLEY SALMON SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

The Project

The Fish and Game Commission (Commission) proposes to amend the Central Valley salmon sport fishing regulations as set forth in Title 14 of the California Code of Regulations. The current 2018 sport fishing regulations, Section 7.50, Title 14, California Code of Regulations, allow for salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers. Each year the Department of Fish and Wildlife (Department) evaluates the potential need to amend the existing Chinook Salmon bag and possession limits and seasons to align with management goals. Any proposed changes to the salmon fishing regulations are presented to the Commission for consideration.

The Findings

The initial study and the Commission's review of the project showed that the project will not have any significant or potentially significant effects on the environment and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. The project will not have a significant effect on aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

Basis of the Findings

Based on the initial study, implementing the proposed project will not have any significant or potentially significant effects on the environment. Therefore, a negative declaration is filed pursuant to the California Environmental Quality Act, Public Resource Code Section 21080, subdivision (c).

This proposed negative declaration consists of the following:

- Introduction – Project Description and Background Information on the Proposed Amendments to Central Valley Salmon Sport Fishing Regulations
- Initial Study Environmental Checklist Form
- Explanation of the Response to the Initial Study Environmental Checklist Form

**PROJECT DESCRIPTION AND BACKGROUND INFORMATION
FOR
PROPOSED AMENDMENTS
TO
CENTRAL VALLEY SALMON SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

Introduction

Annually, the Department recommends Central Valley salmon sport fishing regulations to the Commission. The Commission then makes the final determination on what amendments to the regulations should be implemented, and is the lead agency for the purposes of CEQA. Under Fish and Game Code Section 200, the Commission has the authority to regulate the taking or possession of fish for the purpose of sport fishing.

Project goals and objectives

The goal of this project is to amend the Central Valley salmon sport fishing regulations in furtherance of the state's policy on conservation, maintenance, and utilization of California's aquatic resources stated in Fish and Game Code Section 1700. This section includes the following objectives:

1. Maintain sufficient populations of all aquatic species to ensure their continued existence.
2. Maintain sufficient resources to support a reasonable sport use.
3. Management of fisheries using best available science and public input.

Background

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone, which is located three to 200 miles off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2019 meeting and develop the final PFMC regulatory recommendations for adoption by NMFS at its April 2019 meeting. Based on the regulations adopted by NMFS, the Department will recommend specific bag and possession limits to the Commission during a scheduled teleconference hearing on May 16, 2019.

The proposed salmon sport fishing regulations for the American, Feather, Mokelumne, and Sacramento rivers may:

- (1) allow for additional harvest of salmon to reduce impacts to spawning habitat if

low instream flow conditions occur; and

- (2) increase or decrease the current salmon bag and possession limits based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season.

Project Location

Central Valley salmon sport fishing addressed by this environmental document occurs in the waters of the American, Feather, Mokelumne, and Sacramento rivers in northern and Central California in the counties of Siskiyou, Shasta, Tehama, Colusa, Butte, Yuba, Sutter, Placer, El Dorado, Sacramento, Yolo, Solano, Contra Costa, and San Joaquin.

Schedule

If adopted by the Commission and approved by the Office of Administrative Law, the proposed regulatory amendments described below will go into effect around July 1, 2019.

Project Description

Current Regulations

In 2018, salmon sport fishing in the Central Valley was constrained for the first time since 2010 due to a low Sacramento River fall-run Chinook Salmon (SRFC) stock abundance forecast. At its March 2018 meeting, the PFMC determined it would be necessary to specify an ocean/inland sharing arrangement for the limited SRFC available for harvest (take) in 2018 for ocean sport and commercial fisheries, and in-river recreational fisheries in the Central Valley. As a result, the Department agreed to a one-time limit of the in-river harvest to 15 percent of the total available SRFC harvest.

In December 2017, the Commission provided notice of a range of alternatives for the 2018 Central Valley fishery, including a suite of bag and possession limit alternatives that were area-specific. However, because the Department did not anticipate the impending SRFC stock collapse, this range of alternatives did not include a number of other measures that might have been used to constrain inland SRFC catches to stay within the federal harvest projections. Consequently, the only management measure the Department could recommend to the Commission to target the federal in-river harvest projection was a reduction in the daily bag limit from two fish to one fish in all areas that would be open to retention during 2018.

Proposed Regulations

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2019 Central Valley fishery, the Department is presenting three regulatory options for the Commission's consideration to tailor 2019 Central Valley

fishery management to target 2019 in-river fisheries harvest projections.

- Option 1 is the most liberal of the three options and allows take of any size Chinook Salmon up to the daily bag and possession limits.
- Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits.
- Option 3 is the most conservative option and allows for a grilse-only Chinook Salmon fishery.

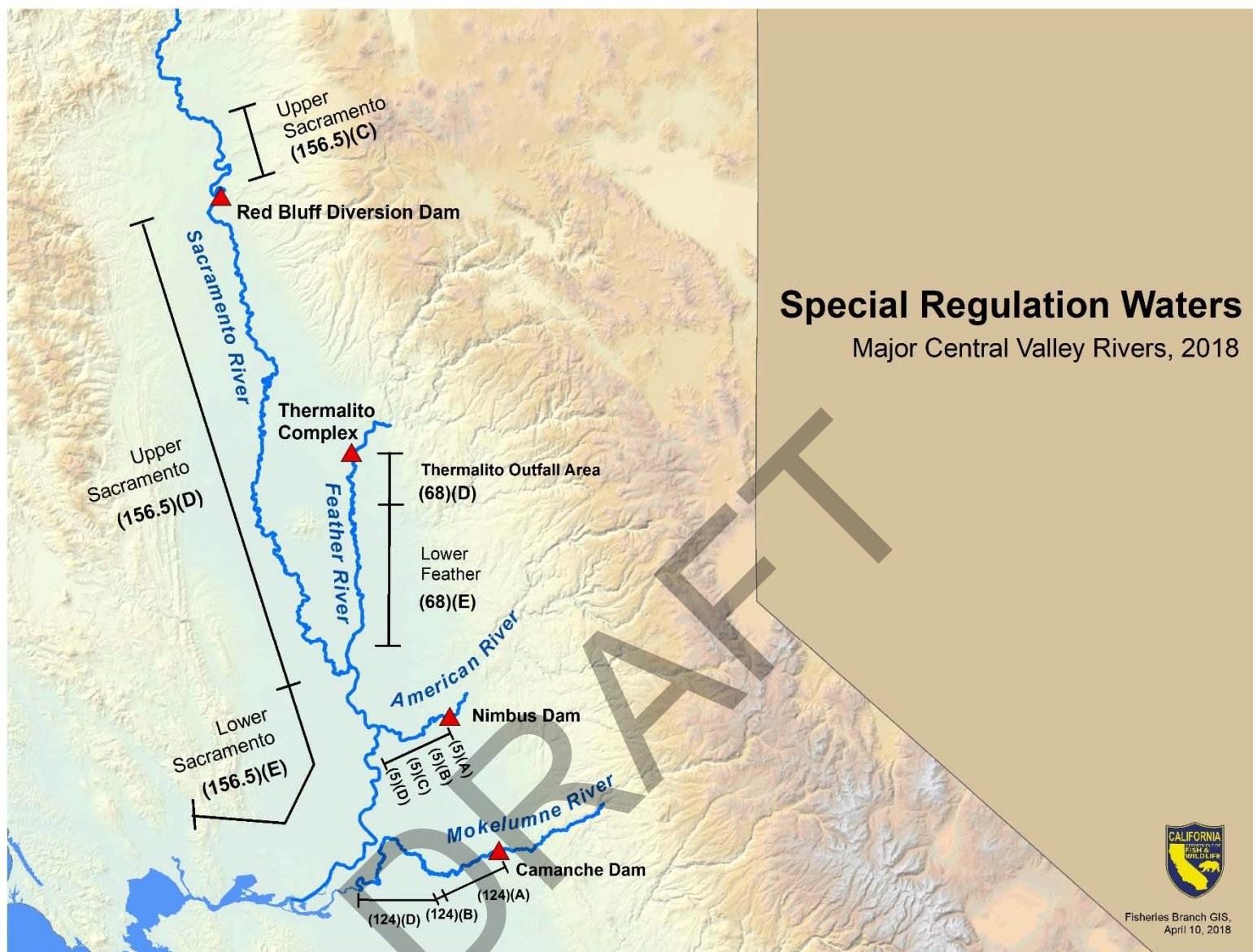
All three options increase fishing opportunities on the Feather and Mokelumne rivers. First, the project would extend the salmon fishing season by two weeks (to October 31) on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp to allow for additional fishing opportunity. This section of the Feather River used to provide spawning habitat for SRFC, but adult spawning has not been observed in this section of the Feather River for approximately 10 years. Allowing the take of salmon in this section of the Feather River during this time period will provide additional sport fishing opportunity without adversely impacting SRFC populations.

In addition, the project would provide additional fishing opportunity by extending the salmon season by two and one-half months (to December 31) and allowing year-round fishing on hatchery steelhead on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road. This extension would allow anglers to continue to fish lower in the river where no spawning is occurring. In addition, the Mokelumne River supports a large run of hatchery origin steelhead. Allowing the take of salmon and hatchery steelhead in this section of the Mokelumne River during this time period will provide additional sport fishing opportunity without adversely impacting populations of SRFC or wild steelhead.

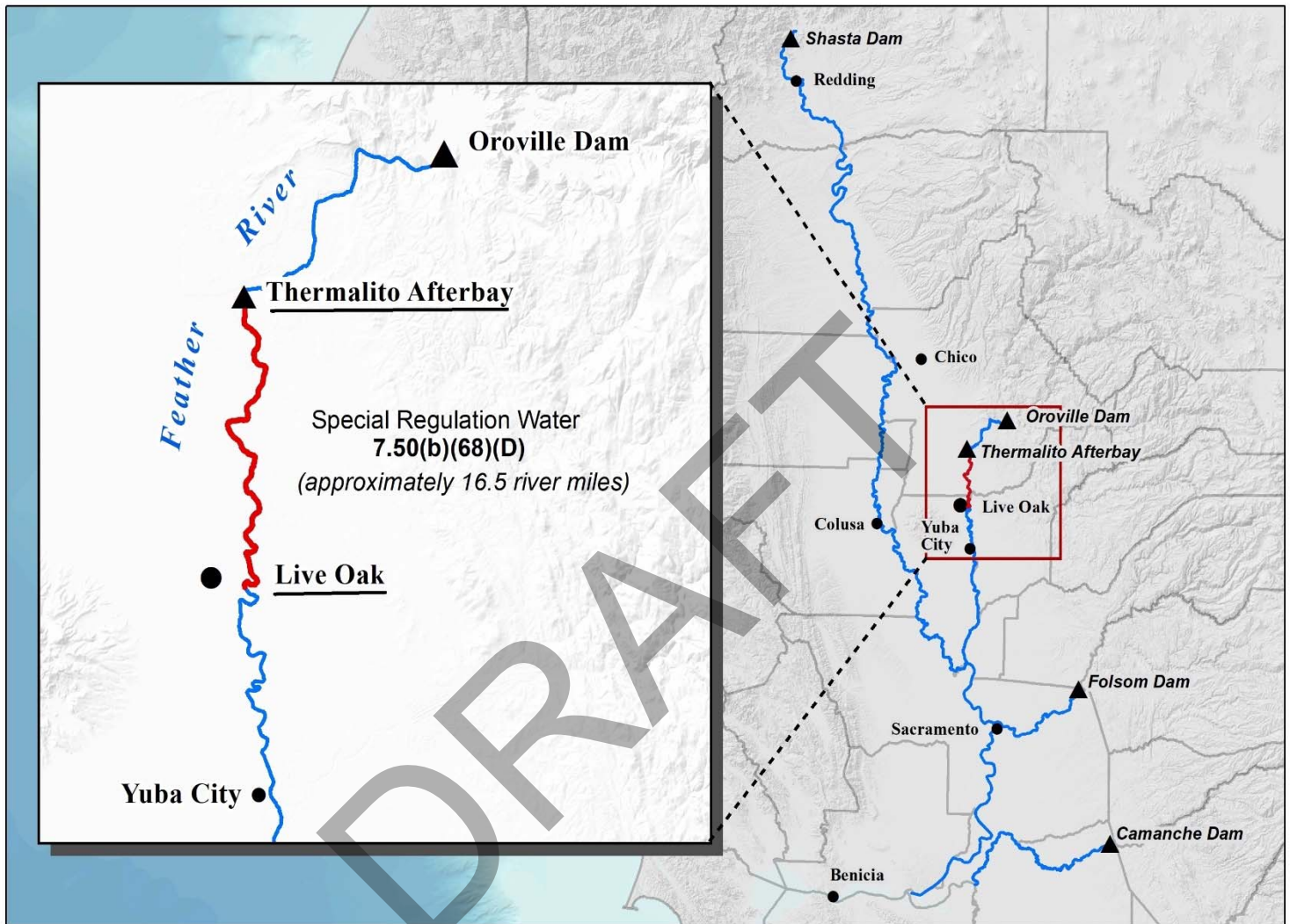
Key to Proposed Regulatory Changes:

Because the PFMC recommendations are not known at this time, a range shown in [brackets] in the text below of bag and possession limits is indicated where it is desirable to continue Chinook Salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers.

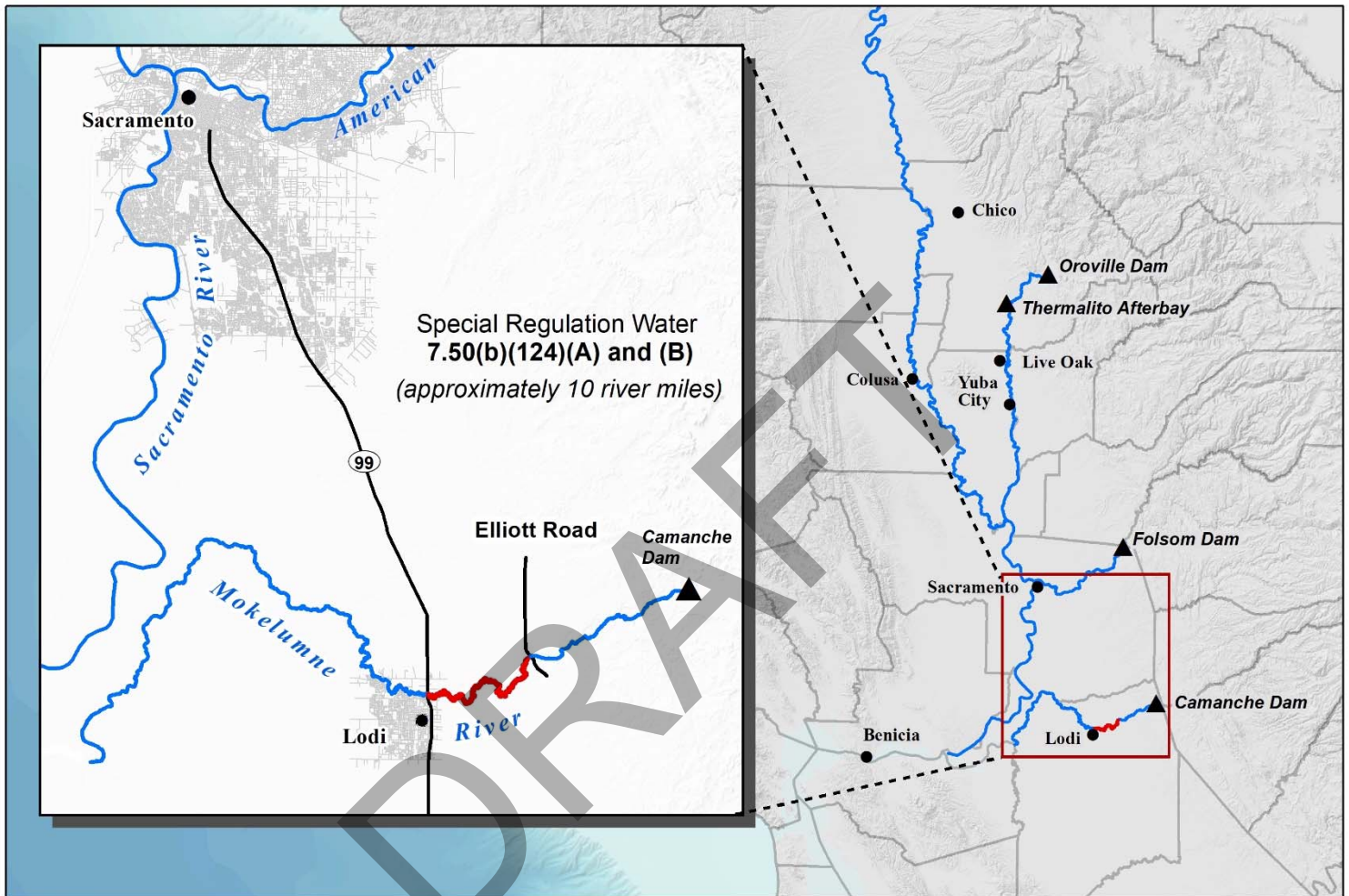
Bold text indicates changes to the in-river season or boundary.



Feather River Proposal: Extend Salmon Fishing Season from Oct 15 to Oct 31
From Thermalito Afterbay South to the Live Oak Boat Ramp



**Mokelumne River Proposal: Extend Salmon and Hatchery Steelhead Fishing Seasons
on Approximately 10 Miles of River
Between the Highway 99 Bridge and Elliott Road**



Option 1 – Any Size Chinook Salmon Fishery

This option would allow anglers to take up to [0-4] Chinook Salmon of any size per day. This option is the Department's preferred option if the 2019 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-river SRFC harvest.

American River, subsection 7.50(b)(5):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through **October 31** with a daily bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Mokelumne River, subsection 7.50(b)(124):

- (A) From Camanche Dam to **Elliott Road**.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (B) From **Elliott Road** to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

(C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 16 with a bag limit of [0-4] Chinook Salmon

Possession limit – [0-12] Chinook Salmon.

(D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

(E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

This option would allow the take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits. Should a reduction in the adult component of the stock be imposed by PFM harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Take of adult salmon would be limited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

American River, subsection 7.50(b)(5):

(B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through **October 31** with a daily bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Mokelumne River, subsection 7.50(b)(124)

- (A) From Camanche Dam **to Elliott Road**.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (B) From **Elliott Road** to the Woodbridge Irrigation District Dam and including Lodi

Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Option 3 – Grilse-only Salmon Fishery

This option would allow for a grilse-only salmon fishery. Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more

numerous grilse salmon to increase angling harvest opportunities. Take of adult salmon would be prohibited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

American River, subsection 7.50(b)(5):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to the Live Oak boat ramp.

July 16 through **October 31** with a daily bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Mokelumne River, subsection 7.50(b)(124):

(A) From Camanche Dam to **Elliott Road**

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

(B) From **Elliott Road** to the Woodbridge Irrigation District Dam and including lake Lodi.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

(D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

(C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

(D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

(E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

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ENVIRONMENTAL CHECKLIST FORM

1. Project Title:
Proposed Amendments to Central Valley Salmon Sport Fishing Regulations, Title 14, California Code of Regulations
2. Lead Agency Name and Address:
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814
3. Contact Person and Phone Number:
Melissa Miller-Henson, (916) 653-4899
4. Project Location:
The American, Feather, Sacramento, and Mokelumne rivers.
5. Project Sponsor's Name and Address:
California Department of Fish and Wildlife
Fisheries Branch
830 S Street
Sacramento, CA 95811
6. General Plan designation:
N/A (statewide)
7. Zoning:
N/A (statewide)
8. Description of Project:
Potentially amend the daily bag and possession limits and fishing seasons for the Central Valley salmon sport fishery to maintain consistency with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.
9. Surrounding land uses and setting:
N/A
10. Other Public Agencies Whose Approval Is Required:
None.
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31?
No.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input type="checkbox"/>	Geology/Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials
<input type="checkbox"/>	Hydrology/Water Quality	<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Wildfire	<input type="checkbox"/>	Mandatory Findings of Significance

This project will not have a "Potential Significant Impact" on any of the environmental factors listed above; therefore, no boxes are checked.

DETERMINATION:

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
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[Original signature on file, 3/21/19](#)

Melissa Miller-Henson, Acting Executive Director

Date

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in any other emissions such as those leading to odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IV. BIOLOGICAL RESOURCES. Would the project:				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. ENERGY. Would the project:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Result in potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. GREENHOUSE GAS EMISSIONS.				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. HYDROLOGY AND WATER QUALITY.				
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage system or provide substantial additional sources of pollution runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
general plan or noise ordinance, or applicable standards of other agencies?				
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. POPULATION AND HOUSING.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XV. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVI. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geologically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonable foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel, breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXPLANATION OF RESPONSES TO INITIAL STUDY ENVIRONMENTAL CHECKLIST

I. AESTHETICS

- a) The project will not have an adverse effect on a scenic vista. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FORESTRY RESOURCES

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- b) The project will not conflict with existing zoning for agricultural use or a Williamson Act contract. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timber zoned Timberland Production. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- d) There will be no loss of forest land and the project will not result in the conversion of forest land to non-forest use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- e) The project will not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.

III. AIR QUALITY

- a) The project will not conflict with or obstruct implementation of the applicable air quality plan. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- b) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard. Such an impact will not occur because the project involves no ongoing sources of air pollution.
- c) The project will not expose sensitive receptors to substantial pollutant concentrations. Such an impact will not occur because the project will not increase pollutant concentrations.
- d) The project will not create objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (Department), National Marine Fisheries Service (NMFS) or U. S. Fish and Wildlife Service (USFWS).

The project may result in an increase in the daily bag and possession limits for Sacramento River fall-run Chinook Salmon (SRFC) in the American, Feather, Mokelumne and Sacramento rivers. Federally and state listed fish species including Central Valley steelhead, Central Valley spring-run Chinook Salmon, and Sacramento River winter-run Chinook Salmon occur in these waters; however, existing sport fishing regulations for SRFC, including seasonal and area closures, are in place to avoid contact with these species. In addition, all three species are protected from take under the federal and/or state Endangered Species Acts.

The project will increase fishing opportunity on the Feather River by extending the salmon fishing season by two weeks between the Thermalito Afterbay Outfall and the Live Oak boat ramp. Although Central Valley spring-run Chinook Salmon and Central Valley steelhead are native to the Feather River and return to the river annually to spawn, existing sport fishing regulations for SRFC, including seasonal and area closures which will not be changed by this project, are in place to avoid contact with these species. Almost all spring-run and steelhead spawning occurs outside the project area upstream of the Thermalito Afterbay Outlet. Steelhead spawning does not begin until December after the Thermalito Afterbay Outfall to Live Oak boat ramp section closes to fishing. Spring-run Chinook Salmon spawning occurs in September and October, but most of the spawning adults have moved

upstream above the Thermalito Afterbay Outfall before the SRFC fishing season begins in mid-July. As a result, contact with either species during the extended fishing season would be minimal. Furthermore, both species are protected from take under the federal and/or state Endangered Species Acts.

In addition, the project would extend the salmon and hatchery steelhead fishing seasons by two and one-half months and four and one-half months, respectively, between the Highway 99 Bridge and Elliott Road on the Mokelumne River. The expanded fishing opportunity is buffered by the overall large number of hatchery steelhead and salmon returns in the lower Mokelumne River. The project is not expected to have a significant effect on wild steelhead because spawning occurs outside this stretch of river. In addition, take of wild steelhead is prohibited under the federal Endangered Species Act. Spring-run Chinook Salmon were historically in the Mokelumne River but are now extirpated from the watershed. Thus, the project is not anticipated to significantly affect listed fish species in the area.

- b) The project will not have an adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies and regulations, or by the California Department of Fish and Wildlife (Department) or the USFWS. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- c) The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- d) The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Such an impact will not occur because the project will not result in any construction, land alteration, or land use changes.
- f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

V. CULTURAL RESOURCES

- a) The project will not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. There is no ground disturbing work or work permanently modifying any existing structure or resource and thus no potential to affect historical resources.
- b) The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. There is no ground disturbing work and thus no potential to affect archaeological resources.
- c) The project will not disturb any human remains, including those interred outside of formal cemeteries. There is no ground disturbing work and thus no potential to affect human remains.

VI. ENERGY

- a) The project would not result in a potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations. Such an impact will not occur because the project will not use energy resources.
- b) The project will not affect nor obstruct any state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

- a i) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault. Such an impact will not occur because the project will not create any structures for human habitation.
- a ii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Such an impact will not occur because the project will not create any structures for human habitation.
- a iii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Such an impact will not occur because the project will not create any structures for human habitation.
- a iv) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Such an impact will not occur because the project will not create any structures for human habitation.

- b) The project will not result in substantial soil erosion or the loss of topsoil. Such an impact will not occur because the project will not involve ground disturbing work.
- c) The project will not be located on a geologic unit or soil that is unstable, or that would become unstable and potentially result in on- or off- site landslides, lateral spreading, subsidence, liquefaction, or collapse. Such an impact will not occur because the project will not involve ground disturbing work.
- d) The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Such an impact will not occur because the project will not involve ground disturbing work.
- e) The project will not create any sources of waste water requiring a septic system.

VIII. GREENHOUSE GAS EMISSIONS

- a. The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will not involve construction, land alternation, or land use changes.

The project could result in additional angler trips to the Feather and Mokelumne rivers during the extended fishing seasons on these rivers. Vehicles that use fuel will be used to access these waters and their internal combustion engines will produce some greenhouse gas (GHG) emissions. However, the number of additional angler trips is anticipated to be low due to the short duration of the extended season on the Feather River and low angling pressure on the Mokelumne River. Therefore, the small amount of GHG emissions resulting from the project would be similar to what occurs today under existing conditions and, thus, would not have a significant impact on the environment.

- b. The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. The project would result in the production of very low GHG emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS

- a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project will not involve the transport, use, or disposal of hazardous materials.
- b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project will not involve the transport, use, or disposal of hazardous materials.

- c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project will not involve the transport, use, or emission of any hazardous materials.
- d) The project will not be located on any site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) The project will not be located within an airport land use plan area.
- f) The project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The project will not involve any construction, land alteration, or land use changes.
- g) The project will not expose people or structures to a significant risk of loss, injury, or death involving wild land fires. The project will not involve any construction, land alteration, or land use changes.

X. HYDROLOGY AND WATER QUALITY

- a) The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The project will not involve any construction, land alteration, water use, or water discharge.
- b) The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The project will not involve any construction, land alteration, or groundwater use.
- c i) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in substantial erosion or siltation on- or off-site because the project will not involve any construction or land alteration.
- c ii) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in flooding on- or off-site because the project will not involve any construction or land alteration.
- c iii) The project will not create or contribute runoff water that would exceed the capacity of existing or planned storm-water drainage systems, or provide substantial additional sources of polluted runoff because the project will not involve any construction or land alteration.

- d) In flood hazard, tsunami, or seiche zones, the project would not risk release of pollutants due to project inundation because the project would not involve any construction or land alteration.
- e) The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project will not involve any construction, land alteration, or groundwater use.

XI. LAND USE AND PLANNING

- a) The project will not physically divide an established community. The project will not involve any construction, land alteration, or land use changes.
- b) The project will not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The project will not involve any construction, land alteration, or land use changes.

XII. MINERAL RESOURCES

- a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- b) The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

XIII. NOISE

- a) The project will not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The project will not involve construction or physical alteration of land, and its implementation will not generate noise levels in excess of agency standards.
- b) The project will not result in generation of excessive ground-borne vibration or ground-borne noise levels. The project will not involve construction or physical alteration of land.
- c) The project will not be located within the vicinity of a private airstrip or an airport use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

XIV. POPULATION AND HOUSING

- a) The project will not induce substantial unplanned population growth in an area, either directly or indirectly. Such an impact will not occur because the project will not construct any new homes, businesses, roads, or other human infrastructure.
- b) The project will not displace any existing people or housing and will not necessitate the construction of replacement housing elsewhere.

XV. PUBLIC SERVICES

- a) The project will not have any significant environmental impacts associated with new or physically altered governmental facilities. The project will not involve any construction, land alteration, or land use changes.

XVI. RECREATION

- a) The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

On the Feather River, the project would extend the salmon fishing season between the Thermalito Afterbay Outfall and the Live Oak boat ramp from October 16 to October 31. The project will result in additional angler trips to the project area during this period. Although the salmon and steelhead fisheries are open downstream after the October 15 closure, the project will most likely result in a shift in angler effort upstream into the project area during the last two weeks in October. A shift in angler effort would not be expected to result in the deterioration of existing recreational facilities because the extended fishing season is short and there are adequate facilities in the area to accommodate additional anglers. Most angling occurs from the shore at the Thermalito Afterbay Outfall and in the Oroville Wildlife Area it is a mix of boat and shore anglers. There are several boat launches in the project area, but most of them are unimproved boat launches in the Oroville Wildlife Area. Most boat anglers would use the upstream unimproved boat launch at Thermalito, but may use, in descending order of likelihood, the unimproved boat launches in the Oroville Wildlife Area, the Gridley boat launch, and lastly the Live Oak boat launch.

On the Mokelumne River, the project would extend the salmon fishing season by two and one-half months and the steelhead fishing season by four and one-half months between the Highway 99 Bridge and Elliott Road. In general, there is little shore/bank angling opportunity from Lake Camanche to Lodi. Most angling in the project area is done from floating water craft and access is mostly private in the lower Mokelumne River. There are public parks with river access above and below the project area that have kayak/canoe or small watercraft access. These and similar locations may see an increase in visitors. However, the number of additional visitors/anglers to the area would be minimal as existing angling pressure in the area is very light.

- b) The project does not require construction or expansion of recreational facilities.

XVII. TRANSPORTATION

- a) The project will not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project involves no land use or transportation system modifications.
- b) The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b), which pertains to vehicle miles traveled. The amount and distance of vehicle miles traveled by recreational anglers should not change substantially under the proposed regulations.
- c) The project will not increase hazards due to a geometric design feature or incompatible uses with equipment. There will be no land use or transportation system modifications.
- d) The project will not result in inadequate emergency access. The project involves no land use or transportation system modifications.

XVIII. TRIBAL CULTURAL RESOURCES

- a) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). There is no ground disturbing work and thus no potential to affect tribal cultural resources.
- b) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. There is no ground disturbing work and thus no potential to affect tribal cultural resources.

XIX. UTILITIES AND SERVICE SYSTEMS

- a) The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities. There will be no construction or land alteration.
- b) The project requires no new water supplies.
- c) The project will not produce wastewater.
- d) The project will not generate solid waste. Thus, the project will be in compliance with State and local standards for solid waste.
- e) The project will not create solid waste. Thus, the project will be in compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

XX. WILDFIRE

- a) The project will not impair an adopted emergency response plan or emergency evacuation plan.
- b) The project will not exacerbate wildfire risks due to slope, prevailing winds, and other factors.
- c) The project will not require the installation or maintenance of any infrastructure.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

- a) The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The project is consistent with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.
- b) The project does not have adverse impacts that are individually limited, but cumulatively considerable. Cumulative adverse impacts will not occur because there are no potential adverse impacts due to project implementation.

- c) The project does not have environmental effects that will cause substantial adverse effects on humans, either directly or indirectly. The project will not involve any construction, land alteration, or the creation of new infrastructure.

DRAFT

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

2019039125
 SCH #

Project Title: Proposed Amendments to Central Valley Salmon Sport Fishing Regulations, Title 14, CCR

Lead Agency: California Fish and Game Commission

Contact Person: Melissa Miller-Henson

Mailing Address: PO Box 944209

Phone: (916) 653-4899

City: Sacramento

Zip: 94244-2090

County: Sacramento

Project Location: County: _____ City/Nearest Community: Redding to Benicia

Cross Streets: _____ Zip Code: _____

Longitude/Latitude (degrees, minutes and seconds): _____° _____' _____" N / _____° _____' _____" W Total Acres: _____

Assessor's Parcel No.: _____ Section: _____ Twp.: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: _____ Waterways: _____

Airports: _____ Railways: _____ Schools: _____

Document Type:

CEQA: ☐ NOP ☐ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☒ Neg Dec (Prior SCH No.) _____ ☐ Draft EIS ☐ Other: _____
☐ Mit Neg Dec Other: _____

Governor's Office of Planning & Research

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other: _____

MAR 22 2019

STATE CLEARINGHOUSE

Development Type:

☐ Residential: Units _____ Acres _____ ☐ Transportation: Type _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____ ☐ Mining: Mineral _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____ ☐ Power: Type _____ MW _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____ ☐ Waste Treatment: Type _____ MGD _____
☐ Educational: _____ ☐ Hazardous Waste: Type _____
☐ Recreational: _____ ☒ Other: Central Valley Salmon Sport Fishing Regulations
☐ Water Facilities: Type _____ MGD _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☐ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☐ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☐ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Other: GHG, Fishing

Present Land Use/Zoning/General Plan Designation:**Project Description:** (please use a separate page if necessary)

California Fish and Game Commission adoption of amendments to salmon sport fishing regulations for the Central Valley.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input checked="" type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Regional WQCB # _____
<input checked="" type="checkbox"/> Caltrans Planning	<input checked="" type="checkbox"/> Resources Agency
<input checked="" type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input checked="" type="checkbox"/> San Joaquin River Conservancy
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input checked="" type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input checked="" type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input checked="" type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input checked="" type="checkbox"/> Other: Fish and Wildlife, Dept. of (Headquarters)
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date _____ Ending Date _____

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative: _____

Melissa A. Mellow-Henson

Date: 3/21/19

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**[SAM Section 6601-6616](#)

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON Margaret Duncan Margaret.Duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER (916) 653-4676
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend subsections of 7.50(b) Title 14,CCR, Re: Central Valley Salmon Sport Fishing			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input checked="" type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input checked="" type="checkbox"/> c. Impacts jobs or occupations | <input checked="" type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below): |

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

2. The **Fish and Game Commission** estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☐ Below \$10 million
- ☒ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: **~100 to 200**Describe the types of businesses (Include nonprofits): **Fishing, boat owners, tackle stores, guides, food, fuel, lodging, camping vendors**Enter the number or percentage of total businesses impacted that are small businesses: **80%**4. Enter the number of businesses that will be created: **none** eliminated: **none**Explain: **The anticipated impact on fishing activity is not expected to be sufficient to induce business loss/creation.**5. Indicate the geographic extent of impacts: ☐ Statewide
☒ Local or regional (List areas): **American, Feather, Mokelumne, & Sacramento rivers**6. Enter the number of jobs created: **none** and eliminated: **0 - 20**Describe the types of jobs or occupations impacted: **Fishing guides, boat owners, and vendors for food, bait, tackle, fuel, lodging and campgrounds.**7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☒ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 0
- a. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- d. Describe other economic costs that may occur: N/A, This action seeks to maintain Central Valley Salmon fishing opportunities with no new compliance costs.
2. If multiple industries are impacted, enter the share of total costs for each industry: N/A
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ N/A
4. Will this regulation directly impact housing costs? ☐ YES ☒ NO
If YES, enter the annual dollar cost per housing unit: \$ _____
Number of units: _____
5. Are there comparable Federal regulations? ☐ YES ☒ NO
Explain the need for State regulation given the existence or absence of Federal regulations: Fish and Game Code (FGC) sections 200 and 205
Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: This action should result in the continued sustainability of the salmon fisheries that benefit sport anglers and the area businesses that support sport fishing activities.
2. Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?
Explain: Statute provides the Fish & Game Commission authority to establish sport fishing regulations (FGC sections 200 and 205)
3. What are the total statewide benefits from this regulation over its lifetime? \$ 14.8 - 18.5 M annually
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: Proposed action is anticipated to maintain historically average levels of fishing activity that is not expected to induce the expansion of businesses currently doing business within the State.

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: See addendum for more detail.
Alternatives considered: Option 1) Any size Salmon; Option 2) Lower numbers of Adult Salmon and Grisle take; Option 3) Grisle take only
All options extend the salmon season on part of the Feather River and extend the salmon and hatchery steelhead seasons on part of the Mokelumne River.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ 18.5 M Cost: \$ 0

Alternative 1: Benefit: \$ 16.7 M Cost: \$ 1.9 M

Alternative 2: Benefit: \$ 14.8 M Cost: \$ 3.7 M

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:

"Regulation" above refers to Option 1 in the ISOR;"Alternative 1" is Option 2; "Alternative 2" is Option 3. See addendum.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?

☐ YES☒ NOExplain: Fisheries management regulations traditionally involve setting harvest limits, seasons, and gear restrictions.**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☐ NO***If YES, complete E2. and E3******If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES☒ NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____
- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain _____**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____


☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____


FISCAL OFFICER SIGNATURE

DATE

 original signature on file 12/19/2018*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY

DATE

 original signature on file 01/07/2019*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD. 399 Addendum

Amend Subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50,
Title 14, California Code of Regulations
Re: Central Valley Salmon Sport Fishing

The regulatory amendments of subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50 under consideration will set the 2019 sport fishing regulations for Sacramento River Fall-run Chinook Salmon (SRFC) in the American, Feather, Mokelumne, and Sacramento rivers, respectively, for consistency with the Pacific Fishery Management Council (PFMC) in-river harvest projections. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC for purposes of this document. Three regulatory options are provided for the Fish and Game Commission consideration.

Option 1 would allow anglers to take any size Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12] (most liberal option).

Option 2 would allow for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag limit [0-4] and possession limit [0-12].

Option 3 is the most conservative option and allows for take of only grilse Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12]. Take of adult salmon would not be allowed.

All three options increase fishing opportunities on the Feather and Mokelumne rivers by: (1) extending the salmon fishing season by two weeks on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp; and (2) by extending the salmon and hatchery steelhead fishing season on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road.

A normal season for the Central Valley fishery experiences an average of 179,550 sport salmon angler days in which anglers spend an average of \$75 -109 per day contributing a total of \$13.2M (2017\$) in direct expenditures to California businesses. This expenditure is received by area businesses that spend a share on inputs and payroll. As employees receive income, their household spending again circulates in the local economy and statewide. These multiplier effects result in an estimated total economic impact of \$18.5M (2017\$) and up to 130 jobs.

The regional and statewide economic impacts factor into the effort to balance the maintenance of the recreational fishery with resource preservation, while complying with PFMC recommendations. The potential economic impacts that may result from each in-river harvest projection as specified in Option 1, Option 2, and Option 3 are evaluated in terms of each scenario’s probable impact on the number of angler days, and thus area spending.

Table 1. Central Valley Salmon Fishery Economic Impacts (2017\$)

Regulation	Angler Days	Angler Expenditures	Total Econ Impact	Jobs
Option 1	179,550	\$ 13,182,320	\$ 18,536,979	130
Option 2	161,595	\$ 11,864,088	\$ 16,682,731	120
Option 3	143,640	\$ 10,545,856	\$ 14,829,094	110
Difference	Angler Day Loss	Expenditure Loss	Total Impact Loss	Job Loss
Option 1	0	\$ -	\$ -	0
Option 2	17,955	\$ 1,318,232	\$ 1,854,248	10
Option 3	35,910	\$ 2,636,464	\$ 3,707,885	20

Sources: CDFW Fisheries Branch economic analysis; U.S. Fish and Wildlife Service, 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; dollar figures adjusted for inflation with Implicit Price Deflator for Personal Consumption Expenditures, Bureau of Economic Analysis.

Historical correlations between catch limits and fishery participation levels suggest that Option 1 could enable a historically average number of angler days for the 2019 Chinook Salmon season on the American, Feather, Mokelumne, and Sacramento rivers. Option 2 may result in declines in angler days of 17,955 below an average year. Option 3 may result in larger declines or about 35,910 fewer angler days.

For all options, the proposed extensions of season end dates for portions of the Feather and Mokelumne Rivers would extend the period of angler regional economic contributions. Additionally, anglers may pursue other in-river sport fish aside from Chinook salmon, such as steelhead (*Oncorhynchus mykiss*), striped bass (*Morone saxatilis*), largemouth bass (*Micropterus salmoides*), sturgeon (*Acipenser transmontanus*) and catfish (*Ictalurus spp.*), that may mitigate any adverse impacts from any reductions in salmon fishing. In sum, the options were conceived with the goal of enabling levels of recreational SRFC fishing in the range of historical averages, and thus should not be a source of significant adverse economic impacts.

Section A

Question 4. Number of businesses that will be created or eliminated.

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation of new business or the elimination of existing businesses, because the proposed changes to the regulations are unlikely to be substantial enough to stimulate the creation of new businesses or cause the elimination of existing businesses. The season extensions for portions of the Mokelumne and Feather rivers are expected to help sustain the number of fishing trips and the level of economic stimulus within historical averages.

Section A

Question 6. Number of jobs created or eliminated.

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation or elimination of jobs. For the Option 1, no change in job creation or elimination is anticipated. Option 2 and Option 3 have the potential to result in fewer angler visits, and absent substitution toward other sportfish and/or activities in the affected areas, the reduction in angler spending could reduce the support for 10 - 20 jobs statewide. These job impacts are statewide and may be

moderated by the additional two and one-half months of fishing opportunity on approximately 10 miles of the Mokelumne River between the Highway 99 bridge and Elliott Road, and by the additional two weeks of fishing opportunity on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp.

Section B

Question 1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$0

The regulations under consideration seek to maintain Central Valley fall-run Chinook Salmon fishing opportunities with no new compliance costs. The proposed bag and possession limits, river areas and season lengths do not prescribe any particular equipment or methods.

Section C

Question 1. Briefly summarize the benefits of the regulation.

Under all options, the Commission anticipates benefits to the health and welfare of California residents. Chinook Salmon is a nutritious food source and providing inland sport fishery opportunities encourages consumption of this nutritious food. Sport fishing also contributes to increased mental health of its practitioners, as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

Under all options, the Commission does not anticipate any benefits to worker safety from the proposed regulations because inland sport fishing does not impact working conditions.

Under all options, the Commission anticipates benefits to the environment in the sustainable management of Central Valley Chinook Salmon. It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use.

In accordance with this policy, adoption of scientifically-based inland Chinook Salmon regulations provides for the maintenance of sufficient populations of salmon to ensure their continued existence and thus continued economic stimulus.

Under all options, other benefits include consistency with federal fishery management goals and the promotion of businesses that rely on Central Valley sport fishing.

Section C

Question 3. What are the total statewide benefits from this regulation over its lifetime? \$14.8 - 18.5 M in total impact annually. This is the average historical range of total economic impact of the fishery with multipliers for indirect and induced impacts applied to the direct impact. This action is expected to sustain fishery activity within the range of historically normal seasons. Given that the 2018 regulations resulted in a typical season, the potential difference between 2018 conditions and the options under consideration range from \$1.8 - \$3.7 M as shown in Table 1, above.

Section C

Question 4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation.

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve inland sport fishermen. The number of fishing trips and angler economic contributions are expected to remain within the range of historical averages.

Section D

Question 1. Alternatives to the Regulation

The “Regulation” is specified in the Initial Statement of Reasons (ISOR) as **Option 1** which would allow anglers to take any size Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12] (most liberal option).

Alternative 1 is specified in the ISOR as **Option 2** which would allow for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag limit [0-4] and possession limit [0-12].

Alternative 2 is specified in the ISOR as **Option 3** which is the most conservative option and allows for take of only grilse Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12]. Take of adult salmon would not be allowed.

All three options increase fishing opportunities on the Feather and Mokelumne rivers by: (1) extending the salmon fishing season by two weeks on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp; and (2) by extending the salmon and hatchery steelhead fishing season on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road.

CDFW News



FISHERIES, FISHING (COMMERCIAL), FISHING (SPORT), MARINE, REGULATIONS, SALMON

'Slightly Improved' Forecast for California's 2019 Ocean Salmon Season

MARCH 1, 2019 | KMACINTY

California's 2019 ocean salmon fishing season should be slightly better than last year's, according to information presented at this week's annual Salmon Information Meeting held in Santa Rosa by the California Department of Fish and Wildlife (CDFW). The ocean abundance projections for Sacramento River fall Chinook (SRFC), a main salmon stock harvested in California waters, is estimated at 379,600 adult salmon, an increase over 2018 forecasts. This may result in increased fishing opportunity in some central coastal areas. The Klamath River fall Chinook (KRFC) abundance forecast of 274,200 adult salmon is lower than 2018 forecast, but still an improvement over low forecast numbers seen in recent years.

"We are cautiously optimistic that the increase in ocean abundance of SRFC will translate into more fishing opportunity this year," said CDFW Environmental Scientist Kandice Morgenstern.

Recreational anglers and commercial salmon trollers at the meeting provided comments and voiced concerns to a panel of fishery managers, scientists and industry representatives. Stakeholder input will be taken into consideration when developing three season alternatives during the March 6-12 Pacific Fishery Management Council (PFMC) meeting in Vancouver, Wash. Final ocean salmon seasons will be adopted during the April 9-16 PFMC meeting in Rohnert Park.

The PFMC may take a conservative approach when crafting 2019 ocean salmon seasons since both SRFC and KRFC stocks are considered to be overfished under the terms of the federal Salmon Fishery Management Plan due to three years of low spawning escapement. Additionally, persistent concerns over protected Sacramento River winter Chinook and California Coastal Chinook could limit fishing opportunity south of Point Arena and north of Point Sur, respectively.

For more information on the salmon season setting process or general ocean salmon fishing information, please visit the Ocean Salmon Project website (<http://www.wildlife.ca.gov/fishing/ocean/%20regulations/salmon>) or call the ocean salmon hotline at (707) 576-3429.

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Media Contacts:

Chenchen Shen (mailto:chenchen.shen@wildlife.ca.gov), CDFW Ocean Salmon Team, (707) 576-2885

Harry Morse (mailto:harry.morse@wildlife.ca.gov), CDFW Communications, (916) 322-8958

◀ **FISHING** ◀ **OCEAN** ◀ **REGULATIONS** ◀ **SALMON** ◀ **SALMON FISHERIES**

From: Mike Brown
Sent: Tuesday, April 16, 2019 8:38 AM
To: FGC
Subject: Comment for rule making 4/17 #18 Central Valley Salmon

FGC,

The proposed regulation to allow the take of grilse after the retention of an allowable adult Chinook Salmon is a deterrent to the fishery. Grilse size criteria is not a constant and changes year to year based on ocean conditions and growth rates. In some years the impact to adult salmon would be greater than predicted based on the bag analysis due to the smaller size of adults, other years when adult salmon are larger it would result in limited fishing opportunity. This unpredictability would make it tough for fishery experts to manage the fishery and would likely have to act conservatory, limiting fishing opportunities when setting quotas. Another concern is the incidental take of adult salmon after the adult salmon bag had been reached. Between 4-35% of the returning run is grilse, which would mean an angler would on average have to catch 3 salmon, two of which would be adults to reach the grilse bag. This example is the best case with grilse rates high at 35%, the lower the grilse rate would mean the greater incidental contact of adults. This incidental contact brings about hook and line mortality limiting the amount of salmon to return the hatcheries or native spawning areas. In the ocean hook mortality is as high as 50%. One other concern is enforcement, with a size limit on salmon would mean that wardens would need to board boats to measure fish. I have the most respect for wardens but it presents a safety issue and opens up the possibility for damage to the boats.

I strongly appose options 2 and 3, please keep the regulations as they have in the past.

Sincerely

Mike

From: Mark Smith <mark@smithpolicygroup.com>
Sent: Monday, April 22, 2019 11:36 AM
To: Cornman, Ari@FGC <Ari.Cornman@FGC.ca.gov>; Shaffer, Kevin@Wildlife <Kevin.Shaffer@wildlife.ca.gov>
Cc: jstone@ncgasa.org; Lehr, Stafford@Wildlife <Stafford.Lehr@wildlife.ca.gov>
Subject: FGC follow up on Central Valley salmon season

Ari, Kevin,

At the Santa Monica FGC meeting, the Guides proposed a 2/1 bag limit for Central Valley salmon season. CDFW has currently acknowledged that they would like to see 2 adults, we would also like the inclusion of a jack salmon. As I explained in our public comments, we are ok with parity with the Klamath season (3 total, with two adults and one jack) or a “bonus fish” situation (2 adults, and a jack if you catch it before you catch your two adults) which would minimize hooking and releasing additional adults in the quest for a jack.

Would like to work with you on this advance of the May 16th teleconference so that everyone can be on the same page with the same request.

Thank you,
Mark



MARK SMITH

Smith Policy Group
1001 K Street, 6th Floor
Sacramento, CA 95814
(916) 335-5072
mark@smithpolicygroup.com
smithpolicygroup.com

Castleton, Craig@FGC

From: FGC
Sent: Tuesday, April 30, 2019 7:29 AM
To: Castleton, Craig@FGC; Fonbuena, Sherrie@FGC
Cc: Cornman, Ari@FGC
Subject: Fw: May 16th Inland Fisheries Regulations Adoption Letter
Attachments: California Fish and Game Commission May 2019 Regulations Adoption Comment Letter 04.30.19.pdf

From: Mark Smith <mark@smithpolicygroup.com>
Sent: Tuesday, April 30, 2019 07:16 AM
To: FGC
Cc: Cornman, Ari@FGC
Subject: May 16th Inland Fisheries Regulations Adoption Letter

Ari,

Can you please distribute this letter to the Commission?

Thank you,
Mark



MARK SMITH

Smith Policy Group
1001 K Street, 6th Floor
Sacramento, CA 95814
(916) 335-5072
mark@smithpolicygroup.com
smithpolicygroup.com



VIA ELECTRONIC COPY

California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

April 30, 2019

RE: Central Valley and Klamath River Basin Salmon Regulations

Dear President Sklar, Vice President Hostler-Carmesin, and members of the Fish and Game Commission,

Thank you for the opportunity at the April Fish and Game Commission meeting in Santa Monica to discuss the proposed 2019 inland river recreational fishing seasons. As mentioned by our organizations' representatives in public comment at the hearing, we are appreciative of the opportunity that the Commission has afforded us with the extra time between the end of the PFMC and the April Commission meeting by scheduling a tele-conference to adopt the inland regulations. We are hopeful that you will find this process valuable on your end as well.

We ask for one change to the proposed Klamath River Basin 2019 season presented by the Department of Fish and Wildlife at the April meeting. The change errs on the side of conservation and insures a longer season for a fishery managed under a quota. We also take this opportunity to remind the Commission of the need to consider a longer overall length for two-year-old ("jack") salmon in the Klamath River Basin.

Central Valley ISOR

We again wish to acknowledge and thank you for working with our affected communities to introduce additional flexibility and, in part, extended seasons for the Central Valley recreational fishery.

As you know, the salmon bag limit was reduced to one per angler per day in the 2018 season. This year, the Department's April proposal is 2 salmon any size per angler per day for the 2019 season. We are appreciative and enthusiastic about the opportunity to restore this fishery and ask that you approve this proposal.

Klamath River Basin ISOR

Relative to the Klamath River Basin, we ask that the Commission adopt a daily bag limit of two fish, of which no more than one may exceed the jack cutoff length. This is a slightly more conservative bag limit than suggested by the Department at the April Commission meeting and falls within the range set forth in the Initial Statement of Reasons.

Unlike the Central Valley, the Klamath season is restricted in its total take. This year the PFMC and the Department are recommending roughly 7600-7800 fish for the recreational in-river harvest. Our organizations propose that we would like the take of those fish to be slowed and extended over a longer period of time. We are therefore asking for a 1 adult 1 jack per day limit. We would prefer a longer fishery instead of a more intense shorter duration season. This benefits not just river guides (who will be on the river longer), but the RV parks, the local restaurants, hotels, and more. More people over a longer period of

time boosts our local economies. It also helps extend opportunity to more anglers. Not everyone can get up to the Klamath right at the beginning of the season. This proposal would leave more adult fish in the river over a longer period of time for those anglers who want or must come up mid or later season. We did not make this public comment at the April meeting but feel like it is a sensible option that the Commission has discretion to enact.

We note with regret that the Department failed to amend the ISOR to include a jack cutoff length representative of the typical length of a two-year-old Klamath Chinook. In a written request last December, we asked for consistency in the Department's treatment of jack cutoff lengths. We noted the scientific basis and calculation that the Department set forth in the Central Valley ISOR and urged that the same sound process be used in the Klamath River Basin.

The jack salmon length determination in the Central Valley ISOR relied upon historical adult-jack cutoff lengths (measured in fork length) to arrive at a total length calculation. Using the identical methodology applied to the identical years for the Klamath fall Chinook, the mean fork length adult-jack cutoff was 58.75 cm, or 23" fork length. Using the same conversion factor from fork length to overall length as in the Central Valley ISOR, the mean cutoff is 24" overall length. Therefore, the Klamath River Basin ISOR should have included not only a 22" cutoff length, but a 24" cutoff length as well, establishing a range analogous to the range proposed in the Central Valley ISOR.

The Department responds to this request for analytical consistency with reference to 1998, when the cutoff length was 24" and a post-season analysis revealed adult harvest in excess of the quota. The Department's response does not reference any other data or provide any analysis or justification for the 22" cutoff length. Respectfully, the Department should consider a more comprehensive data set. The analysis should account for the latest status and trend data. One twenty-one-year-old data point is not as relevant as the picture painted by more recent data.

Moreover, while we sought to have the cutoff length range broadened in the ISOR – and used the Department's own method of analysis to justify the request – at that time we did not insist that a cutoff length of 24" be enshrined in the final regulations. On the other hand, the Department now seeks to impose a 22" jack cutoff length with no apparent analysis. If there is an analysis that supports a 22" total length as opposed to, for example, a 23" total length, then the Commission and the public are entitled to consider it.

While it is too late to consider a 23" or 24" total length jack cutoff for 2019, we ask that the Commission more fully consider this issue in 2020 and beyond.

Thank you for the opportunity to address these ISOR items and for engaging in dialogue with us over the past several months and at Commission meetings. We urge you to adopt these proposals when setting the 2019 inland regulations on the May 16th Commission tele-conference call.

Sincerely,

James Stone
President, Northern California Guides and Sportsmen's Association

Marc Gorelnik
President, Coastside Fishing Club

Danielle Cloutier, PhD
Pacific Fisheries Policy Director, American Sportfishing Association

Wayne Kotow
Executive Director, Coastal Conservation Association – California

Cc: Stafford Lehr, Deputy Director, CDFW
Melissa Miller-Henson, Acting Executive Director, FGC
Kevin Shaffer, Chief, Fisheries Branch, CDFW

State of California
Department of Fish and Wildlife

Original on file.
Received May 8, 2019, 10:30AM

Date: May 8, 2019

To: Melissa Miller-Henson
Acting Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Submission of Pre-Adoption Statement of Reasons to Amend Subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50, Title 14, CCR, RE: Central Valley Salmon Sport Fishing Regulations**

Attached is the Pre-Adoption Statement of Reasons (PSOR) for the 2019 Central Valley Salmon sport fishing regulations. The PSOR includes responses to comments from the public on the proposed regulation changes. No changes were made to the original proposed regulations. However, the Pacific Fishery Management Council (PFMC) has reviewed west coast salmon stocks and has projected the in-river recreational harvest impact to be 28,263 adult Sacramento River fall-run Chinook Salmon for the 2019-2020 season. Regulatory options 1-3 in the Initial Statement of Reasons (ISOR) encompassed varying ranges of recreational bag and possession limits based on PFMC's allocation. To target PFMC's projection, the Department of Fish and Wildlife (Department) is recommending Option 1 in the ISOR, which allows for take of any size Chinook Salmon within the specified bag limit of two fish and possession limit of four fish for the American River, Feather River, Sacramento River, and Mokelumne River. The Department is not recommending Option 2 (limited adult, and grilse fishery – jacks or jills) or Option 3 (grilse-only fishery). The Commission will adopt specific bag and possession limits for Chinook Salmon in the Central Valley during the Commission teleconference on May 16, 2019.

If you have any questions or need additional information, please contact Kevin Shaffer, Chief, Fisheries Branch, at (916) 327-8841 or by e-mail at Kevin.Shaffer@wildlife.ca.gov.

Attachment

cc: Stafford Lehr
Deputy Director
Wildlife and Fisheries Division
Stafford.Lehr@wildlife.ca.gov

Melissa Miller-Henson, Acting Executive Director
Fish and Game Commission
May 8, 2019
Page 2

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STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-adoption Statement of Reasons)

Amend Subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50
Title 14, California Code of Regulations
Re: Central Valley Salmon Sport Fishing

- I. Date of Initial Statement of Reasons: November 20, 2018
- II. Date of Pre-adoption Statement of Reasons: May 6, 2019
- III. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: December 13, 2018
Location: Oceanside
- (b) Discussion Hearing: Date: February 6, 2019
Location: Sacramento
- (c) Discussion Hearing: Date: April 17, 2019
Location: Santa Monica
- (d) Adoption Hearing: Date: May 16, 2019
Location: Teleconference
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made to the originally proposed regulatory language.

- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

No changes have been made to the originally proposed regulatory language. However, the Pacific Fishery Management Council (PFMC) has reviewed west coast salmon stocks and has projected the in-river recreational harvest impact to be 28,263 adult Sacramento River fall-run Chinook-Salmon for the 2019-2020 season. Regulatory options 1-3 in the Initial Statement of Reasons (ISOR) encompassed varying ranges of recreational bag and possession limits based on PFMC's allocation. To target PFMC's projection, the Department of Fish and Wildlife (Department) is recommending Option 1 in the ISOR, which allows for take of any size Chinook Salmon within the specified bag limit of two fish and possession limit of four fish. The Department is not recommending

Option 2 (limited adult, and grilse fishery – jacks or jills) or Option 3 (grilse-only fishery). Thus, the Department recommends a daily bag limit of two fish, and a possession limit of four fish of any size for the American River, Feather River, Sacramento River, and Mokelumne River. Because of a more favorable salmon abundance forecast, the Department's judgement is that the in-river recreational fishery can support a higher harvest rate than in 2018 and still achieve PFMC's minimum escapement goal of 160,159 hatchery and natural-area adult spawners. The Commission will adopt specific bag and possession limits for Chinook Salmon in the Central Valley during the Commission teleconference on May 16, 2019.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

Comment by James Stone, President of the NorCal Guides and Sportsmen's Association, received at the February 6, 2019 Commission meeting: Mr. Stone supports the inclusion of options for a jack fishery in the ISOR.

Comment by George Osborn, received at the February 6, 2019 Commission meeting: Mr. Osborn supports the inclusion of options for a jack fishery in the ISOR.

Response: The Department is recommending Option 1 in the ISOR which allows for harvest of salmon of any size and is proposing a two-fish daily bag limit and a four-fish possession limit. The Department is not recommending Option 2 or Option 3, both of which would allow for a jack fishery. The Department's intent was to recommend Option 2 or Option 3 only if adult salmon return estimates were similar to 2018 and the Department had to again constrain in-river harvest of adults. The NorCal Guides and Sportsmen's Association, whom Mr. Stone represents, was in support of this approach. In a letter dated December 11, 2018, Mr. Stone, President of the NorCal Guides and Sportsmen's Association, states that he supports the option for a jack salmon fishery in the Central Valley "...should the forecast escapement number not allow retention of two adults."

Although fishery returns are modestly better, we are still in the fall-run Chinook Salmon stock rebuilding phase and allowing a jack fishery could result in higher than expected harvest of adults relative to overall escapement. The Department would like to eventually give anglers access to jacks and will consider a jack fishery in the future when salmon abundance is higher.

Comment by Jeanne Wallen, email dated March 25, 2019: Ms. Wallen asks that the Commission keep the Chinook Salmon bag limit in the Central Valley at one fish to let the salmon run fully recover to get a more accurate sense of the real number of fish returns.

Response: For the 2019 recreational salmon fishery in the Central Valley, the Department is recommending a two-fish daily bag limit and a four-fish possession limit (Option 1 in the ISOR). Based on PFMC's stock abundance forecast, there is no need to limit in-river harvest of adult Chinook Salmon to a one-fish daily bag limit and a two-

fish possession limit for the 2019 fishing season. The Department's judgement is that the in-river recreational fishery can support a higher harvest rate than in 2018 and still achieve PFMC's minimum escapement goal of 160,159 hatchery and natural-area adult spawners.

Comment by Mike Brown, email dated April 16, 2019. Mr. Brown states three concerns:

- He opposes Option 2 and Option 3 in the ISOR. He states the proposed regulation to allow the take of grilse after the retention of an allowable adult Chinook Salmon is a detriment to the fishery. Grilse size criteria is not constant, and changes year to year based on ocean conditions and growth rates, so the unpredictability of adult and grilse size for a bag limit could make it difficult to manage the fishery and set quotas.
- Mr. Brown is concerned about potential incidental take of adult salmon after the adult salmon bag had been reached. He states that between 4-35% of the returning run is grilse, which would mean an angler would on average have to catch three salmon, two of which would be adults to reach the grilse bag. He states that this example is the best case with grilse rates high at 35%, the lower the grilse rate would mean the greater incidental contact of adults. Mr. Brown states that this incidental contact brings about hook and line mortality limiting the amount of salmon to return to the hatcheries or native spawning areas, and that in the ocean hook mortality is as high as 50%.
- Mr. Brown is also concerned about enforcement and states that a size limit on salmon would mean that wardens would need to board boats to measure fish, which may present a safety issue, and open up the possibility for damage to boats.

Response: The Department is recommending Option 1 in the ISOR, which allows for harvest of salmon of any size. The Department is not recommending Option 2 or Option 3, both of which would allow for a grilse/jack fishery. The Department's intent was to recommend Option 2 or Option 3 only if adult salmon return estimates were similar to 2018 and the Department had to again constrain in-river harvest of adults. PFMC is predicting a higher return of adult spawners to the Sacramento River system than last year. As a result, the Department's judgement is that the in-river recreational fishery can support a higher harvest rate than in 2018 and still achieve PFMC's minimum escapement goal of 160,159 hatchery and natural-area adult spawners.

If the Commission adopts Option 2 or Option 3 in the ISOR, the Department would recommend that fishing cease once the adult daily bag limit has been reached. As fishing would have to cease once the adult daily bag limit has been reached, even if a jack has not been retained, this would prevent the incidental take of adult salmon after the adult daily bag limit had been reached.

The Department states that there is not a safety issue with law enforcement officers boarding boats, nor is there a risk of damage to boats.

Comment by Mark Smith, representing the American Sportfishing Association and NorCal Guides and Sportsmen's Association, received at the April 17, 2019 Commission meeting and email received April 22, 2019. The guides proposed a two adult, and also a one jack bag limit for Central Valley salmon season. Mr. Smith states he seeks parity with the Klamath season (3 total, with two adults and one jack) or a "bonus fish" situation (2 adults, and a jack if caught before two adults), which would minimize hooking and releasing additional adults in the quest for a jack.

Response: The Department is recommending Option 1 in the ISOR which allows for harvest of salmon of any size and is proposing a two-fish daily bag limit and a four-fish possession limit. The Department is not recommending Option 2 or Option 3, both of which would allow for a jack fishery. The Department's intent was to recommend Option 2 or Option 3 only if adult salmon return estimates were similar to 2018 and the Department had to again constrain in-river harvest of adults. The NorCal Guides and Sportsmen's Association, whom Mr. Smith represents, was in support of this approach. In a letter dated December 11, 2018, Mr. Stone, President of the NorCal Guides and Sportsmen's Association, states that he supports the option for a jack salmon fishery in the Central Valley "...should the forecast escapement number not allow retention of two adults."

Although fishery returns are modestly better, we are still in the fall-run Chinook Salmon stock rebuilding phase and allowing a jack fishery could result in higher than expected harvest of adults relative to overall escapement. The Department would like to eventually give anglers access to jacks and will consider a jack fishery in the future when salmon abundance is higher.