

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action
Add subsection (b)(91.2) to Section 7.50,
Title 14, California Code of Regulations
(Certificate of Compliance)
Re: Upper Klamath-Trinity spring Chinook salmon sport fishing

I. Date of Initial Statement of Reasons: December 24, 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) Adoption Hearing

Date: April 16, 2020 Location: Sacramento, CA

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.

Klamath River Basin Salmon

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. For fall-run Chinook Salmon, the Fish and Game Commission (Commission) annually adopts regulations to match federal fishery management goals.

The Klamath River Basin also supports spring-run Chinook Salmon, also referred to as upper Klamath-Trinity spring Chinook Salmon (UKTSCS). For purpose of this and other regulatory documents drafted for Commission consideration, the same run of salmon in this river basin may be referred to as Klamath River Spring Chinook (KRSC), "Klamath Spring Chinook," "Trinity Spring Chinook," or simply "spring-run Chinook." Naturally produced spring-run Chinook Salmon in this basin are both temporally and spatially separated from fall-run Chinook Salmon. The spring-run in-river sport fishery is not subject to federal fishery management considerations, but is instead managed by the Commission via general basin seasons, daily bag limit, and possession limit regulations. Regular creel surveys and tag returns from anglers provide information on the status of spring-run Chinook Salmon in the Klamath River Basin.

River entry, harvest and spawn timing of spring-run and fall-run Chinook Salmon is estimated in two principal ways: via recovery of coded-wire tags, and presumptively based on basin location and date of observation. Two Klamath basin hatcheries produce Chinook Salmon. Iron Gate Hatchery produces fall-run Chinook Salmon, and Trinity River Hatchery produces both fall-run and spring-run Chinook Salmon. Twenty-five percent of all Chinook Salmon produced at the two basin hatcheries are marked with an adipose fin-clip and injected with a coded-wire tag (CWT). The CWT identifies the race (spring-run or fall-run), hatchery origin, release type (fingerling or yearling) and date of release. Recovery of CWTs allows for estimation of the number of hatchery fish by race observed in harvest and spawning surveys and at hatcheries. In areas where recoveries of hatchery fish are limited or non-existent, Chinook Salmon observations are classified by the location and date of the observation. Chinook Salmon entering the Klamath River mouth between April and July are presumed to be spring-run Chinook Salmon based on their earlier entry timing compared to fall-run. The same is true for tributaries such as the Salmon River and South Fork Trinity River. Fish encountered in these areas prior to August 15 are considered spring-run Chinook Salmon. Additionally, naturally spawning populations of spring-run Chinook Salmon typically utilize higher elevation spawning areas higher up in watersheds. In all areas of the basin, there can be some overlap between the two races of Chinook Salmon, particularly the upper Trinity River mainstem population, where spring-run Chinook Salmon are no longer able to migrate to their historical upper basin holding and spawning habitat due to Trinity and Lewiston dams.

Harvest estimation of the two Chinook Salmon races is accomplished using the time and area attributes discussed above, i.e. cutoff dates, through CWT analyses, or in the case of the Trinity River, using tags of known Chinook race. These tags are applied at Department of Fish and Wildlife (Department) weirs and returned by anglers. The proportion of each Chinook Salmon race (spring-run or fall-run) that is comprised of hatchery produced fish varies annually; however due to the reduced size of the spring-run Chinook Salmon population, hatchery produced fish represent a higher proportion of the overall run when compared to fall-run Chinook Salmon.

Spring-run Chinook Salmon Listing Background

On July 23, 2018, the Commission received a petition to list UKTSCS as endangered under the California Endangered Species Act (CESA). The petitioners, the Karuk Tribe and the Salmon River Restoration Council, submitted information indicating that declining population trends are evidence of extremely low UKTSCS abundance compared to historical status and the current low numbers make UKTSCS vulnerable to extinction.

The following actions were then taken by the Commission, in tandem with the Department:

- **August 2, 2018** - The Commission referred the petition to the Department for an evaluation of the merits of the petition.
- **November 27, 2018** - the Department submitted its evaluation report and recommended that the Commission accept and consider the petition.
- **February 6, 2019** - the Commission considered the Department's evaluation report and public comments received and found that there is sufficient information to indicate

that the petitioned action may be warranted, after which the Commission then accepted the petition for consideration.

- Acceptance of the petition initiates a one-year review by the Department for determining the species status, which will include either a recommendation to the Commission that the petitioned action is not warranted, or a recommendation that the species be listed as threatened or as endangered. During the status review period, the species is considered a “candidate” species, which automatically confers CESA take prohibition measures (Fish and Game Code Section 2085).
- The Department also recommended that the Commission adopt emergency regulations to help protect UKTSCS from take by minimizing confusion by sport anglers who may not have been aware of the CESA protections on UKTSCS as a candidate species.
- The Commission adopted the emergency regulation on February 6, 2019 (effective February 28 through August 27, 2019) to close all salmon fishing in anadromous waters of the Trinity and Klamath rivers to make spring Chinook Salmon sport fishing regulations consistent with CESA protections (February 2019 emergency regulations).
- At the same meeting, the Commission received testimony and letters from several members of the public, including the Del Norte County and Siskiyou County boards of supervisors requesting that the Commission consider shortening the closed periods, or otherwise allow some sport fish take during the spring Chinook Salmon fishing season. The concern expressed was that the complete closure to spring Chinook Salmon fishing would create economic harm to businesses (i.e., local tourism, fishing guides, motels, restaurants, and other infrastructure).
 - Such factors may be considered in authorizing some form of take under Section 2084 of the Fish and Game Code, which allows the Commission to authorize the taking of any fish by hook and line for sport that is listed as an endangered, threatened, or candidate species. Based on the economic factors, coupled with the temporary and sudden nature of the Fish and Game Code Section 2085 protections for candidate species, the Commission requested the Department prepare a recommendation in consideration of Fish and Game Code Section 2084 to address the economic concerns.
- **March 2019** – The Department held stakeholder meetings March 7, 2019 in Crescent City, March 18, 2019 in Sacramento, and March 26, 2019 in Redding to discuss various options with stakeholders and the public to inform regulatory options for some level of recreational (sport fishing) take of spring-run Chinook Salmon during candidacy.
- **April 17, 2019** – the Department presented to the Commission the Department’s guiding principles for considering options pursuant to Fish and Game Code Section 2084, as well as a summary of stakeholder recommendations to balance economic concerns for the locally affected communities.

The guiding principles were:

- Focus on protecting wild spawning UKTSCS populations in upper Salmon River, upper South Fork Trinity River and mainstem Trinity River between Cedar Flat and Lewiston Dam;
- Reduce, but not eliminate, harvest levels of UKTSCS during the candidacy period;
- Direct the timing and location of any allowable take to areas with abundant hatchery stock available to fish; and
- Provide some level of economic and fiscal benefits to the affected communities.

At its April 17, 2019 meeting, the Commission adopted emergency regulations that provide substantial protection to UKTSCS, but allow limited take at the end of the traditional spring season, consistent with Fish and Game Code Section 2084.

- **June 7, 2019** – the Commission provided notice of proposed adoption of an emergency regulation to add subsection (b)(91.2) to Section 7.50 detailing the river reaches to be opened for fishing beginning July 1, 2019, superseding the February 2019 emergency regulations for the listed river reaches. These emergency regulations allowed limited fishing opportunity of UKTSCS on the Klamath River downstream of the Highway 96 bridge at Weitchpec between July 1 and August 14, and the Trinity River from the Old Lewiston Bridge to the mouth of the South Fork Trinity River, and the New River main stem downstream of the confluence of the East Fork to the confluence with the Trinity River between July 1 and August 31 (June 2019 emergency regulation). The proposal aligned with the Department’s guiding principles, in line with Fish and Game Code Section 2084, as follows:
 - The proposed July 1 opening date in the lower Klamath River protects the majority of wild-origin UKTSCS which enter and migrate through the lower Klamath River by reducing the spring Chinook Salmon fishing season by six months (opening July 1 instead of January 1). These wild salmon are destined for spawning in the upper Salmon River and upper South Fork Trinity River. Similarly, the July 1 opening date on the upper Trinity River protects wild UKTSCS by reducing the fishing season by six months.
 - Lowering the bag limit from historic levels still reduces harvest, which provides protection for the wild UKTSCS population.
 - The objectives for hatchery production of spring-run Chinook Salmon at Trinity River Hatchery are to mitigate for the loss of spring-run Chinook Salmon habitat and spawning above Lewiston and Trinity dams, and to provide for foregone sport and tribal harvest opportunities associated with this loss. The proposed regulatory action is consistent with the mitigation fishery objectives. The July 1 opening date on the upper Trinity River protects wild-origin UKTSCS, since the majority of the fish in this area between July and August are produced and stocked by the Trinity River Hatchery.
 - Integration of the feedback received during the February 6, 2019 Commission meeting and March 2019 Department outreach meetings into the proposed emergency regulations helped minimize economic hardship or loss associated with the February 2019 spring-run Chinook Salmon fishing closures. In particular, allowing fishing during the economically important Independence Day

(July 4) weekend at the specified locations was intended to provide economic benefits, while minimizing effects to wild-origin UKTSCS.

- **June 26, 2019** – the June 2019 emergency regulations became effective, overriding and superseding the February 2019 emergency regulations. The June 2019 emergency regulations are set to expire December 24, 2019.
- **December 11, 2019** – the Commission readopted the June 2019 emergency regulation for an additional 90-day period, extending the expiration date to March 23, 2020.
- **December 11, 2019** – the Commission presented within this document a certificate of compliance rulemaking to make permanent the June 2019 emergency regulation, pursuant to Fish and Game Code Section 2084, with some adjustments.

Regulatory Proposal

The proposed rulemaking will make permanent the June 2019 emergency addition of subsection (b)(91.2) to Section 7.50 allowing limited fishing opportunity of UKTSCS in most of the same reaches. The proposed regulations would allow continued limited take of UKTSCS on the Klamath River downstream of the Highway 96 bridge at Weitchpec between July 1 and August 14, and the Trinity River from the Old Lewiston Bridge to the mouth of the South Fork Trinity River between July 1 and August 31 (Figure 1, Table 1), after which fall season Chinook Salmon regulations under subsection (b)(91.1) of Section 7.50 will apply (not shown). The Department is recommending that the Commission not include the language for the New River reach (main stem downstream of the confluence of the East Fork to the confluence with the Trinity River between July 1 and August 31) due to the remoteness of the area, and low observed interest and fishing in this area.

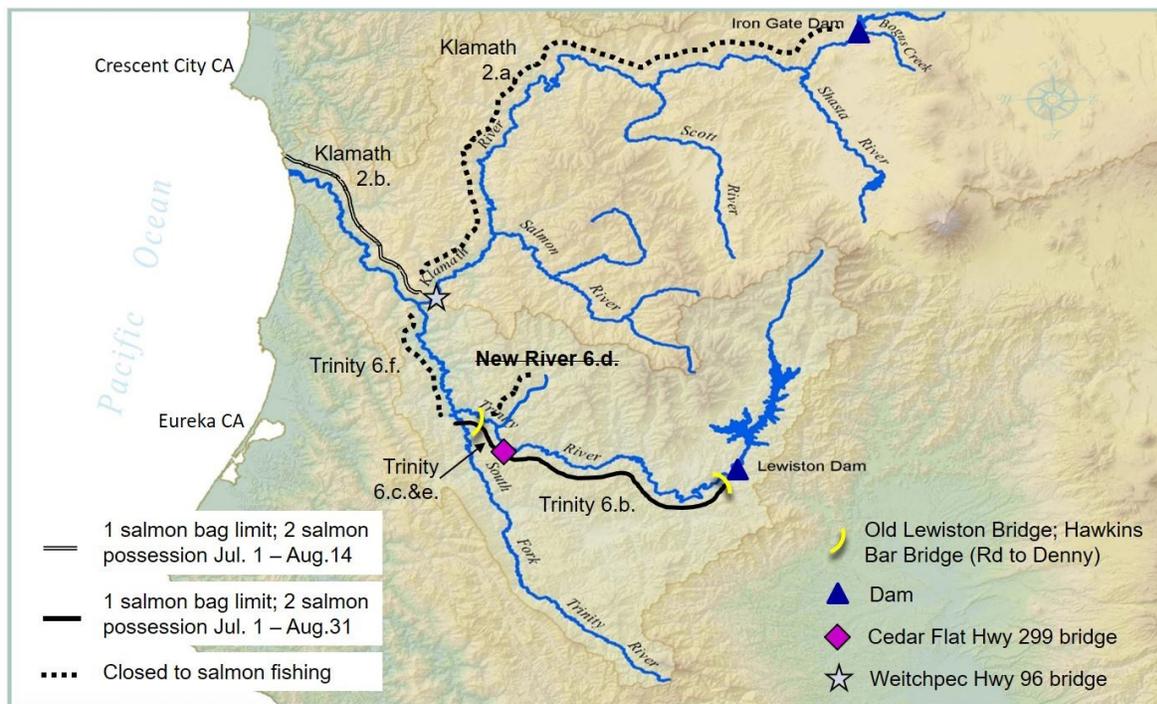


Figure 1. Map of proposed regulations allowing continued sport fish take of spring-run Chinook Salmon in the Klamath River Basin.

Table 1. Summary of regulatory changes in response to Commission acceptance of the UKTSCS petition.

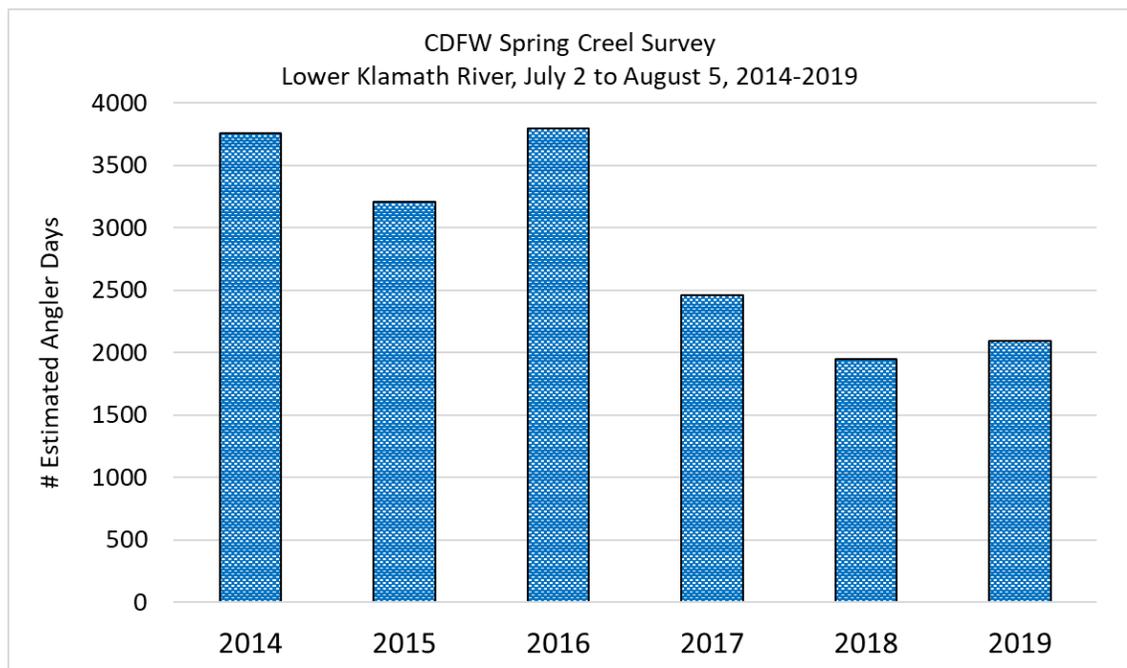
Reach*	Subsection 7.50(b)(91.1) regulation to be superseded	February 2019 Emergency Regulations	June 2019 Emergency Regulations	Proposed Cert. of Compliance Regulations
Klamath (Iron Gate Dam to Weitchpec) 7.50(b)(91.1)(E)2.a.	0 salmon bag and possession limit from Jan. 1-Aug.14	Closed to salmon fishing through Aug. 14	No change	No change
Klamath (Weitchpec to Klamath River mouth) 7.50(b)(91.1)(E)2.b.	2 salmon bag and possession limit from Jan. 1-Aug. 14	Closed to salmon fishing through Aug. 14	1 salmon bag limit; 2 salmon possession limit Jul. 1 – Aug 14.	1 salmon bag limit; 2 salmon possession limit Jul. 1 – Aug 14.
Trinity (Old Lewiston Bridge to Hwy 299 bridge at Cedar Flat) 7.50(b)(91.1)(E)6.b.	2 salmon bag and possession limit from Jan. 1- Aug. 31	Closed to salmon fishing through Oct. 15	1 salmon bag limit; 2 salmon possession limit Jul. 1 – Aug 31.	1 salmon bag limit; 2 salmon possession limit Jul. 1 – Aug 31.
Trinity (Hwy 299 bridge at Cedar Flat to Denny Road bridge at Hawkins Bar) 7.50(b)(91.1)(E)6.c.	2 salmon bag and possession limit from Jan. 1- Aug. 31	Closed to salmon fishing through Aug. 31	1 salmon bag limit; 2 salmon possession limit Jul. 1 – Aug 31.	1 salmon bag limit; 2 salmon possession limit Jul. 1 – Aug 31.
New River (confluence of the East Fork to confluence w/ Trinity) 7.50(b)(91.1)(E)6.d.	Closed to salmon fishing	No change	1 salmon bag limit; 2 salmon possession limit Jul. 1 – Aug 31	Closed to salmon fishing
Trinity (Denny Road bridge at Hawkins Bar to mouth of the South Fork Trinity) 7.50(b)(91.1)(E)6.e.	2 salmon bag and possession limit from Jan. 1- Aug. 31	Closed to salmon fishing through Aug. 31	1 salmon bag limit; 2 salmon possession limit Jul. 1 – Aug 31.	1 salmon bag limit; 2 salmon possession limit Jul. 1 – Aug 31.
Trinity (from the mouth of the South Fork Trinity to confluence w/ Klamath River) 7.50(b)(91.1)(E)6.f.	0 salmon bag and possession limit from Jan.1- Aug. 31	Closed to salmon fishing through Aug. 31	No change	No change

*description of reach is abbreviated; refer to subsection 7.50(b)(91.1)(E), for specific names of the bodies of water.

Making permanent this six to eight-week window reduces potential economic impacts and helps mitigate the risk of hardship to local businesses and communities from a full closure to fishing under CESA, while protecting UKTSCS during its migratory and spawning phases. Allowing limited take at the end of the traditional spring season for sport fishing by hook and line of UKTSCS is consistent with Fish and Game Code Section 2084.

Klamath River Basin spring creel surveys are performed annually by the Department and its partners. These surveys inform the Department of angler fishing effort in the number of angler days (synonymous with the number of trips), and hours spent. The preliminary creel data gathered during the late period of the 2019 spring season (which begins May 5) suggest that the maintenance of fishing on the lower Klamath River and the upper Trinity River during the month of July (where the creel survey ended August 5) appears to have been successful at maintaining angler days for the river reaches, and thus appears to have a minor economic benefit relative to 2018 (see Figure 1, and the Addendum to the STD 399 for more detail). The 2019 survey shows a minor uptick in the number of estimated angler days from 2018 (147 days – Figure 2).

Figure 2. Angler Days in the Lower Klamath River by Department angler creel survey July 2 to August 5, 2014 – 2019.



(b) Goals and Benefits of the Regulation

Compared to the full closure under CESA, the proposed regulations provide increased recreational take of Chinook Salmon during the peak of the season, starting July 1 and through August 14 (Klamath River – six weeks) or August 31 (Trinity River – eight weeks). The July 1 opening date in the lower Klamath River protects the majority of wild-origin UKTSCS which enter and migrate through the lower Klamath River by reducing the spring Chinook Salmon fishing season by six months (opening July 1 instead of January 1). Similarly, the July 1 opening date on the upper Trinity River protects wild UKTSCS by reducing the fishing season by six months.

Making permanent this six to eight-week window reduces potential economic impacts and helps mitigate the risk of hardship to local businesses and communities from a full closure to fishing under CESA, while protecting UKTSCS during its migratory and spawning phases.

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

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.

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

None.

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

The Department held stakeholder meetings March 7, 2019 in Crescent City, March 18, 2019 in Sacramento and March 26, 2019 in Redding to discuss various options with stakeholders and the public.

At its April 17, 2019 meeting, the Commission discussed allowing limited sport fish take during the candidacy period of UKTSCS, which precipitated the adoption of the June 2019 emergency regulation.

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

Without this certificate of compliance rulemaking, the current addition of subsection (b)(91.2) of Section 7.50 will expire in 2020. The sport fishing season on the reaches of rivers in the Klamath River Basin would revert to the pre-emergency regulations, whereby the sport fish take of UKTSCS would be prohibited under CESA.

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. Making permanent the June 2019 emergency regulations via the certificate of

compliance process would both create permanent incentives for more tourists to travel to coastal northern California, and help stimulate the local economies in Del Norte, Siskiyou, Trinity and neighboring counties.

- (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 any significant impact on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California. This is due to the re-opening of limited sport fishing take during the peak of the season, starting July 1, and through August 14 (Klamath River) or August 31 (Trinity River). Compared to the full closure under CESA, the proposed regulation provides increased recreational fishing opportunity for the six to eight-week window between July and August in the Klamath River Basin.

The Commission anticipates benefits to the health and welfare of California residents through the activity of fishing for salmon. The Commission does not anticipate any benefits to worker safety because the proposed regulation will not affect existing working conditions. The Commission anticipates a neutral impact to the state's environment, as the majority of fish present in the river reaches during the limited six- or eight-week windows are believed to be of hatchery origin.

- (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

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

The Commission does not anticipate any significant impact on the creation or elimination of jobs within the state due to the re-opening of limited sport fishing take during the peak of the season, starting July 1, and through August 14 (Klamath River) or August 31 (Trinity River). Compared to the full closure under CESA, the proposed increase in recreational fishing opportunity and angler spending in the affected areas for a six to eight-week period is not likely to be sufficient to induce the creation or elimination of jobs.

(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 any significant impact on the creation of new businesses or the elimination of existing businesses within the state due to the re-opening of limited sport fishing take during the peak of the season, starting July 1, and through August 14 (Klamath River) or August 31 (Trinity River). Compared to the full closure under CESA, the proposed increase in recreational fishing opportunity and angler spending in the affected areas for a six to eight-week period is not likely to be sufficient to induce the creation of new businesses or elimination of existing businesses.

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

The Commission does not anticipate any significant impact on the expansion of businesses currently doing business within the state due to the re-opening of limited sport fishing take during the peak of the season, starting July 1, and through August 14 (Klamath River) or August 31 (Trinity River). Compared to the full closure due to CESA, the proposed increase in recreational fishing opportunity and angler spending in the affected areas for a six to eight week period is not likely to be sufficient to induce the expansion of businesses as the number of visitors is expected to be within historical ranges.

(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 through the activity of fishing for salmon.

(e) Benefits of the Regulation to Worker Safety

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

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

The Commission anticipates a neutral impact to the state's environment, as the majority of fish present in the river reaches during the limited six- or eight-week windows are believed to be of hatchery origin.

Informative Digest/Policy Statement Overview

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

Background

The Klamath River Basin spring-run Chinook Salmon (*Oncorhynchus tshawytscha*) in-river sport fishery is managed by the Fish and Game Commission (Commission) via general basin seasons, daily bag limit, and possession limit regulations. Regular creel surveys and tag returns from anglers provide information on the status of spring-run Chinook Salmon in the Klamath River Basin. (Spring Chinook salmon may also be referred to as upper Klamath-Trinity spring Chinook Salmon - UKTSCS, Klamath River Spring Chinook -KRSC, "Klamath Spring Chinook," "Trinity Spring Chinook," or simply "spring-run Chinook".)

In February 2019, the Commission accepted a petition to list UKTSCS, which confers candidacy status. Under the California Endangered Species Act (CESA), take prohibition measures apply (Fish and Game Code Section 2085). The Commission adopted emergency regulations in February 2019 for certain portions of the Klamath and Trinity Rivers to prohibit take and help protect UKTSCS by minimizing confusion by sport anglers who may not have been aware of the CESA candidacy protections. The Commission also received testimony and letters from the public, as well as the Del Norte County and Siskiyou County boards of supervisors that a complete prohibition on take of spring-run Chinook Salmon would create economic harm to businesses. The public requested that the Commission consider shortening the closed periods, or otherwise allow some sport fish take during the spring Chinook Salmon fishing season.

The California Department of Fish and Wildlife (Department) assessed the ability under Section 2084 of the Fish and Game Code to allow for some level of sport fishing take by hook and line, while still providing protective spring-run Chinook Salmon regulatory measures. On April 17, 2019, the Commission adopted emergency regulations to mitigate the potential adverse economic and fiscal impacts of a complete prohibition of take. The emergency regulations, which went into effect June 26, 2019, allow limited sport fishing take of spring-run Chinook Salmon on the Klamath River downstream of the Highway 96 bridge at Weitchpec between July 1 and August 14, and the Trinity River from the Old Lewiston Bridge to the mouth of the South Fork Trinity River, and the New River main stem downstream of the confluence of the East Fork to the confluence with the Trinity River between July 1 and August 31.

Regulatory Proposal

This proposed rulemaking will make permanent the June 2019 emergency regulations allowing limited sport fish take of UKTSCS in most of the same reaches. The proposed regulation would allow continued limited sport fishing take of UKTSCS on the Klamath River downstream of the Highway 96 bridge at Weitchpec between July 1 and August 14, and the Trinity River from the Old Lewiston Bridge to the mouth of the South Fork Trinity River between July 1 and August 31, with a bag limit of one Chinook Salmon and a possession limit of two Chinook Salmon, after which fall season regulations under subsection (b)(91.1) of Section 7.50 will apply. This proposed rulemaking does not make permanent the language for the New River reach (main stem downstream of the confluence of the East Fork to the confluence with the Trinity River between July 1 and August 31).

Benefits of the Proposed Regulations

Compared to the full closure under CESA, the proposed regulations provide increased recreational fishing opportunity for a July 1 start during the peak of the season, and through August 14 (Klamath River – six weeks) or August 31 (Trinity River – eight weeks). The July 1 opening date in the lower Klamath River protects the majority of wild-origin UKTSCS which enter and migrate through the lower Klamath River by reducing the spring Chinook Salmon fishing season by six months (opening July 1 instead of January 1). These wild salmon are destined for spawning in the upper Salmon River and upper South Fork Trinity River. Similarly, the July 1 opening date on the upper Trinity River protects wild UKTSCS by reducing the fishing season by six months.

Making permanent this six to eight-week window reduces potential economic impacts and helps mitigate the risk of hardship to local businesses and communities from a full closure to fishing under the CESA, while protecting UKTSCS during its migratory and spawning phases. Allowing limited take at the end of the traditional spring season for sport fish by hook and line of UKTSCS is consistent with Fish and Game Code Section 2084.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the 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 authorize the taking of any fish by hook and line for sport that is listed as an endangered, threatened, or candidate species (Section 2084, 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 spring Chinook Salmon sport fishing in the Klamath River Basin.