

California Fish and Game Commission Meeting Binder



May 14, 2020
Webinar and Teleconference

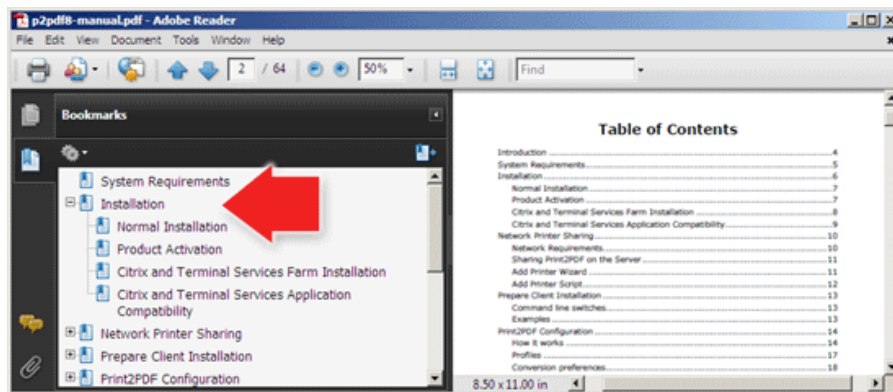
EASY GUIDE TO USING THE BINDER

Note: We make every effort to ensure that documents we produce are compliant with Americans with Disabilities Act standards, pursuant to state and federal law; however, some materials included in our meeting binders that are produced by other organizations and members of the public may not be compliant.

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 TELECONFERENCE MEETING

- 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.
- In the unlikely event of an emergency, please note the location of the nearest emergency exits at your location.
- Items may be heard in any order pursuant to the determination of the presiding commissioner.
- The amount of time for each agenda item may be adjusted based on time available and the number of speakers.
- We will ask how many speakers we have before taking public comment; please be prepared when your name is called.
- 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 on the Commission's website.
- **Reminder!** Please silence your mobile devices and computers to avoid interruptions.

INTRODUCTIONS FOR FISH AND GAME COMMISSION MEETINGS

Fish and Game Commission

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

Commission Staff

Melissa Miller-Henson	Executive Director
Rachel Ballanti	Deputy Executive Director
Mike Yaun	Legal Counsel
Susan Ashcraft	Marine Advisor
Ari Cornman	Wildlife Advisor
Sherrie Fonbuena	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
Kevin Shaffer	Acting Branch Chief, Wildlife Branch
Roger Bloom	Acting Branch 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

Samantha Murray, Vice President
Del Mar

Jacque Hostler-Carmesin, Member
McKinleyville

Russell E. Burns, Member
Napa

Peter S. Silva, Member
Jamul

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



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www.fgc.ca.gov

Wildlife Heritage and Conservation
Since 1870

MEETING AGENDA May 14, 2020, 8:30 AM

Webinar and Teleconference

Pursuant to Executive Order N-29-20, commissioners may participate in meetings remotely. The public may provide public comment during the public comment periods and observe remotely in accordance with the Bagley-Keene Open Meeting Act.

No visual presentations are expected during this meeting.

Watch the Live Stream (audio only for listening – no public comment)

As always, if you simply want to observe a live stream of the meeting (also referred to as a live webcast), please visit www.fgc.ca.gov the day of the meeting.

How to Join the Meeting (if you plan to provide public comment)

Please note: When you join the meeting, you will be muted automatically.

Option 1: Zoom with Computer Audio

We highly encourage you to join the meeting on your computer via the link below and use your computer audio to participate. You can participate by launching Zoom in your Internet browser or downloading the Zoom app on your computer.

[Join Zoom \(using your web browser, such as Google Chrome or Mozilla Firefox\)](#)

Meeting ID: 94834972134

Password: 873975

Meeting URL: <https://zoom.us/join>

[Join Zoom \(using the downloaded app on your computer\)](#)

Password: 873975

Meeting URL: <https://ca-water-gov.zoom.us/j/94834972134?pwd=KzlyZUw5ZkwYSkM4NzJHUSSt5eG5rQT09>

Option 2: Zoom via Mobile App

Join using the Zoom app on your mobile device (phone or tablet). After you download the app, open the app, select “join a meeting,” and enter the meeting number and password.

Meeting Number: 94834972134

Password: 873975

Click [here](#) for more details about using Zoom on mobile devices.

Please note: When you join the meeting, you will be muted automatically.

Option 3: Teleconference Only

If you are not able to join using your computer or mobile device app, please join via phone call:

214-765-0479 (US)

888-278-0296 (US Toll Free)

Conference code: 596019

Please note: When you join the meeting, you will be muted automatically.

Option 4: Zoom with Phone Audio *(This is not a preferred option for joining as there is the potential to create feedback)*

If you plan to join via computer and use your telephone for audio, join the zoom meeting on your computer first, using the links in Option 1. For audio, use the “Call Me At” feature and enter your phone number to have Zoom call you.

Technical Assistance

For help in joining Zoom meetings, click <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. If you need additional technical assistance, please contact cnrait@resources.ca.gov (preferred) or (916) 653-8486 (if needed).

Making Public Comment

If you join via Zoom on your computer or mobile phone app (Options 1, 2, and 4) use the “raise hand” feature to indicate that you would like to make a public comment. If you join via teleconference only (Option 3), press “#2” to virtually raise your hand to indicate you would like to make a public comment; if you press #2 again, you will *lower* your hand.

Please note: When the moderator unmutes you to make public comment, you may need to unmute yourself as well.

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. Central Valley sport fishing

Consider adopting proposed changes to Central Valley sport fishing regulations. (Amend sections 2.35 and 7.00, and amend subsections 7.50(b)(5), (68), (124), and (156.5), Title 14, CCR)

4. Klamath River Basin sport fishing

Consider adopting proposed changes to Klamath River Basin sport fishing regulations. (Amend subsections 5.87(f) and 7.50(b)(91.1), Title 14, CCR)

5. Receive California Department of Fish and Wildlife report on actions taken pursuant to the emergency sport and recreational fishing regulation

Receive a report from the Department on actions taken to temporarily suspend, delay, or restrict sport and recreational fishing in specific areas of the state to protect public health from the threat posed by COVID-19.

Adjourn

**California Fish and Game Commission
2020 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	Other Meetings
June 24 – 25	Holiday Inn Orange County Airport 2726 S. Grand Avenue Santa Ana, CA 92705		
July 29		Marine Resources California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672	
August 18		Tribal River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
August 19 - 20	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540		
September 17		Wildlife Resources Natural Resources Building Redwood Room 1416 Ninth Street, 14 th Floor Sacramento, CA 95814	
October 14 - 15	Elihu M Harris Building Auditorium 1515 Clay Street Oakland, CA 94612		
November 9		Tribal Monterey area	
November 10		Marine Resources Monterey area	
December 9 - 10	San Diego area		

OTHER 2020 MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 13-16, Sacramento, CA

Pacific Fishery Management Council

- June 11-18, San Diego, CA
- September 10-17, Spokane, WA
- November 13-20, Garden Grove, CA

Pacific Flyway Council

- August 28 (location TBD)

Western Association of Fish and Wildlife Agencies

- July 9-14, Park City, UT

Wildlife Conservation Board

- May 20, Sacramento, CA
- August 26, Sacramento, CA
- November 18, 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 151st 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; or delivery to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Materials provided to the Commission may be made available to the general public.

WRITTEN COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is **5:00 p.m. on May 4, 2020**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on May 11, 2020**. Comments received by this deadline will be made available to Commissioners at 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 **Supplemental Comment Deadline** (or heard during general 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 <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must have been delivered by the **Supplemental Comment Deadline**. 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.

SPEAKING AT THE MEETING

To speak on an agenda item, please alert the operator when prompted at the beginning of the agenda item.

1. Speakers will be called one at a time; please pay attention to when your name is called. If you are on the phone you will be called by the last 4 digits of your phone number.
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. 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 **Supplemental 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.
 - b. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
 - c. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

VISUAL PRESENTATIONS/MATERIALS

All electronic presentations must be submitted by the **Supplemental 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.

STAFF SUMMARY FOR MAY 14, 2020 WEBINAR/TELECONFERENCE

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

Receive 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 in Feb, Apr, Jun, Aug, Oct and Dec. Written comments submitted following the Apr 15-16, 2020 FGC meeting will be received at the Jun 24-25, 2020 meeting.

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

Consider whether any new future agenda items are needed to address issues that are raised during public comment.

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

STAFF SUMMARY FOR MAY 14, 2020 WEBINAR/TELECONFERENCE

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

Consider adopting proposed changes to Central Valley sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|-----------------------------------|---|
| • Notice hearing | Dec 11-12, 2019; Sacramento |
| • Discussion hearing | Feb 21, 2020; Sacramento |
| • Discussion hearing | Apr 15-16, 2020; Teleconference |
| • Today's adoption hearing | May 14, 2020; Webinar/Teleconference |

Background

In Dec 2019, FGC authorized publication of notice of proposed changes to Sacramento River fall-run Chinook salmon (SRFC) size, bag, and possession limits for the American, Feather, Mokelumne, and Sacramento rivers to encompass possible Pacific Fishery Management Council (PFMC) 2020 recommendations for Central Valley salmon escapement goals. For consistency, FGC generally adopts regulations annually to bring state law into conformance with federal fishery management goals for Central Valley salmon.

The scope of the options in the initial statement of reasons (ISOR) is intentionally broad to allow for flexibility in developing the final Central Valley salmon limits (exhibits 1-2; see Exhibit 3 for additional background).

At FGC's Apr 2020 meeting, DFW recommended:

- allow the take of any size Chinook salmon up to the daily bag and possession limits (option 1);
- maintain the same bag and possession limits as 2019 (bag limit of 2 Chinook salmon and a possession limit of 4 Chinook salmon) except for the Feather River, for which DFW recommended a bag limit of 3 Chinook salmon and a possession limit of 6 Chinook salmon;
- maintain the same season dates as 2019, except extend the season by two weeks (to Dec 31) on the Sacramento River from the Deschutes Road Bridge to the Red Bluff Diversion Dam;
- remove obsolete Coho salmon regulations; and
- prohibit fishing below flood control weirs in the Central Valley.

DFW drafted a negative declaration as a proposed mechanism for complying with the California Environmental Quality Act (CEQA) and provided the draft to FGC (Exhibit 7). FGC staff has reviewed and analyzed the negative declaration and determined that the finding reflects the independent judgment of FGC.

Significant Public Comments

1. Two commenters in Apr 2020 verbally expressed support for the season extension on the upper Sacramento River.

STAFF SUMMARY FOR MAY 14, 2020 WEBINAR/TELECONFERENCE

2. One commenter in Apr 2020 expressed support for additional recreational fishing opportunities, provided that science supports some level of additional allocation for the unharvested ocean quota that won't have long-term negative impacts on the population.

DFW has provided responses to these comments in its pre-adoption statement of reasons (PSOR) and indicates that the science does support an increase in fishing opportunities at the Sacramento and Feather rivers as recommended by DFW (Exhibit 6).

Recommendation

FGC staff: Adopt the negative declaration prepared pursuant to CEQA in Exhibit 7 and adopt the regulation changes as recommended by DFW.

DFW: Adopt the regulations as presented in the PSOR (Exhibit 6).

Exhibits

1. [DFW memo transmitting ISOR, received Nov 22, 2019](#)
2. [ISOR](#)
3. [Staff summary from Dec 11-12, 2019 for background purposes only](#)
4. [Economic and fiscal impact statement \(Std 399\)](#)
5. [DFW memo transmitting PSOR, received May 5, 2020](#)
6. [PSOR](#)
7. [Draft negative declaration](#)

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 sections 2.35 and 7.00, and subsections 7.50(b)(5), (68), (124), and (156.5).

Memorandum

Date: November 19, 2019

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

From: Charles H. Bonham
Director

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

Please find attached the Initial Statement of Reasons (ISOR) to amend sections 2.35 and 7.00, and subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50, Title 14, California Code of Regulations, for sport fishing regulations in the Central Valley.

Similar to last year, the California Department of Fish and Wildlife (Department) is presenting three regulatory options for the 2020 Central Valley sport fishing regulations for the Fish and Game Commission's (Commission) consideration. The three options encompass possible Pacific Fishery Management Council (PFMC) 2020 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 is Option 1 – any size Chinook Salmon fishery, given the 2020 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-river SRFC harvest. Specific bag and possession limits for SRFC will be presented to the Commission after the PFMC adopts its final recommendations at its April 2020 meeting.

The attached ISOR includes three additional proposed changes that are different from the 2019 regulations: (1) extend the fishing season by two weeks on the upper Sacramento River from Deschutes Road bridge to the Red Bluff Diversion Dam (RBDD); (2) remove obsolete regulations concerning take of Coho Salmon in the Feather River; and (3) prohibit fishing below concrete flood control weirs. The first change stemmed from a petition submitted for consideration to the Commission to extend the season on the Sacramento River downstream of the RBDD. After the Commission referred the petition to the Department for consideration, the Department evaluated the request in the ISOR, and found that an extension downstream of the RBDD was not warranted biologically, but that an extension upstream of the RBDD to the Deschutes Road bridge was warranted.

The draft negative declaration for compliance with the California Environmental Quality Act will be provided to the Commission prior to the discussion hearing.

The Department asks that the Commission request that the Office of Administrative Law make the regulations effective on or before July 16, 2020.

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

Melissa Miller-Henson, Executive Director
Fish and Game Commission
November 19, 2019
Page 3

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

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Fisheries Branch
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Melissa Miller-Henson, Executive Director
Fish and Game Commission
November 19, 2019
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Craig Castleton, Analyst
Fish and Game Commission
Craig.Castleton@fgc.ca.gov

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Sections 2.35 and 7.00, and Subsections (b)(5), (b)(68), (b)(124),
and (b)(156.5) of Section 7.50
Title 14, California Code of Regulations
Re: Central Valley Sport Fishing Regulations

I. Date of Initial Statement of Reasons: November 18, 2019

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 11, 2019

Location: Sacramento, CA

(b) Discussion Hearing

Date: February 21, 2020

Location: Sacramento, CA

(c) Discussion Hearing

Date: April 16, 2020

Location: Sacramento, CA

(d) Adoption Hearing

Date: May 14, 2020

Location: Teleconference

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory 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 (CCR).

Current regulations in subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50 prescribe the 2019 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 (Figure 1). 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).



Figure 1. Map of the “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.50: American (b)(5), Feather (b)(68), Mokelumne (b)(124), and Sacramento (b)(156.5).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2020 meeting and will adopt its final regulatory recommendations at its April 2020 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2020 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations for the Central Valley fishery to the Commission at its April 16, 2020 meeting. The

Commission will then consider adoption of the Central Valley sport fishing regulations at its May 14, 2020 teleconference.

Proposed Regulations

CHINOOK SALMON BAG AND POSSESSION LIMITS

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2020 Central Valley fishery, the Department is presenting three regulatory options for the Commission's consideration to tailor 2020 Central Valley fishery management to target 2020 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 will also increase fishing opportunities on Chinook Salmon by extending the Chinook Salmon sport fishing season on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam from a closure date of December 16 to a closure date of December 31. The rationale for this proposal is discussed in greater detail below.

A minor correction will also be made to subsections 7.50(b)(124)(A), (B), and (D), to ensure consistency in the format in which the daily bag and possession limit for hatchery trout or hatchery steelhead is displayed in the regulatory text.

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 2020 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 31** 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. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size and immaturity, grilse are typically outcompeted by larger adults, and do not significantly contribute to the spawning population, and so they would be available for harvest without impacting the juvenile recruitment for the current season. 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.

The Department recommends a grilse salmon size limit of less than or equal to 27 inches total length based on an analysis of grilse data conducted by Department staff in 2019 (refer to Section III(e) below). A 27-inch total length grilse salmon cutoff is the best balance between angling harvest opportunity of possibly abundant smaller, two-year old male salmon and preserving the limited number of females available to spawn.

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 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish may be over 27 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 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish may be over 27 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 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 31** with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 PPMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size and immaturity, grilse are typically outcompeted by larger adults, and do not significantly contribute to the spawning population, and so they would be available for harvest without impacting the juvenile recruitment for the current season. 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.

The Department recommends a grilse salmon size limit of less than or equal to 27 inches total length based on an analysis of grilse data conducted by Department staff in 2019 (refer to Section III(e) below). A 27-inch-total length grilse salmon cutoff is the best balance between angling harvest opportunity of possibly abundant smaller, two-year old male salmon and preserving the limited number of female salmon available to spawn.

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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 31** with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

EXTEND CHINOOK SALMON SPORT FISHING SEASON ON THE SACRAMENTO RIVER

Sport fishing interests have requested the Chinook Salmon sport fishing season on the Sacramento River be extended from the current December 16 closure date to December 31 to enhance late-season fishing opportunity on the river. The current sport fishing regulations for Chinook Salmon on the Sacramento River extend approximately 300 miles from the Deschutes Road bridge downstream to the Carquinez bridge. At issue is regulating the closure date to minimize contact in the fishery with federally and state-listed endangered winter-run Chinook Salmon.

In 2002, the Department provided evidence to support a shortened salmon fishing season in the lower Sacramento River system to protect winter-run Chinook Salmon, which resulted in the current December 16 season closure date. Since 2006, when the Central Valley Angler Survey program was reinstated, four winter-run Chinook Salmon coded-wire tag (CWT) recoveries have been made in Sacramento River sport fishery monitoring (Table 1). Two of the four recoveries occurred after the current season closure date of December 16 and both occurred upstream of Knights Landing. The other two recoveries occurred in December prior to the current season closure date, and both were again at or above Knights Landing. While the number of recoveries is modest and scattered among years, expansions of the CWT recoveries may suggest a more appreciable impact to winter-run Chinook Salmon at the population level than what the raw numbers do alone.

Table 1. Coded-wire tag recoveries of winter-run Chinook Salmon in the Sacramento River sport fishery, 2006 – 2018, as seen in monitoring conducted by the Central Valley Angler Survey. RM = river mile, F = female, M = male

Collection Date	Collection Location	Brood Year	Age	Sex	Fork Length (mm)
12/20/2008	3 river miles above Knights Landing RM 93	2006	3	F	792
12/06/2009	At Knights Landing RM 90	2007	3	M	751
12/26/2009	1 river mile below Butte City RM 168	2007	3	M	770

Late-fall-run Chinook Salmon spawning begins in December, peaks in late January, and continues into March. Late-fall-run Chinook Salmon have two main areas in which they spawn in the upper Sacramento River: the main stem river from Red Bluff up to Keswick Dam supports a population, and Battle Creek supports a hatchery population at Coleman National Fish Hatchery.

Based on the CWT information presented in Table 1, the Department does not support extending the Chinook Salmon fishing season in the Sacramento River downstream of the Red Bluff Diversion Dam (RBDD). With contact being made with winter-run Chinook Salmon both before and after the current closure date in this area, adding 2 weeks of fishing is not warranted.

However, the Department *does* support extending the fishing season upstream of the RBDD (RM 243), because most late season fishing for late-fall-run Chinook Salmon would occur near the mouth of Battle Creek (RM 275). This would provide an approximately 80-mile buffer from where the most upstream winter-run Chinook Salmon was recovered (RM 190). This will provide additional fishing opportunity on late-fall-run Chinook Salmon, with anglers primarily targeting hatchery fish going into Battle Creek, while continuing to protect state and federally-listed endangered winter-run Chinook Salmon. The Department will continue to monitor for winter-run Chinook Salmon recoveries to assess this regulation change.

Proposal: Amend subsection 7.50(b)(156.5)(C), Sacramento River

Extend the Chinook Salmon sport fishing season on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam to December 31.

REMOVE EXCEPTION FOR TAKE OF COHO SALMON IN THE FEATHER RIVER

Section 7.00 includes an exception for the take of Coho Salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam. Section 7.00 also includes an exception for incidentally hooked Coho Salmon in the same area. Coho Salmon have not been stocked in Lake Oroville since 2013. Coho Salmon are no longer planted in the Feather River water impoundments. Therefore, the exceptions for take and incidentally hooked Coho Salmon stated in Section 7.00 should be removed.

Proposal: Amend Section 7.00, Re: Take of Coho Salmon in the Feather River

Remove exception for take and incidentally hooked Coho Salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam.

Section 7.00 also currently lists Fish and Game Code (FGC) Section 110 as a reference citation. FGC Section 110 was renumbered from FGC Section 206 in 2006, and the content of FGC Section 110 is no longer relevant to Section 7.00. For this reason, FGC Section 110 will be removed from the list of reference citations.

PROHIBIT FISHING AT CONCRETE FLOOD CONTROL WEIRS

Annually, during the rainy season, fish often get trapped below the concrete flood control weirs on the Sacramento River. Fish trapped in these areas are often state or federally-listed as endangered or threatened species and, therefore, should not be exposed to angling opportunity. Subsections 7.50(b)(156.5)(D) and (E) include a “Note” which states that it is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa, Tisdale, Fremont, and Sacramento weirs. However, there is no regulation in place that makes angling near flood control weirs unlawful. Consequently, Department law enforcement officers cannot issue citations to anglers who fish these areas. Section 2.35 prohibits angling near fishways and egg-taking stations, dams, weirs or racks with fishways or egg-taking stations, and the upstream side of fish screens; but does not apply to areas, excluding the Fremont Weir, described in the notes in subsections 7.50(b)(156.5)(D) and (E). Except for the Fremont Weir, there are no fishways at the weirs listed above. Even if a fishway exists, the closure only extends to 250 feet around the fishway and the flood weirs can be up to two miles across and several miles long, leaving uncertainty and difficulty in enforcing regulations. The 250 feet ruling is at or below the weir itself regardless of how far across it is.

Colusa Weir is an earthen weir and does not trap fish like the other concrete flood control weirs. It also does not have clearly delineated boundaries, which makes enforcement difficult. Therefore, the Colusa Weir is not included in the list of concrete flood control weirs proposed to be closed to fishing.

Proposal 1: Amend Section 2.35, Regarding Take of Fish at Weirs

Amend Section 2.35 to include and differentiate flood control weirs in the Central Valley from other types of weirs, and include a fishing closure of 0-250 feet downstream from the overflow side of Moulton, Tisdale, Fremont, and Sacramento weirs. Fremont Weir is added to this requirement in order to provide protection for fish in this important migration corridor.

The reference within Section 2.35 to FGC Section 5502 will also be removed, as this statute was repealed in 2007 per Assembly Bill 1729, Fish and Wildlife. The related authority citation of FGC Section 219 will also be removed from Section 2.35. Lastly, the reference to Section 201 is removed, because the proposed regulation is not trying to implement, interpret, or make specific anything with reference to the Commission’s power to regulate natural resources, commercial, or other activity.

Proposal 2: Amend subsections 7.50(b)(156.5)(D) and (E), Sacramento River

Remove Note which states it is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa, Tisdale, Fremont, and Sacramento weirs. These fishing closures will now be stipulated in Title 14, Section 2.35, with the exception of the Colusa Weir.

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 sport fishing opportunity where possible through the proposed extension of the season end date on the Sacramento River above RBDD without adversely affecting SRFC or winter-run Chinook

Salmon. In addition, it is necessary to prohibit fishing near flood control weirs where fish can become trapped to protect federally and state-listed endangered or threatened species.

(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 extension of the fishing season on the upper Sacramento River provides additional angler opportunity while minimizing potential contact with federally and state-listed endangered winter-run Chinook Salmon. The prohibition of take at flood control weirs helps to provide protection for fish in important migration corridors. Removing the mention of prohibition of Coho salmon take in the Feather River removes a potential clarity concern for anglers.

The benefits of the proposed regulations are consistency with federal fishery management goals, sustainable management of the SRFC fishery, general health and welfare of California residents, and promotion of businesses that rely on sport fishing in the Central Valley.

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

Section 2.35

Authority cited: Sections 200, 205, 265 and 275, Fish and Game Code.

Reference: Sections 200, 205, 255, 265, 270 and 275, Fish and Game Code.

Section 7.00

Authority cited: Sections 200, 205, 265 and 275, Fish and Game Code.

Reference: Sections 200 and 205, Fish and Game Code.

Section 7.50

Authority: Sections 200, 205, 265, 270, 315, 316.5, 399 and 2084, Fish and Game Code.

Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

Initial Statement of Reasons for Regulatory Action. Amendments to Section 7.50, Title 14, California Code of Regulations, Re: Central Valley Salmon Sport Fishing. November 2018

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

The Department presented the proposed amendments to the SRFC bag and possession limits at the Commission's Wildlife Resources Committee meeting on September 10, 2019.

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

Chinook Salmon Bag and Possession Limits

The no change alternative would leave existing 2019 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.

Extend Chinook Salmon Sport Fishing Season on the Sacramento River

The no change alternative would leave existing 2019 regulations in place, and current fishing opportunity on the Sacramento River would not change.

Remove Exception for Take of Coho Salmon in the Feather River

The no change alternative would leave the existing regulation in place, which is no longer relevant and, therefore, could be confusing to anglers.

Prohibit Fishing at Concrete Flood Control Weirs

The no change alternative would leave existing regulations in place, exposing state or federally-listed as endangered or threatened species to angling opportunity.

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 significant adverse economic 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 2). 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 27 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 by two weeks on a portion of the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam, 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 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 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

This action is expected to sustain fishery activity within the range of historically typical seasons. Lower PFMC allocations can result in a smaller bag and possession limit, (more conservative), whereas larger PFMC allocations can result in a higher bag and possession limit (more liberal), both of which can skew the average fishing activity over seasons. The potential difference between a typical season and the options under consideration range from \$1.9 - \$3.9 M as shown in Table 2 below.

A typical season for the Central Valley fishery experiences an average of 179,550 sport salmon angler days in which anglers spend an average of \$83 -114 per day contributing a total of \$13.8 M (2019\$) 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 \$19.4 M (2019\$), and up to 136 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 allocations. 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 2. Central Valley Fishery Economic Impacts (2019\$)

Regulation	Angler Days	Angler Expenditures	Total Econ Impact	Jobs
Option 1	179,550	\$ 13,801,889	\$ 19,407,577	136
Option 2	161,595	\$ 12,421,700	\$ 17,466,819	122
Option 3	143,640	\$ 11,041,511	\$ 15,526,062	109
Difference	Angler Day Loss	Expenditure Loss	Total Impact Loss	Job Loss
Option 1	0	\$ -	\$ -	0
Option 2	17,955	\$ 1,380,189	\$ 1,940,758	14
Option 3	35,910	\$ 2,760,378	\$ 3,881,515	27

Sources: California Department of Fish and Wildlife, 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 typical 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 a typical year. Option 3 may result in larger declines, or an estimated 35,910 fewer angler days.

For all options, the proposed extension of the season end date for a portion of the Sacramento River 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 the preferred 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 14 - 27 jobs statewide. These job impacts are statewide and may be moderated by the proposed season extension on a portion of the Sacramento River, from Deschutes Road bridge to Red Bluff Diversion Dam.

(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 economic impacts of the regulations are unlikely to be substantial enough to stimulate the creation of new businesses or cause the elimination of existing businesses. The proposed season extension for a portion of the Sacramento river is 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 SRFC. 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. The extension of the fishing season on the upper Sacramento River provides additional angler opportunity while minimizing potential contact with federally and state-listed endangered winter-run Chinook Salmon. The prohibition of take at weirs helps to provide protection for fish in important migration corridors. Removing the mention of prohibition of Coho Salmon take in the Feather River removes a potential clarity concern for anglers.

(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 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 2019 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 2020 meeting and will adopt its final regulatory recommendations at its April 2020 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2020 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations to the Commission at its April 16, 2020 meeting. The Commission will then consider adoption of the Central Valley sport fishing regulations at its May 14, 2020 teleconference.

Proposed Regulations

CHINOOK SALMON BAG AND POSSESSION LIMITS

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2020 Central Valley fishery, the Department is presenting three regulatory options for the Commission’s consideration to tailor 2020 Central Valley fishery management to target 2020 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 will also increase fishing opportunities on Chinook Salmon by extending the Chinook Salmon sport fishing season on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam from a closure date of December 16 to a closure date of December 31.

A minor correction will also be made to subsections 7.50(b)(124)(A), (B), and (D), to ensure consistency in the format in which the daily bag and possession limit for hatchery trout or hatchery steelhead is displayed in the regulatory text.

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 31
- (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 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 inches total length.

Option 3 – Grilse Salmon Fishery Only

Bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

EXTEND CHINOOK SALMON SPORT FISHING SEASON ON THE SACRAMENTO RIVER

Sport fishing interests have requested the Chinook Salmon sport fishing season on the Sacramento River be extended from the current December 16 closure date to December 31 to enhance late-season fishing opportunity on the river. At issue is regulating the closure date to minimize contact in the fishery with federally and state-listed as endangered winter-run Chinook Salmon.

The Department supports extending the fishing season from December 16 to December 31 upstream of the Red Bluff Diversion Dam (River Mile (RM) 243), which will provide late season fishing for late-fall-run Chinook Salmon without negatively impacting winter-run Chinook Salmon.

Proposal: Amend subsection 7.50(b)(156.5)(C), Sacramento River

Extend the Chinook Salmon sport fishing season on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam to December 31.

REMOVE EXCEPTION FOR TAKE OF COHO SALMON IN THE FEATHER RIVER

Section 7.00 includes an exception for the take of Coho Salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam. Section 7.00 also includes an exception for incidentally hooked Coho Salmon in the same area. Coho Salmon have not been stocked in Lake Oroville since 2013. Coho Salmon are no longer planted in the Feather River water impoundments. Therefore, the exceptions for take and incidentally hooked Coho Salmon stated in Section 7.00 should be removed.

Proposal: Amend Section 7.00, Re: Take of Coho Salmon in the Feather River

Remove exception for take and incidentally hooked Coho Salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam.

PROHIBIT FISHING AT CONCRETE FLOOD CONTROL WEIRS

Annually, during the rainy season, fish often get trapped below the concrete flood control weirs on the Sacramento River. Fish trapped in these areas are often state or federally-listed as endangered or threatened species and, therefore, should not be exposed to angling opportunity. Subsections 7.50(b)(156.5)(D) and (E) include a “Note” which states that it is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa, Tisdale, Fremont, and Sacramento weirs. However, there is no regulation in place that makes angling near flood control weirs unlawful. Section 2.35 prohibits angling near fishways and egg-taking stations, dams, weirs or racks with fishways or egg-taking stations, and the upstream side of fish screens; but does not apply to areas, except for Fremont Weir, described in the notes in subsections 7.50(b)(156.5)(D) and (E).

Proposal 1: Amend Section 2.35, Regarding Take of Fish at Weirs

Amend Section 2.35 to include and differentiate flood control weirs in the Central Valley from other types of weirs and include a fishing closure of 0-250 feet downstream from the overflow side of Moulton, Tisdale, Fremont, and Sacramento weirs.

Proposal 2: Amend subsections 7.50(b)(156.5)(D) and (E), Sacramento River

Remove Note which states it is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa, Tisdale, Fremont, and Sacramento weirs. These fishing closures will now be stipulated in Title 14, Section 2.35, with the exception of the Colusa Weir.

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

Section 2.35, Title 14, CCR is amended to read:

**§ 2.35. Taking Fish ~~near~~Near Dams, Fishways, ~~Screens and Egg-Taking~~Screens, Egg Taking-
Stations, and Flood Control Weirs.**

(a) No fish may be taken within 250 feet of:

~~(a)~~(1) Any fishway or any egg-taking station.

~~(b)~~(2) Any dam or any weir or rack which has a fishway or an egg-taking station.

~~(c)~~(3) The upstream side of any fish screen.

(4) The overflow side of Moulton, Tisdale, Fremont, and Sacramento flood control weirs.

(b) Fish may be taken upstream or downstream from any dam that does not have a fishway or egg-taking station ~~(this supersedes Section 5502 of the Fish and Game Code).~~

Note: Authority cited: Sections 200, 205, ~~249~~, 265 and 275, Fish and Game Code. Reference: Sections 200, ~~204~~, 205, 255, 265, 270 and 275, Fish and Game Code.

Proposed Regulatory Language

Section 7.00, Title 14, CCR is amended to read:

§ 7.00. District General Regulations.

Unless otherwise provided, waters shown as open to trout fishing in subsections (a) through (g) below, are open to fishing for other species. Gear restrictions listed in this section apply to the take of all species of fish unless otherwise noted. Every body of water listed in subsections (a) through (g) of Section 7.00 (below) is closed to all fishing, except during the open season as shown. Unless otherwise provided, waters closed to trout fishing are closed to fishing for all other species, except that these closures do not apply to fishing for amphibians (see Section 5.05), freshwater clams (see Section 5.20), crayfish (see Section 5.35), and lamprey (see Section 5.40), using legal fishing methods other than hook-and-line fishing, and saltwater clams, crabs, ghost shrimp, and blue mud shrimp (see Ocean Regulations Booklet Sections 29.20 to 29.87). Crabs may only be taken using hoop nets or by hand, and Dungeness crab may only be taken within the North Coast District and Sonoma and Mendocino counties.

Daily bag and possession limits, unless otherwise provided, mean the total number of trout. Unless otherwise provided, no more than one daily bag limit may be possessed. Coho (silver) ~~salmon~~Salmon may not be taken in any of the waters of the State, ~~except in Lake Oroville and Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam.~~ Incidentally hooked Coho (silver) ~~salmon~~Salmon, ~~except those in Lake Oroville and Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam,~~ must be immediately released unharmed to the waters where they are hooked. In waters where the bag limit for trout is zero, fish for which the bag limit is zero must be released unharmed, and should not be removed from the water.

These waters may also be subject to restrictions on fishing methods and gear (sections 2.00 through 2.45), fishing hours (section 3.00), and the use of bait (sections 4.00 through 4.30).

. . . [No changes to subsections (a) through (g)]

Note: Authority cited: Sections 200, 205, 265 and 275, Fish and Game Code. Reference: Sections 440, 200, and 205, Fish and Game Code.

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.).		
(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**. 4 hatchery trout 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. 2[0-4] Chinook Salmon. 4[0-12] Chinook Salmon in possession.
(C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**.

downstream to the Jibboom Street bridge.		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. <u>2[0-4]</u> Chinook Salmon. <u>4[0-12]</u> 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. <u>2[0-4]</u> Chinook Salmon. <u>4[0-12]</u> Chinook Salmon in possession.
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**.

		4 hatchery trout or hatchery steelhead** in possession.
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. . . [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.	
(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 steelhead** in possession.
	July 16 through Oct. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2[0-4] Chinook Salmon. 4[0-12] Chinook Salmon in possession.
	Nov. 1 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.

		<p>2[0-4] Chinook Salmon.</p> <p>4[0-12] Chinook Salmon in possession.</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 Elliott Road.	Jan. 1 through Mar. 31.	1 hatchery trout or 4 hatchery steelhead**.
	Fourth Saturday in May through July 15.	1 hatchery trout or 4 hatchery steelhead**.
	July 16 through Oct. 15.	<p>1 hatchery trout or hatchery steelhead**.</p> <p>2[0-4] Chinook Salmon.</p> <p>4[0-12] Chinook Salmon in possession.</p>

(B) From Elliott Road to the Woodbridge Irrigation District Dam including Lodi Lake.	Jan. 1 through July 15.	1 hatchery trout or 4 hatchery steelhead**.
	July 16 through Dec. 31.	1 hatchery trout or hatchery steelhead**. 2[0-4] Chinook Salmon. 4[0-12] Chinook Salmon in possession.
(C) Between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge.	Closed to all fishing all year.	
(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 hatchery steelhead**.
	July 16 through Dec. 16.	1 hatchery trout or 4 hatchery steelhead**. 2[0-4] Chinook Salmon. 4[0-12] Chinook Salmon in possession.
	Dec. 17 through Dec. 31.	1 hatchery trout or 4 hatchery 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>
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(156.5) Sacramento River and tributaries below Keswick Dam (Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Solano, Sutter, Tehama and Yolo 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. 4631.	2 hatchery trout or hatchery steelhead**.

		4 hatchery trout or hatchery steelhead** in possession. 2[0-4] Chinook Salmon. 4[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. 2[0-4] Chinook Salmon. 4[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 steelhead**.

(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.		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. 2[0-4] Chinook Salmon. 4[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, 399 and 2084, Fish and Game Code.
Reference: Sections 200, 205, 265, 270, 316.5 and 2084, 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.).		
(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**. 4 hatchery trout 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. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon</u>

		<u>over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 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. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u>

(D) From the Jibboom Street bridge to the mouth.	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. 16.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u></p>
	Dec. 17 through 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)(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.	
(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 steelhead** in possession.
	July 16 through Oct. 31.	2 hatchery trout or hatchery steelhead**.

		<p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u></p>
	Nov. 1 through Dec. 31.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</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.	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. 16.	<p>2 hatchery trout or hatchery steelhead**.</p>

		<p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 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 Elliott Road.	Jan. 1 through Mar. 31.	1 hatchery trout or 4 hatchery steelhead**.

	Fourth Saturday in May through July 15.	1 hatchery trout or 4 hatchery steelhead**.
	July 16 through Oct. 15.	1 hatchery trout or hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u>
(B) From Elliott Road to the Woodbridge Irrigation District Dam including Lodi Lake.	Jan. 1 through July 15.	1 hatchery trout or 4 hatchery steelhead**.
	July 16 through Dec. 31.	1 hatchery trout or hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in</u>

		<u>possession of which no more than [0-4] salmon may be over 27 inches total length.</u>
(C) Between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge.	Closed to all fishing all year.	
(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 hatchery steelhead**.
	July 16 through Dec. 16.	1 hatchery trout or 4 hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u>
	Dec. 17 through Dec. 31.	1 hatchery trout or 4 hatchery 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.).	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. 4631.	2 hatchery trout or hatchery steelhead**.

		<p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u></p>
	Dec. 17 through Dec. 31.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>
(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.	<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>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p>

		<u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 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. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u>

		<u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 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, 399 and 2084, Fish and Game Code.
Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game Code.

Proposed Regulatory Language – Option 3 (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.).		
(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**. 4 hatchery trout 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. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in</u>

		<u>possession.</u> <u>Maximum size 27</u> <u>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. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size 27 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**.

		<p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u></p>
	Dec. 17 through 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)(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.	

(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 steelhead** in possession.
	July 16 through Oct. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u>

		<u>Maximum size 27 inches total length.</u>
	Nov. 1 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. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size 27 inches total length.</u>

	Dec. 17 to Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
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. . . [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 Elliott Road.	Jan. 1 through Mar. 31.	1 hatchery trout or 4 hatchery steelhead**.
	Fourth Saturday in May through July 15.	1 hatchery trout or 4 hatchery steelhead**.
	July 16 through Oct. 15.	1 hatchery trout or hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u>

(B) From Elliott Road to the Woodbridge Irrigation District Dam including Lodi Lake.	Jan. 1 through July 15.	1 hatchery trout or 4 hatchery steelhead**.
	July 16 through Dec. 31.	1 hatchery trout or hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u>
(C) Between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge.	Closed to all fishing all year.	
(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 hatchery steelhead**.
	July 16 through Dec. 16.	1 hatchery trout or 4 hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in</u>

		<u>possession.</u> <u>Maximum size 27</u> <u>inches total length.</u>
	Dec. 17 through Dec. 31.	1 hatchery trout or 4 hatchery 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.).	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. 4 <u>31</u> .	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size 27 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	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

Moulton, Colusa and Tisdale Weirs.		
	July 16 through Dec. 16.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession.</u></p> <p><u>Maximum size 27 inches total length.</u></p>
	Dec. 17 through Dec. 31.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>
(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.	<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>2 Chinook Salmon.</p>

		<p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u></p>
	Dec. 17 through Dec. 31.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>

. . . [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, 399 and 2084, Fish and Game Code.
Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game Code.

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

Consider authorizing publication of notice of intent to amend Central Valley sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|---------------------------------|------------------------------------|
| • Today's notice hearing | Dec 11-12, 2019; Sacramento |
| • Discussion hearing | Feb 5-6, 2020; Sacramento |
| • Discussion hearing | Apr 15-16, 2020; Sacramento |
| • Adoption hearing | May 14, 2020; Teleconference |

Background

FGC generally adopts Central Valley sport fishing regulations on an annual basis to align state regulations with federal fishery management goals set by the Pacific Fishery Management Council (PFMC).

DFW is proposing a range of size, bag, and possession limits for Sacramento River fall-run Chinook salmon in the American, Feather, Mokelumne, and Sacramento rivers to encompass possible PFMC 2020 recommendations for Central Valley salmon escapement goals. PFMC's escapement estimate will be released in mid-Apr 2020.

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. DFW will recommend specific regulation changes to FGC at its Apr 15-16, 2020 meeting for adoption at FGC's May 14, 2020 teleconference.

Three options for proposed changes to Section 7.50 are being 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 (2 year-old) Chinook salmon making up the remainder of the daily bag and possession limits;
- Option 3 allows for take of only grilse Chinook salmon.

When considering a grilse fishery, it is important to determine a size limit that balances angling harvest opportunity for male grilse versus preserving the limited number of females available to spawn. For the purposes of the proposed regulations, DFW recommends a grilse salmon size limit of less than or equal to 27 inches total length, based upon an analysis of grilse data conducted by DFW as part of the 2019 Central Valley salmon sport fishing rulemaking (Exhibit 3).

All three proposed options will also increase fishing opportunities for Chinook salmon by extending the Chinook salmon sport fishing season on the Sacramento River from the Deschutes Road Bridge to the Red Bluff Diversion Dam from a closure date of Dec 16 to a

STAFF SUMMARY FOR DECEMBER 11-12, 2019

For background purposes only

closure date of Dec 31. This proposal originates from a request made by the sport fishing community to enhance late-season fishing opportunity on the Sacramento River. Upon review of this request, DFW supports extending the fishing season from Dec 16 to Dec 31 upstream of the Red Bluff Diversion Dam, as this will provide late-season fishing opportunity for late-fall-run Chinook salmon without negatively impacting federally- and state-listed winter-run Chinook salmon (see Exhibit 2 for further discussion).

All three options will also include:

- As Coho salmon have not been stocked in Lake Oroville since 2013, and are no longer planted in the Feather River water impoundments, amend Section 7.00 to remove the exception for take and incidentally hooked Coho salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam.
- To protect federally- and state-listed fish that become trapped below concrete flood control weirs from angling opportunity, amend Section 2.35 and subsections 7.50(b)(156.5)(D) and (E) to include and differentiate flood control weirs in the Central Valley from other types of weirs, and clarify a fishing closure of 0-250 feet downstream from the overflow side of Moulton, Tisdale, Fremont, and Sacramento weirs.
- Make a minor correction to subsections 7.50(b)(124)(A), (B), and (D) to ensure consistency in the format in which the daily bag and possession limit for hatchery trout or hatchery steelhead is displayed in regulatory text.

Significant Public Comments

The Buena Vista Rancheria expressed support for Option 2 in the draft ISOR (Exhibit 6).

Recommendation

FGC staff: Authorize publication of a notice as recommended by DFW.

Committee: Authorize publication of a notice as recommended by DFW.

DFW: Authorize publication of a notice as proposed in the draft ISOR (Exhibit 2) and, following adoption of any changes, request that the Office of Administrative Law make the regulation effective on or before Jul 16, 2020 (Exhibit 1).

Exhibits

1. DFW memo transmitting ISOR, received Nov 22, 2019
2. Draft ISOR
3. ISOR, *Central Valley Salmon Sport Fishing*, dated Nov 20, 2018 (for background purposes only)
4. Draft economic and fiscal impact statement (Std. 399)
5. DFW presentation
6. Email from Richard Hawkins, representing Buena Vista Rancheria, received Nov 26, 2019

STAFF SUMMARY FOR DECEMBER 11-12, 2019

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Motion/Direction

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 2.35 and 7.00, and subsections 7.50(b)(5), et al., related to Central Valley sport fishing regulations.

**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) 653-4674
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Section 2.35, 7.00, & subsections of 7.50(b) Title 14,CCR, Re: Central Valley 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: approx. 100 to 200Describe the types of businesses (Include nonprofits): Fishing guides, boat owners, bait, tackle, food, fuel, lodging, and campground vendorsEnter 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: noneExplain: 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 rivers6. Enter the number of jobs created: none and eliminated: 0 - 27Describe 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 ☒ NOIf 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 sport 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 sport 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? \$ 15.5 - 19.4 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 Initial Statement of Reasons (ISOR) for more detail. Alternatives considered: Option 1) Any size Chinook Salmon; Option 2) Limited numbers of Adult Salmon and Grilse take; Option 3) Grilse take only. All options extend the salmon season by two weeks on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam.

**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: \$	<u>19.4 M</u>	Cost: \$	<u>0</u>
Alternative 1:	Benefit: \$	<u>17.5 M</u>	Cost: \$	<u>1.9 M</u>
Alternative 2:	Benefit: \$	<u>15.5 M</u>	Cost: \$	<u>3.9 M</u>

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 ISOR, section VII for detail on cost/benefit analysis.

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 11/13/19

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 01/03/20

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 Sections 2.35 and 7.00, and
Subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50
Title 14, California Code of Regulations
Re: Central Valley Sport Fishing Regulations

Economic Impact Statement

The proposed regulatory amendments of subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50 under consideration will set the 2020 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 the purposes of this document. Three regulatory options are provided for the Fish and Game Commission’s (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 Chinook Salmon would not be allowed.

All three options will also include the following additional proposed regulatory changes:

- Increase fishing opportunities on Chinook Salmon by extending the Chinook Salmon sport fishing season on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam from a closure date of December 16 to a closure date of December 31.
- Remove the exception for take and incidentally hooked Coho Salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam.
- Differentiate flood control weirs in the Central Valley from other types of weirs and include a fishing closure of 0-250 feet downstream from the overflow side of Moulton, Tisdale, Fremont, and Sacramento weirs.

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 additional two weeks of fishing opportunity on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam, and opportunities to fish for grilse Chinook Salmon and other species 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 and eliminated.

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 up to an estimated 27 jobs statewide (refer to Section C, question 3 below). These job impacts are statewide, and may be moderated by the additional two weeks of fishing opportunity on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam, and by opportunities to fish for grilse Chinook Salmon and other species.

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 SRFC 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.

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 the SRFC fishery, general health and welfare of California residents, and promotion of businesses that rely on sport fishing in the Central Valley.

Section C

Question 3. What are the total statewide benefits from this regulation over its lifetime?

\$15.5 - 19.4 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 typical seasons. The potential difference between an average season and the options under consideration range from \$1.9 - \$3.9 M as shown in Table 1.

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 \$83 -114 per day contributing a total of \$13.8 M (2019\$) 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 \$19.4 M (2019\$), and up to 136 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 Fishery Economic Impacts (2019\$)

Regulation	Angler Days	Angler Expenditures	Total Econ Impact	Jobs
Option 1	179,550	\$ 13,801,889	\$ 19,407,577	136
Option 2	161,595	\$ 12,421,700	\$ 17,466,819	122
Option 3	143,640	\$ 11,041,511	\$ 15,526,062	109
Difference	Angler Day Loss	Expenditure Loss	Total Impact Loss	Job Loss
Option 1	0	\$ -	\$ -	0
Option 2	17,955	\$ 1,380,189	\$ 1,940,758	14
Option 3	35,910	\$ 2,760,378	\$ 3,881,515	27

Sources: California Department of Fish and Wildlife, 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 typical number of angler days for the 2020 Chinook Salmon season on the American, Feather, Mokelumne, and Sacramento rivers. Option 2 may result in declines in angler days of 17,955 below a typical year. Option 3 may result in larger declines, or an estimated 35,910 fewer angler days.

For all options, the proposed extension of the season end date for a portion of the Sacramento River 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.

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 anglers. 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 Chinook Salmon would not be allowed.

All three options will also include the following additional proposed regulatory changes:

- Increase fishing opportunities on Chinook Salmon by extending the Chinook Salmon sport fishing season on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam from a closure date of December 16 to a closure date of December 31.
- Remove the exception for take and incidentally hooked Coho Salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam.
- Differentiate flood control weirs in the Central Valley from other types of weirs and include a fishing closure of 0-250 feet downstream from the overflow side of Moulton, Tisdale, Fremont, and Sacramento weirs.

Memorandum

Date: May 4, 2020

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

From: Charlton H. Bonham
Director

Subject: **Submittal of Pre-Adoption Statement of Reasons to Amend Sections 2.35 and 7.00, and Subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50, Title 14, CCR, RE: Central Valley Sport Fishing Regulations**

Please find attached the Pre-Adoption Statement of Reasons (PSOR) for the 2020 Central Valley sport fishing regulations. The PSOR includes the Department's recommendation for bag and possession limits on the Sacramento, lower American, Feather, and Mokelumne rivers, and responses to comments from the public on the proposed regulation changes. No changes were made to the original proposed regulations. Specific bag and possession limits for fall-run Chinook Salmon in the Central Valley will be adopted during the Commission teleconference on May 14, 2020.

If you have any questions or need additional information, please contact Roger Bloom, Acting Chief, Fisheries Branch by e-mail at Roger.Bloom@wildlife.ca.gov.

Attachment

cc: Stafford Lehr, Deputy Director
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Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 4, 2020
Page 2

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State of California
Fish and Game Commission
Pre-Adoption Statement of Reasons for Regulatory Action

Amend Sections 2.35 and 7.00, and Subsections (b)(5), (b)(68), (b)(124),
and (b)(156.5) of Section 7.50

Title 14, California Code of Regulations
Re: Central Valley Sport Fishing Regulations

- I. Date of Initial Statement of Reasons: November 18, 2019
- II. Date of Pre-Adoption Statement of Reasons: April 28, 2020
- III. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 11, 2019

Location: Sacramento, CA

(b) Discussion Hearing

Date: February 21, 2020

Location: Sacramento, CA

(c) Discussion Hearing

Date: April 16, 2020

Location: **Teleconference**

(d) Adoption Hearing

Date: May 14, 2020

Location: Teleconference

IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons (ISOR)

No changes have been made to the originally proposed regulatory language; however, the Department of Fish and Wildlife (Department) is recommending Option 1 from the ISOR which allows for take and possession of any size Chinook Salmon up to the daily bag and possession limits. The Department is recommending a daily bag limit of two fish, and a possession limit of four fish for the lower American, Sacramento, and Mokelumne rivers, and a daily bag limit of three fish and possession limit of six fish for the Feather River.

The Department is recommending adoption of the other proposed changes as described in the ISOR.

V. Reasons for Modification of Originally Proposed Language of ISOR:

The Pacific Fishery Management Council (PFMC) has reviewed west-coast salmon stocks and has projected the in-river recreational harvest impact to be approximately 41,000 adult Sacramento River fall-run Chinook Salmon for the 2020 season. Regulatory options 1-3 in the ISOR encompassed varying ranges of sport fishing bag and possession limits based on PFMC's projection. To target PFMC's projection, the Department is recommending Option 1 in the ISOR, which allows for take of any size Chinook Salmon up to the daily bag possession limits. The

Department is not recommending Option 2 (limited adult, and grilse fishery – jacks or jills) or Option 3 (grilse-only fishery).

The Department is recommending a daily bag limit of two fish, and a possession limit of four fish of any size for the lower American, Sacramento, and Mokelumne rivers. This will result in no change to the current bag and possession limits on these waters. The reason for this relatively conservative approach for these waters is that the Department remains concerned about rebuilding of the fall-run Chinook Salmon stock in the upper Sacramento River basin and on the American River.

In contrast, the Department is recommending an increased daily bag limit of three fish and an increased possession limit of six fish for the Feather River (subsection 7.50(b)(68)). As in other recent years, the Department anticipates high returns of adult hatchery fish to the Feather River. It is the Department's judgement that the Feather River can support a higher harvest rate than in 2019 and still contribute proportionately to PFMC's minimum escapement goal for the Sacramento River basin of approximately 142,000 hatchery and natural-area adult spawners. The Department is comfortable with recommending a higher level of utilization on the Feather River given that basin-wide escapement is estimated at between 233,000 and 243,000 adults.

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 April 16, 2020 Commission meeting: Mr. Stone supports the extension of the salmon fishing season on the Sacramento River from the Red Bluff Diversion Dam to the Deschutes Road Bridge to December 31.

Response: Comment noted.

Comment by Aoibheann Cline, Congressional Sportsmen's Foundation, received at the April 16, 2020 Commission meeting: Ms. Cline requests additional recreational fishing opportunity on the Sacramento and Klamath rivers if science supports additional allocation for unharvested ocean quota that will not have a long term negative impact on the population.

Response: Restrictions in ocean salmon fishing due to low abundance in the Klamath River fall-run Chinook stock is likely to result in an atypically greater proportion of Sacramento River fall-run Chinook Salmon returning to the Sacramento Basin in 2020. The PFMC estimates escapement at between 233,000 and 242,000 in the Sacramento Basin, which is well above the minimum spawner escapement goal of approximately 142,000 adults. With this favorable forecast, the Department is recommending that additional recreational fishing opportunity be provided on the Feather River with an increase to the daily bag and possession limit to 3 and 6, respectively. Additionally, the Department is recommending a 2-week enhancement to late-season fishing opportunity on the Sacramento River from the Red Bluff Diversion Dam to the Deschutes Road Bridge.

Updated 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 2019 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 2020 meeting and will adopt its final regulatory recommendations at its April 2020 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2020 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations to the Commission at its April 16, 2020 meeting. The Commission will then consider adoption of the Central Valley sport fishing regulations at its May 14, 2020 teleconference.

Proposed Regulations

CHINOOK SALMON BAG AND POSSESSION LIMITS

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2020 Central Valley fishery, the Department is presenting three regulatory options for the Commission’s consideration to tailor 2020 Central Valley fishery management to target 2020 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 will also increase fishing opportunities on Chinook Salmon by extending the Chinook Salmon sport fishing season on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam from a closure date of December 16 to a closure date of December 31.

A minor correction will also be made to subsections 7.50(b)(124)(A), (B), and (D), to ensure consistency in the format in which the daily bag and possession limit for hatchery trout or hatchery steelhead is displayed in the regulatory text.

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 31
- (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 **2020** 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 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 inches total length.

Option 3 – Grilse Salmon Fishery Only

Bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

EXTEND CHINOOK SALMON SPORT FISHING SEASON ON THE SACRAMENTO RIVER

Sport fishing interests have requested the Chinook Salmon sport fishing season on the Sacramento River be extended from the current December 16 closure date to December 31 to enhance late-season fishing opportunity on the river. At issue is regulating the closure date to minimize contact in the fishery with federally and state-listed as endangered winter-run Chinook Salmon.

The Department supports extending the fishing season from December 16 to December 31 upstream of the Red Bluff Diversion Dam (River Mile (RM) 243), which will provide late season fishing for late-fall-run Chinook Salmon without negatively impacting winter-run Chinook Salmon.

Proposal: Amend subsection 7.50(b)(156.5)(C), Sacramento River

Extend the Chinook Salmon sport fishing season on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam to December 31.

REMOVE EXCEPTION FOR TAKE OF COHO SALMON IN THE FEATHER RIVER

Section 7.00 includes an exception for the take of Coho Salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam. Section 7.00 also includes an exception for incidentally hooked Coho Salmon in the same area. Coho Salmon have not been stocked in Lake Oroville since 2013. Coho Salmon are no longer planted in the Feather River water impoundments. Therefore, the exceptions for take and incidentally hooked Coho Salmon stated in Section 7.00 should be removed.

Proposal: Amend Section 7.00, Re: Take of Coho Salmon in the Feather River

Remove exception for take and incidentally hooked Coho Salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam.

PROHIBIT FISHING AT CONCRETE FLOOD CONTROL WEIRS

Annually, during the rainy season, fish often get trapped below the concrete flood control weirs on the Sacramento River. Fish trapped in these areas are often state or federally-listed as endangered or threatened species and, therefore, should not be exposed to angling opportunity. Subsections 7.50(b)(156.5)(D) and (E) include a “Note” which states that it is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa, Tisdale, Fremont, and Sacramento weirs. However, there is no regulation in place that makes angling near flood control weirs unlawful. Section 2.35 prohibits angling near fishways and egg-taking stations, dams, weirs or racks with fishways or egg-taking stations, and the upstream side of fish screens; but does not apply to areas, except for Fremont Weir, described in the notes in subsections 7.50(b)(156.5)(D) and (E).

Proposal 1: Amend Section 2.35, Regarding Take of Fish at Weirs

Amend Section 2.35 to include and differentiate flood control weirs in the Central Valley from other types of weirs and include a fishing closure of 0-250 feet downstream from the overflow side of Moulton, Tisdale, Fremont, and Sacramento weirs.

Proposal 2: Amend subsections 7.50(b)(156.5)(D) and (E), Sacramento River

Remove Note which states it is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa, Tisdale, Fremont, and Sacramento weirs. These fishing closures will now be stipulated in Title 14, Section 2.35, with the exception of the Colusa Weir.

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.

Update:

No changes have been made to the originally proposed regulatory language; however, the Department is recommending Option 1 from the ISOR which allows for take and possession of any size Chinook salmon up to the daily bag and possession limits. The Department is recommending a daily bag limit of two fish, and a possession limit of four fish for the lower American, Sacramento, and Mokelumne rivers, and a daily bag limit of three fish and possession limit of six fish for the Feather River.

The Department is recommending adoption of the other proposed changes as described in the ISOR.

STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
FISH AND GAME COMMISSION
NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
CENTRAL VALLEY 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

**INITIAL STUDY AND NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
CENTRAL VALLEY SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

The Project

The Fish and Game Commission (Commission) proposes to amend the Central Valley sport fishing regulations as set forth in Title 14 of the California Code of Regulations. The current 2019 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 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 SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

Introduction

Annually, the Department recommends Central Valley 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 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 (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 2020 meeting and develop the final PFMC regulatory recommendations for adoption by NMFS at its April 2020 meeting. Based on the regulations adopted by NMFS, the Department will recommend specific bag and possession limits to the Commission in April. The Commission will adopt the proposed regulations during a scheduled teleconference call on May 14, 2020.

Project Location

Central Valley 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, 2020.

Project Description

Current regulations in subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50 prescribe the 2019 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 (Figure 1). 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.

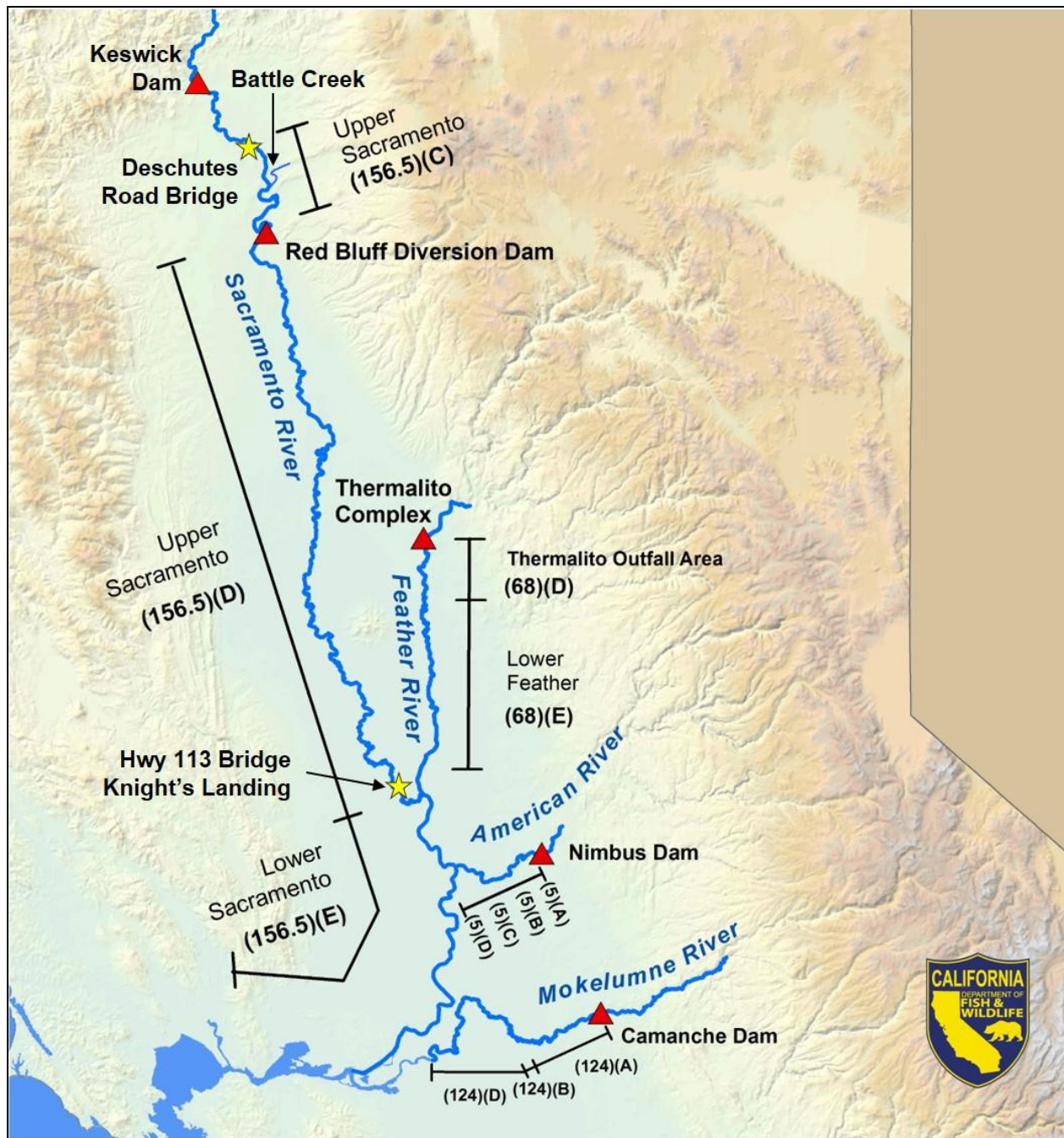


Figure 1. Map of the “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.50: American (b)(5), Feather (b)(68), Mokelumne (b)(124), and Sacramento (b)(156.5).

Proposed Regulations

CHINOOK SALMON BAG AND POSSESSION LIMITS

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2020 Central Valley fishery, the Department is presenting three regulatory options for the Commission's consideration to tailor 2020 Central Valley fishery management to target 2020 in-river fisheries harvest projections.

1. 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.
2. 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.
3. Option 3 is the most conservative option, and allows for a grilse-only Chinook Salmon fishery

All three options will also increase fishing opportunities on Chinook Salmon by extending the Chinook Salmon sport fishing season on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam from a closure date of December 16 to a closure date of December 31. The rationale for this proposal is discussed in greater detail below.

A minor correction will also be made to subsections 7.50(b)(124)(A), (B), and (D), to ensure consistency in the format in which the daily bag and possession limit for hatchery trout or hatchery steelhead is displayed in the regulatory text.

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 2020 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 31** 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. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size and immaturity, grilse are typically outcompeted by larger adults, and do not significantly contribute to the spawning population, and so they would be available for harvest without impacting the juvenile recruitment for the current season. 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 in 2019, the Department is recommending a grilse salmon size limit of less than or equal to 27 inches total length. For the 2019 Central Valley fishery, the Department evaluated a grilse salmon size limit range of less than or equal to 26 to 28 inches total length (TL) to help determine a size cutoff that balances angling harvest opportunity for jacks versus preserving the limited number of females available to spawn. For this, the Department analyzed the percentages of adult SRFC that would be prohibited from harvest at a 26, 27, and 28-inch TL cutoff for grilse salmon. Based on that analysis, the Department determined that a 27-inch TL grilse salmon cutoff is the best balance between restricting take of the available adult female salmon and increasing harvest of possibly abundant smaller, two-year old male 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 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 31** with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over 27 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. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size and immaturity, grilse are typically outcompeted by larger adults, and do not significantly contribute to the spawning population, and so they would be available for harvest without impacting the juvenile recruitment for the current season. 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 in 2019, the Department is recommending a grilse salmon size limit of less than or equal to 27 inches total length. For the 2019 Central Valley fishery, the Department evaluated a grilse salmon size limit range of less than or equal to 26 to 28 inches total length (TL) to help determine a size cutoff that balances angling harvest opportunity for jacks versus preserving the limited number of females available to spawn. For this, the Department analyzed the percentages of adult SRFC that would be prohibited from harvest at a 26, 27, and 28-inch TL cutoff for grilse salmon. Based on that analysis, the Department determined that a 27-inch TL grilse salmon cutoff is the best balance between restricting take of the available adult female salmon and increasing harvest of possibly abundant smaller, two-year old male 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 31** with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 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 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

EXTEND CHINOOK SALMON SPORT FISHING SEASON ON THE SACRAMENTO RIVER

Sport fishing interests have requested the Chinook Salmon sport fishing season on the Sacramento River be extended from the current December 16 closure date to December 31 to enhance late-season fishing opportunity on the river. The current sport fishing regulations for Chinook Salmon on the Sacramento River extend approximately 300 miles from the Deschutes Road bridge downstream to the Carquinez bridge. At issue is regulating the closure date to minimize contact in the fishery with federally and state-listed endangered winter-run Chinook Salmon.

In 2002, the Department provided evidence to support a shortened salmon fishing season in the lower Sacramento River system to protect winter-run Chinook Salmon, which resulted in the current December 16 season closure date. Since 2006, when the Central Valley Angler Survey program was reinstated, four winter-run Chinook Salmon

coded-wire tag (CWT) recoveries have been made in Sacramento River sport fishery monitoring (Table 1). Two of the four recoveries occurred after the current season closure date of December 16 and both occurred upstream of Knights Landing. The other two recoveries occurred in December prior to the current season closure date, and both were again at or above Knights Landing. While the number of recoveries is modest and scattered among years, expansions of the CWT recoveries may suggest a more appreciable impact to winter-run Chinook Salmon at the population level than what the raw numbers do alone.

Table 1. Coded-wire tag recoveries of winter-run Chinook Salmon in the Sacramento River sport fishery, 2006 – 2018, as seen in monitoring conducted by the Central Valley Angler Survey. RM = river mile, F = female, M = male

Collection Date	Collection Location	Brood Year	Age	Sex	Fork Length (mm)
12/20/2008	3 river miles above Knights Landing RM 93	2006	3	F	792
12/06/2009	At Knights Landing RM 90	2007	3	M	751
12/26/2009	1 river mile below Butte City RM 168	2007	3	M	770
12/12/2018	At confluence with Stony Creek RM 190	2015	4	F	935

Late-fall-run Chinook Salmon spawning begins in December, peaks in late January, and continues into March. Late-fall-run Chinook Salmon have two main areas in which they spawn in the upper Sacramento River: the main stem river from Red Bluff up to Keswick Dam supports a population, and Battle Creek supports a hatchery population at Coleman National Fish Hatchery.

Based on the CWT information presented in Table 1, the Department does not support extending the Chinook Salmon fishing season in the Sacramento River downstream of the Red Bluff Diversion Dam (RBDD). With contact being made with winter-run Chinook Salmon both before and after the current closure date in this area, adding 2 weeks of fishing is not warranted.

However, the Department does support extending the fishing season upstream of the RBDD (RM 243), because most late season fishing for late-fall-run Chinook Salmon would occur near the mouth of Battle Creek (RM 275). This would provide an approximately 80-mile buffer from where the most upstream winter-run Chinook Salmon was recovered (RM 190). This will provide additional fishing opportunity on late-fall-run Chinook Salmon, with anglers primarily targeting hatchery fish going into Battle Creek, while continuing to protect state and federally-listed endangered winter-run Chinook Salmon. The Department will continue to monitor for winter-run Chinook Salmon recoveries to assess this regulation change.

Proposal: Amend subsection 7.50(b)(156.5)(C), Sacramento River

Extend the Chinook Salmon sport fishing season on the Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam to December 31.

REMOVE EXCEPTION FOR TAKE OF COHO SALMON IN THE FEATHER RIVER

Section 7.00 includes an exception for the take of Coho Salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam. Section 7.00 also includes an exception for incidentally hooked Coho Salmon in the same area. Coho Salmon have not been stocked in Lake Oroville since 2013. Coho Salmon are no longer planted in the Feather River water impoundments. Therefore, the exceptions for take and incidentally hooked Coho Salmon stated in Section 7.00 should be removed.

Proposal: Amend Section 7.00, Re: Take of Coho Salmon in the Feather River

Remove exception for take and incidentally hooked Coho Salmon in Lake Oroville and Oroville-Thermalito Complex, and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam.

Section 7.00 also currently lists Fish and Game Code (FGC) Section 110 as a reference citation. FGC Section 110 was renumbered from FGC Section 206 in 2006, and the content of FGC Section 110 is no longer relevant to Section 7.00. For this reason, FGC Section 110 will be removed from the list of reference citations.

PROHIBIT FISHING AT CONCRETE FLOOD CONTROL WEIRS

Annually, during the rainy season, fish often get trapped below the concrete flood control weirs on the Sacramento River. Fish trapped in these areas are often state or federally-listed as endangered or threatened species and, therefore, should not be exposed to angling opportunity. Subsections 7.50(b)(156.5)(D) and (E) include a "Note" which states that it is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa, Tisdale, Fremont, and Sacramento weirs. However, there is no regulation in place that makes angling near flood control weirs unlawful. Consequently, Department law enforcement officers cannot issue citations to anglers who fish these areas. Section 2.35 prohibits angling near fishways and egg-taking stations, dams, weirs or racks with fishways or egg-taking stations, and the upstream side of fish screens; but does not apply to areas, excluding the Fremont Weir, described in the notes in subsections 7.50(b)(156.5)(D) and (E). Except for the Fremont Weir, there are no fishways at the weirs listed above. Even if a fishway exists, the closure only extends to 250 feet around the fishway and the flood weirs can be up to two miles across and several miles long, leaving uncertainty and difficulty in enforcing regulations. The 250 feet ruling is at or below the weir itself regardless of how far across it is.

Colusa Weir is an earthen weir and does not trap fish like the other concrete flood control weirs. It also does not have clearly delineated boundaries, which makes enforcement difficult. Therefore, the Colusa Weir is not included in the list of concrete flood control weirs proposed to be closed to fishing.

Proposal 1: Amend Section 2.35, Regarding Take of Fish at Weirs

Amend Section 2.35 to include and differentiate flood control weirs in the Central Valley from other types of weirs and include a fishing closure of 0-250 feet downstream from the overflow side of Moulton, Tisdale, Fremont, and Sacramento weirs. Fremont Weir is added to this requirement in order to provide protection for fish in this important migration corridor.

The reference within Section 2.35 to FGC Section 5502 will also be removed, as this statute was repealed in 2007 per Assembly Bill 1729, Fish and Wildlife. The related authority citation of FGC Section 219 will also be removed from Section 2.35. Lastly, the reference to Section 201 is removed, because the proposed regulation is not trying to implement, interpret, or make specific anything with reference to the Commission's power to regulate natural resources, commercial, or other activity.

Proposal 2: Amend subsections 7.50(b)(156.5)(D) and (E), Sacramento River

Remove Note which states it is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa, Tisdale, Fremont, and Sacramento weirs. These fishing closures will now be stipulated in Title 14, Section 2.35, with the exception of the Colusa Weir.

ENVIRONMENTAL CHECKLIST FORM

1. Project Title:
Proposed Amendments to Central Valley 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) 653-7229
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
1010 Riverside Parkway
West Sacramento, CA 95605
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:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ 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.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ 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.

☐ 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.

Signed May 7, 2020

Original signed copy on file

Melissa Miller-Henson, Executive Director

Date

	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 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 alteration, 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 alteration, 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 alteration, 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 alteration, 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 alteration, 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 alteration, 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 alteration, 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).

Proposal 1 – Potential Increase in Fall-Run Chinook Salmon Bag and Possession Limits

The proposed 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 co-occur in these waters. Existing regulations prohibit take of these species and current sport fishing regulations, including seasonal and area closures, minimize angler contact with these species. Therefore, the proposed project will have no significant impacts to these species.

Proposal 2 – Extend the Chinook Salmon Angling Season on the Sacramento River

The proposed project would extend the Sacramento River late-fall-run Chinook Salmon sport fishing season on the Sacramento River above the Red Bluff Diversion Dam (RBDD) from the current December 16 closure date to December 31. Late-fall-run Chinook Salmon spawning begins in December, peaks in late January, and continues into March. Sacramento River late-fall-run Chinook Salmon are composed of two main spawning populations. A natural-origin population spawns in the upper Sacramento River main-stem from Red Bluff up to Keswick Dam. Battle Creek supports a hatchery-origin population originating from Coleman National Fish

Hatchery. Most late season fishing for late-fall-run Chinook Salmon would occur near the mouth of Battle Creek (RM 275).

Sacramento winter-run Chinook Salmon were state listed as endangered in 1989 and federally listed as endangered in 1994. Adult winter-run Chinook Salmon enter the Sacramento River in November and continue migrating upstream to their spawning grounds through May or June. Although winter-run Chinook Salmon could potentially occur in the project area during the proposed extended angling season; it is highly unlikely. According to CDFW Coded Wire Tag (CWT) recovery data, four winter-run Chinook Salmon CWT recoveries have been made in Sacramento River sport fishery monitoring since 2006. All four recoveries occurred in December below RBDD (RM 243). The nearest recovery occurred on December 12, 2018 at approximately river mile 190, which is 80 miles downstream from where most angling would occur. Hence, winter-run Chinook Salmon are unlikely to occur in the project area when anglers are present. Therefore, winter-run Chinook Salmon will not incur significant impacts as a result of the proposed project because the proposed change is limited to late-fall-run Chinook Salmon and the overlap of the two ecotypes in run and spawn timing is minimal.

- 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 proposed project would extend the salmon fishing season between the Deschutes Road Bridge and the Red Bluff Diversion Dam from December 16 to December 31. The project will most likely result in additional angler trips to the upper Sacramento River during the extended fishing season. Vehicles that use fuel will be used to access the upper Sacramento River 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. 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.

The proposed project would extend the salmon fishing season between the Deschutes Road Bridge and the Red Bluff Diversion Dam from December 16 to December 31. The project will most likely result in additional angler trips to the project area during this period, however, existing facilities such as boat ramps and parking lots utilized by anglers are designed for such use and no deterioration would occur or be accelerated. Additionally, no new facilities will be required for the proposed project or other facilities repurposed for the proposed project.

- 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.

STAFF SUMMARY FOR MAY 14, 2020 WEBINAR/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 11-12, 2019; Sacramento |
| • Discussion hearing | Feb 21, 2020; Sacramento |
| • Discussion hearing | Apr 15-16, 2020; Teleconference |
| • Today's adoption hearing | May 14, 2020; Webinar/Teleconference |

Background

FGC annually adopts Klamath River Basin sport fishing regulations to bring state law into conformance with federal fishery management goals. In Dec 2019, FGC authorized publication of notice of proposed changes to quotas, and size, bag, and possession limits for Klamath River Basin fall-run Chinook salmon (KRFC); bag and possession limits for brown trout on the main stem Trinity River; changes to subsection 5.87(f) to ensure consistency with subsection 7.50(b)(91.1); and other changes for clarity and consistency (exhibits 1-3). The range of the proposed quotas, and size, bag and possession limits for KRFC in the initial statement of reasons (ISOR) are intentionally broad to allow for adjustments in the Pacific Fishery Management Council (PFMC) recommendations and, ultimately, National Marine Fisheries action, as well as FGC action during the 2020 regulatory cycle (see Exhibit 4 for additional background).

A pre-season stock projection of 186,000 adult KRFC was released in Feb 2020 and provided to FGC at its Apr 2020 meeting. PFMC adopted a recommended Klamath River recreational fishery allocation of 1,296 adult KRFC during its Apr 2020 meeting. Based on the PFMC-recommended allocation, DFW recommended:

- maintain the same salmon season dates as 2019;
- maintain the same salmon bag and possession limits as 2019 (bag limit of 2 Chinook salmon with not more than one adult, and a possession limit of 6 Chinook salmon with not more than 3 adults); and
- increase the size used to delineate adult fall Chinook salmon, currently set at greater than 22 inches total length, to greater than 23 inches total length.

In addition, DFW recommended to:

- increase brown trout bag and possession limits on the main stem Trinity River from a 5-fish daily bag/10-fish possession limit to a 10-fish daily bag/20-fish possession limit; and
- make other proposed changes for clarity and consistency.

California Environmental Quality Act (CEQA)

DFW drafted a negative declaration as a proposed mechanism for complying with the California Environmental Quality Act (CEQA) and provided that draft to FGC. FGC staff has

STAFF SUMMARY FOR MAY 14, 2020 WEBINAR/TELECONFERENCE

reviewed and analyzed the negative declaration and determined that it reflects the independent judgment of FGC (Exhibit 8).

Significant Public Comments

1. During verbal public comment, representatives from three organizations requested an additional jack (grilse) in the bag limit, and requested the use of fork length instead of total length when differentiating between jack and adult Chinook salmon.
2. During verbal public comment, a representative from one organization expressed support for additional recreational fishing opportunities, provided that science supports some level of additional allocation for the unharvested ocean quota that won't have long-term, negative impacts on the population.

DFW has provided responses to the comments in its pre-adoption statement of reasons (PSOR; Exhibit 7) indicating that DFW does not believe a larger grilse bag limit is warranted at this time, the use of total length is consistent with other sport fishing regulations, and that there is the potential for adding up to 60 additional fall Chinook salmon to the Klamath River quota. Staff anticipates that DFW will confirm today there is no longer the potential for adding more fish to the quota.

Recommendation

FGC staff: Adopt the negative declaration and approve the regulation changes as recommended by DFW.

DFW: Adopt the regulations as described in the PSOR (Exhibit 7), with a quota of 1,296 adult KRFC.

Exhibits

1. [DFW memo transmitting ISOR, received Nov 22, 2019](#)
2. [ISOR](#)
3. [ISOR Appendix A: Evaluation of Alternative Size Limits for Klamath River Fall Chinook Salmon Harvest, DFW, Oct 2019](#)
4. [Staff summary from Apr 15-16, 2020 for background purposes only](#)
5. [Economic and fiscal impact statement \(Std 399\)](#)
6. [DFW memo transmitting PSOR, received May 6, 2020](#)
7. [PSOR](#)
8. [Draft negative declaration](#)

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 5.87(f) and 7.50(b)(91.1).

Memorandum

Date: November 19, 2019

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

From: Charles H. Bonham
Director

Subject: **Initial Statement of Reasons to Amend Subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, Re: Klamath River Basin Sport Fishing Regulations 2020**

Please find attached the Initial Statement of Reasons (ISOR) package for the 2020 Klamath River Basin sport fishing regulations. As in the past, the California Department of Fish and Wildlife (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 has been completed and fishery allocations have been proposed. The 2020 Klamath River Basin allocation of adult KRFC will be recommended by the Pacific Fishery Management Council in April 2020 and presented to the Fish and Game Commission (Commission) for adoption at its May 14, 2020 teleconference.

Aside from minor changes for clarity, the Department is proposing two additional changes to the Klamath River Basin sport fishing regulations:

1. A potential change in the size limit of grilse KRFC (range presented is 22 to 23 inches total length); and
2. Increase in the daily bag and possession limit for Brown Trout on the main stem of the Trinity River from a five fish daily bag/10 fish possession limit to a 10 fish daily bag/20 fish possession limit.

The Department asks that the Commission request that the Office of Administrative Law make the regulations effective on or before August 15, 2020.

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, Wade Sinnen, as the Department's point of contact for this rulemaking. Mr. Sinnen can be reached at (707) 822-5119, or by email at Wade.Sinnen@wildlife.ca.gov.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
November 19, 2019
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State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Subsection (f) of Section 5.87 and Subsection (b)(91.1) of Section 7.50
Title 14, California Code of Regulations
Re: Klamath River Basin Sport Fishing

I. Date of Initial Statement of Reasons: December 17, 2019

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 11, 2019

Location: Sacramento, CA

(b) Discussion Hearing

Date: February 21, 2020

Location: Sacramento, CA

(c) Discussion Hearing

Date: April 16, 2020

Location: Sacramento, CA

(d) Adoption Hearing

Date: May 14, 2020

Location: Teleconference

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory 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 (CCR).

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.

The Klamath River Basin in-river sport salmon fishery is managed using adult quotas. For the purpose of implementing PFMC adult allocation and California Department of Fish and Wildlife (Department) salmon fishery harvest assessment, within the Klamath River Basin the Department currently considers 22 inches total length as a provisional cutoff. Salmon greater than 22 inches total length are defined as adult salmon (ages 3-5), and salmon less than or equal to 22 inches total length are defined as grilse salmon (age-two).

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. The KRFC adult natural area spawning escapement for 2018 was 53,624 natural area adult spawners, which exceeded the one-year conservation threshold of 40,700 natural area adult spawners. The three-year geometric mean is still less than the required 40,700 natural area adult spawners, therefore the KRFC are still considered as an “overfished” stock.

Accordingly, the FMP outlines a process for preparing a “rebuilding plan” that includes assessment of the factors that led 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 developed by representatives of NMFS, PFMC, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife (Department), and Tribal entities, was submitted to the PFMC in February 2019, adopted by the PFMC in June 2019, and submitted to the NMFS in August 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 2020 and ensuing years by creel survey. The upper Trinity River, upstream of Junction City, will be monitored using tag returns from anglers in 2020 and future years.

KRFC Allocation Management

The PFMC 2019 allocation for the Klamath River Basin sport harvest was 7,637 adult KRFC. Preseason stock projections of 2020 adult KRFC abundance will not be available from the PFMC until March 2020. The 2020 basin allocation will be recommended by the PFMC in April 2020 and presented to the Commission for adoption as a quota for the in-river sport harvest at its May 2020 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.

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 shown in Figure 1, and 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.

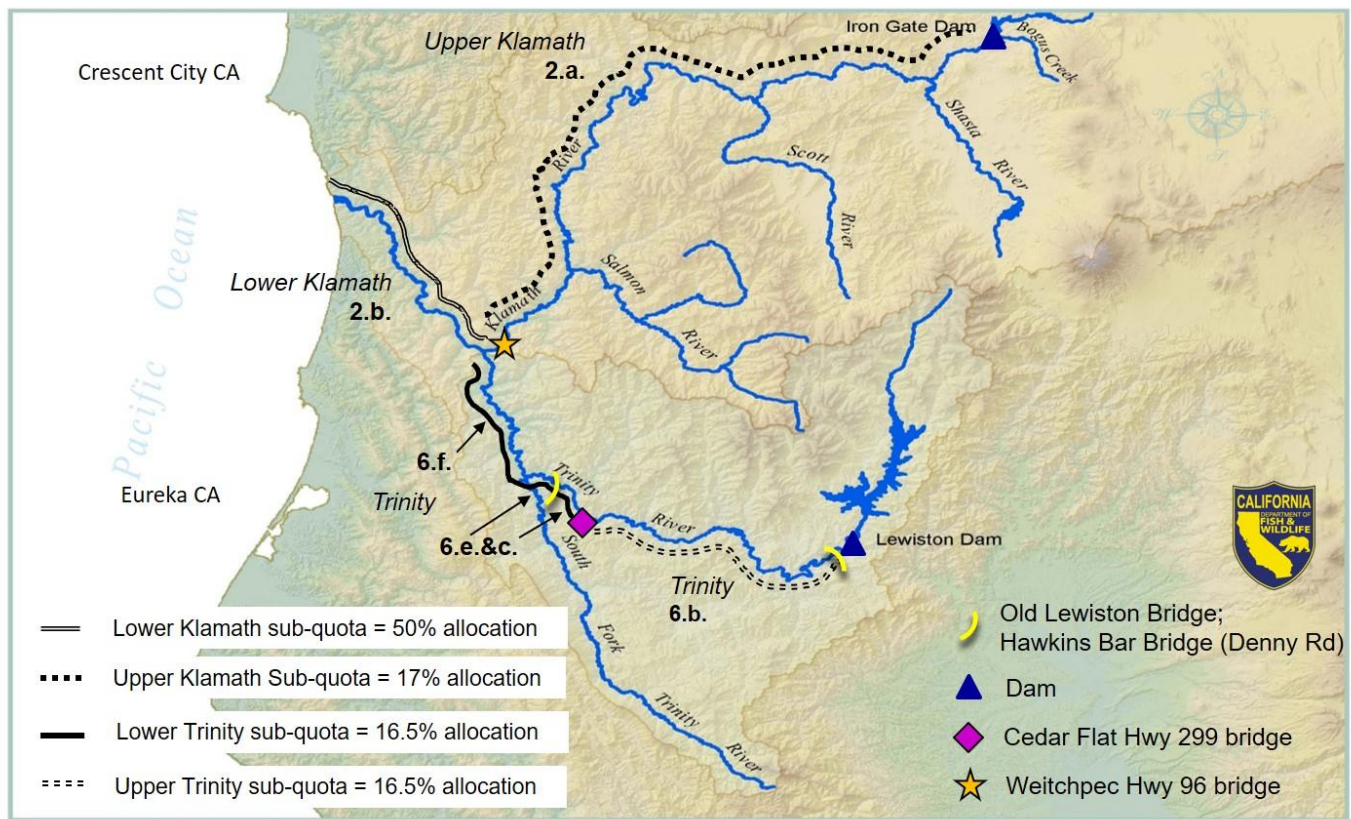


Figure 1. Map of the Klamath River Basin, showing the sub-quotas by reach of Trinity and Klamath rivers, and the associated subsections of 7.50(b)(91.1), Title 14, CCR.

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 2020 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. The KRSC in-river sport harvest is managed by general season, daily bag limit, and possession limit regulations. Season dates have been adjusted for the 2019 year in light of another regulatory action by the Commission for protection of KRSC as a candidate under the California Endangered Species Act (CESA).

The Department presently differentiates the two stocks by the following sport fish season in each sub-area:

Klamath River

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.

August 15 to December 31 – KRFC quota management.

Trinity River

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.

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

Key to Proposed Regulatory Changes:

Because the PFMC recommendations are not known at this time, ranges are shown in [brackets] in the proposed regulatory text below of bag and possession limits which encompass historical quotas. A range is also shown for the Department's grilse salmon size limit delineating between adult and grilse salmon. All are proposed for the 2020 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.

KRFC ADULT STOCKS (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 in-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 2020 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 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 [22-23] inches total length may be retained until the subquota is met, then 0 fish over [22-23] inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish over [22-23] inches total length may be retained when the take of salmon over [22-23] 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

KRFC Size Limit (Grilse 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 females (jills). KRFC recreational fishery bag and possession limits generally contain an adult and grilse component. In years when the adult quota is met, angling is still allowed for KRFC less than or equal to 22 inches total length (TL). Current management in the Klamath River assumes an adult size limit of greater than 22 inches (55.9 cm) TL for recreational harvest, whereas the preliminary adult size cutoff for research and monitoring is typically 55 cm (21.7 in) fork length (FL). Fork length is used for research and monitoring of salmon and steelhead because it provides a more consistent measurement across the range of conditions encountered in a scientific context (e.g., fin erosion due to spawning, especially postmortem). These size limits are used to separate grilse from adults *during* the season because the true age of individual fish cannot be determined until well after the time of harvest.

Predicting the abundance and size at return of grilse for any given year is currently not possible because grilse 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 Klamath River Basin grilse population is usually from in-river recreational fishing beginning in mid-August. Grilse numbers and size compared to adult numbers and size for a given year are usually not fully known until the following January, when spawner escapement and harvest 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.

When considering a grilse fishery, it is important to determine a size cutoff that balances angling harvest opportunity for grilse with protecting adult spawners and not exceeding adult quotas. If the TL size cutoff is too short (conservative), fewer grilse will be caught by anglers, and they will be underutilized because grilse 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 adults will increase, reducing the hatchery and in-river spawners, and potentially causing exceedance of the adult quota.

The Department has used a provisional standard of 55 centimeters (cm) FL to estimate the grilse harvest of KRFC during the season. This equates to 21.7 inches when converted to FL, and 23.2 inches when converted to TL. Post season analyses of scale aged and known aged (coded-wire tag data) KRFC are used to determine the annual actual size cut-off between grilse and adults. Because the Klamath River Basin is managed on adult (ages 3-5) KRFC quotas, the Department believes it is prudent to be conservative when establishing maximum size for the grilse (age-two) fishery. As an example, in 1998 the Department raised the cutoff of grilse to 24 inches TL. That same year, over 20 percent of age-three fish were less than 24 inches TL, and the adult quota was greatly exceeded, in part due to this size change for the year. The size limit cutoff was changed back in Title 14, CCR to 22 inches TL the following year. In preparation for the proposed regulatory changes for the 2020 KRFC in-river recreational fishing season, the Department has completed an evaluation of the potential

impacts to KRFC from increasing the size limit cutoff distinguishing age-two fish from age-three fish for in-river recreational harvest (Appendix A; refer to Section III(e) below).

Review of brood years 1998, and 2008-2018 KRFC size at age data, including hatchery coded wire tag (CWT) recovery data (Appendix A), shows that KRFC vary in size annually and that the size separating age two and age-three KRFC also varies annually. Additionally, a size overlap between age two fish and age-three fish exists in all years as illustrated in Figures 1-4 in Appendix A. For the purpose of evaluating potential regulatory change to the current size limit cutoff the Department uses to define grilse KRFC (22 inches TL), the Department evaluated the proportions of age two fish and age-three fish greater or less than a range of 21 to 24 inches TL. Tables 1-3 in Appendix A demonstrate that a cutoff size limit of 21 inches TL is highly conservative, with few adults less than this size in all years and a large proportion of grilse larger than this size in some years. The current size limit cutoff of 22 inches TL used to separate grilse from adults protects the majority of age-three fish, while allowing a larger proportion of grilse to be available for recreational harvest. A 23 inch TL cutoff size limit has a more variable impact to age-three fish, particularly in recent years, however impacts are still relatively low (<5%). At 24 inches TL, the proportion of age-three fish less than this size is highly variable and has also increased in recent years. Potential impacts to age-three fish are observed in all years and locations, and impact rates have exceeded 10% in the Trinity River on two occasions (1998, 2016). Recent proportions of age-three fish less than 24 inches TL at all sites examined exceeded 4.86% during the 2016 -2018 return years. As indicated in the case study year of 1998, abnormally small adults in any given year can lead to large proportions of adult KRFC becoming vulnerable to grilse fisheries.

For the reasons discussed above, the Department is proposing a grilse salmon size limit cutoff range of less than or equal to 22 inches (55.9 cm) to 23 inches (58.4 cm) TL for discussion before the Department makes a final recommendation. Considered in this context, the size limit cutoff discussion is a trade-off between restricting take of the available adult salmon and quota management versus increasing harvest of two-year-old grilse salmon.

Brown Trout Bag and Possession Limit Increase on the Main Stem Trinity River

The Department is proposing to increase the daily bag and possession limit for Brown Trout on the main stem of the Trinity River from a five fish daily bag/10 fish possession limit to a 10 fish daily bag/20 fish possession limit. This proposed change will increase fishing opportunity on a non-native trout species. As the focus for the Trinity River is on native fish production, a reduction of brown trout may help enhance habitat availability for native fish, consistent with the goals of the federally-administered Trinity River Restoration Program.

Other Changes for Clarity

The Department is proposing additional changes for clarity, as follows:

1. Amend subsection 5.87(f) to ensure that the size limit cutoff between a grilse and adult Chinook Salmon in the Klamath River Basin is consistent with the size limit cutoff listed in subsection 7.50(b)(91.1). This change will ensure clarity in the regulations and help anglers understand the size limit cutoff that distinguishes a grilse salmon from an adult salmon in the Klamath River Basin.

2. Add paragraph (3) to subsection 7.50(b)(91.1)(A) to include a reference to Section 1.74, Title 14, CCR for sport fish report card requirements. This addition is necessary to help anglers understand that a North Coast Salmon Report Card is required for fishing in the Klamath River Basin.
3. Amend the heading of subsection 7.50(b)(91.1)(A) to read, "Restrictions and Requirements." This change is necessary to broaden the heading of this subsection with the inclusion of reference to Section 1.74 for the sport fish report card requirement.
4. Throughout the regulatory text in subsection 7.50(b)(91.1), update the year from 2019 to 2020 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, 399, and 2084, Fish and Game Code

Reference: Sections 200, 205, 265, 270, 316.5, and 2084, 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.

Appendix A: Evaluation of Alternative Size Limits for Klamath River Fall Chinook Salmon Harvest, California Department of Fish and Wildlife, October 2019.

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

The Department presented the proposed amendments to the KRFC and Brown Trout bag and

possession limits at the Commission's Wildlife Resources Committee meeting on September 10, 2019. At this meeting, fishing interests requested that the Department include a grilse size limit range in the ISOR for the 2020 KRFC fishery.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

KRFC Adult Stocks

The use of more liberal regulations for KRFC bag limits, possession limits, and minimum adult salmon size (Alternative 1 in the STD 399; Economic and Fiscal Impact Statement) 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.

KRFC Size Limit

The Department analyzed a range of grilse size limits between 21-24 inches total length (see Appendix A referenced in Section III(e)). A 21 inch total length size limit was considered overly conservative, and would prevent fishing opportunity on grilse KRFC with little benefit to adult stocks. Raising the maximum grilse size to 24 inches total length was considered too liberal at this time for several reasons:

1. Three-year-old KRFC would be vulnerable to grilse fisheries all years;
2. In some years a significant portion (>20%) of age-three KRFC would be vulnerable to grilse fisheries; and
3. Recent data suggests that the proportion of smaller age-three KRFC has increased.

Therefore, the Department has proposed a range of 22-23 inches total length for consideration. If future data suggests that current conditions have changed, the Department will re-evaluate grilse size limits.

KRSC Stocks

No changes are proposed for KRSC stocks in this rulemaking; however, should changes be necessary, they would be considered in a separate rulemaking.

Brown Trout

The proposed change to the Brown Trout bag and possession limit is based on a petition from the Hoopa Valley Tribe. No alternatives were identified by or brought to the attention of Commission staff concerning Brown Trout that would have the same desired regulatory effect.

Other Changes for Clarity

No alternatives were identified by or brought to the attention of Commission staff concerning amendments for clarity that would have the same desired regulatory effect.

(b) No Change Alternative

KRFC Adult Stocks

The No Change Alternative (Alternative 2 in the STD 399; Economic and Fiscal Impact Statement) would leave the current 2019 daily bag and possession limit regulations in place and would not allow flexibility to develop bag and possession limits based on 2020 PPMC allocations. The proposed regulatory change for 2020 is necessary to continue appropriate harvest rates and an equitable distribution of the harvestable surplus.

KRFC Size Limit

The No Change Alternative for the grilse Chinook Salmon fishery would leave in place the current size limit cutoff for grilse salmon at less than or equal to 22 inches TL. This would prevent the opportunity for anglers to potentially harvest age two fish greater than 22 inches TL and would protect potentially smaller adults in the fishery from harvest.

Brown Trout

The No Change Alternative for increasing the daily bag and possession limit for Brown Trout would leave the existing 2019 regulations in place. As a result, angling opportunity for Brown Trout on the mainstem Trinity River would not change and, thus, would not contribute to enhancing habitat availability for native fish.

Other Changes for Clarity

The No Change Alternative for including amendments for clarity would leave the existing 2019 regulations in place. This may mean that anglers may not fully understand that a North Coast Salmon Report Card is required for fishing in the Klamath River Basin, and may not fully understand the size limit cutoff that distinguishes a grilse salmon from an adult salmon in the Klamath River Basin. Additionally, the No Change Alternative would mean that the year for 2019 would not be updated for the 2020 season, which could cause confusion for anglers on the validity of the 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 regulations are projected to range from minor to no impact on the net revenues to local businesses servicing sport fishermen. If the 2020 KRFC quota is reduced, visitor spending may correspondingly be reduced, and in the absence of alternative

visitor activities, the drop in spending could induce some business contraction. If the 2020 KRFC quota remains similar to the KRFC quotas allocated in previous years, 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

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

Depending on the final KRFC quota, the Commission anticipates the potential for 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. Under all alternatives, due to the limited time period of this regulation's impact, the Commission anticipates no impact on the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California.

For all of the proposed scenarios, the possibility of growth of businesses to serve alternative recreational 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 regulatory action is to increase sustainability in fishable salmon stocks and, consequently promote 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 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 proposed regulatory amendments of subsection 7.50(b)(91.1) under consideration will set the 2020 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 levels in the 2019 sport fishing seasons; 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 2020 KRFC allocation ultimately adopted by the PFMC, and the specific regulations promulgated by the Commission, in conjunction with the Department.

The proposed quota of 0 to 67,600 adult KRFC in 2020 represents a range from 0 percent or no salmon fishing on adult KRFC to greater than 100 percent of the 2019 Klamath River Basin KRFC quota. The Department is also proposing to increase the daily bag and possession limit for Brown Trout on the main stem of the Trinity River from a five fish daily bag/10 fish possession limit to a 10 fish daily bag/20 fish possession limit. This proposed change will increase fishing opportunity and thus will also help to mitigate any potential reductions in the adult KRFC quota that may have to be accommodated. Under all scenarios, sport fishing may be allowed for other sportfish species and most likely for grilse KRFC, regardless of PFMC allocation. Thus, any adverse impacts to businesses could be less severe than under a complete closure of fishing.

KRFC Size Limit (Grilse 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. KRFC recreational fishery bag and possession limits generally contain an adult and grilse component. When considering a grilse fishery, determining a size cutoff that balances angling harvest opportunity for grilse versus protecting adult spawners and not exceeding adult quotas is important. If the size cutoff is too short (conservative), fewer grilse will be caught by anglers, and they will be underutilized because grilse are infrequently used as hatchery brood stock, or because jacks are out-competed by larger males in-river. If the cutoff is too large (liberal), then angling catch of the smaller adults will increase, reducing the hatchery and in-river spawners and potentially causing exceedance of the adult quota.

In years when the adult quota is met, angling is still allowed for KRFC less than or equal to 22 inches TL under the current regulations. The Department is proposing a size limit cutoff range of 22 to 23 inches TL. Changing the size specification for grilse is not anticipated to impact the number or length of angler trips and thus expenditures in the fishery areas.

Brown Trout Bag and Possession Limit Increase on the Main Stem Trinity River

The Department is proposing to increase the daily bag and possession limit for Brown Trout on the main stem of the Trinity River from a five fish daily bag/10 fish possession limit to a 10 fish daily bag/20 fish possession limit. While Brown Trout are not often the primary target of sportfishing, this proposed change will increase fishing opportunity and thus will also help to mitigate any potential reductions in the adult KRFC quota that may have to be accommodated.

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

Based on the 2011 NMFS report (*In-River Sport Fishing Economics of the Klamath River*, refer to Section III(e)), in a normal year, non-resident Klamath River salmon and steelhead sport anglers together contribute about \$3,442,750 (2017\$) in direct expenditures, resulting in about \$4,221,945 (2017\$) in total economic output to California businesses. The economic impact figures are expressed in 2017 dollars because adjusting for 2019¹ does not meaningfully alter the estimates. 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 report states that the in-river harvest is almost exclusively fall-run.

Additionally, the 2011 NMFS report 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 total non-resident angler contribution to the entire Klamath River Basin (including the Trinity River) is estimated to be \$4,221,945 (2017\$) in total economic output. This revenue, again using a 33 percent increase to account for the Trinity River, provides an estimated total of 70 jobs in the State (assuming that personnel costs also rise with inflation). This is a conservative estimate of total economic impact as it counts only non-resident angler expenditures.

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 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 analysis focuses on non-resident

¹The Implicit Price Deflator for Personal Consumption Expenditures between 2017 and 2019 has been between one to two percent.

angler expenditures which represent new money whose injection serves to stimulate the local economy.

The total impact of non-resident angler direct expenditures supports about 45 jobs for salmon alone or up to 70 jobs for all salmon and steelhead spending (Table 1).

Table 1. Klamath Salmon and Steelhead Total Economic Output (Non-resident anglers, 2017\$)

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 2019 adult KRFC catch limit; 50 percent of the 2019 adult KRFC catch limit; and 0 percent of the 2019 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 2019 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 2019 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 2019 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 above, 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 2017 closure resulted in nearly a 50 percent drop in angler days. However, job creation or elimination tends to lag in response to short-term changes in consumer demand. Thus, the potential impacts of a 2020 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 2019 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 2019 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 businesses or the elimination of existing businesses directly related to fishing activities. However, with less effort being expended on salmon fishing, the possibility of alternative sportfishing activities and the growth of businesses to serve those activities exists.

Projection 3: 0 percent of the 2019 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 regulatory action is to increase sustainability in fishable salmon stocks and, consequently, promote 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 2019 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 2019 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 2019 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 anglers pursue other sportfish, potentially including grilse KRFC, or the substitution of salmon fishing with other recreational activities.

(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 California inland salmon sport fisheries. These recommendations are subsequently implemented as ocean fishing regulations by the NMFS, and as salmon sport regulations for State 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 (CCR).

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 Klamath River Basin in-river sport salmon fishery is managed using adult quotas.

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 implementing PFMC adult allocation and California Department of Fish and Wildlife (Department) salmon fishery harvest assessment, within the Klamath River Basin the Department currently considers 22 inches total length as a provisional cutoff. Salmon greater than 22 inches total length are defined as adult salmon (ages 3-5) and salmon less than or equal to 22 inches total length are defined as grilse salmon (age-two).

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. The KRFC adult natural area spawning escapement for 2018 was 53,624 natural area adult spawners, which exceeded the one-year conservation threshold of 40,700 natural area adult spawners. The three-year geometric mean is

still less than the required 40,700 natural area adult spawners, therefore the KRFC are still considered as an “overfished” stock.

Accordingly, the FMP outlines a process for preparing a “rebuilding plan” that includes assessment of the factors that led 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 developed by representatives of NMFS, PFMC, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife (Department), and Tribal entities, was submitted to the PFMC in February 2019, adopted by the PFMC in June 2019 and submitted to the NMFS in August 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.

KRFC Allocation Management

The PFMC 2019 allocation for the Klamath River Basin sport harvest was 7,637 adult KRFC. Preseason stock projections of 2020 adult KRFC abundance will not be available from the PFMC until March 2020. The 2020 basin allocation will be recommended by the PFMC in April 2020 and presented to the Commission for adoption as a quota for the in-river sport harvest at its May 2020 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.

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 shown in Figure 1, and 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.

Proposed Changes

Because the PFMC recommendations are not known at this time, ranges are shown in [brackets] in the proposed regulatory text below of bag and possession limits which encompass historical quotas. A range is also shown for the Department’s grilse salmon size limit cutoff delineating between adult and grilse salmon. All are proposed for the 2020 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.

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 in-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 2020 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 once the subquota has been met.

KRFC Size Limit (Grilse Size Considerations)

The Department is proposing a grilse salmon size limit cutoff range of less than or equal to 22 inches (55.9 cm) to 23 inches (58.4 cm) total length (TL) for discussion before the Department makes a final recommendation. Considered in this context, the size limit cutoff discussion is a trade-off between restricting take of the available adult salmon and quota management versus increasing harvest of two-year-old grilse salmon. In preparation for the proposed regulatory changes for the 2020 KRFC in-river recreational fishing season, the Department has completed an evaluation of the potential impacts to KRFC from increasing the size limit cutoff distinguishing age-two fish from age-three fish for in-river recreational harvest (Appendix A to the Initial Statement of Reasons - ISOR). The Department analyzed a range of grilse size limits between 21 and 24 inches total length. A 21 inch TL size limit was considered overly conservative, and would prevent fishing opportunity on grilse KRFC with little benefit to adult stocks. Raising the maximum grilse size to 24 inches TL was considered too liberal. 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 [22-23] inches total length may be retained until the subquota is met, then 0 fish over [22-23] inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish over [22-23] inches total length may be retained when the take of salmon over [22-23] inches total length is allowed.

KRSC SPORT FISHERY:

The Klamath River Basin also supports Klamath River spring-run Chinook Salmon (KRSC). Presently, KRSC stocks are not managed or allocated by the PPMC. No regulatory changes are proposed for the general KRSC opening and closing season dates, and bag, possession and size limits.

Brown Trout Bag and Possession Limit Increase on the Main Stem Trinity River

The Department is proposing to increase the daily bag and possession limit for Brown Trout on the main stem of the Trinity River from a five fish daily bag/10 fish possession limit to a 10 fish daily bag/20 fish possession limit. This proposed change will increase fishing opportunity on a non-native trout species. As the focus for the Trinity River is on native fish production, a reduction of brown trout may help enhance habitat availability for native fish, consistent with the goals of the federally-administered Trinity River Restoration Program.

Other Changes for Clarity

The Department is proposing additional changes for clarity, as follows:

1. Amend subsection 5.87(f) to ensure that the size limit cutoff between a grilse and adult Chinook Salmon in the Klamath River Basin is consistent with the size limit cutoff listed in subsection 7.50(b)(91.1).
2. Add paragraph (3) to subsection 7.50(b)(91.1)(A) to include a reference to Section 1.74, Title 14, CCR for sport fish report card requirements.
3. Amend the heading of subsection 7.50(b)(91.1)(A) to read, "Restrictions and Requirements."
4. Throughout the regulatory text in subsection 7.50(b)(91.1), update the year from 2019 to 2020.

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 (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. 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

Section 5.87, Title 14, CCR is amended to read as follows:

§ 5.87. North Coast Salmon Report Card Requirement (FG 684, See Section 701).

...[Subsections (a) through (e), and (g) through (h) are provided for context only. No changes are proposed.]

(a) Report Card Required in Waters of the Klamath-Trinity River System and the Smith River. All anglers must have a North Coast Salmon Report Card in their possession while fishing for or taking salmon in waters of the Klamath-Trinity River System and the Smith River, and must complete and return the card pursuant to regulations in this Section and in Section 1.74.

(b) Prior to beginning fishing activity, the cardholder shall record the month, day, and fishing location on the first available line on the report card.

(c) For the Klamath-Trinity River System: Whenever the cardholder lands (either retains or releases) a Chinook salmon, the angler shall immediately record whether the fish was an adult or a jack, and whether the fish has an adipose fin present. Whenever the cardholder releases a Coho salmon, the angler shall immediately record whether the maxillary is present or absent.

(d) For the Smith River: Whenever the cardholder lands (either retains or releases) a Chinook salmon, the angler shall immediately record whether the fish was an adult or a jack, and whether the fish has an adipose fin or left ventral fin present.

(e) Whenever the cardholder moves to another fishing location, the angler shall record the month, day, and location on the next line on the report card.

(f) In the Klamath-Trinity River System ~~and Smith River~~, a jack Chinook salmon is defined as any Chinook salmon that is less than or equal to 22~~[22-23]~~ inches total length. In the Smith River, a jack Chinook salmon is defined as any Chinook salmon that is less than 22 inches total length.

(g) In the event an angler fills in all lines and returns a North Coast Salmon Report Card, an additional card may be purchased. See Section 1.74.

(h) The annual fee for the North Coast Salmon Report Card is specified in Section 701, Title 14, CCR.

Note: Authority cited: Sections 200, 205 and 265, Fish and Game Code. Reference: Sections 200, 205 and 265, Fish and Game Code.

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~~ Restrictions and Requirements.

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.
3. See Section 1.74 for sport fish report card requirements.

(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 ~~40~~20.
 - 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~~[22-23] inches total length may be retained when the take of salmon over ~~22~~[22-23] 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 ~~2019~~[2020] Klamath River Basin quota is ~~7,637~~[0-67,600] Klamath River fall-run Chinook Salmon over ~~22~~[22-23] 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 1,298 <u>[0-11,492]</u> Chinook Salmon August 15 to December 31, 2019 <u>2020</u> .	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 22 <u>[22-23]</u> inches total length until subquota is met, then 0 fish over 22 <u>[22-23]</u> inches total length. 2 hatchery trout or hatchery steelhead**
	Fall Run Quota Exception: Chinook Salmon over 22 <u>[22-23]</u> 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**

Body of Water	Open Season and Special Regulations	Daily Bag Limit
	Fall Run Quota 3,819 <u>[0-33,800]</u> Chinook Salmon August 15 to December 31, 2019 <u>2020</u> .	2 [0-4] Chinook Salmon - no more than 4 [0-4] fish over 22 <u>[22-23]</u> inches total length until subquota is met, then 0 fish over 22 <u>[22-23]</u> inches total length. 2 hatchery trout or hatchery steelhead**
	<p>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.</p> <p>All legally caught Chinook Salmon must be retained. Once the adult (greater than 22<u>[22-23]</u> inches) component of the total daily bag limit has been retained anglers must cease fishing in the spit area.</p>	
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-Greenvew 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**

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag Limit</i>
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 <u>10</u> Brown Trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota 4,260 <u>0-11,154</u> Chinook Salmon September 1 to December 31, 2019 <u>2020</u> .	2 <u>0-4</u> Chinook Salmon - no more than 4 <u>0-4</u> fish over 22 <u>22-23</u> inches total length until subquota is met, then 0 fish over 22 <u>22-23</u> inches total length. 5 <u>10</u> Brown trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota Exception: Chinook Salmon over 22 <u>22-23</u> 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 <u>10</u> 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 Fork to the confluence with the Trinity River.	September 15 through November 15. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag Limit</i>
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 <u>10</u> Brown Trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota 4,260 <u>[0-11,154]</u> Chinook Salmon September 1 through December 31, 2019 <u>2020</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 <u>[22-23]</u> inches total length until subquota is met, then 0 fish over 22 <u>[22-23]</u> inches total length. 5 <u>10</u> 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 <u>10</u> Brown Trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota 4,260 <u>[0-11,154]</u> Chinook Salmon September 1 through December 31, 2019 <u>2020</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 <u>[22-23]</u> inches total length until subquota is met, then 0 fish over 22 <u>[22-23]</u> inches total length. 5 <u>10</u> 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**

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag Limit</i>
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 to subsections 7.50(b)(91.2) 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, 399 and 2084, Fish and Game Code. Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game and Code.

APPENDIX A

Evaluation of Alternative Size Limits for Klamath River Fall Chinook Salmon Harvest

The analyses presented herein were prepared to evaluate the potential impacts to Chinook Salmon from increasing the size limit distinguishing age-two from age-three for in-river recreational harvest of fall Chinook Salmon. Data used in this analysis was collected by staff at the California Department of Fish and Wildlife (Department) and the Hoopa Valley Tribe.

Klamath River fall Chinook (KRFC) Salmon are managed based on adult quotas, meaning that once the quota has been attained, the fishery for adult-sized KRFC is closed. The Klamath basin is divided into four “sub-quota” zones – two each in the Klamath and Trinity Rivers – to provide equitable harvest opportunities to recreational anglers throughout the basin. Each sub-quota area has its own adult allocation and can be closed independently based on near real-time adult KRFC harvest estimates. In most years, regulations allow for a grilse fishery to continue if or when adult closures have occurred, which affords extended recreational harvest opportunity when adult quotas are attained. Department data has demonstrated that the size of grilse (age-two) and adults (age-three and older) overlap in all years to some degree. Consequently, the fishery in general, and the grilse fishery in particular, need to be structured to minimize impacts to adult KRFC conservation goals and to minimize the potential for exceeding harvest quotas.

Current management in the Klamath River assumes an adult size limit of greater than 22 in (55.9 cm) total length (TL) for recreational harvest, whereas the preliminary adult size cutoff for research and monitoring is typically 55 cm (21.7 in) fork length (FL). Total length is used for recreational harvest because it is consistent with fishing regulations for all species state-wide. Fork length is used for research and monitoring of salmon and steelhead because it provides a more consistent measurement across the range of conditions encountered in a scientific context, e.g., fin erosion due to spawning, especially postmortem. These size limits are used to separate grilse from adults during the season because the true age of individual fish cannot be determined until well after the time of harvest. Some grilse are larger, and some adults are smaller than the size limit (Figures 1 and 2). Also, the size that minimizes these overlaps varies from year to year and can only be determined through retrospective analyses. Figures 3 and 4 show the interannual variability in the median and range of lengths for known or estimated age-two and age-three KRFC. The in-season size limits for recreational harvest and for research and monitoring typically do not change from year to year. Recreational anglers have expressed concern that differences in the types of measurement (i.e., TL vs. FL) and/or the size limit of 22” TL reduces their access to grilse Chinook Salmon, particularly in years when adult quotas have been attained and recreational harvest is restricted to the take of grilse.

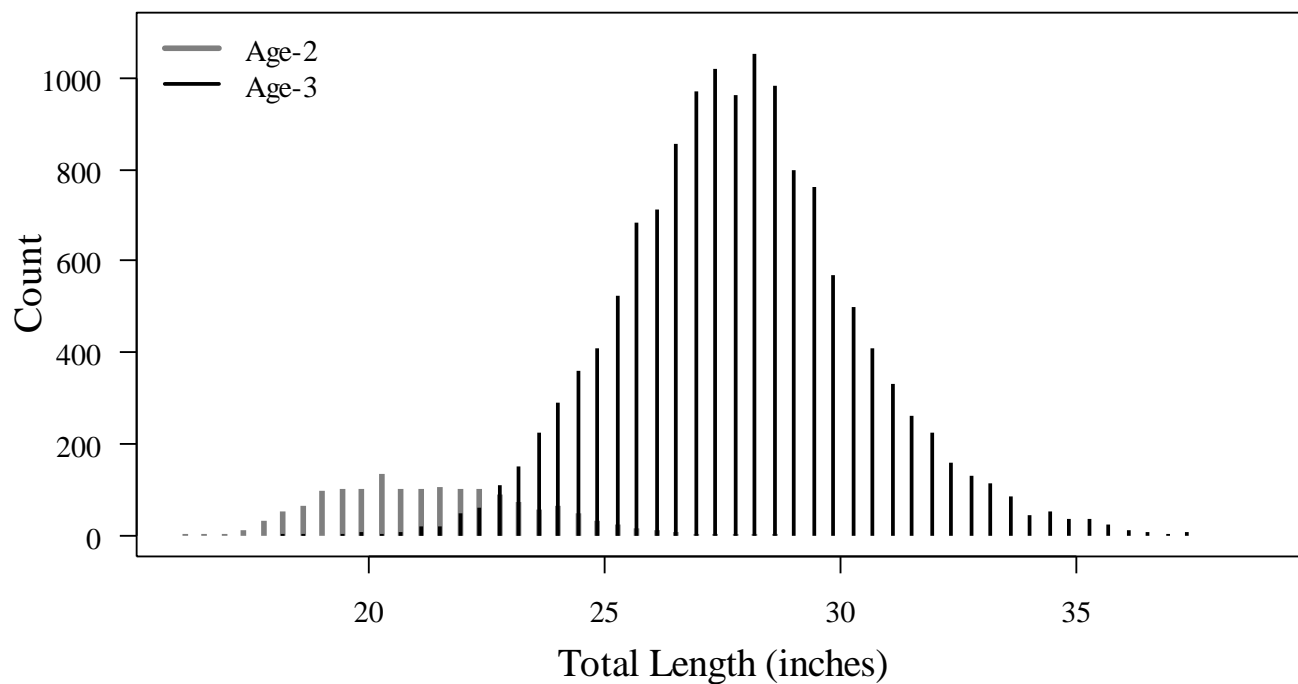


Figure 1. Length frequency histograms of known age-two and known age-three fall Chinook Salmon collected at Trinity River hatchery, 1998 and 2008-2018.

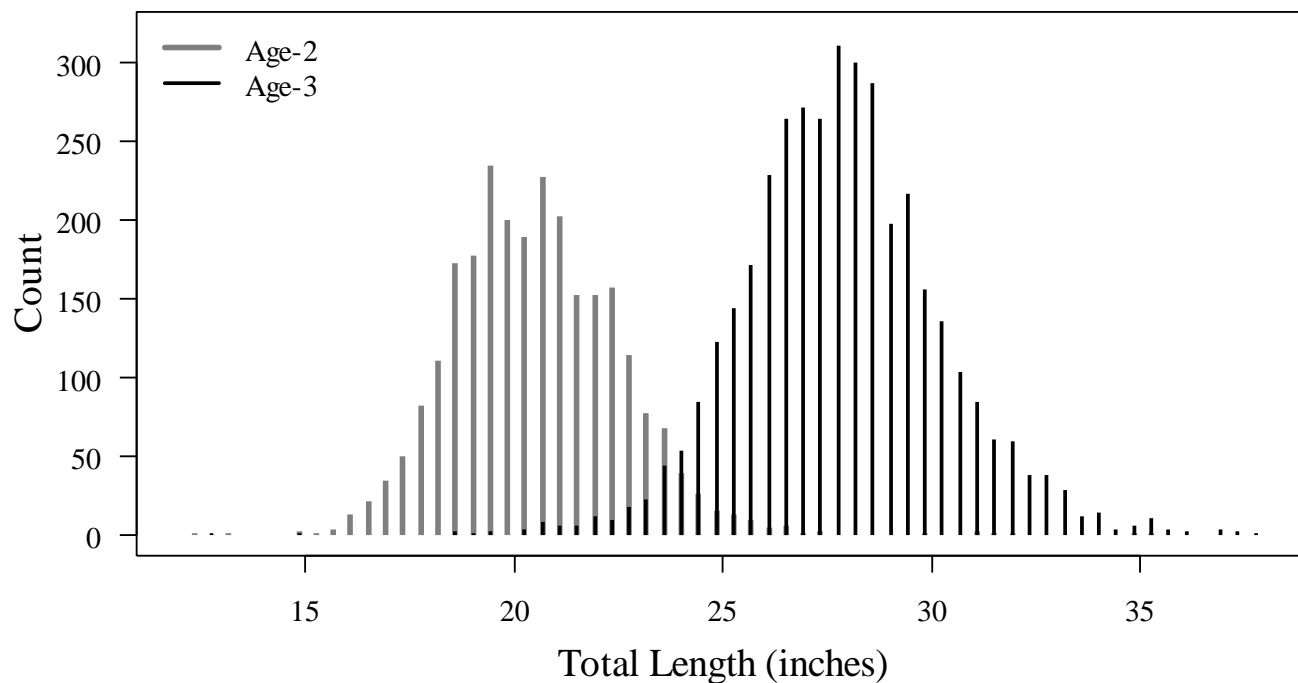


Figure 2. Length frequency histograms of estimated age-two and estimated age-three fall Chinook Salmon collected at Willow Creek weir, Trinity River, 2008-2018.

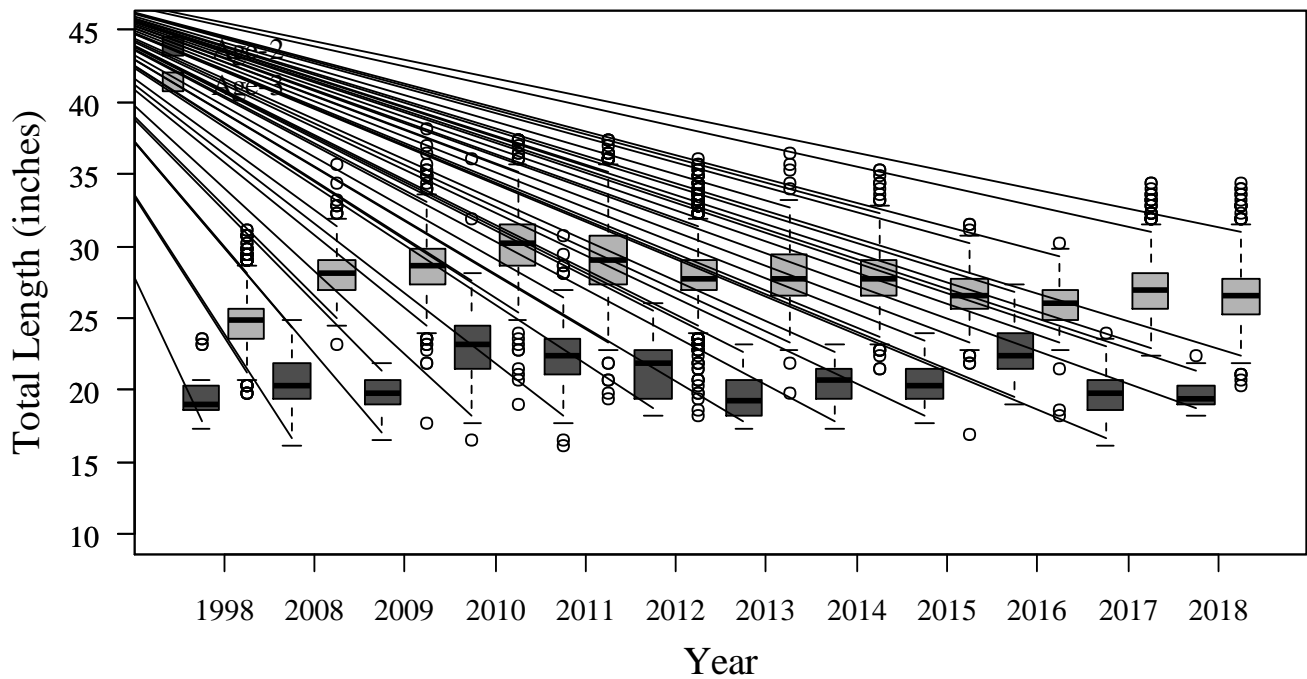


Figure 3. Timeseries of box and whisker plots of total lengths from known age-two and age-three fall Chinook Salmon collected at Trinity River hatchery, 1998 and 2008-2018. Horizontal bars indicate medians, boxes encompass the 25th to 75th percentiles, whiskers extend to 1.5 times the height of each box, and outliers are presented as open circles.

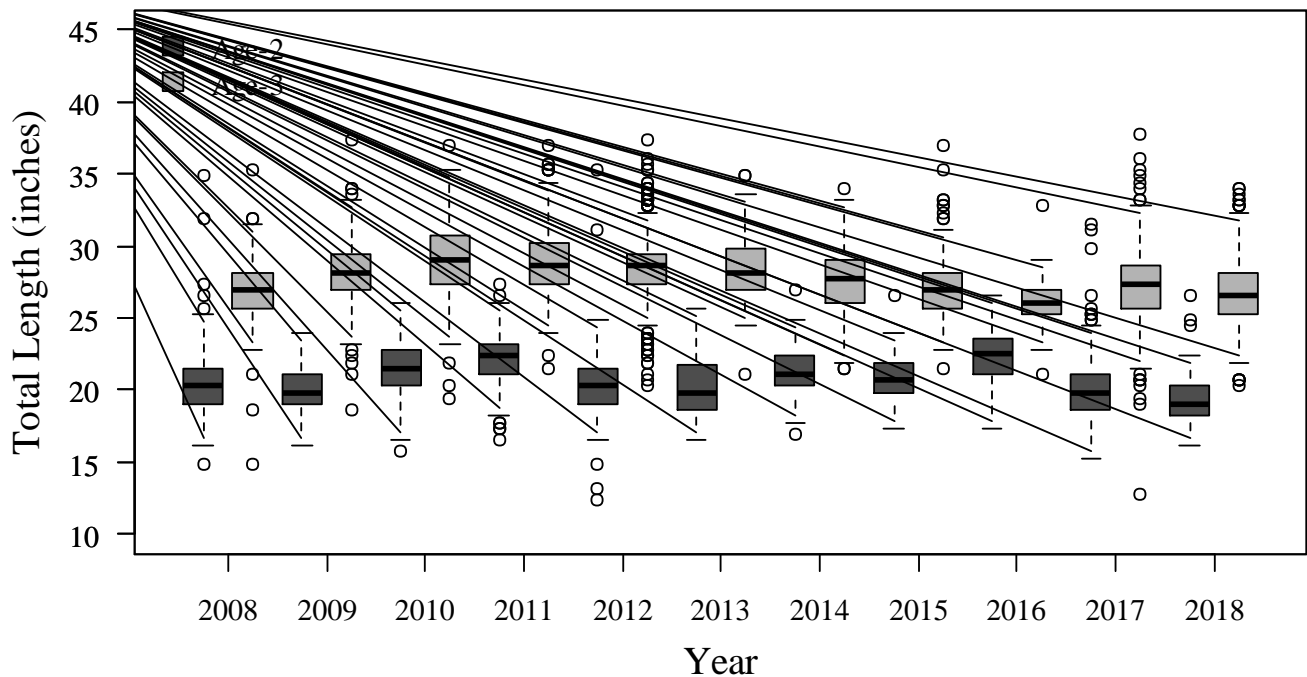


Figure 4. Timeseries of box and whisker plots of total lengths from estimated age-two and age-three fall Chinook Salmon collected at Willow Creek weir, 2008-2018. Horizontal bars indicate medians, boxes encompass the 25th to 75th percentiles, whiskers extend to 1.5 times the height of each box, and outliers are presented as open circles.

Conversion of FL to TL

Fish are measured to the nearest centimeter FL for research and monitoring, whereas recreational angling regulations are defined by the nearest inch TL. Nearly all data available on the length of known-age or estimated-age fish (from coded wire tags [CWT] or scale aging) is from research and monitoring (i.e., centimeter fork length). Because this analysis is intended to inform recreational angling regulations, we converted centimeters FL to inches TL.

In August 2019, 115 adult Salmon captured at Junction City weir were measured to the nearest centimeter FL and TL. A linear regression model was fit to these data (Figure 5), which yielded an R^2 value of 0.9934. Model residuals were examined and did not indicate any violations of model assumptions, and there were no outliers with high leverage. The fitted model was then used to estimate total length for known-age fish measured to FL at Trinity River hatchery, Iron Gate hatchery, and Willow Creek weir. Estimates of TL for known-age or estimated-age fish were then converted to inches. All Salmon used for the FL to TL regression were presumed to be spring run, but we believe it is reasonable to assume that the same relationship applies to fall run Chinook Salmon.

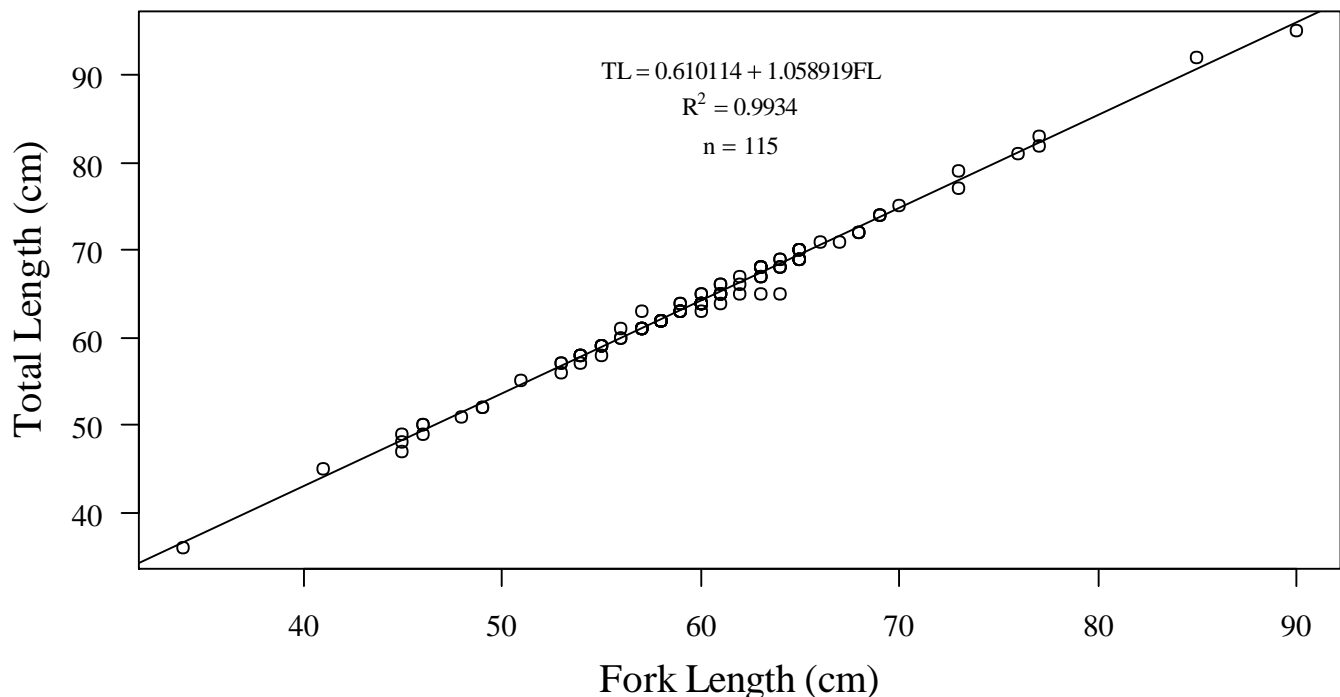


Figure 5. Scatterplot of total length vs. fork length of spring Chinook Salmon captured at Junction City weir in August 2019. The sample size (n), fitted regression line, equation, and coefficient of determination (R^2) are presented.

Effects on age-three Chinook Salmon from size limits of 21 to 24 inches total length

Chinook Salmon returning to hatcheries in the Klamath and Trinity Rivers are measured to the nearest centimeter FL, and heads from fish with adipose fin clips are taken for later recovery and decoding of CWTs. Coded wire tag numbers indicate the hatchery of origin, release type (fingerling or yearling), run type (spring or fall), and brood year from which a fish originated, which in turn provides a known age. Length and known age data from all fall Chinook Salmon fingerlings and yearlings returning to Iron Gate and Trinity River hatcheries with CWTs from 1998 and 2008-2018 were obtained from Department staff. Fall Chinook Salmon were selected because in-river recreational fisheries only receive an adult quota for fall Chinook Salmon, so presumably any change

to size limits would only affect fall Chinook Salmon. Fingerlings and yearlings were selected because both are vulnerable to harvest and are indistinguishable to anglers, thus the combination of release types is more representative of fish that would be affected by a regulation change than either release type on its own. Using data from 2008-2018 is somewhat arbitrary, but we believe this period provides sufficient data to evaluate the effects of any regulation change. The size limit was increased from 22" TL to 24" TL for one year in 1998, which coincided with below average size three-year-old fish returning to the Klamath basin. We include this year as a case study.

A fish weir has been operated on the Trinity River near the town of Willow Creek annually since 1978, where salmon and steelhead are captured and tagged to estimate run sizes. Each trapped fish is measured to the nearest centimeter FL, and scales are collected from a systematic random sample of Chinook Salmon. Scales are aged by the Hoopa Valley tribe to estimate proportions of each age class in the run. Length and scale-estimated age data from fall Chinook Salmon sampled at Willow Creek weir from 2009 to 2018 were obtained from Hoopa Valley Tribe Fisheries Department staff. These data are intended to be used at the population scale, as opposed to using ages of individual fish, by estimating proportions at age that are corrected for reader bias. However, it is not possible to correct for such errors for individual fish, and we have not attempted to do so here. Accuracy of scale aging from 2009-2018 has ranged from 92.3% to 100% and averaged 98.3% for age-two fish, and ranged from 87.0% to 99.2% and averaged 96.8% for age-three fish. Consequently, we expect these data to accurately represent the population.

For each year, hatchery or weir, and proposed length cutoff (21" to 24" TL) we calculated the proportion of known (or estimated) age-two fish larger than the cutoff and the proportion of known (or estimated) age-three fish smaller than the cutoff. Age-four and age-five fish were not considered because they are rarely small enough to be affected by a 24" TL size limit in any meaningful way. The proportion of age-three fish smaller than the cutoff provides an estimate of the magnitude of potential unintended recreational harvest of age-three fish from a given minimum adult size limit (i.e., age-three fish presumed to be age-two because they are less than the cutoff), which we will refer to as impacts to age-three fish for simplicity. Age-three fish comprise the vast majority of the quota-managed fishery in most years. Results are presented separately for known-age fish returning to Iron Gate and Trinity River hatcheries and estimated-age fish captured at Willow Creek weir. It is important to note that none of these samples fully represent the combined Klamath-Trinity stock of fall Chinook Salmon for several reasons. Hatchery recoveries are skewed heavily toward hatchery-origin fish and thus underrepresent natural-origin fish if there is a systematic difference in sizes at age for these two groups. In addition, samples from all locations used in this analysis are collected from the population after in-river tribal and recreational fisheries have selectively removed certain size classes of fish due to fishing regulations (e.g., adult size limits) and/or size-selection bias of fishing methods (e.g., gill nets). Lastly, all samples are taken after Klamath and Trinity sub-stocks have segregated themselves by migrating upstream of Weitchpec into the Klamath or Trinity rivers, respectively, thus the samples may not represent the combined Klamath-Trinity stock encountered by anglers in the lower Klamath River downstream of Weitchpec.

A size limit of 21" TL would protect nearly all age-three fall Chinook Salmon in all years and shows a highly variable percent of age-two fish that would be unavailable during a grilse-only fishery (e.g., after an adult quota is met). Potential unintended impacts to age-three fish were less than 2% at all locations in all years (Tables 1-3) and were generally well below 1%. The percent of age-two fish greater than 21" ranged from 11.76% at Trinity River hatchery in 1998 to 96.41% in 2014 at Iron Gate hatchery.

The current size limit of 22" TL has protected the vast majority of age-three fall Chinook Salmon for the past 10 years. Impacts to age-three fish from a 22" TL size limit exceeded 2% at Trinity River

hatchery and Willow Creek weir in one year each and were generally less than 1% at all locations in most of the past 10 years (Tables 1-3). Impacts have increased in recent years, particularly at Willow Creek weir and Iron Gate hatchery, which reflect the small size at age we have observed in the Klamath River in recent years resulting from inland drought conditions and poor ocean conditions. The percent of age-two fish greater than 22" TL has been highly variable, ranging from 0% at Trinity River hatchery in 2009 to 88.51% at Iron Gate hatchery in 2011.

A size limit of 23" TL shows more variable impacts to age-three fish at all locations sampled, but potential impacts were still relatively low. Over the past 10 years, potential impacts have not exceeded 3.45% (Tables 1-3). Potential impacts have increased in recent years, which is particularly evident at Iron Gate hatchery. From 2009 to 2015, potential impacts to age-three fish from a 23" TL size limit averaged 0.25% and did not exceed 0.44%, but the average from 2016-2018 was 2.49% and was not less than 1.51%. The percent of age-two fish greater than 23" TL was also highly variable, ranging from 0% at Trinity River hatchery in 2009 and 2018 to 65.47% at Iron Gate hatchery in 2014.

Potential impacts to KRFC from a size limit of 24" TL is much more variable and has also increased in recent years. Potential impacts are seen at all locations in all years (i.e., none are 0%). In the past 10 years, potential impacts to age-three fish have exceeded 5% several times at each location and exceeded 10% at Willow Creek weir in 2016.

The 1998 run year presents an illustrative case study because the size limit was changed to 24" TL that year, and, coincidentally, fish were particularly small that year (Figure 1). The same methods for real-time quota management that are employed today were also used in 1998, and post-season analysis revealed that the quota had been exceeded by 5,910 fish. Even at the current size limit of 22" TL, potential impacts to age-three fish exceeded 5% (Tables 1, 3). Assuming a 24" TL size limit, potential unintended impacts to age-three KRFC may have exceeded 37% (Table 3). Reducing the minimum adult size limit from 24" to 23" TL reduced potential impacts by more than half as measured at the two hatcheries. Potential impacts were still alarmingly high for a 23" TL size limit – 14.17% at Trinity River hatchery and 17.73% at Iron Gate hatchery. While 1998 is an outlier compared to the past 10 years, recent increases in the potential unintended impacts to age-three fish suggest that caution should be exercised when considering an increased size limit.

Anecdotal observations from the 2019 run indicate that fish are small this year. Numerous Chinook Salmon less than 16.9" TL have been trapped at Willow Creek weir, and a 19.8" TL age-three fish (based on CWT) was recovered at Iron Gate hatchery.

Table 1. Proportions of known age-two falling above and known age-three falling below proposed minimum adult size limits of 21" to 24" total length collected at Trinity River hatchery, 1998 and 2008-2018 return years.

year	21" TL cutoff		22" TL cutoff		23" TL cutoff		24" TL cutoff	
	age2 > 21"	age3 < 21"	age2 > 22"	age3 < 22"	age2 > 23"	age3 < 23"	age2 > 24"	age3 < 24"
1998	11.76%	0.58%	11.76%	5.62%	11.76%	14.17%	0.00%	29.44%
2008	39.60%	0.00%	18.79%	0.00%	8.05%	0.00%	4.03%	0.29%
2009	8.11%	0.07%	0.00%	0.20%	0.00%	0.27%	0.00%	0.75%
2010	84.56%	0.22%	67.45%	0.43%	50.34%	0.65%	34.56%	0.86%
2011	76.89%	0.15%	52.80%	0.23%	34.06%	0.46%	20.19%	0.88%
2012	65.62%	0.26%	43.75%	0.40%	21.88%	0.58%	15.62%	1.21%
2013	20.00%	0.43%	6.67%	0.87%	3.33%	1.30%	0.00%	3.03%
2014	41.51%	0.00%	13.21%	0.23%	5.66%	0.81%	0.00%	2.08%
2015	36.36%	0.25%	4.55%	0.76%	2.27%	2.53%	2.27%	5.06%
2016	87.21%	1.38%	61.63%	2.07%	37.21%	3.45%	25.58%	6.90%
2017	21.00%	0.00%	4.20%	0.00%	1.31%	0.95%	0.26%	4.86%
2018	13.89%	0.13%	2.78%	0.47%	0.00%	1.73%	0.00%	5.93%

Table 2. Proportions of estimated age-two falling above and known age-three falling below proposed minimum adult size limits of 21" to 24" total length sampled at Willow Creek weir, 2008-2018 return years.

year	21" TL cutoff		22" TL cutoff		23" TL cutoff		24" TL cutoff	
	age2 > 21"	age3 < 21"	age2 > 22"	age3 < 22"	age2 > 23"	age3 < 23"	age2 > 24"	age3 < 24"
2008	32.94%	1.56%	13.41%	2.34%	6.71%	3.12%	2.96%	4.69%
2009	25.69%	0.26%	11.01%	0.78%	3.67%	1.30%	1.83%	1.81%
2010	62.35%	0.86%	38.24%	1.29%	21.76%	1.29%	12.35%	2.58%
2011	75.66%	0.00%	52.12%	0.32%	27.25%	0.63%	12.70%	0.63%
2012	36.75%	0.23%	14.53%	0.58%	3.42%	1.05%	2.56%	1.86%
2013	27.78%	0.00%	20.83%	1.52%	8.33%	1.52%	2.78%	1.52%
2014	60.82%	0.00%	34.02%	1.46%	16.49%	2.44%	4.12%	4.39%
2015	45.22%	0.00%	15.65%	0.56%	6.09%	1.69%	2.61%	3.39%
2016	87.50%	0.00%	55.00%	1.69%	35.00%	3.39%	15.00%	10.17%
2017	27.39%	0.86%	10.37%	1.60%	4.78%	2.21%	1.98%	5.40%
2018	15.74%	0.87%	3.70%	1.57%	2.78%	3.30%	2.78%	6.09%

Table 3. Proportions of known age-two falling above and known age-three falling below proposed minimum adult size limits of 21" to 24" total length collected at Iron Gate hatchery, 1998 and 2009-2018 return years.

year	21" TL cutoff		22" TL cutoff		23" TL cutoff		24" TL cutoff	
	age2 > 21"	age3 < 21"	age2 > 22"	age3 < 22"	age2 > 23"	age3 < 23"	age2 > 24"	age3 < 24"
1998	13.33%	0.85%	0.00%	8.37%	0.00%	17.73%	0.00%	37.45%
2009	57.78%	0.00%	28.89%	0.00%	13.33%	0.19%	4.44%	0.38%
2010	93.78%	0.00%	77.20%	0.00%	56.48%	0.26%	28.50%	0.26%
2011	96.39%	0.07%	88.51%	0.14%	75.46%	0.29%	51.35%	0.79%
2012	84.39%	0.08%	57.56%	0.12%	32.68%	0.26%	11.71%	0.36%
2013	61.96%	0.10%	36.08%	0.10%	20.39%	0.19%	10.59%	0.48%
2014	96.41%	0.12%	81.17%	0.24%	65.47%	0.44%	41.26%	0.61%
2015	64.52%	0.00%	25.81%	0.00%	12.90%	0.13%	3.23%	0.66%
2016	64.71%	0.30%	29.41%	0.60%	23.53%	1.51%	23.53%	6.33%
2017	71.55%	0.27%	36.64%	1.70%	14.44%	3.30%	5.17%	7.59%
2018	63.24%	0.36%	25.00%	1.08%	14.71%	2.67%	4.41%	6.26%

Key points

- The range and average size of age-two and age-three KRFC changes annually.
- No pre-season data exists to make annual changes to the size limit for grilse KRFC.
- The KRFC fishery is managed using an adult quota designed to meet escapement objectives, and grilse are not quota managed.
- In some years (e.g., 1998) a significant proportion of age-three KRFC are less than the current 22" TL size limit, making them vulnerable to grilse-directed fisheries. These fish are later reclassified as adults, which can result in escapement shortfalls and/or exceeding adult quotas.
- The current size limit of 22" TL protects most adult KRFC in most years
- A size limit of 24" TL increases the inter-annual variability in potential unintended impacts to age-three KRFC.
- Increasing the size limit increases conservation risk due to the potential for harvest of adults less than the grilse size during grilse fisheries.

STAFF SUMMARY FOR APRIL 15-16, 2020

For background purposes only

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

Discuss proposed changes to Klamath River Basin sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|-------------------------------------|--|
| • Notice hearing | Dec 11-12, 2019; Sacramento |
| • Discussion hearing | Feb 21, 2020; Sacramento |
| • Today's discussion hearing | Apr 15-16, 2020; Teleconference |
| • Adoption hearing | May 14, 2020; Teleconference |

Background

FGC annually adopts Klamath River Basin sport fishing regulations to bring state law into conformance with federal fishery management goals. In Dec 2019, FGC authorized publication of notice of proposed changes to quotas, and size, bag, and possession limits for Klamath River Basin fall-run Chinook salmon (KRFC). Specific size, bag, and possession limits for KRFC are scheduled for adoption after the Pacific Fishery Management Council (PFMC) has reviewed the status of West Coast salmon stocks and final fishery allocation recommendations have been adopted (Exhibit 1).

For notice purposes, DFW recommended a quota range of 0-67,600 adult KRFC for the in-river sport fishery, as this range encompasses the historical range of Klamath River Basin allocations and allows for adjustments by PFMC and FGC during the 2020 regulatory cycle.

A pre-season stock projection of 186,600 adult KRFC was released in Feb 2019 (Exhibit 7), and the 2020 basin allocation was recommended by PFMC at its Apr 4-10, 2020 meeting. At today's meeting, DFW will recommend a specific in-river sport harvest quota based on the PFMC allocation. Final changes to regulations will be adopted at FGC's May 14, 2020 teleconference.

The range of proposed size, bag, and possession limits for KRFC as stated in the initial statement of reasons (ISOR; Exhibit 2) are:

- Bag limit – [0-4] Chinook salmon, of which no more than [0-4] fish over [22-23] inches total length may be retained until the subquota is met, then 0 fish over [22-23] inches total length.
- Possession limit – [0-12] Chinook salmon, of which no more than [0-4] fish over [22-23] inches total length may be retained when the take of salmon over [22-23] inches total length is allowed.

KRFC Size Limit (Grilse Size Considerations)

For the purpose of implementing PFMC adult allocation and DFW salmon fishery harvest assessment, within the Klamath River Basin DFW currently considers 22 inches total length (TL) as a provisional size limit cutoff. Salmon greater than 22 inches TL are defined as adult salmon (ages three to five), and salmon less than or equal to 22 inches TL are defined as grilse salmon (age two).

STAFF SUMMARY FOR APRIL 15-16, 2020

For background purposes only

DFW is proposing a grilse salmon size limit cutoff range of less than or equal to 22 inches to 23 inches TL for discussion by FGC before DFW makes a final recommendation. The proposal is based on an evaluation of the potential impacts to KRFC from increasing the size limit cutoff distinguishing age-two fish from age-three fish for in-river recreational harvest (Exhibit 3).

Brown Trout Bag and Possession Limit Increase on the Main Stem Trinity River

DFW is proposing to increase the daily bag and possession limit for brown trout on the main stem of the Trinity River from a five fish daily bag/10 fish possession limit to a 10 fish daily bag/20 fish possession limit. The proposed change will increase fishing opportunity on a non-native trout species. As the focus for the Trinity River is on native fish production, a reduction in brown trout may help enhance habitat availability for native fish, consistent with the goals of the federally-administered Trinity River Restoration Program.

Other Changes for Clarity

A change for clarity was proposed by FGC staff and approved by FGC at its Dec 11-12, 2019 meeting for addition to the ISOR (Exhibit 2):

- Amend subsection 5.87(f) to ensure that the size limit cutoff between a grilse and adult Chinook salmon in the Klamath River Basin is consistent with the size limit cutoff listed in subsection 7.50(b)(91.1). The change will ensure clarity in the regulations and help anglers understand the size limit cutoff that distinguishes a grilse salmon from an adult salmon in the Klamath River Basin.

Additional non-substantive changes are proposed for clarity and accuracy.

California Environmental Quality Act (CEQA)

A draft negative declaration has been prepared (Exhibit 5) 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 (Exhibit 6).

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

1. DFW memo transmitting ISOR, received Nov 22, 2019
2. Klamath River Basin ISOR
3. ISOR *Appendix A: Evaluation of Alternative Size Limits for Klamath River Fall Chinook Salmon Harvest*, DFW, Oct 2019
4. DFW memo transmitting negative declaration, received April 13, 2020
5. Draft negative declaration
6. Draft notice of completion and summary form
7. DFW news release, *Fisheries Biologists Present California's Ocean Salmon Forecast for 2020*, published Feb 27, 2020

Motion/Direction (N/A)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON Margaret.Duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER 916-653-4674
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend subsection (b)(91.1) of Section 7.50, Title 14, CCR, RE: Klamath River Basin 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.*

Fish and Game Commission

2. The _____ 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 fishing-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)**

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, and ensure consistency with federal salmon sport fishing allocations adopted by the Pacific Fishery Management Council.
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 and other sport fisheries that benefit sport anglers, and the area businesses involved in 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 Fish & Game Commission the authority to establish sport fishing regulations (FGC sec. 200, 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 2019 KRFC limits may not be in accord with the 2020 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: \$ -3.7M *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) x
multipliers 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: _____

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 _____

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 11/13/19	

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 01/07/20	

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

Economic Impact Statement

The proposed regulatory amendments of subsection 7.50(b)(91.1) under consideration will set the 2020 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 levels in the 2019 sport fishing seasons; 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 2020 KRFC allocation ultimately adopted by the PFMC, and the specific regulations promulgated by the Fish and Game Commission (Commission), in conjunction with the California Department of Fish and Wildlife (Department).

KRFC Adult Stocks

The proposed quota range of 0 - 67,600 adult KRFC in 2020 represents a range from 0 percent or no salmon fishing on adult KRFC, to greater than 100 percent of the 2019 Klamath River Basin KRFC quota. Under all scenarios, sport fishing may be allowed for other sportfish species, and likely for grilse KRFC, regardless of PFMC allocation. Thus, any adverse impacts to businesses could be less severe than under a complete closure of fishing.

The Department is also proposing two other regulatory changes:

KRFC Size Limit (Grilse 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. KRFC recreational fishery bag and possession limits generally contain an adult and grilse component. When considering a grilse fishery, determining a size cutoff that balances angling harvest opportunity for grilse versus protecting adult spawners and not exceeding adult quotas is important. If the size cutoff is too short (conservative), fewer grilse will be caught by anglers, and they will be underutilized because grilse 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 adults will increase, reducing the hatchery and in-river spawners and potentially causing exceedance of the adult quota.

In years when the adult quota is met, angling is still allowed for KRFC less than or equal to 22 inches total length (TL). The Department is proposing a size limit cutoff range of 22 to 23 inches TL. Changing the size specification for grilse is not anticipated to impact the number or length of angler trips and thus expenditures in the fishery areas.

Brown Trout Bag and Possession Limit Increase on the Main Stem Trinity River.

The Department is proposing to increase the daily bag and possession limit for Brown Trout on the main stem of the Trinity River from a five fish daily bag/10 fish possession limit to a 10 fish daily bag/20 fish possession limit. While Brown Trout are not often the primary target of sportfishing, this proposed change will increase fishing opportunity and thus will also help to mitigate any potential reductions in the adult KRFC quota that may have to be accommodated.

The preservation of Klamath River salmon stocks is vital for the ongoing 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 National Marine Fisheries Service (NMFS) report (*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 (2017\$) in direct expenditures, resulting in about \$4,221,945 (2017\$) in total economic output to California businesses. The economic impact figures are expressed in 2017 dollars because adjusting for 2019² does not meaningfully alter the estimates. 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 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,

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.

²The Implicit Price Deflator for Personal Consumption Expenditures between 2017 and 2019 has been between one to two percent.

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 supports 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, 2017\$)

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 2019 adult KRFC catch limit; 50 percent of the 2019 adult KRFC catch limit; and 0 percent of the 2019 adult KRFC catch limit.

Section A

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

Projection 1: 100 percent of the 2019 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 2019 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 alternative activities and the growth of businesses to serve those activities exists.

Projection 3: 0 percent of the 2019 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 regulatory 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 2019 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 2019 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 2019 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 above, 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 2017 closure resulted in nearly a 50 percent drop in angler days. However, job creation or elimination tends to lag in response to short-term changes in consumer demand. Thus, the potential impacts of a 2020 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 PFMC Salmon Fishery Management Plan (FMP). These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries off the coasts of Washington, Oregon, and California, and California 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 2019 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 2019 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 2019 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 activities.

Section D

Question 1. Alternatives to the Regulation

Alternative 1:

KRFC Adult Stocks

The use of more liberal regulations for KRFC bag limits, possession limits, and minimum adult salmon size 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 adult stocks.

KRFC Size Limit (Grilse Size Considerations)

In years when the adult quota is met, angling is still allowed for KRFC less than or equal to 22 inches TL. The Department is proposing a range of 22 to 23 inches TL. Changing the size specification for grilse is not anticipated to impact the number or length of angler trips and thus expenditures in the fishery areas.

The use of more liberal regulations for KRFC size limits (i.e., higher than 23 inches TL), means angling catch of the smaller adults will increase, reducing the hatchery and in-river spawners, and potentially causing exceedance of the adult quota.

Brown Trout Bag and Possession Limit Increase on the Main Stem Trinity River

The Department is proposing to increase the daily bag and possession limit for Brown Trout on the main stem of the Trinity River from a five fish daily bag/10 fish possession limit to a 10 fish daily bag/20 fish possession limit. While Brown Trout are not commonly primarily targeted for sportfishing, this proposed change will increase fishing opportunity and thus will also help to mitigate any potential reductions in the adult KRFC quota that may have to be accommodated.

Alternative 2:

KRFC Adult Stocks

The No Change Alternative would leave the current 2019 daily bag and possession limit regulations in place and would not allow flexibility to develop bag and possession limits based on 2020 PFMC allocations. The change for 2020 is necessary to continue appropriate harvest rates and an equitable distribution of the harvestable surplus.

KRFC Size Limit (Grilse Size Considerations)

The No Change Alternative for the grilse Chinook Salmon fishery would leave in place the current size limit cutoff for grilse salmon at less than or equal to 22 inches TL. This would prevent the opportunity for anglers to potentially harvest age two fish greater than 22 inches TL and would protect potentially smaller adults in the fishery from harvest.

Brown Trout Bag and Possession Limit Increase on the Main Stem Trinity River

The No Change Alternative for increasing the daily bag and possession limit for Brown Trout would leave the existing 2019 regulations in place.

Received May 6, 2020.
Original signed copy of file.

Memorandum

Date: May 5, 2020

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

From: Charlton H. Bonham
Director

Subject: **Submission of Pre-Adoption Statement of Reasons to Amend Subsection (f) of Section 5.87 and 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 2020 Klamath River Basin sport fishing regulations. The PSOR includes the Department's recommendation for bag and possession limits as well as the minimum adult size designation for Klamath River fall Chinook Salmon (KRFC) on the Klamath and Trinity rivers. It also includes responses to public comments on the proposed sport fishing regulations. No changes were made to the original proposed regulations. Specific bag and possession limits for KRFC will be adopted during the Commission teleconference on May 14, 2020.

If you have any questions or need additional information, please contact Roger Bloom, Acting Chief, Fisheries Branch by e-mail at Roger.Bloom@wildlife.ca.gov.

Attachment

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Melissa Miller-Henson, Executive Director
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May 5, 2020
Page 2

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Amend Subsection (f) of Section 5.87 and (b)(91.1) of Section 7.50
Title 14, California Code of Regulations
Re: Klamath River Basin Sport Fishing Regulations

- No changes have been made to the originally proposed regulatory language; however the California Department of Fish and Wildlife (Department) is recommending bag and possession limits, basin quota and adult size regulations for fall Chinook Salmon and daily bag and possession limits for brown trout for consideration by the Commission for inclusion in the 2020 Klamath River Basin sport fishing regulations. The recommendations fall within ranges identified in the Initial Statement of Reasons (ISOR).

The Department recommends a fall Chinook Salmon daily bag limit of 2 fish, with no more than 1 adult, and a possession limit of 6 fish with no more than 3 adults. The Department recommends a quota range of 1,296 to 1,356 adult fall Chinook Salmon. The range is based on Pacific Fishery Management Council (PFMC) guidance. Generally, the PFMC in-river recreational allocation is set at a specific number of adults, however, this year, due to COVID-19 concerns, marine fishery partial closures and reduced impacts to Klamath River Basin adult fall Chinook Salmon may provide for additional in-river recreational allocation from 1,296 up to 1,356 fish. If the extent of closures and additional allocation are unknown at the time of the adoption meeting (May 14, 2020 teleconference), the Department recommends the base allocation of 1,296 adult fall Chinook Salmon be adopted for the basin quota unless there

is additional allocation by the PFMC at the time of the adoption meeting. If this occurs the Department recommends adopting this slightly higher quota not to exceed 1,356 adults. Lastly, the Department recommends that the size used to delineate adult fall Chinook Salmon, currently set at greater than 22 inches total length, be changed to greater than 23 inches total length.

Brown Trout

The Department is also supportive of the proposed increase in Brown Trout daily bag and possession of 10 and 20, respectively. This is an increase from the current bag and possession of 5 and 10.

The Department is recommending adoption of the other proposed changes as described in the ISOR.

V. Reasons for Modification of Originally Proposed Language of ISOR:

Fall Chinook Salmon

The Klamath River fall Chinook Salmon basin allocation has been identified as a range between 1,296 and 1,356 adult fish. The Department bases annual daily bag and possession limit recommendations on annual quotas. In large quota years, daily bag and possession regulations are liberalized to allow for increased harvest opportunity. In low quota years, such as this year, regulatory recommendations are conservative to protect the stock and achieve basin spawner escapement goals. This recommendation is consistent with previous years with small quotas, most recently in 2019, when the quota was 7,637 adult fall Chinook Salmon.

The Department also recommends that the adult fall Chinook Salmon size limit be changed from the current “greater than 22 inches total length” to “greater than 23 inches total length.” This change will make biological measurements (centimeters, fork length) that the Department uses for scientific reasons consistent with the regulatory language. Currently, the Department uses 55 centimeters fork length to assess in-season adult harvest for quota management. Fifty-five centimeters fork length converted to total length equates to approximately 59 centimeters, which in turn is approximately equal to 23 inches. The Department recognizes that this potential change may have minor effects to adult quota management and will be monitoring these effects if this change is adopted by the Commission. Analyses of this proposed change was presented in the ISOR.

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

Comments by James Stone, President of the NorCal Guides and Sportsmen’s Association, received at the April 16, 2020 Commission meeting: Mr. Stone commented that 1) He appreciated the one adult bag limit within the daily bag limit and thought it helped extend the fishing season in 2019. 2) He also asked for consideration of a daily bag limit that includes two grilse (jacks) in addition to the one adult. i.e. three fish daily bag, no more than one adult limit. 3) Mr. Stone also discussed the desire to have more discussion on the proposed 23-inch size change as it relates to biological measurements.

Response: 1) Appreciation noted. 2) The Department does not currently believe expanding the grilse daily bag limit is warranted at this time for the following reasons: If the adult size change

of “greater than 23 inches total length” is adopted, there will be need to evaluate this new regulation as it relates to harvest impacts on adults initially classified as grilse. Increasing the grilse bag limit to two fish could potentially double the number of unintended adult impacts either through direct harvest or indirectly by fisherman releasing larger adults attempting to fill their grilse daily bag limit, as compared to a one grilse limit. This is especially true if the adult quota is met and the remaining fishery is constrained to a grilse-only fishery, which in effect would allow for three jacks to be harvested under Mr. Stone’s proposal. Therefore, the Department believes it is prudent to take a stepwise approach to evaluating a potentially new regulation prior to liberalizing the grilse bag limit within the total daily bag limit. Additionally, fall Chinook in the Klamath River Basin are still considered to be in an “overfished state” by the PFMC and are in a stock rebuilding process and adult spawner escapement in 2020 is not projected to meet the 40,700 adult natural area spawner escapement conservation target. 3) As noted in sections IV and V above, the Department has proposed parity for biological and regulatory consistency regarding the size used to distinguish grilse from adults. The Department will engage in any other appropriate discussions regarding parity between biological and regulatory processes.

Comment by Bill Gaines, representing various conservation organizations, received at the April 16, 2020 Commission meeting: Mr. Gaines supported Mr. James Stone’s comments.

Response: See response to Mr. Stone’s comments.

Comment by Aoibheann Cline, representing the Congressional Sportsmen’s Foundation, received at the April 16, 2020 Commission meeting: Ms. Cline 1) Supported Mr. James Stone’s comments and 2) supported additional recreational fishing opportunity on the Sacramento and Klamath rivers if science supports additional allocation for unharvested ocean quota that will not have a long term negative impact on the population.

Response: 1) See response to Mr. Stone’s comments; 2) As indicated in the quota discussion in Sections IV and V above, there is potential for adding up to 60 additional fall Chinook Salmon to the Klamath quota dependent on potential COVID-19 related ocean fishery closures and the date of notification of these closures.

Updated Informative Digest/Policy Statement Overview

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

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 Klamath River Basin in-river sport salmon fishery is managed using adult quotas.

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 implementing PFMC adult allocation and California Department of Fish and Wildlife (Department) salmon fishery harvest assessment, within the Klamath River Basin the Department currently considers 22 inches total length as a provisional cutoff. Salmon greater than 22 inches total length are defined as adult salmon (ages 3-5) and salmon less than or equal to 22 inches total length are defined as grilse salmon (age-two).

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. The KRFC adult natural area spawning escapement for 2018 was 53,624 natural area adult spawners, which exceeded the one-year conservation threshold of 40,700 natural area adult spawners. The three-year geometric mean is

still less than the required 40,700 natural area adult spawners, therefore the KRFC are still considered as an “overfished” stock.

Accordingly, the FMP outlines a process for preparing a “rebuilding plan” that includes assessment of the factors that led 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 developed by representatives of NMFS, PFMC, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife (Department), and Tribal entities, was submitted to the PFMC in February 2019, adopted by the PFMC in June 2019 and submitted to the NMFS in August 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.

KRFC Allocation Management

The PFMC 2019 allocation for the Klamath River Basin sport harvest was 7,637 adult KRFC. Preseason stock projections of 2020 adult KRFC abundance will not be available from the PFMC until March 2020. The 2020 basin allocation will be recommended by the PFMC in April 2020 and presented to the Commission for adoption as a quota for the in-river sport harvest at its May 2020 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.

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 ~~shown in Figure 1, and~~ 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.

Proposed Changes

Because the PFMC recommendations are not known at this time, ranges are shown in [brackets] in the proposed regulatory text below of bag and possession limits which encompass historical quotas. A range is also shown for the Department’s grilse salmon size limit cutoff delineating between adult and grilse salmon. All are proposed for the 2020 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.

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 in-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 2020 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 once the subquota has been met.

KRFC Size Limit (Grilse Size Considerations)

The Department is proposing a grilse salmon size limit cutoff range of less than or equal to 22 inches (55.9 cm) to 23 inches (58.4 cm) total length (TL) for discussion before the Department makes a final recommendation. Considered in this context, the size limit cutoff discussion is a trade-off between restricting take of the available adult salmon and quota management versus increasing harvest of two-year-old grilse salmon. In preparation for the proposed regulatory changes for the 2020 KRFC in-river recreational fishing season, the Department has completed an evaluation of the potential impacts to KRFC from increasing the size limit cutoff distinguishing age-two fish from age-three fish for in-river recreational harvest (Appendix A to the Initial Statement of Reasons - ISOR). The Department analyzed a range of grilse size limits between 21 and 24 inches total length. A 21 inch TL size limit was considered overly conservative, and would prevent fishing opportunity on grilse KRFC with little benefit to adult stocks. Raising the maximum grilse size to 24 inches TL was considered too liberal. 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 [22-23] inches total length may be retained until the subquota is met, then 0 fish over [22-23] inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish over [22-23] inches total length may be retained when the take of salmon over [22-23] inches total length is allowed.

KRSC SPORT FISHERY:

The Klamath River Basin also supports Klamath River spring-run Chinook Salmon (KRSC). Presently, KRSC stocks are not managed or allocated by the PPMC. No regulatory changes are proposed for the general KRSC opening and closing season dates, and bag, possession and size limits.

Brown Trout Bag and Possession Limit Increase on the Main Stem Trinity River

The Department is proposing to increase the daily bag and possession limit for Brown Trout on the main stem of the Trinity River from a five fish daily bag/10 fish possession limit to a 10 fish daily bag/20 fish possession limit. This proposed change will increase fishing opportunity on a non-native trout species. As the focus for the Trinity River is on native fish production, a reduction of brown trout may help enhance habitat availability for native fish, consistent with the goals of the federally-administered Trinity River Restoration Program.

Other Changes for Clarity

The Department is proposing additional changes for clarity, as follows:

1. Amend subsection 5.87(f) to ensure that the size limit cutoff between a grilse and adult Chinook Salmon in the Klamath River Basin is consistent with the size limit cutoff listed in subsection 7.50(b)(91.1).
2. Add paragraph (3) to subsection 7.50(b)(91.1)(A) to include a reference to Section 1.74, Title 14, CCR for sport fish report card requirements.
3. Amend the heading of subsection 7.50(b)(91.1)(A) to read, "Restrictions and Requirements."
4. Throughout the regulatory text in subsection 7.50(b)(91.1), update the year from 2019 to 2020.

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 (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. 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.

Update:

No changes have been made to the originally proposed regulatory language; however the Department is recommending a fall Chinook Salmon daily bag limit of 2 fish, with no more than 1 adult, and a possession limit of 6 fish with no more than 3 adults. The Department

recommends a quota range of 1,296 to 1,356 adult fall Chinook Salmon. The Department is also supportive of the proposed increase in Brown Trout daily bag and possession of 10 and 20, respectively. This is an increase from the current bag and possession of 5 and 10.

The Department is recommending adoption of the other proposed changes as described in the ISOR.

STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
FISH AND GAME COMMISSION
NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
KLAMATH RIVER BASIN 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

**INITIAL STUDY AND NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
KLAMATH RIVER BASIN SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

The Project

The Fish and Game Commission (Commission) proposes to amend the Klamath River Basin sport fishing regulations as set forth in Title 14, subsection 5.87(f) and Section 7.50 of the California Code of Regulations for Klamath River Fall-run Chinook Salmon (KRFC) and Brown Trout and to make additional changes for clarity. The current Klamath River Basin sport fishing regulations allow sport fishing for KRFC and Brown Trout in the Klamath River and Trinity River systems, subject to specific limitations. Each year the Department of Fish and Wildlife (Department) evaluates the potential need to update the Klamath River Basin sport fishing regulations for KRFC to align with management goals and presents any proposed amendments 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, the Commission is filing this negative declaration pursuant to the California Environmental Quality Act, Public Resources Code Section 21080, subdivision (c).

This proposed negative declaration consists of the following:

- Introduction – Project Description and Background Information on the Proposed Amendments to Klamath River Basin 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
KLAMATH RIVER BASIN SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

Introduction

Each year the Department evaluates the potential need to update the Klamath River Basin sport fishing regulations for KRFC to align with management goals and presents any proposed amendments to the Commission for consideration. This year, the Department is also proposing amendments to the Klamath River Basin sport fishing regulations for Brown Trout and to make additional changes for clarity. The Commission makes the final determination on what amendments to the regulations will 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 Klamath River Basin 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 Klamath River Basin 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. After these recommendations are approved by the Secretary of Commerce, the National Marine Fisheries Service (NMFS) implements them as ocean salmon fishing regulations. The Commission adopts regulations every year for the ocean salmon sport (inside three miles) and the Klamath River Basin (in-river) sport fisheries that are based on the PFMC recommendations and NMFS ocean salmon fishing regulations for that year and align with KRFC biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan (FMP).

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.

The PFMC adopted three 2020 ocean salmon fisheries regulatory alternatives for public review at its March 2020 meeting and is scheduled to adopt one of those alternatives as its final recommendations at its April 2020 meeting. The Klamath River Basin sport fishery allocation of adult KRFC in those alternatives ranges from 801 to 1,291—that allocation was 7,637 in 2019. The Department will propose Klamath River Basin KRFC bag and possession limits, size limits, and an adult KRFC quota and subquotas to the Commission at the April 15-16, 2020 Commission meeting. The Commission will adopt regulations for the 2020 KRFC sport fishery during a scheduled teleconference hearing on May 14, 2020. The Department’s proposal will be based on the regulatory alternative that PFMC adopts and, in turn, the 2020 ocean salmon fishing regulations that NMFS adopts, and aligned with KRFC biological and fishery allocation goals specified in law or established in the FMP.

The proposed sport fishing regulations for the Klamath and Trinity rivers *may*:

- (1) increase or decrease the current salmon bag and possession limits; and
- (2) increase the lower size limit for adult salmon from “greater than 22 inches total length,” to “greater than 23 inches total length.”

The proposed salmon sport fishing regulations for the Klamath and Trinity rivers *will*:

- (1) set a Klamath River Basin quota between 0 and 67,600 adult KRFC and subquotas based on that quota.

Project Location

The sport fishing addressed by this environmental document occurs in the waters of the Klamath River Basin, which consists of the Klamath River and Trinity River systems. The Klamath River Basin is located in the northern California counties of Del Norte, Humboldt, Siskiyou, and Trinity.

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, 2020.

Project Description

Current Regulations

At its May 16, 2019, teleconference, the Commission adopted Klamath River Basin bag and possession limits and an adult quota for KRFC in alignment with federal regulations. These regulatory amendments went into effect around July 1, 2019 after they were approved by the Office of Administrative Law. The following is a summary of those 2019 Klamath River Basin bag and possession limits and the KRFC adult quota:

1. A daily bag limit of 2 Chinook Salmon, of which no more than 1 Chinook Salmon over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.
2. A possession limit of 6 Chinook Salmon, of which no more than 3 Chinook Salmon over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.
3. A Klamath River Basin quota of 7,637 adult KRFC (greater than 22 inches total length).

The 2019 Klamath River Basin quota of 7,637 adult KRFC aligned with the 2019 federal regulations, which provided guidance on allocations between ocean sport and commercial fisheries, inland sport fisheries, and recognized tribal fisheries.

Sport fishing seasons for KRFC were not changed and remained as follows:

1. Klamath River - August 15 through December 31
2. Trinity River - September 1 through December 31

Proposed Regulations

Key to Proposed Regulatory Changes:

The proposed regulatory changes to the Klamath River Basin sport fishery allocation (quota) of adult KRFC are shown as ranges in [brackets] based on the historical range of that allocation. The proposed regulatory changes to the Klamath River Basin sport fishery bag and possession limits for KRFC are shown as ranges based on the historical range of those limits. The proposed regulatory changes to the lower size limit for adult KRFC are also shown as a range based on the Department's analysis of past years' size-at-age data for KRFC.

The Department proposes the following amendments to the Klamath River Basin regulations for KRFC for the 2020 season. The final regulations adopted by the Commission will be based on the 2020 PPMC recommendations for the management of sport and commercial ocean salmon fisheries and 2020 ocean salmon fishing regulations that NMFS adopts and aligned with KRFC biological and fishery allocation goals specified in law or established in the FMP.

ADULT STOCKS (SPORT FISHERY QUOTA MANAGEMENT):

Quota: The Department recommends the Commission consider a quota range of 0 - 67,600 adult KRFC in the Klamath River Basin for the in-river sport fishery. This is based on the historical range of that quota.

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 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 [22-23] inches total length may be retained until the subquota is met, then 0 fish over [22-23] inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish over [22-23] inches total length may be retained when the take of salmon over [22-23] inches total length is allowed.

KRSC SPORT FISHERY:

No regulatory changes are proposed for the general Klamath River Spring-run Chinook Salmon opening and closing season dates, and bag, possession, and size limits.

OTHER CHANGES

KRFC Size Limit (Grilse 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 in terms of reproduction 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 females (jills). KRFC recreational fishery bag and possession limits generally contain an adult and grilse component. In years when the adult quota is met, angling is still allowed for grilse. Current management in the Klamath River Basin assumes an adult lower size limit of greater than 22 inches (55.9 cm) TL for recreational harvest, whereas for research and monitoring the Department typically uses a preliminary adult lower size limit of greater than 55 cm (21.7 in) fork length (FL). Fork length is used for research and monitoring of salmon and steelhead because it provides a more consistent measurement across the range of conditions encountered in a scientific context (e.g., fin erosion due to spawning, especially postmortem). These size limits are used to separate grilse from adults during the season because the true age of individual fish cannot be determined until well after the time of harvest.

Predicting the abundance and size at return of grilse for any given year is currently not possible because precursor data are not available for modeling inputs to estimate abundance at this life stage and ocean abundance of pre-grilse sized fish is not monitored due to minimum size restrictions of fisheries. The first indication of a large Klamath River Basin grilse population is usually from in-river recreational fishing, which begins in mid-August. Grilse numbers and size compared to adult numbers and size for a given year are usually not fully known until the following January, when spawner escapement and harvest survey results are completed. For this reason, using an average of previous years' grilse data is a reasonable method of setting regulatory limits for future years.

When regulating a grilse fishery, it is important to set a size limit cutoff that balances angling harvest opportunity for grilse with protecting adult spawners and not exceeding adult quotas. If the lower TL size limit for adults is too short (conservative), grilse will be underutilized because fewer grilse will be caught by anglers, grilse are infrequently used as hatchery broodstock, and jacks are frequently out-competed by larger males in-river. If the lower TL size limit for adults is too long (liberal), then angling catch of the smaller adults will increase, reducing the hatchery and in-river spawners, and potentially causing exceedance of the adult quota.

The Department has used a provisional standard of less than 55 centimeters (cm) FL to estimate the grilse harvest of KRFC during the season. This equates to 21.7 inches when converted to FL and 23.2 inches when converted to TL. Post season analyses of scale-aged and known-aged (coded-wire tag data) KRFC are used to determine the annual actual size cut-off between grilse and adults. Because the Klamath River Basin is managed on adult (ages 3-5) KRFC subquotas, the Department believes it is prudent

to be conservative when establishing maximum size for the grilse (age-two) fishery. As an example, in 1998 the Department raised the Klamath Basin KRFC cutoff of grilse to 24 inches TL. That same year, over 20 percent of age-three fish were less than 24 inches TL, and the adult quota was greatly exceeded, in part due to this size change for the year. The size limit cutoff was changed back in Title 14, CCR to 22 inches TL the following year.

In preparation for the proposed regulatory changes for the 2020 KRFC in-river recreational fishing season, the Department has completed an evaluation of the potential impacts to KRFC from increasing the size limit cutoff distinguishing age-two fish from age-three fish for in-river recreational harvest. Review of brood years 1998 and 2008-2018 KRFC size at age data, including hatchery coded wire tag (CWT) recovery data, shows that KRFC vary in size annually and that the size separating age-two and age-three KRFC also varies annually. Additionally, a size overlap between age-two fish and age-three fish exists in all years as illustrated in Figures 1-4 below.

For the purpose of evaluating potential regulatory change to the current size limit cutoff the Commission uses to define KRFC grilse (less than or equal to 22 inches TL), the Department evaluated the proportions of age-two fish and age-three fish greater or less than a range of 21 to 24 inches TL. Tables 1-3 below demonstrate that a cutoff size limit of 21 inches TL is highly conservative, with few adults less than this size in all years and a large proportion of grilse larger than this size in some years. The current size limit cutoff of 22 inches TL protects the majority of age-three fish, while allowing a larger proportion of grilse to be available for recreational harvest. A TL cutoff size limit of 23 inches TL has a more variable impact to age-three fish, particularly in recent years, however impacts are still relatively low (<5%). With a cutoff size limit of 24 inches TL, the proportion of age-three fish less than this size is highly variable and ranges between less than 1% up to 37.5% at the three locations and years analyzed and has increased in recent years (2016-2018), averaging between 5.9% and 7.2% at the three sites. The previous 7 year (2009 – 2015) average for the three sites, which excludes the anomalous 1998 year, was 0.51% to 2.3%. Potential impacts to age-three fish are observed in all years and locations, and impact rates have exceeded 10% in the Trinity River on two occasions (1998, 2016). Recent proportions of age-three fish less than 24 inches TL at all sites examined exceeded 4.86% during the 2016 -2018 return years. As indicated in the case study year of 1998, abnormally small adults in any given year can lead to large proportions of adult KRFC becoming vulnerable to grilse fisheries.

The Department is proposing a KRFC grilse size limit cutoff range of less than or equal to 22 inches (55.9 cm) to 23 inches (58.4 cm) TL for discussion before the Department makes a final recommendation. Considered in this context, the size limit cutoff discussion is about trade-offs in the Klamath River Basin in-river sport fishery between maximizing harvest of KRFC grilse and minimizing the probability that the KRFC adult quota will be exceeded.

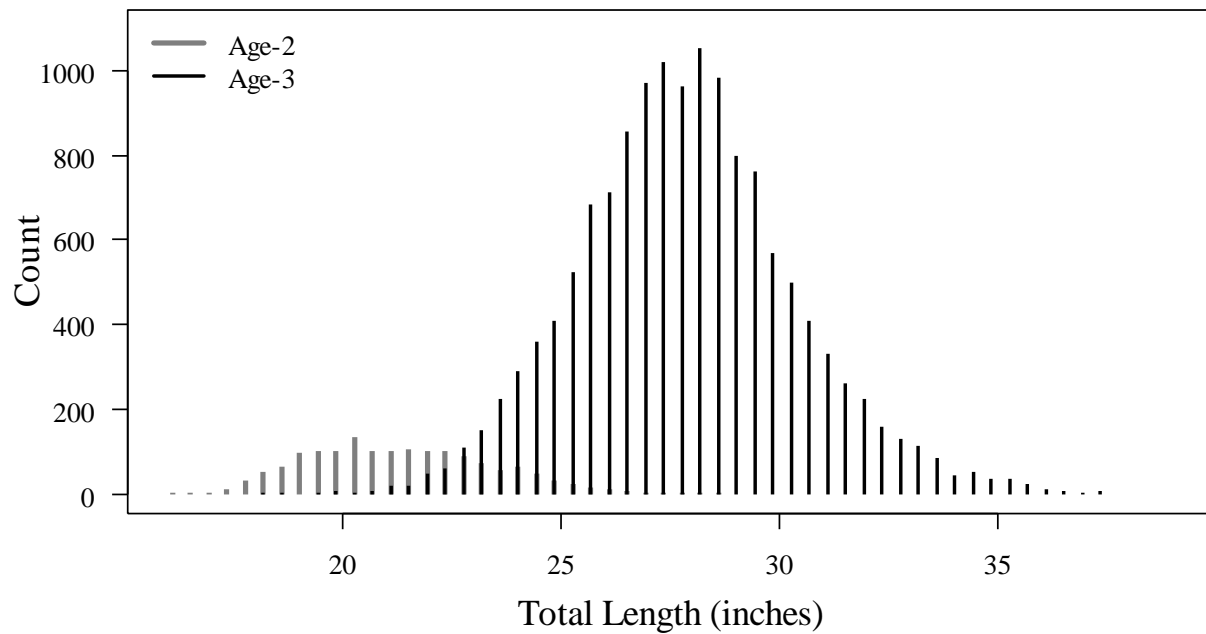


Figure 1. Length frequency histograms of known age-two and known age-three fall Chinook Salmon collected at Trinity River hatchery, 1998 and 2008-2018.

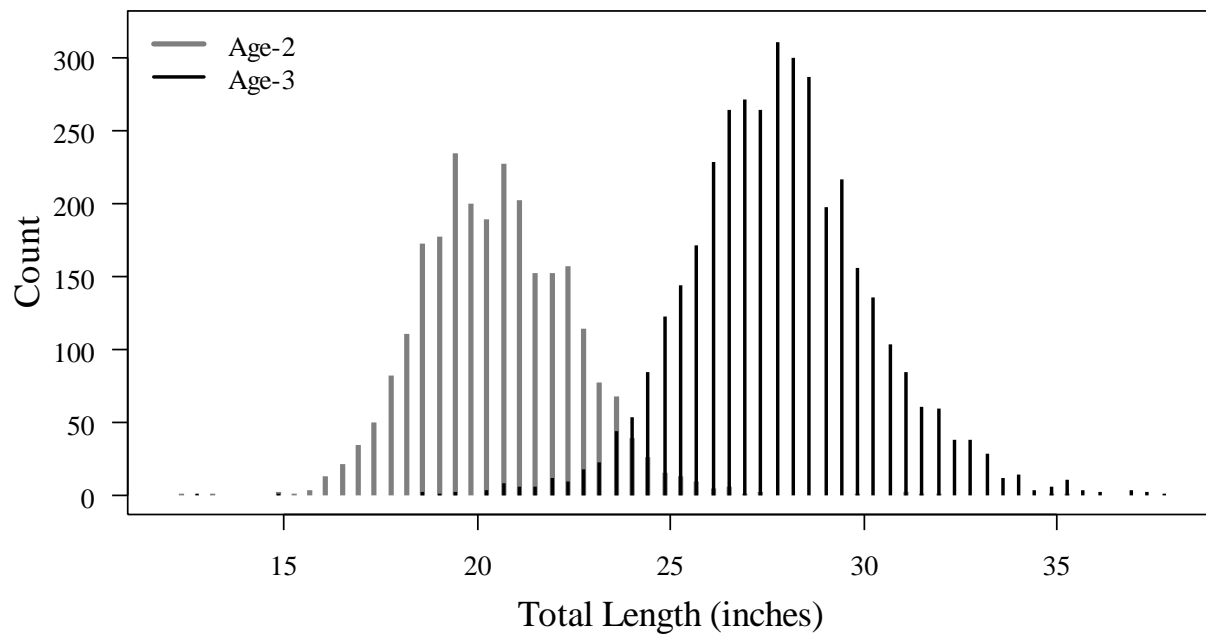


Figure 2. Length frequency histograms of estimated age-two and estimated age-three fall Chinook Salmon collected at Willow Creek weir, Trinity River, 2008-2018.

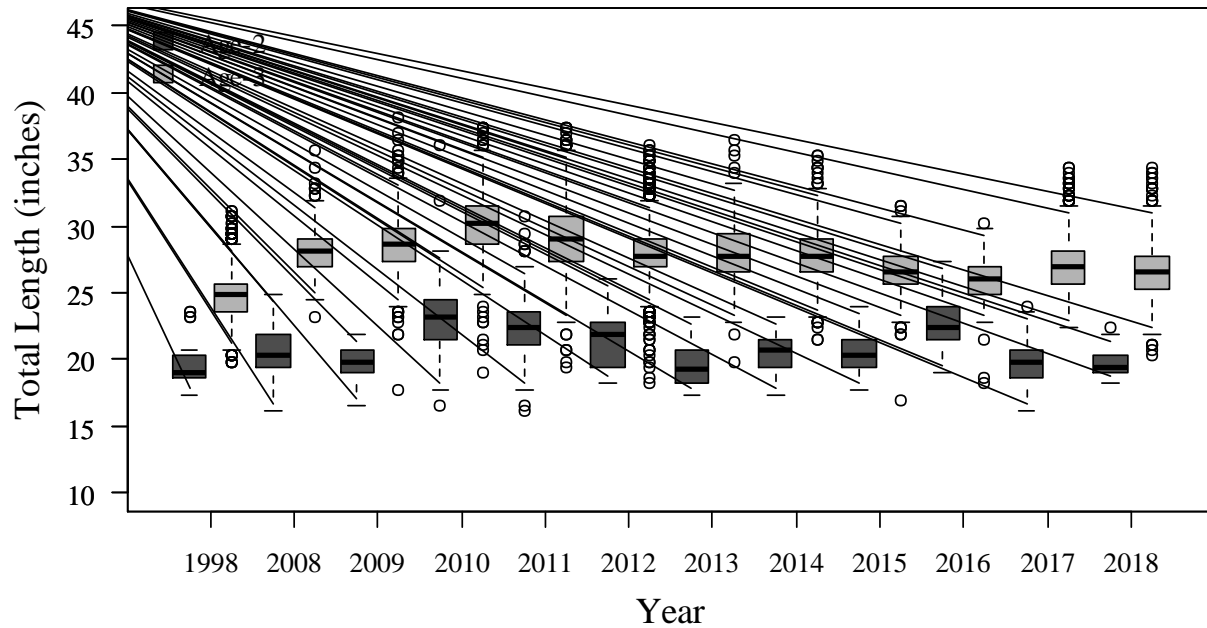


Figure 3. Timeseries of box and whisker plots of total lengths from known age-two and age-three fall Chinook Salmon collected at Trinity River hatchery, 1998 and 2008-2018. Horizontal bars indicate medians, boxes encompass the 25th to 75th percentiles, whiskers extend to 1.5 times the height of each box, and outliers are presented as open circles.

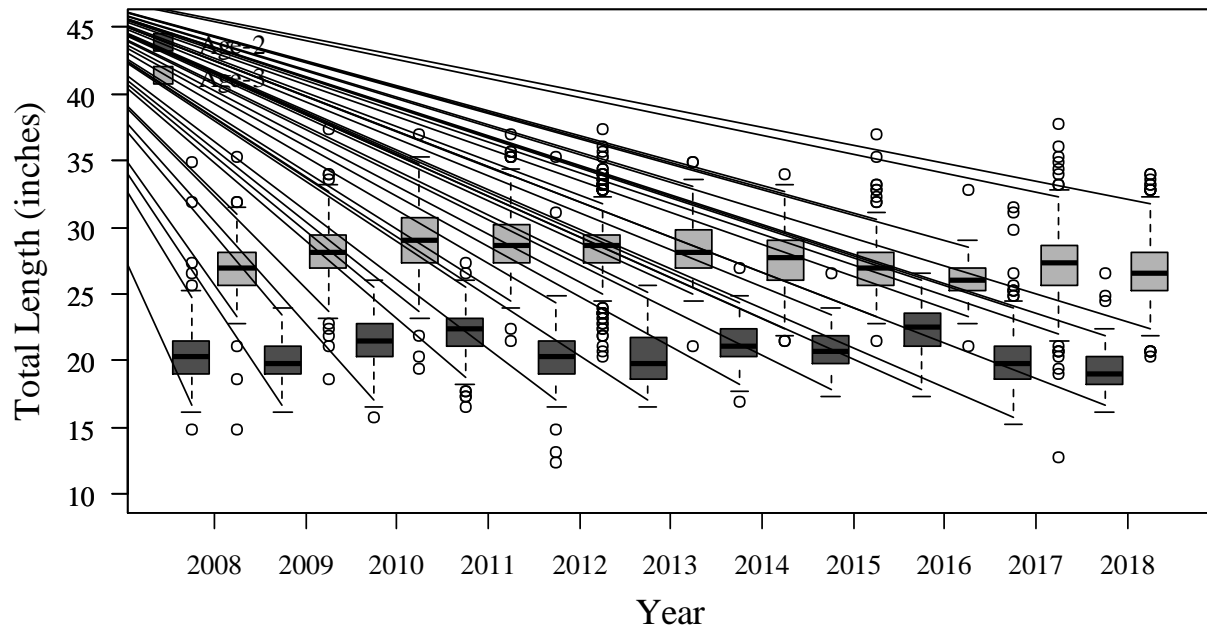


Figure 4. Timeseries of box and whisker plots of total lengths from estimated age-two and age-three fall Chinook Salmon collected at Willow Creek weir, 2008-2018. Horizontal bars indicate medians, boxes encompass the 25th to 75th percentiles,

whiskers extend to 1.5 times the height of each box, and outliers are presented as open circles.

Table 1. Proportions of known age-two falling above and known age-three falling below proposed minimum adult size limits of 21" to 24" total length collected at Trinity River hatchery, 1998 and 2008-2018 return years.

year	21" TL cutoff age2 > 21"	21" TL cutoff age3 < 21"	22" TL cutoff age2 > 22"	22" TL cutoff age3 < 22"	23" TL cutoff age2 > 23"	23" TL cutoff age3 < 23"	24" TL cutoff age2 > 24"	24" TL cutoff age3 < 24"
1998	11.76%	0.58%	11.76%	5.62%	11.76%	14.17%	0.00%	29.44%
2008	39.60%	0.00%	18.79%	0.00%	8.05%	0.00%	4.03%	0.29%
2009	8.11%	0.07%	0.00%	0.20%	0.00%	0.27%	0.00%	0.75%
2010	84.56%	0.22%	67.45%	0.43%	50.34%	0.65%	34.56%	0.86%
2011	76.89%	0.15%	52.80%	0.23%	34.06%	0.46%	20.19%	0.88%
2012	65.62%	0.26%	43.75%	0.40%	21.88%	0.58%	15.62%	1.21%
2013	20.00%	0.43%	6.67%	0.87%	3.33%	1.30%	0.00%	3.03%
2014	41.51%	0.00%	13.21%	0.23%	5.66%	0.81%	0.00%	2.08%
2015	36.36%	0.25%	4.55%	0.76%	2.27%	2.53%	2.27%	5.06%
2016	87.21%	1.38%	61.63%	2.07%	37.21%	3.45%	25.58%	6.90%
2017	21.00%	0.00%	4.20%	0.00%	1.31%	0.95%	0.26%	4.86%
2018	13.89%	0.13%	2.78%	0.47%	0.00%	1.73%	0.00%	5.93%

Table 2. Proportions of estimated age-two falling above and known age-three falling below proposed minimum adult size limits of 21" to 24" total length sampled at Willow Creek weir, 2008-2018 return years.

year	21" TL cutoff age2 > 21"	21" TL cutoff age3 < 21"	22" TL cutoff age2 > 22"	22" TL cutoff age3 < 22"	23" TL cutoff age2 > 23"	23" TL cutoff age3 < 23"	24" TL cutoff age2 > 24"	24" TL cutoff age3 < 24"
2008	32.94%	1.56%	13.41%	2.34%	6.71%	3.12%	2.96%	4.69%
2009	25.69%	0.26%	11.01%	0.78%	3.67%	1.30%	1.83%	1.81%
2010	62.35%	0.86%	38.24%	1.29%	21.76%	1.29%	12.35%	2.58%
2011	75.66%	0.00%	52.12%	0.32%	27.25%	0.63%	12.70%	0.63%
2012	36.75%	0.23%	14.53%	0.58%	3.42%	1.05%	2.56%	1.86%
2013	27.78%	0.00%	20.83%	1.52%	8.33%	1.52%	2.78%	1.52%
2014	60.82%	0.00%	34.02%	1.46%	16.49%	2.44%	4.12%	4.39%
2015	45.22%	0.00%	15.65%	0.56%	6.09%	1.69%	2.61%	3.39%
2016	87.50%	0.00%	55.00%	1.69%	35.00%	3.39%	15.00%	10.17%
2017	27.39%	0.86%	10.37%	1.60%	4.78%	2.21%	1.98%	5.40%
2018	15.74%	0.87%	3.70%	1.57%	2.78%	3.30%	2.78%	6.09%

Table 3. Proportions of known age-two falling above and known age-three falling below proposed minimum adult size limits of 21" to 24" total length collected at Iron Gate hatchery, 1998 and 2009-2018 return years.

year	21" TL cutoff age2 > 21"	21" TL cutoff age3 < 21"	22" TL cutoff age2 > 22"	22" TL cutoff age3 < 22"	23" TL cutoff age2 > 23"	23" TL cutoff age3 < 23"	24" TL cutoff age2 > 24"	24" TL cutoff age3 < 24"
1998	13.33%	0.85%	0.00%	8.37%	0.00%	17.73%	0.00%	37.45%
2009	57.78%	0.00%	28.89%	0.00%	13.33%	0.19%	4.44%	0.38%
2010	93.78%	0.00%	77.20%	0.00%	56.48%	0.26%	28.50%	0.26%
2011	96.39%	0.07%	88.51%	0.14%	75.46%	0.29%	51.35%	0.79%
2012	84.39%	0.08%	57.56%	0.12%	32.68%	0.26%	11.71%	0.36%
2013	61.96%	0.10%	36.08%	0.10%	20.39%	0.19%	10.59%	0.48%
2014	96.41%	0.12%	81.17%	0.24%	65.47%	0.44%	41.26%	0.61%
2015	64.52%	0.00%	25.81%	0.00%	12.90%	0.13%	3.23%	0.66%
2016	64.71%	0.30%	29.41%	0.60%	23.53%	1.51%	23.53%	6.33%
2017	71.55%	0.27%	36.64%	1.70%	14.44%	3.30%	5.17%	7.59%
2018	63.24%	0.36%	25.00%	1.08%	14.71%	2.67%	4.41%	6.26%

Brown Trout Bag and Possession Limit Increase on the Main Stem Trinity River

The Department is proposing to increase the daily bag and possession limit for Brown Trout on the main stem of the Trinity River from a five fish daily bag/10 fish possession limit to a 10 fish daily bag/20 fish possession limit. This proposed change will increase fishing opportunity on a non-native trout species. As the focus for the Trinity River is on native fish production, a reduction of brown trout may help enhance habitat availability for native fish, consistent with the goals of the federally-administered Trinity River Restoration Program.

Other Changes for Clarity

The Department is proposing additional changes for clarity, as follows:

1. Amend subsection 5.87(f) to ensure that the size limit cutoff between a grilse and adult Chinook Salmon in the Klamath River Basin is consistent with the size limit cutoff listed in subsection 7.50(b)(91.1). This change will ensure clarity in the regulations and help anglers understand the size limit cutoff that

distinguishes a grilse salmon from an adult salmon in the Klamath River Basin.

2. Add paragraph (3) to subsection 7.50(b)(91.1)(A) that references Section 1.74, Title 14, CCR for sport fish report card requirements. This addition is necessary to help anglers understand that a Department sport fish report card is required for fishing in the Klamath River Basin.
3. Amend the heading of subsection 7.50(b)(91.1)(A) to read, "Restrictions and Requirements." This change is necessary to broaden the heading of this subsection based on the proposed addition of paragraph (3) to subsection 7.50(b)(91.1)(A).
4. Throughout the regulatory text in subsection 7.50(b)(91.1), update the year from 2019 to 2020 for the upcoming season.

ENVIRONMENTAL CHECKLIST FORM

1. Project Title:
Proposed Amendments to Klamath River Basin 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) 653-7229
4. Project Location:
The Klamath River and Trinity River systems.
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, size limits, and adult quota for Klamath River Fall-run Chinook Salmon for the Klamath River Basin sport fishery and the daily bag limit for Brown Trout in the Trinity River 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 |
| <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 |
| <input type="checkbox"/> Resources | | |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings |
| <input type="checkbox"/> 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:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ 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.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ 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.

☐ 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.

Signed May 8, 2020

Original signed copy on file

Melissa Miller-Henson, Executive Director

Date

	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 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 proposed sport fishing regulations for the Klamath and Trinity rivers *may*:

- (1) increase or decrease the current salmon bag and possession limits; and
- (2) increase the lower size limit for adult salmon from “greater than 22 inches total length,” to “greater than 23 inches total length.”

And the proposed salmon sport fishing regulations for the Klamath and Trinity rivers *will*:

- (2) set a Klamath River Basin quota between 0 and 67,600 adult KRFC and subquotas based on that quota.

Any changes to the Klamath River Basin sport fishing regulations will be based on the 2020 PFMC 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 and 2020 NMFS ocean salmon fishing regulations and aligned with KRFC biological and fishery allocation goals. The PFMC recommendation process includes the consolidation and consideration of the best scientific information available from California, Oregon, and Washington on the status of various salmon stocks.

The Department conducts annual creel surveys to monitor harvest of KRFC and closes the fishery to the harvest of adult KRFC when it is anticipated that the adult KRFC quota will be met. Typically, grilse KRFC fisheries continue after the adult

KRFC quota has been met. The Department uses fork length measurements, in centimeters, to track the harvest of both adult and grilse KRFC. Grilse are classified as KRFC less than or equal to 55 centimeters fork length. The proposed change, as determined by Department evaluations (see “other changes” discussion section), may result in a slightly larger proportion of age three fish (adults) vulnerable to grilse KRFC fisheries, however the proposed 23 inch total length size is more consistent with the current biological measurements used by the Department for monitoring harvest and results in more angling opportunity. Coho Salmon are currently protected by harvest prohibitions and the proposed change will have no significant impacts to this species.

Coho Salmon, which is federally- and state-listed, and Spring Chinook Salmon, which is state-listed as a candidate species, co-occur in the project area. Existing regulations prohibit take of Coho Salmon; Spring Chinook Salmon are currently protected by emergency regulations which have a reduced bag limit and season length. A Certificate of Compliance filing has also been noticed for Commission action to adopt those emergency regulations as normal (i.e., non-emergency) regulations. Spring Chinook Salmon will not incur significant impacts as a result of the proposed project because the proposed change is limited to KRFC and the overlap of the two ecotypes in run and spawn timing is minimal.

The project may result in slightly higher harvest rates and greater fishing opportunity on non-native brown trout, particularly in the Trinity River, the only current location of a self-sustaining population. Because brown trout are known predators and ecological competitors with native salmonids, including Coho Salmon and Spring Chinook Salmon, the proposed regulation may result in a reduction of brown trout which will potentially reduce negative interactions between these species and ameliorate minor impacts to listed/candidate species associated with potential increased angling effort for brown trout.

- 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.

The proposed changes to the Klamath River Basin sport fishing regulations for KRFC will have minimal to no impact on recreational facilities. The potential increase of the size delineation between grilse and adult KRFC may result in a minor increase in the total number of KRFC that anglers may keep and thus a minor increase in use of recreational facilities that support fishing for KRFC. However, based on the PFMC process for the 2020 salmon fishing season, the Commission may adopt a quota for adult KRFC that is lower than that quota for the 2019 season. Also, the Commission is not considering changing the length of the season for KRFC in the Klamath River Basin sport fishing regulations.

The proposed changes to the Brown Trout bag and possession limits are anticipated to have minimal to no effect on recreational facilities. The majority of angling opportunity exists in the upper Trinity River which is straddled by Highway 299 and numerous Federal, State and County roads and boat launch and campground areas affording many miles of access to the river. Additionally, the Brown Trout fishery is usually secondary to other fisheries for Chinook Salmon and Steelhead, and Brown Trout are caught incidentally to these species. A small contingent of local anglers and guides do target Brown Trout in the spring months when salmon and steelhead are out of season. Angler use and harvest data for Brown Trout is sparse, however data the Department has collected over the years indicates that there is a low harvest rate of Brown Trout and that catching the current limit of five Brown Trout per day is rare, thus an increased bag limit of 10 per day is unlikely to trigger a large influx of anglers seeking to take advantage of the proposed higher bag and possession limits.

- 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.

STAFF SUMMARY FOR MAY 14, 2020 WEBINAR/TELECONFERENCE

5. RECEIVE DEPARTMENT REPORT ON ACTIONS TAKEN PURSUANT TO THE EMERGENCY SPORT AND RECREATIONAL FISHING REGULATION**Today's Item****Information** ☒**Action** ☐

Receive a report from DFW on actions taken to temporarily suspend, delay, or restrict sport and recreational fishing in specific areas of the state to protect public health from the threat posed by COVID-19.

Summary of Previous/Future Actions

- Adopted emergency delegation Apr 15-16, 2020; Teleconference
- **Today's DFW update** **May 14, 2020; Webinar/Teleconference**

Background

On Apr 15, 2020, FGC adopted an emergency regulation authorizing the director of DFW to suspend, delay, or restrict sport/recreational fishing in specific areas within the state when necessary to protect public health from the threat posed by COVID-19 (Exhibit 1). DFW authority under this regulation only extends through May 31, 2020 and the regulation is repealed effective June 1, 2020. The decisions under this emergency regulation are to be based on the most current information available, considering public health and safety guidance from federal, state, tribal, and local officials, and in consultation with the president of FGC. At the Apr 2020 meeting, FGC scheduled today's agenda item to allow for additional discussion on this topic.

At today's meeting, DFW will provide a report on actions taken under the emergency delegation pursuant to subsection 8.02(f). DFW has not requested any additional authority to suspend, delay, or restrict sport/recreational fishing. To date, Director Bonham, in consultation with President Sklar, has acted on requests from Alpine, Inyo, Mono, and Sierra counties through two actions:

1. On Apr 21, 2020, DFW delayed the start of the trout opener in Alpine, Inyo and Mono counties as requested by county officials. The trout season was scheduled to open in the three counties on Apr 25, 2020; the season delay expires May 31, 2020. (Exhibit 2)
2. On Apr 22, 2020, DFW suspended fishing on the mainstem of the North Fork Yuba River and delayed the trout opener on the entire Downie River mainstem in the county, as requested by Sierra County officials; the closure and delay will expire May 31, 2020. (Exhibit 3)

A comprehensive summary of regulation changes to delay or suspend sport fishing seasons and the text of the modified regulations are provided by DFW in exhibits 4 and 5.

Significant Public Comments

1. One commenter requests that FGC take similar measures to delay, suspend or restrict all hunting (Exhibit 6).
2. One commenter expresses appreciation for FGC's Apr 2020 action (Exhibit 7).

STAFF SUMMARY FOR MAY 14, 2020 WEBINAR/TELECONFERENCE

Recommendation (N/A)**Exhibits**

1. [Section 8.02, Title 14, adopted by FGC Apr 15, 2020](#)
2. [DFW memo \(without the referenced attachments\) concerning actions taken in Alpine, Inyo and Mono counties, dated Apr 21, 2020](#)
3. [DFW memo concerning actions taken in Sierra County, dated Apr 22, 2020](#)
4. [Attachment to Apr 22, 2020 DFW memo: Comprehensive summary of the changes to sportfishing regulations to implement season delays and suspensions](#)
5. [Attachment to Apr 22, 2020 DFW memo: Text of the modified regulations](#)
6. [Email from Phoebe Lenhart, Apr 13, 2020](#)
7. [Email from Gabriel Hydrick, Plumas County Administrator, Apr 22, 2020](#)

Motion/Direction (N/A)

Regulatory Language

Section 8.02, Title 14, CCR is added to read:

§ 8.02. Special Measures for Sport Fishing to Protect Public Health from the Immediate Threat Posed by COVID-19.

(a) The commission has established a quick response process to temporarily suspend, delay, or restrict sport (also known as recreational) fishing to protect public health from the immediate threat posed by COVID-19, including deviation from the automatic conformance process for salmon and Pacific halibut provided in Section 1.95.

(b) The department shall temporarily close any waters of the state to sport fishing or restrict the sport take of any species of fish if the director, or his designee, after consulting with the president of the commission, or the president's designee, finds that such action is necessary to protect public health from the immediate threat posed by COVID-19 after considering:

(1) Current public health guidance from the director of the California Department of Public Health,

(2) Current public health guidance from the primary public health official of any county or Native American tribal government that would be affected by the closure or restriction on take,

(3) Current public health guidance from the federal Centers for Disease Control and Prevention, and

(4) The need to preserve public safety based on input from state, federal, tribal, or local law enforcement or other government agencies.

(c) The department shall reopen any waters or lift any restrictions on the taking of a fish species imposed pursuant to subsection (b) when the director, or his designee, after consulting with the president of the commission, or the president's designee, and after considering current public health guidance and the need to preserve public safety, finds that the closures of those waters or restrictions on the taking of a fish species is no longer necessary to protect public health from the immediate threat posed by COVID-19.

(d) It shall be unlawful to take fish in any waters of the state closed to sport fishing or in violation of any restrictions imposed on the sport take of a fish species pursuant to this section.

(e) The department shall maintain a list of affected waters and restrictions on the taking of a fish species imposed pursuant to subsection (b) and update that list daily by 7:00 pm. The fishing status for each specific water or fish species shall take effect at 12:01 am on the day immediately following the update. It shall be the responsibility of the fisher to use the telephone number provided below or to check the department's website at <https://www.wildlife.ca.gov/Regulations> to obtain the current status of any water and restrictions on the taking of a fish species. The number to call for information is (916) 445-7600.

(f) At each regularly-scheduled commission meeting, the department shall report on any action taken pursuant to this section since the previous report. While this regulation is in effect, the commission shall maintain a standing agenda item for this report to allow for public comment and commission discussion. The department shall consider any discussion or vote by the commission and public comment during those agenda items to determine whether further action is warranted under subsection (b).

(g) This section shall remain in effect through May 31, 2020, and shall be repealed effective June 1, 2020.

Note: Authority cited: Sections 200, 205 and 399, Fish and Game Code. Reference: Sections 200, 205 and 399, Fish and Game Code.

Memorandum

Date: April 21, 2020

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

From: Charlton H. Bonham
Director

Subject: Emergency Fishing Delays in Inyo, Mono, and Alpine Counties

On April 15, 2020 the California Fish and Game Commission (Commission) adopted emergency regulations (*i.e.*, California Code of Regulations, Title 14, Section 8.02) providing the Department of Fish and Wildlife (Department) the ability to delay, suspend, or restrict sport or recreational fishing for particular species or areas to ensure that fishers, local communities, and government employees are protected from increased risk of transmission of COVID-19. This ability is conditioned on coordination with local government and Tribes, and consultation with the President of the Commission.

After direct conversations with county leadership in the relevant counties early this week, the Department is acting to delay the trout fishing opener scheduled to start on April 25, 2020, in Inyo, Mono, and Alpine counties. Also after county coordination, in an effort to protect wild trout fisheries and stocked fisheries that remain open in these counties, the Department is reducing bag and possession limits in a few, limited streams. As described below, these changes will expire by May 31, 2020.

The Department has received letters from Inyo, Mono, and Alpine county officials requesting that the Department delay the opening of the trout fishing season scheduled for April 25, 2020 in their counties. As requested, the Department has also had discussions with county leadership. The trout fishing opening date typically draws a high tourism influx to these counties and county officials are concerned that people traveling from throughout the state and beyond to fish in these areas will exacerbate the transmission of COVID-19 and put a strain on their already taxed healthcare systems. Further, non-essential businesses in these counties including lodging, dining, and camping options are closed in compliance with the state and local public health officers' orders. Therefore, county officials are requesting that the Department delay the fishing opener until such time as the Department in coordination with county leadership agrees the actions posed by angling no longer pose a significant risk to public health and safety.

In response to these requests, I have consulted with Commission President Eric Sklar and per the authority granted in Section 8.02, the Department is acting to temporarily delay the trout fishing opener in Inyo, Mono, and Alpine counties effective tomorrow, Wednesday, April 22, 2020. This delay will remain in effect until May 31, 2020, unless the Department ends this delay earlier as authorized in Section 8.02. Attached to this

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 21, 2020
Page 2

memorandum is a summary of the changes to the regulations to implement the delay (Attachment 1) and the formal regulation changes (Attachment 2). Both the delay and the few bag and possession limit changes will expire on May 31, 2020, if not sooner.

If you have any questions or concerns regarding this matter, please contact Roger Bloom, Acting Chief, Fisheries Branch at Roger.Bloom@wildlife.ca.gov.

Attachments:

1. Summary of Changes to Sportfishing Regulations to Implement Season Delay
2. Modifications to Fishing Regulations in California Code of Regulations, Title 14, In Order to Effectuate Temporary Delay to Trout Fishing Opener in Inyo, Mono, and Alpine Counties

ec: Valerie Termini
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Memorandum

Date: April 22, 2020

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

From: Charlton H. Bonham
Director

Subject: Emergency Fishing Delays in Sierra County

On April 15, 2020 the California Fish and Game Commission (Commission) adopted emergency regulations (*i.e.*, California Code of Regulations, Title 14, Section 8.02) providing the Department of Fish and Wildlife (Department) the ability to delay, suspend, or restrict sport or recreational fishing for particular species or areas to ensure that fishers, local communities, and government employees are protected from increased risk of transmission of COVID-19. This ability is conditioned on coordination with local government and Tribes, and consultation with the President of the Commission.

The Department has received letters from Sierra County officials requesting that the Department delay and suspend trout fishing for certain waters in their county for the protection of public health and safety. As requested, the Department has also had discussions with county leadership. As a result of those conversations and in response to Sierra County's letter dated April 21, 2020, the Department is acting to delay and suspend trout fishing on the Downie River and select sections of the North Fork Yuba River in Sierra County. As described below, these changes will expire by May 31, 2020, if not sooner.

In response to Sierra County's request, I have consulted with Commission President Eric Sklar and per the authority granted in Section 8.02, the Department is acting to temporarily delay the trout fishing opener on the Downie River and suspend fishing on the North Fork Yuba River from Yuba Pass downstream to the confluence with Goodyears Creek in Sierra County effective tomorrow, Thursday, April 23, 2020. These restrictions will remain in effect until May 31, 2020, unless the Department ends these restrictions earlier as authorized in Section 8.02. Attached to this memorandum is a comprehensive summary of the changes to the regulations (Attachment 1) and the comprehensive formal regulation changes (Attachment 1) resulting from these restrictions and others requested by Inyo, Mono, and Alpine counties.

If you have any questions or concerns regarding this matter, please contact Roger Bloom, Acting Chief, Fisheries Branch at Roger.Bloom@wildlife.ca.gov.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 21, 2020
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Attachments:

1. Comprehensive Summary of Changes to Sportfishing Regulations to Implement Season Delays and Suspensions in Response to Requests to Protect Public Health and Safety
2. Comprehensive List of Modifications to Fishing Regulations in California Code of Regulations, Title 14, In Response to Requests to Protect Public Health and Safety

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Comprehensive Summary of Changes to Sportfishing Regulations to Implement Season Delays and Suspensions in Response to Requests to Protect Public Health and Safety

April 22, 2020

In an effort to help inform anglers of the delays to the trout fishing openers in Inyo, Mono, Sierra, and Alpine counties, the Department of Fish and Wildlife has provided an overview below to help guide anglers through these changes. The delay of the traditional trout opener will affect a number of waters in Mono, Inyo, Sierra, and Alpine counties. Except for the North Fork Yuba River, all open waters as of April 21, 2020, will remain open, but a few may have adjusted bag and possession limits. This very limited alteration of a few bag or possession limits through the end of May is designed to protect wild trout fisheries and stocked fisheries that remain open in these counties and is based on coordination with local government in each of the three counties.

Many of the waters listed below have split seasons so it's important to note the listed changes are interim until May 31, 2020, when the changes expire, if not terminated sooner.

Special considerations have been made regarding changes to bag and possession limits to help manage and protect the fisheries open to angling during this interim period. These changes are temporary and will revert back to the existing bag and possession limits after they expire on May 31, 2020. This overview serves to provide overarching guidance on affected sections of the regulations but does not reflect a comprehensive reference of the all associated angling regulations pertinent to, or associated compliance with, general angling activities. Anglers are responsible for knowing information and laws governing such activities along with having appropriate permits/licenses.

It is imperative that anglers practice physical distancing when fishing in the open waters.

Waterways Currently Open In Sierra, Alpine, Inyo, and Mono County With Associated Changes

Inyo County:

All waters currently open to trout fishing will remain open. All of these waters have a reduced bag limit of 2 trout and a possession limit of 4 trout, except the Owens River from Pleasant Valley Dam downstream to the footbridge at the lower end of Pleasant Valley Campground (Cal. Code Regs., tit. 14, section 7.50(b)(134)(D)) has a 0 bag limit and only artificial lures with barbless hooks may be used. The Owens River, Section 7.50(b)(134)(E) From footbridge at lower end of Pleasant Valley Campground east (downstream) 3.3 miles along Chalk Bluffs Road to the redwood sport fishing regulations sign, is currently open to fishing with a 0 bag limit. There is no change to this regulation.

Mono County:

All waters currently open to trout fishing will remain open, but with a reduced bag limit of 0 trout and only artificial lures with barbless hooks may be used. Exception: Topaz Lake. Topaz Lake is currently open to fishing with a 5 fish daily bag limit. There is no change to this regulation.

Alpine County:

All waters currently open to trout fishing will remain open, but with a reduced bag limit of 0 trout and only artificial lures with barbless hooks may be used.

Sierra County:

The North Fork Yuba River is currently open from the western boundary of Sierra City downstream to Bullards Bar Reservoir, but will be suspended from Yuba Pass downstream to the confluence with Goodyears Creek.

Waterways Scheduled To Open On The Last Saturday in April (April 25, 2020) For Inyo, Mono, and Alpine County**Inyo, Mono, and Alpine Counties:**

All openings scheduled for April 25, 2020, for streams regulated under the Sierra District general and special regulations (Cal. Code Regs., tit. 14, sections 7.00(b) and 7.50(b)) in Inyo, Mono, and Alpine Counties have been delayed to June 1, 2020. Bag and possession limits are unchanged.

Sierra County:

All openings scheduled for April 25, 2020, for streams regulated under the Sierra District general and special regulations (Cal. Code Regs., tit. 14, sections 7.00(b) and 7.50(b)) in Sierra County will continue except for the Downie River, which will be delayed to June 1, 2020. Bag and possession limits are unchanged.

Waterways Scheduled to Open On Memorial Day Weekend (May 23, 2020)**Inyo, Mono, and Alpine Counties:**

All openings scheduled for May 23, 2020, for streams regulated under the Sierra District special regulations (Cal. Code Regs., tit. 14, sections 7.00(b) and 7.50(b)) in Inyo, Mono, and Alpine Counties have been delayed to June 1, 2020. Bag and possession limits are unchanged.

MODIFICATIONS TO FISHING REGULATIONS IN CALIFORNIA CODE OF REGULATIONS, TITLE 14, IN ORDER TO EFFECTUATE TEMPORARY DELAY TO TROUT FISHING OPENER IN INYO, MONO, ALPINE AND SIERRA COUNTIES

The following sections of California Code of Regulations, title 14, are modified to add language with underline or to remove language with ~~strikethrough~~ below. These regulation changes shall be effective through May 31, 2020. As of June 1, 2020, these changes shall have no further force or effect.

Section 7.00 District General Regulations

<i>District/Water</i>	<i>Open Season</i>	<i>Daily Bag and Possession Limit</i>
(b) Sierra District		
(4) All streams, lakes and reservoirs in Inyo and Mono Counties, except those listed by name in the Special Regulations	Last Saturday in Apr. <u>June 1</u> through Nov. 15	5 trout per day. 10 trout in possession
(7) All other streams except those listed by name in the Special Regulations	<u>June 1 through Nov. 15 for streams in Alpine County and for the Downie River (Sierra Co.) from its confluence with the North Fork Yuba River upstream; Last Saturday in Apr. through Nov. 15 for all other streams</u>	5 trout per day. 10 trout in possession.

Section 7.50 Special Regulations

<i>District/Water</i>	<i>Open Season</i>	<i>Daily Bag and Possession Limit</i>
(26.5) Bridgeport Reservoir tributaries (Mono Co.). All Bridgeport Reservoir tributaries except Swauger Creek, from Bridgeport Reservoir upstream to Highway 395, and Swauger Creek, from Bridgeport Reservoir upstream to the private property fence line above the Forest Service campground.	Last Saturday in Apr. through the Friday preceding Memorial Day and Oct. 1 through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used.	1 trout.
	Saturday preceding Memorial Day <u>June 1</u> through Sep. 30.	5 trout per day. 10 trout in possession.

<i>District/Water</i>	<i>Open Season</i>	<i>Daily Bag and Possession Limit</i>
(43)(B) Convict Creek [Mono Co.] downstream of the U.C. study area.	Last Saturday in Apr. through the Friday preceding Memorial Day and Oct. 1 through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used.	2 trout.
	Saturday preceding Memorial Day <u>June 1</u> through Sept. 30.	5 per day. 10 in possession.
(43)(C) Convict Creek [Mono Co.] upstream of the U.C. study area.	Last Saturday in Apr. <u>June 1</u> through Nov. 15.	5 trout per day. 10 trout in possession.
(52)(B) Crooked Creek and tributaries [Mono Co.] above the City of Los Angeles gauging station.	Last Saturday in Apr. <u>June 1</u> through Nov. 15. Only artificial lures with barbless hooks may be used.	0 trout.
(53)(B) Crowley Lake [Mono Co.], except for the closed area near the outlet dam (see above).	Last Saturday in Apr. <u>June 1</u> through July 31.	5 trout per day. 10 trout in possession.
	Aug. 1 through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used.	2 trout.
(54.5)(A) Deadman Creek [Mono Co.] downstream from Hwy. 395. See Owens River 7.50(b)(134).	Last Saturday in Apr. <u>June 1</u> through Nov. 15. Maximum size limit: 16 inches total length. Only artificial lures with barbless hooks may be used.	2 trout.
	Nov. 16 through the Friday preceding the last Saturday in Apr <u>May 31</u> . Only artificial lures with barbless hooks may be used.	0 trout.
(54.5)(B) Deadman Creek [Mono Co.] upstream from Hwy. 395.	Last Saturday in Apr. <u>June 1</u> through Nov. 15.	5 trout per day. 10 trout in possession.

<i>District/Water</i>	<i>Open Season</i>	<i>Daily Bag and Possession Limit</i>
(58) Diaz Lake (Inyo Co.).	First Saturday in Mar. through Nov. 15 <u>May 31</u> .	5 <u>2</u> trout per day. 40 <u>4</u> trout in possession.
	Nov. 16 through the Friday preceding the first Saturday in Mar.	5 trout.
(68.3)(B) All other portions of Fish Slough [Mono Co.]. Also, see Section 5.00(b)(16) for black bass regulations.	Last Saturday in Apr. <u>June 1</u> through Nov. 15.	5 trout.
	Nov. 16 through the Friday preceding the last Saturday in Apr <u>May 31</u> .	0 trout.
(77.3)(A) Hilton Creek [Mono Co.] downstream from Crowley Lake Drive.	Last Saturday in Apr. through the Friday preceding Memorial Day and Oct. 1 through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used.	2 trout.
	Saturday preceding Memorial Day <u>June 1</u> through Sept. 30.	5 trout per day. 10 trout in possession.
(82) Inyo County, Southwestern Portion, in all waters bounded by the Inyo County line on the south and west, Independence Creek on the north (open to fishing), and Highway 395 on the east (also see Cottonwood Creek and Diaz Lake Restrictions.)	First Sat. in March through Nov. 15 <u>May 31</u> .	5 <u>2</u> trout per day. 40 <u>4</u> trout in possession.
(89) Kirman (Carmen) Lake (Mono Co.).	Last Saturday in Apr. <u>June 1</u> through Nov. 15. Minimum size limit: 16 inches total length. Only artificial lures with barbless hooks may be used.	2 trout.
(96.5) Lane Lake (Mono Co.).	Last Saturday in Apr. <u>June 1</u> through Nov. 15.	2 trout.

<i>District/Water</i>	<i>Open Season</i>	<i>Daily Bag and Possession Limit</i>
(98.5) Laurel Lakes and tributaries (Mono Co.).	Last Saturday in Apr. <u>June 1</u> through Nov. 15. Minimum size limit: 14 inches total length. Only artificial lures with barbless hooks may be used.	2 trout.
(98.6) Lee Vining Creek from the Lee Vining conduit downstream to Mono Lake (Mono Co.).	Last Saturday in Apr. <u>June 1</u> through Nov. 15.	2 trout.
(104.3) Los Angeles Aqueduct from Owens River to Alabama Gates (Inyo County).	First Saturday in Mar. through Nov. 15 <u>May 31</u> .	5 <u>2</u> trout per day. 10 <u>4</u> trout in possession.
	Nov. 16 through the Friday preceding the first Saturday in Mar.	5 trout.
(115.3)(A) McGee Creek [Mono Co.] downstream from Highway 395.	Last Saturday in Apr. through Friday preceding Memorial Day and Oct. 1 through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used.	2 trout.
	Saturday preceding Memorial Day <u>June 1</u> through Sept. 30.	5 trout per day. 10 trout in possession.
(115.3)(B) McGee Creek [Mono Co.] upstream from Highway 395.	Last Saturday in Apr. <u>June 1</u> through Nov. 15.	5 trout per day. 10 trout in possession.
(115.6) McLeod Lake (Mono Co.).	Last Saturday in Apr. <u>June 1</u> through Nov. 15. Only artificial lures with barbless hooks may be used.	0 trout.
(134) Owens River (Inyo and Mono Cos.), including Pleasant Valley and Tinemaja lakes, except (A), (B), (C), (D) and (E) below.	<u>Apr. 25 through May 31.</u> First Saturday in Mar. through Oct. 31.	<u>2 trout per day.</u> <u>4 trout in possession.</u> 5 trout per day. 10 trout in possession.
	Nov. 1 through the Friday preceding the first Saturday in Mar.	5 trout.

<i>District/Water</i>	<i>Open Season</i>	<i>Daily Bag and Possession Limit</i>
(134)(A) Upper Owens River from Benton Bridge road crossing upstream to Big Springs. Above Big Springs, see Deadman Creek 7.50(b)(54.5).	Last Saturday in April <u>June 1</u> through Nov. 15. Maximum size limit: 16 inches total length. Only artificial lures with barbless hooks may be used.	2 trout.
	Nov. 16 through the Friday preceding the last Saturday in Apr <u>May 31</u> . Only artificial lures with barbless hooks may be used.	0 trout.
(134)(B) Upper Owens River from Benton Bridge road crossing downstream to upper Owens River fishing monument.	Saturday preceding Memorial Day <u>June 1</u> through Sept. 30.	5 trout per day. 10 trout in possession.
(134)(C) Upper Owens River from fishing monument (located about ¼ mile upstream from maximum lake level) to Crowley Lake.	Last Saturday in Apr. <u>June 1</u> through July 31.	5 trout per day. 10 trout in possession.
	Aug. 1 through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used.	2 trout.
(134)(D) From Pleasant Valley Dam downstream to footbridge at lower end of Pleasant Valley Campground.	Jan. 1 through Sept. 30 <u>May 31</u> . Only artificial lures with barbless hooks may be used.	2 <u>0</u> trout.
	Oct. 1 through Dec. 31. Only artificial lures with barbless hooks may be used.	0 trout.
(135.5) Parker Creek (Mono Co.) from the Lee Vining Conduit to Rush Creek.	Last Saturday in Apr. <u>June 1</u> through Nov. 15. Only artificial lures with barbless hooks may be used.	0 trout.
(150.5)(A) [Robinson Creek (Mono Co.)] From the U.S. Forest Service	Last Saturday in Apr. <u>June 1</u> through Sept. 14.	5 trout.

<i>District/Water</i>	<i>Open Season</i>	<i>Daily Bag and Possession Limit</i>
boundary downstream to Upper Twin Lake.	Sept. 15 through Nov. 15. Only artificial lures with barbless hooks may be used.	0 trout.
(150.5)(B) [Robinson Creek (Mono Co.)] Between Upper and Lower Twin Lakes.	Last Saturday in Apr. <u>June 1</u> through Sept. 14.	5 trout.
(152.5) Roosevelt Lake (Mono Co.).	Last Saturday in Apr. <u>June 1</u> through Nov. 15.	2 trout.
(153) Rush Creek (Mono Co.) only from Grant Lake Dam downstream to Mono Lake.	Last Saturday in Apr. <u>June 1</u> through Nov. 15. Only artificial lures with barbless hooks may be used.	0 trout.
(204.5) Walker Creek (Mono. Co.) from Lee Vining Conduit to Rush Creek.	Last Saturday in Apr. <u>June 1</u> through Nov. 15. Only artificial lures with barbless hooks may be used.	0 trout
(205) Walker River, East Fork (Mono Co.) from Bridgeport Dam to Nevada State Line.	Last Saturday in Apr. <u>June 1</u> through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used. NOTE: BOW AND ARROW FISHING FOR CARP ONLY IS PERMITTED.	1 trout.
	Nov. 16 through the Friday preceding the last Saturday in Apr <u>May 31</u> . Only artificial lures with barbless hooks may be used. NOTE: BOW AND ARROW FISHING FOR CARP ONLY IS PERMITTED.	0 trout.
(205.5) West Walker River (Mono County) from the confluence with the Little Walker River (Hwy. 395 bridge at mile marker 96) downstream (north) to the inlet of Topaz Lake.	Nov. 16 through the Friday preceding the last Saturday in April <u>May 31</u> . Only artificial lures with barbless hooks may be used.	0 trout.

<i>District/Water</i>	<i>Open Season</i>	<i>Daily Bag and Possession Limit</i>
(206.5)(A) Whiskey Creek [Mono Co.] downstream from Crowley Lake Drive (old Highway 395).	Last Saturday in Apr. through the Friday preceding Memorial Day and Oct. 1 through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used.	2 trout.
	Saturday preceding Memorial Day <u>June 1</u> through Sept. 30.	5 trout per day. 10 trout in possession.
(206.5)(B) Whiskey Creek [Mono Co.] upstream from Crowley Lake Drive.	Last Saturday in Apr. <u>June 1</u> through Nov. 15.	5 trout per day. 10 trout in possession.
(211)(A) [Yuba River, North Fork (Sierra Co.)] From the western boundary of Sierra City to the confluence with Ladies Canyon Creek. <u>Yuba Pass downstream to the confluence with Goodyears Creek.</u>	Last Saturday in Apr. <u>June 1</u> through Nov. 15. Only artificial lures with barbless hooks may be used.	2 trout.
	<u>Closed to all fishing from November 16 through May 31.</u> Nov. 16 through the Friday preceding the last Saturday in Apr. Only artificial lures with barbless hooks may be used.	0 trout.
(211)(B) [Yuba River, North Fork (Sierra and Yuba cos.)] From Ladies Canyon Creek the <u>confluence with Goodyears Creek</u> downstream to New Bullards Bar Reservoir.	Last Saturday in Apr. through Nov. 15.	5 trout.
	Nov. 16 through the last Saturday in Apr. Only artificial lures with barbless hooks may be used.	0 trout.

FGC

From: Phoebe Lenhart [REDACTED]
Sent: Monday, April 13, 2020 5:00 PM
To: FGC
Subject: CA FGC Emergency Meeting to consider regulations to prohibit the spread of COVID 19

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Dear FGC,

This E-mail is sent in response to the emergency meeting (originally planned for April 9) addressing limitations to be placed on fishing in order to protect the public from further spread of COVID 19. It is a known fact that people travel intra-state and inter-state to fish in CA.

Using the same logic and concern that the FGC has regarding the spread of COVID 19 by people who travel to fish, I am requesting that the CA FGC prohibit all hunting of wildlife. It, too, is a well-known fact that hunters will travel intra-state and inter-state to kill wildlife. I think that the public needs to be protected from travelers who may carry the COVID 19 (and not know it, a huge concern by the health profession).

I believe that hunting is not an "essential need" and should be banned until the COVID 19 is not transferable. Your consideration will be appreciated.

Sincerely,
Phoebe Lenhart
[REDACTED]

Fonbuena, Sherrie@FGC

From: Hydrick, Gabriel <GabrielHydrick@countyofplumas.com>
Sent: Wednesday, April 22, 2020 4:37 PM
To: FGC
Cc: Bloom, Roger@Wildlife; Traverso, Jordan@Wildlife
Subject: Fishing Season

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Mr. Bonham and Mr. Sklar,

It isn't often that local government feels heard by state (and federal agencies). You are the exception. My, and Plumas County's, sincere appreciation for not only listening to and working with all the counties, but for sticking with it and holding two meetings (as a citizen, I am embarrassed at the response of the public on the first meeting attempt). We are impressed by your ability and decision to bifurcate the issue in order to respond to the counties desires. This is seldom experienced, or even considered by state (and federal agencies), and what a different it makes. On behalf of Plumas County, I thank you and your teams for your measured decision-making process and decision.

Kind regards,

Gabriel Hydrick
County Administrator



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From: Lori Simpson <lorisimpson.plumas@gmail.com>
Sent: Wednesday, April 22, 2020 10:20 AM
To: Goss, Kevin [REDACTED]; Thrall, Sharon [REDACTED]; Jeff Engel [REDACTED]
Hydrick, Gabriel <GabrielHydrick@countyofplumas.com>;
Settlemire, Craig <CSettlemire@countyofplumas.com>; DaForno, Nancy <PCBS@countyofplumas.com>
Subject: Fishing Season

Hi all,

If you haven't see this, CDFW Director left the Fishing Season opening days intact except for the counties that wanted a delay until the end of May. Interesting Sierra County, our neighbor, asked for a delay but it was not granted.

Lori

<https://cdfgnews.wordpress.com/2020/04/21/after-coordination-with-local-government-california-department-of-fish-and-wildlife-delays-trout-season-openers-in-three-counties/?fbclid=IwAR25oyG-KBNlIF9othfRE9GoSm0Et3pPjNJmvrriPEYq8xaZ5cfSy4UaA3A>

After Coordination with Local Government, California Department of Fish and Wildlife Delays Trout Season Openers in Three Counties

April 21, 2020 by [kmacinty](#), posted in [covid-19](#), [Events](#), [Fishing \(Sport\)](#), [Public Participation](#), [Public Safety](#), [Regulations](#)

As requested by county officials, California Department of Fish and Wildlife (CDFW) Director Charlton H. Bonham [delayed the start of the trout opener](#) in Alpine, Inyo and Mono counties. The director made this decision in consultation with California Fish and Game Commission President Eric Sklar.

The trout season was scheduled to open in these three counties this Saturday, April 25. The delay to the opener in these counties expires May 31, 2020.

“After talking with the county representatives, we agreed this was a necessary step toward being responsive to local needs in this public health emergency,” said CDFW Director Bonham. “These counties asked for our help, and we responded.”

Specifically this means all waters in these three counties not currently open to fishing will remain closed to fishing until May 31. After local government coordination in Alpine, Inyo and Mono counties, CDFW is also making minor adjustments to bag and possession limits in waters that are currently open for fishing to protect and conserve the existing fisheries that may be affected by increased angling pressure or harvest. These modifications will also expire May 31. Pursuant to the emergency regulation approved by the Commission, CDFW will provide [accurate information for the angling public online](#) or by phone at (916) 445-7600.

Today's decision does not affect the trout season in any other county.

Early this week, CDFW had discussions with county leadership regarding trout fishing, which typically draws a high tourism influx to these counties. Local officials are concerned that people traveling to these areas to fish would exacerbate the transmission of COVID-19 and put a strain on their healthcare systems. Further, all non-essential businesses in these counties including lodging, dining and camping options are closed in compliance with state and local public health officers' orders.

On April 15, the California Fish and Game Commission authorized CDFW to temporarily delay, suspend or restrict recreational fishing if the director of CDFW, in consultation with the president of the Commission, finds that such action is necessary to protect against the threat from COVID-19 based on state, federal, local, and tribal public health guidance and public safety needs.

At the request of counties or tribes, CDFW will consider action to address needs regarding fishing seasons amongst the COVID-19 pandemic. If you are a county or tribal representative with questions or would like to provide input on potential angling related delays or restrictions, please contact Roger Bloom, Acting Branch Chief, Fisheries Branch, by email at Roger.Bloom@wildlife.ca.gov.

###

Media Contact:

[Jordan Traverso](#), CDFW Communications, (916) 654-9937