

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

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

- I. Date of Initial Statement of Reasons: November 20, 2018
- II. Date of Pre-adoption Statement of Reasons: May 6, 2019
- III. Date of Final Statement of Reasons: June 25, 2019
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: December 13, 2018  
Location: Oceanside
  - (b) Discussion Hearing: Date: February 6, 2019  
Location: Sacramento
  - (c) Discussion Hearing: Date: April 17, 2019  
Location: Santa Monica
  - (d) Adoption Hearing: Date: May 16, 2019  
Location: Teleconference

V. **Update:**

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action; however, the baseline regulatory text has been updated to reflect changes made in rulemaking file 2019-0219-03E, concerning upper Klamath-Trinity River Spring Chinook Salmon fishing which went into effect February 28, 2019.

At its May 16, 2019 teleconference, the Fish and Game Commission (Commission) adopted the following Klamath River Basin bag and possession limits, and adult quota for Klamath River Fall-run Chinook Salmon (KRFC) in alignment with federal regulations:

- (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 Klamath River Basin quota of 7,637 adult KRFC aligns with federal regulations, which provide guidance on allocations between ocean sport and commercial fisheries, inland sport fisheries, and recognized tribal fisheries.

Sport fishing seasons for KRFC remain unchanged and are as follows:

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

The Commission adopted non-substantive changes for clarity and consistency.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

Most public comments received before April 25, 2019 are responded to in the Updated Pre-Adoption Statement of Reasons (PSOR) dated May 6, 2019, (attached). These include:

- James Stone (President of NorCal Guides and Sportsmen’s Association) – February 6, 2019 Commission meeting
- Mark Smith (American Sportfishing Association, NorCal Guides and Sportsmen’s Association) – April 17, 2019 Commission meeting.

The Commission concurs with the Department of Fish and Wildlife’s (Department) recommended response to Mr. Stone’s February 6, 2019 comments.

The Commission concurs with the Department’s recommended response to Mr. Smith’s April 17, 2019 comments concerning size limits; however, see the response to Comment B.2. below concerning the bag limit.

The remaining public comments are addressed below.

A. Oral comment by George Osborn, Coastside Fishing Club – February 6, 2019 Commission meeting.

1. Mr. Osborn supported the positions expressed by Mr. Stone and the NorCal Guides and Sportsmen’s Association at the February 6, 2019 meeting.
1. Response: See responses to Mr. Stone’s February 6, 2019 comment.

B. Comment by NorCal Guides & Sportsmen's Association, Coastside Fishing Club, American Sportfishing Association, and CA Coastal Conservation Association, Joint letter received April 30, 2019.

1. Commenters are in support of the Department's recommended bag limit for Central Valley Chinook Salmon.
2. Commenters request the Commission adopt a daily bag limit of two fish, of which no more than one may exceed the jack cutoff length in order to extend the take of fish over a longer period of time. Commenters state they would prefer a longer fishery instead of a more intense, shorter duration season, and that this would benefit not just river guides (who will be on the river longer), but the RV parks, the local restaurants, hotels, and more.
3. Commenters state that the Department failed to amend the Klamath River Basin Initial Statement of Reasons (ISOR) to include a jack cutoff length representative of the typical length of a two-year-old Klamath Chinook Salmon. The commenters state that the Department should have converted fork length to overall length to arrive at a total length for jack salmon in the Klamath River Basin. This would have resulted in the jack cutoff at 24-inch total length. The Klamath River Basin ISOR should have included not only a 22-inch cutoff length, but a 24-inch cutoff length as well, establishing a range analogous to the range proposed in the Central Valley ISOR.
4. The commenters state that the Department did not provide any analysis or justification for the 22-inch cutoff length, and that it should consider a more comprehensive data set. The analysis should account for the latest status and trend data. One twenty-one-year-old data point is not as relevant as the picture painted by more recent data.
5. Commenters stated their intent with previous comments to request consideration of a cutoff length range, but did not insist on a 24-inch cutoff. The 22-inch cutoff lacks analysis that should be made clear to the Commission and public. Commenters request the Commission consider a 23- or 24-inch cutoff with the 2020 season regulations.

Responses

1. This comment pertains to the Central Valley salmon rulemaking file, and therefore is beyond the scope of this Klamath River Basin rulemaking file.
2. At the April 17, 2019 Commission meeting and May 16, 2019 Commission teleconference the Department recommended a 3 fish daily bag limit and a 6 fish possession limit based on historical quotas and sport fishing regulations in the Klamath River Basin. Because the KRFC fishery closes once the quota has been reached, the Commission concurred that a reduced (as compared to the Department recommendation) daily bag limit

and, thus, longer fishing season, would not negatively impact the fishery and could benefit anglers and the local economies. In response to the request by Mr. Coopman (see Comment C below), as well as NorCal Guides and Sportsmen's Association, Coastside Fishing Club, American Sportfishing Association, and CA Coastal Conservation Association, the Commission adopted the no change alternative daily bag limit of two Chinook Salmon, of which no more than one fish may be an adult fish, for the 2019 fishing season.

3. At the December 13, 2018 Commission meeting, the Commission heard the commenter's recommendation to include a jack size range of 22 to 24 inches total length in the ISOR, but the Commission did not direct the Department to include it as an option in the ISOR. Refer to the Department's recommended response to Mr. Smith's April 17, 2019 comments concerning a jack size range in the PSOR. The Commission concurs with the Department's recommended response to Mr. Smith's April 17, 2019 comments concerning *size limits*; however, the first sentence should read: "For the reasons stated above in the response to Mr. Stone's comments, the Department recommends not including a range of jack size options in the Klamath River Basin ISOR or using **fork** length to determine the size of a jack salmon in the Klamath River Basin sport fishing regulations." See the response to Comment B.2. concerning the *bag limit*.
4. No changes from previous seasons were proposed to the "cutoff" length. The 22-inch total length size limit is an existing regulation. The Administrative Procedure Act requires the ISOR to provide justification for proposed changes to the regulations, but it does not require the ISOR to provide justification to keep current regulations in effect. The proposed regulation was not changed because the actual size (average, and range) of jacks varies annually, and the pre-season use of a "jack" cutoff size is used provisionally. Thus, the Commission is being proactive in limiting the potential for overharvest through restricting the cutoff size to 22 inches total length. Refer to the Department's recommended response to Mr. Smith's April 17, 2019 comments concerning a jack size range in the PSOR. The Commission concurs with this response.
5. See response to comment B.4. For the 2020 regulatory cycle, the Department will expand the post-season analyses of historical adult-jack cutoff lengths, and will present an analysis of these results, and may recommend a range of cut-off lengths in the 2020 Klamath River Basin ISOR.

C. Oral comment by Mike Coopman, Fishing Guide and North Coast Representative for the NorCal Guides and Sportsmen's Association, received at the May 16, 2019 Commission teleconference meeting:

1. Mr. Coopman requested that the Commission adopt a one adult and one jack daily bag limit, stating that this could extend the season in length as

far as a catch and keep situation and hopefully put back economic stability in the lower Klamath communities following the closure of spring Chinook Salmon fishery. He stated it is also conservation-minded in that the extended period would not be pressured during one period of time. He also stated that most members and local nonmembers that were asked are in agreement.

2. Mr. Coopman stated that he supported the Department's recommended possession limit [9 fish, no more than 6 adults] but later stated he supported the current possession limit [6 fish, no more than 3 adults].

Response:

1. Refer to response to comment B.2.
2. The Commission adopted the no change alternative 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. This possession limit is consistent with the adopted daily bag limit. Historically, the adopted KRFC possession limit is three times the daily bag limit.

D. Oral comment by James Stone, President of the NorCal Guides and Sportsmen's Association, received at the May 16, 2019 Commission teleconference meeting:

1. Mr. Stone stated that by reducing from a two-adult limit to a one-adult limit and one jack, would allow the season length to expand, which is also in coordination with the Department's Recruitment, Retention and Reactivation Action Plan (R3 program). He also stated that in previous years, the floor escapement goal of 40,700 adult salmon, which is required by the Pacific Fishery Management Council (PFMC), was not met, and if we put all the pressure on the Klamath at one time we are at greater risk of not meeting that floor escapement again this year. He added that economically, a longer fall season will definitely help the communities up there.
2. Mr. Stone expressed appreciation for the "2084" regulation for the spring Chinook Salmon season in the Klamath River Basin.

1. Response: Refer to response to comment B2.
2. Response: This comment pertains to rulemaking file 2019-0219-03E. It does not pertain to this rulemaking file for KRFC.

- VII. Location and Index of Rulemaking File: A rulemaking file with attached file index is maintained at:

California Fish and Game Commission

1416 Ninth Street, Suite 1320  
Sacramento, CA 95814

VIII. Location of Department of Fish and Wildlife files:

Department of Fish and Wildlife  
1416 Ninth Street  
Sacramento, CA 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

**KRFC Stocks**

The use of more liberal regulations for KRFC bag limits, possession limits and fishing methods (Alternative 1 in the STD 399; Economic and Fiscal Impact Statement). More liberal regulations would be less desirable than those proposed, because they could create risk of an intense fishery, reaching or exceeding the quota in a very short time. Reaching the quota in a very short time could be damaging to the local economy, and exceeding the allowable harvest could damage the KRFC stocks.

**KRSC Stocks**

Presently there are no alternatives for the Commission to consider with regard to Klamath River spring-run Chinook Salmon (KRSC) stocks. KRSC stocks are not currently managed by the Pacific Fishery Management Council (PFMC), therefore forecast of abundance, and ocean and in-river harvest allocations do not occur on an annual basis.

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

(b) No Change Alternative:

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

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more

cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

X. 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 determinations relative to the required statutory categories have been made:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.



## **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.

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

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

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

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

### **Klamath River Fall-Run Chinook Salmon**

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

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

### **PFMC Overfishing Review**

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

The FMP outlines a process for preparing a “rebuilding plan” that includes assessment of the factors that lead to the decline of the stock, including fishing, environmental factors, model errors, etc. The rebuilding plan includes recommendations to address conservation of KRFC, with the goal of achieving rebuilt status. The plan is currently under development by representatives of NMFS, PFMC, U.S. Fish and Wildlife Service,

California Department of Fish and Wildlife (Department), and Tribal entities, with a timeline for completion in spring of 2019. Forthcoming recommendations from the rebuilding plan may alter how KRFC are managed in the future, including changing the in-river allocation number, and/or allocating less than the normal target number.

### **Klamath River Spring-Run Chinook Salmon**

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

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

### **KRFC Allocation Management**

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

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

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

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

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

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

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

### **Sport Fishery Management**

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

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

#### Klamath River

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

#### Trinity River

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

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

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

Current regulations in subsection 7.50(b)(91.1)(C)2.b., **d., and f.** specify KRFC possession limits.

### **Proposed Changes**

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

### KRFC SPORT FISHERY (QUOTA MANAGEMENT):

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

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

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

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

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

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

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

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

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

#### KRSC SPORT FISHERY:

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

#### OTHER CHANGES

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

#### **Benefits of the Proposed Regulations**

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

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

#### **Consistency and Compatibility with Existing Regulations**

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

#### **Update**

**There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action; however, the baseline regulatory text has been updated to reflect changes made in rulemaking file 2019-0219-03E, concerning upper Klamath-Trinity River Spring Chinook Salmon fishing which went into effect February 28, 2019.**

**At its May 16, 2019 teleconference, the Commission adopted the following Klamath River Basin bag and possession limits, and adult quota for KRFC in alignment with federal regulations:**

- (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 KRFC (greater than 22 inches in length). The 2019 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 1,298;**
  - Main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the total quota equates to 3,819;**
  - 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 1,260; 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 1,260.**

**The Klamath River Basin quota, 7,637 adult KRFC, aligns with federal regulations, which provide guidance on allocations between ocean sport and commercial fisheries, inland sport fisheries, and recognized tribal fisheries.**

**Sport fishing seasons for KRFC remain unchanged and are as follows:**

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

**The Commission adopted non-substantive changes for clarity and consistency.**