

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

Amend Subsection (b)(91.1) of Section 7.50  
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. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: December 13, 2018  
Location: Oceanside
  - (b) Discussion Hearing: Date: February 6, 2019  
Location: Sacramento
  - (c) Discussion Hearing: Date: April 17, 2019  
Location: Santa Monica
  - (d) Adoption Hearing: Date: May 16, 2019  
Location: Teleconference

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

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

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

No changes have been made to the originally proposed regulatory language. However, the Pacific Fishery Management Council (PFMC) has reviewed the west coast salmon stocks and the recreational sport fish allocation of Klamath River fall-run Chinook Salmon for the 2019-2020 season has been made of 7,637 fish greater than 22 inches total length. Of the range of recreational bag and possession limits examined in the Initial Statement of Reasons (ISOR), the Department of Fish and Wildlife (Department) recommends a daily bag limit of three fish, no more than two adults over 22 inches total length, and a possession limit of nine fish, no more than six of them adults.

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

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

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

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

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

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