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).

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)

State of California
Department of Fish and Wildlife

Received November 22, 2019.
Original signed copy on file.

M e m o r a n d u m

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.

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

Kevin Shaffer, Chief
Fisheries Branch
Wildlife and Fisheries Division
Kevin.Shaffer@wildlife.ca.gov

Tina Bartlett, Regional Manager
Northern Region (Region 1)
Tina.Bartlett@wildlife.ca.gov

Wade Sinnen, Sr. Env.
Scientist (Supervisor)
Northern Region (Region 1)
Wade.Sinnen@wildlife.ca.gov

Karen Mitchell, Sr. Env. Scientist (Spec.)
Fisheries Branch
Wildlife and Fisheries Division
Karen.Mitchell@wildlife.ca.gov

Michelle Selmon, Program Manager
Regulations Unit
Wildlife and Fisheries Division
Michelle.Selmon@wildlife.ca.gov

Ona Alminas, Sr. Env. Scientist (Spec.)
Regulations Unit
Ona.Alminas@wildlife.ca.gov

Ari Cornman, Wildlife Advisor
Fish and Game Commission
Ari.Cornman@fgc.ca.gov

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 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.

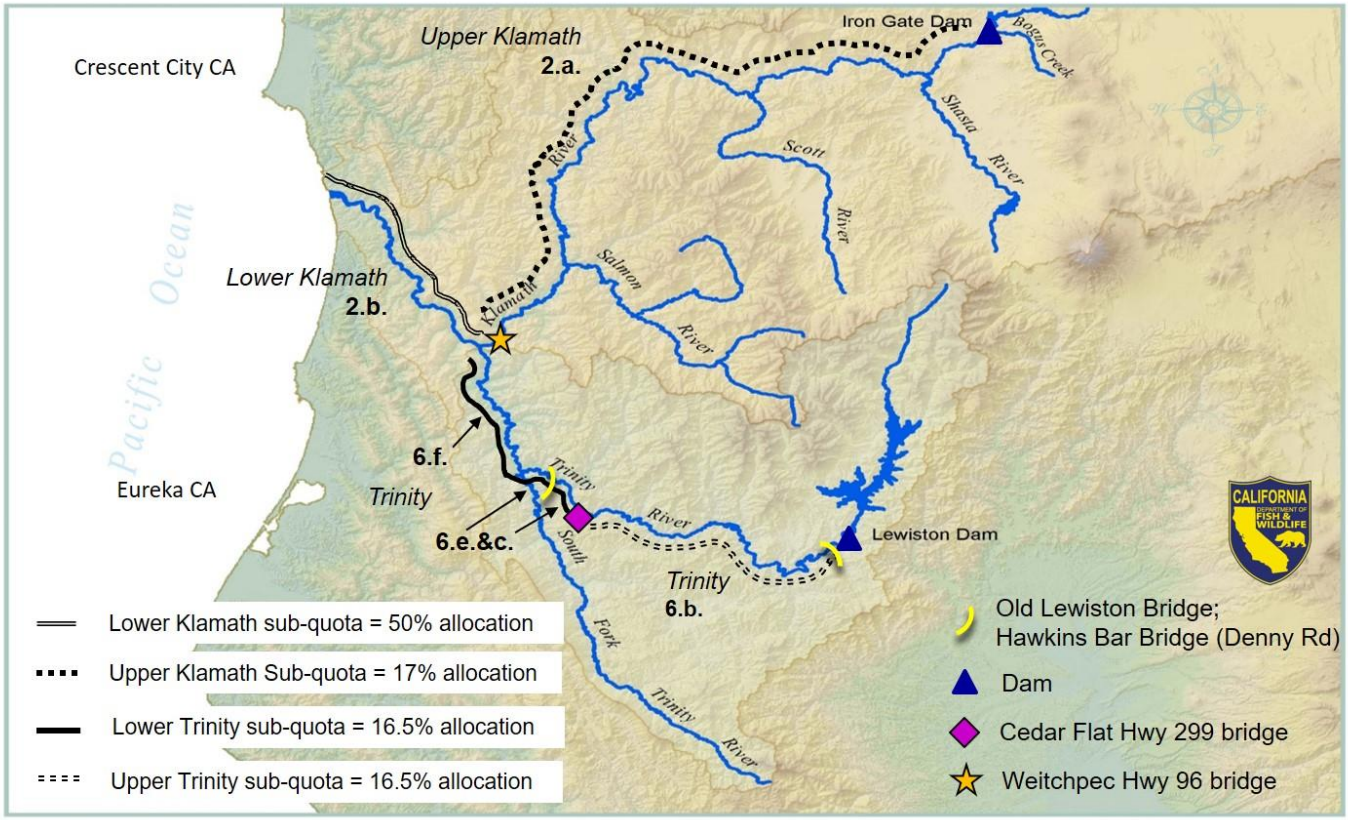

Figure 1. Map of the Klamath River Basin, showing the sub-quotas by reach of Trinity and Klamath rivers, and the associated subsections of 7.50(b)(91.1), Title 14, CCR.

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 PFMC 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 2019[1] 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

[1]The 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 PFMC. 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 ~~10~~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.

Body of Water	***Open Season and Special Regulations***	***Daily Bag Limit***
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~~[0-11,492] Chinook Salmon August 15 to December 31, ~~2019~~2020.	~~2~~[0-4] Chinook Salmon - no more than ~~1~~[0-4] fish over ~~22~~[22-23] inches total length until subquota is met, then 0 fish over ~~22~~[22-23] inches total length. 2 hatchery trout or hatchery steelhead**
	Fall Run Quota Exception: Chinook Salmon over ~~22~~[22-23] 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~~[0-33,800] Chinook Salmon August 15 to December 31, ~~2019~~2020.	~~2~~[0-4] Chinook Salmon - no more than ~~1~~[0-4] fish over ~~22~~[22-23] inches total length until subquota is met, then 0 fish over ~~22~~[22-23] inches total length. 2 hatchery trout or hatchery steelhead**
	Fall Run Quota Exception: Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth). This area will be closed to all fishing after 15% of the Total Klamath River Basin Quota has been taken. All legally caught Chinook Salmon must be retained. Once the adult (greater than ~~22~~[22-23] inches) component of the total daily bag limit has been retained anglers must cease fishing in the spit area.	
3. Salmon River main stem, main stem of North Fork downstream of Sawyer's Bar bridge, and main stem of South Fork downstream of the confluence of the East Fork of the South Fork.	November 1 through February 28.	2 hatchery trout or hatchery steelhead**
4. Scott River main stem downstream of the Fort Jones-Greenview 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**

Body of Water	***Open Season and Special Regulations***	***Daily Bag Limit***
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~~10 Brown Trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota ~~1,260~~[0-11,154] Chinook Salmon September 1 to December 31, ~~2019~~2020.	~~2~~[0-4] Chinook Salmon - no more than ~~1~~[0-4] fish over ~~22~~[22-23] inches total length until subquota is met, then 0 fish over ~~22~~[22-23] inches total length. ~~5~~10 Brown trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota Exception: Chinook Salmon over ~~22~~[22-23] 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~~10 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**

Body of Water	***Open Season and Special Regulations***	***Daily Bag Limit***
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~~10 Brown Trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota ~~1,260~~[0-11,154] Chinook Salmon September 1 through December 31, ~~2019~~2020. This is the cumulative quota for subsections 6.e. and 6.f. of this table.	~~2~~[0-4] Chinook Salmon - no more than ~~1~~[0-4] fish over ~~22~~[22-23] inches total length until subquota is met, then 0 fish over ~~22~~[22-23] inches total length. ~~5~~10 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~~10 Brown Trout 2 hatchery trout or hatchery steelhead**
	Fall Run Quota ~~1,260~~[0-11,154] Chinook Salmon September 1 through December 31, ~~2019~~2020. This is the cumulative quota for subsections 6.e. and 6.f. of this table.	~~2~~[0-4] Chinook Salmon - no more than ~~1~~[0-4] fish over ~~22~~[22-23] inches total length until subquota is met, then 0 fish over ~~22~~[22-23] inches total length. ~~5~~10 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**

Body of Water	***Open Season and Special Regulations***	***Daily Bag Limit***
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.

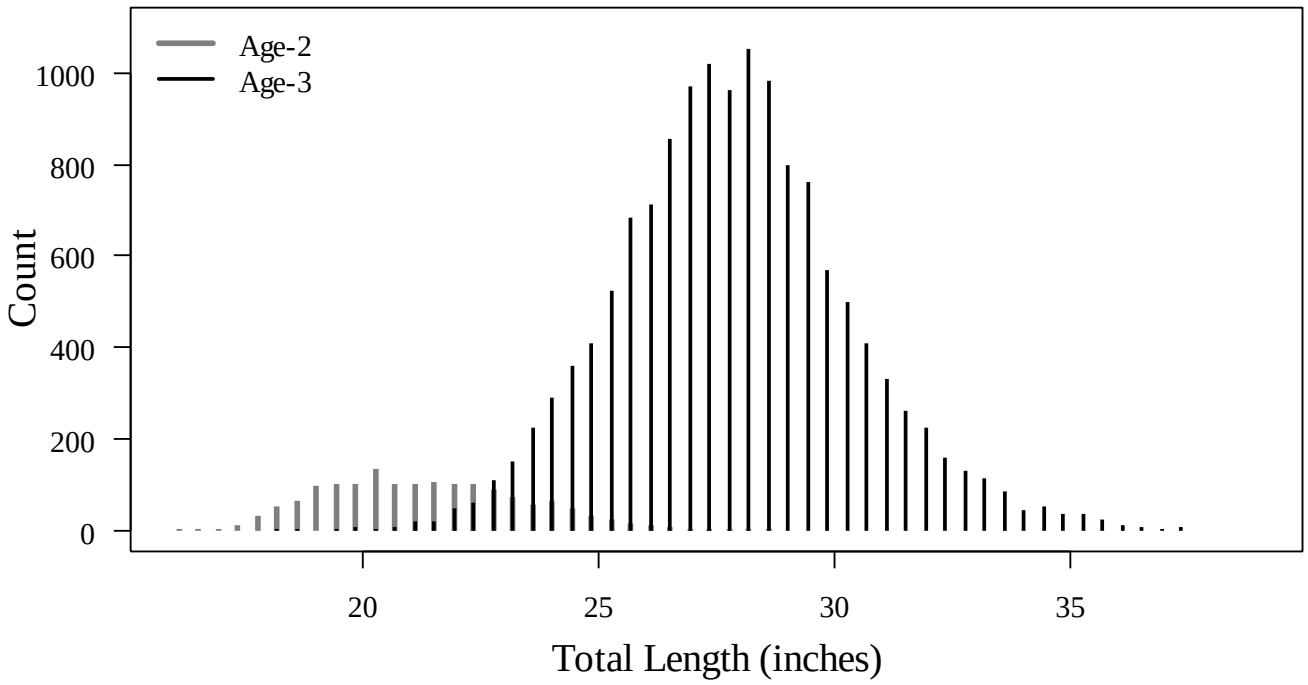

Figure 1. Length frequency histograms of known age-two and known age-three fall Chinook Salmon collected at Trinity River hatchery, 1998 and 2008-2018.

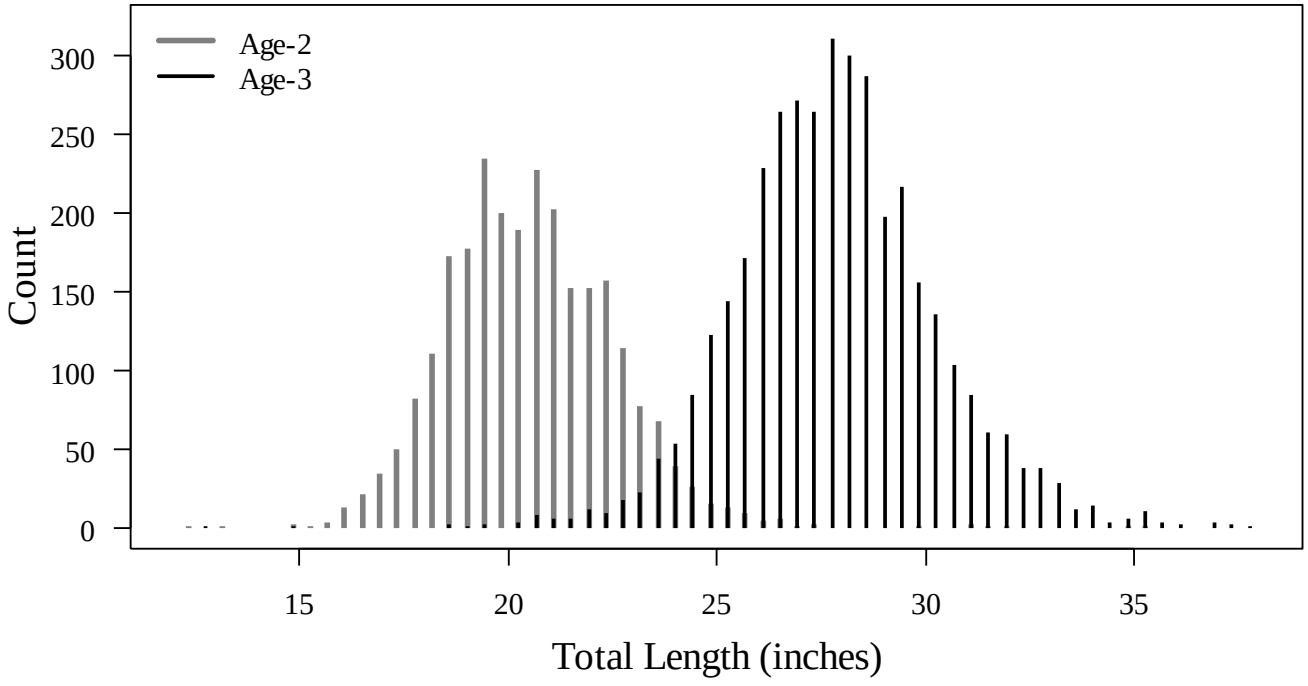

Figure 2. Length frequency histograms of estimated age-two and estimated age-three fall Chinook Salmon collected at Willow Creek weir, Trinity River, 2008-2018.

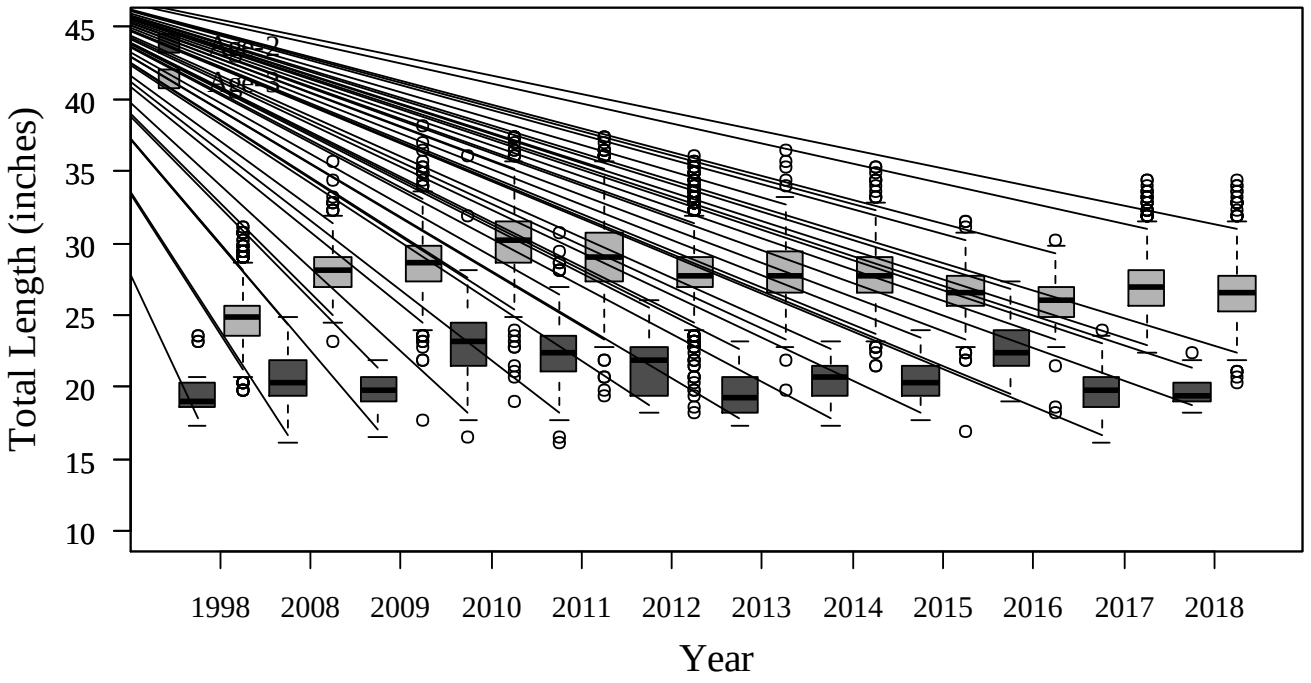

Figure 3. Timeseries of box and whisker plots of total lengths from known age-two and age-three fall Chinook Salmon collected at Trinity River hatchery, 1998 and 2008-2018. Horizontal bars indicate medians, boxes encompass the 25th to 75th percentiles, whiskers extend to 1.5 times the height of each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

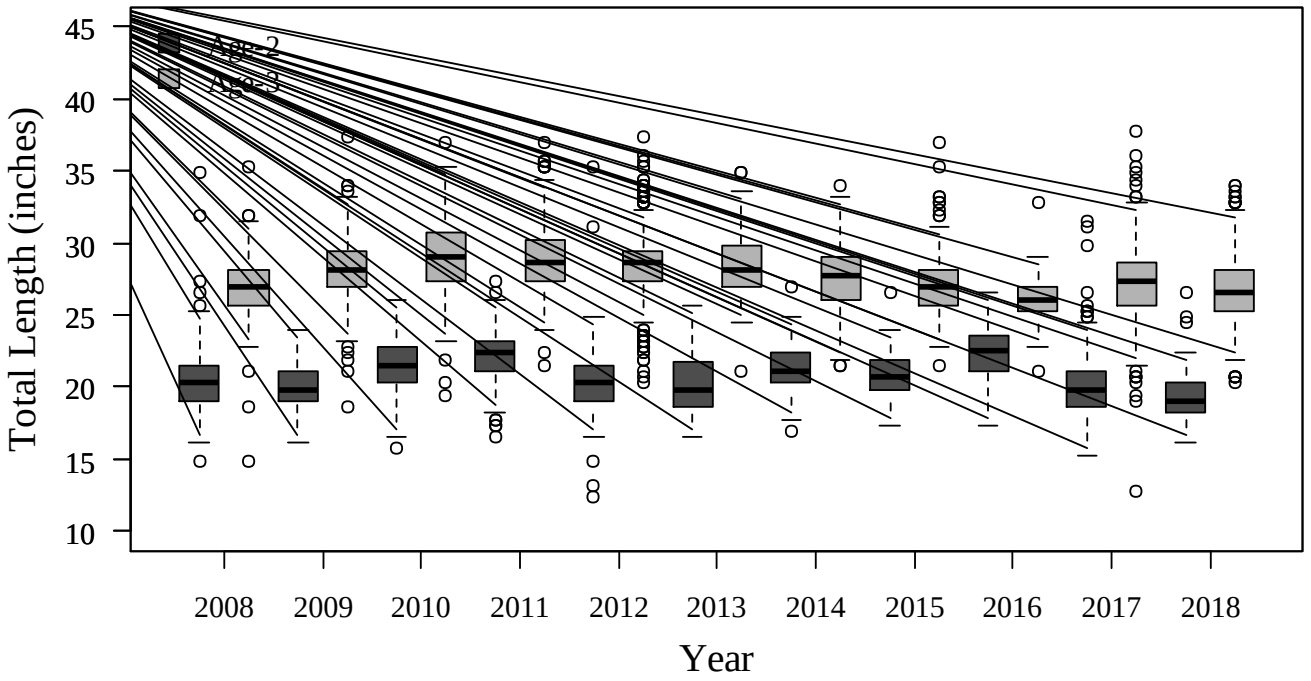

Figure 4. Timeseries of box and whisker plots of total lengths from estimated age-two and age-three fall Chinook Salmon collected at Willow Creek weir, 2008-2018. Horizontal bars indicate medians, boxes encompass the 25th to 75th percentiles, whiskers extend to 1.5 times the height of each box, and outliers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

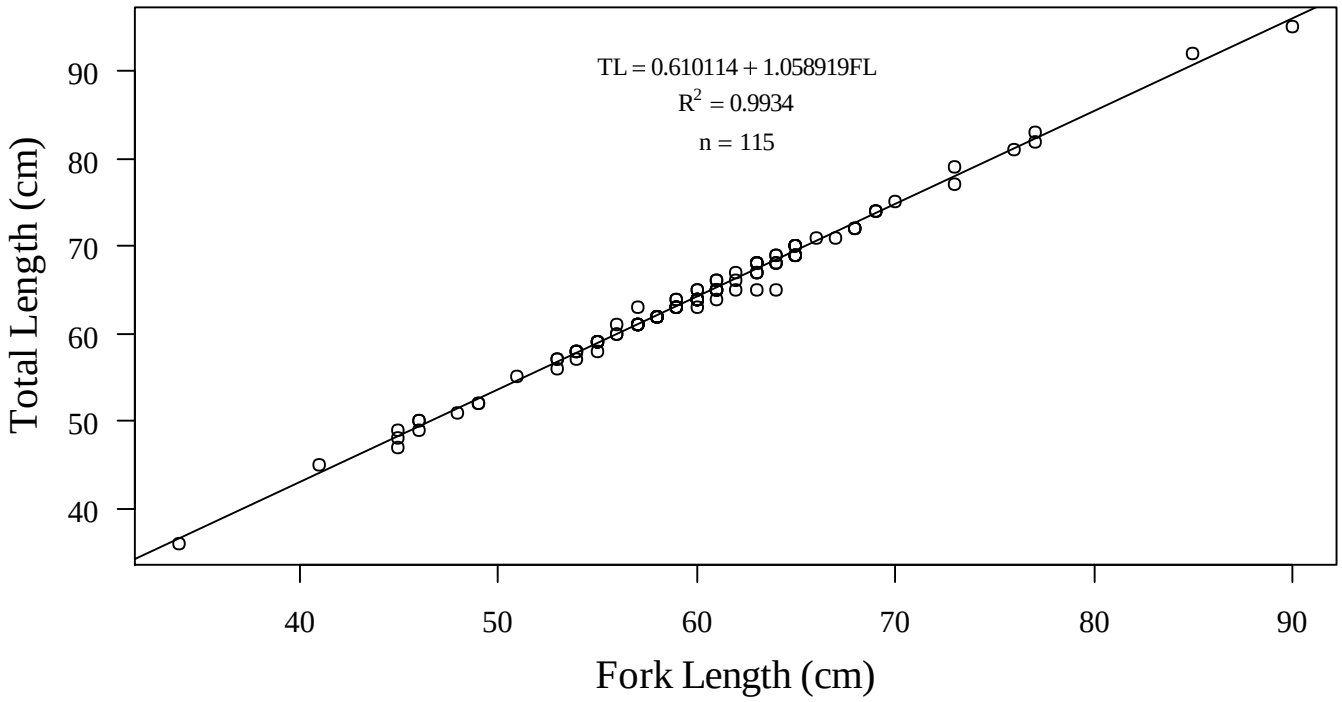

Figure 5. Scatterplot of total length vs. fork length of spring Chinook Salmon captured at Junction City weir in August 2019. The sample size (n), fitted regression line, equation, and coefficient of determination (R^2) are presented.

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.

State of California
Department of Fish and Wildlife

Received April 13, 2020.
Original signed copy on file.

M e m o r a n d u m

Date: April 6, 2020

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

From: Charlton H. Bonham
Director

Subject: **Initial Study/Negative Declaration for Proposed Amendments to Klamath River Basin Sport Fishing Regulations, Subsection 5.87(f) and Section 7.50, Title 14, California Code of Regulations (CCR)**

In compliance with the California Environmental Quality Act (CEQA), the Department of Fish and Wildlife (Department) has prepared the enclosed *Initial Study/Negative Declaration for Proposed Amendments to Klamath River Basin Sport Fishing Regulations, Title 14, California Code of Regulations* for 2020.

If you have any questions regarding the enclosed documents, please contact Karen Mitchell, Senior Environmental Scientist, at (916) 376-1917 or at Karen.Mitchell@wildlife.ca.gov.

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

Roger Bloom, Active Branch Chief
Fisheries Branch
Roger.Bloom@wildlife.ca.gov

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

State Clearinghouse #

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 PFMC 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 anamalous 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.

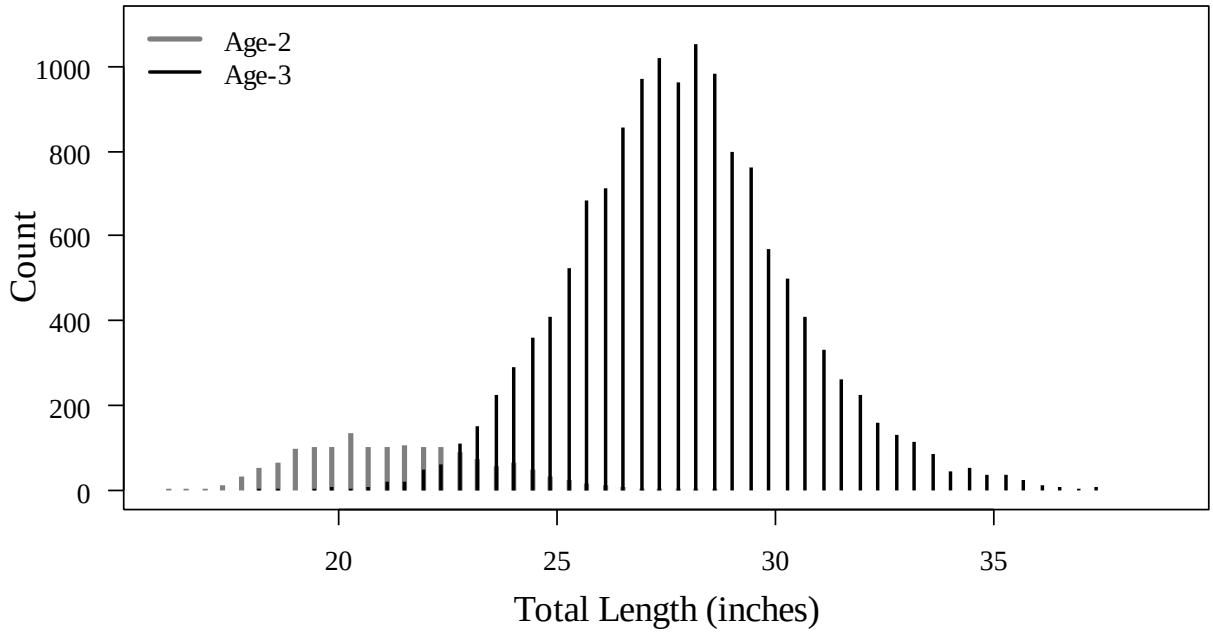

Figure 1. Length frequency histograms of known age-two and known age-three fall Chinook Salmon collected at Trinity River hatchery, 1998 and 2008-2018.

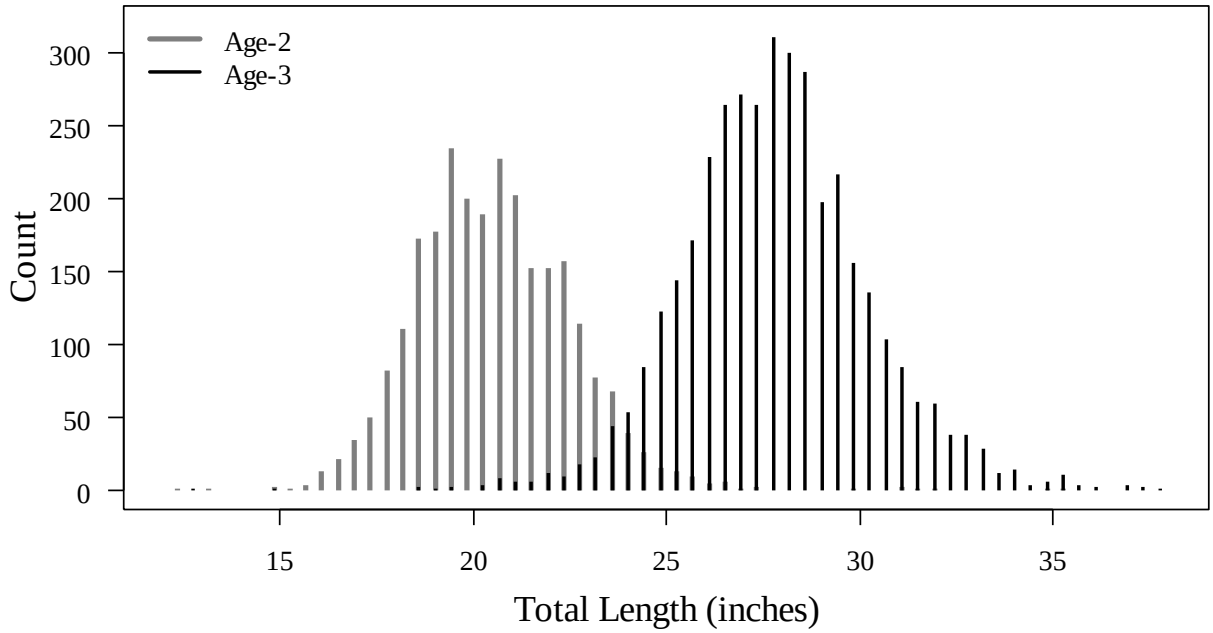

Figure 2. Length frequency histograms of estimated age-two and estimated age-three fall Chinook Salmon collected at Willow Creek weir, Trinity River, 2008-2018.

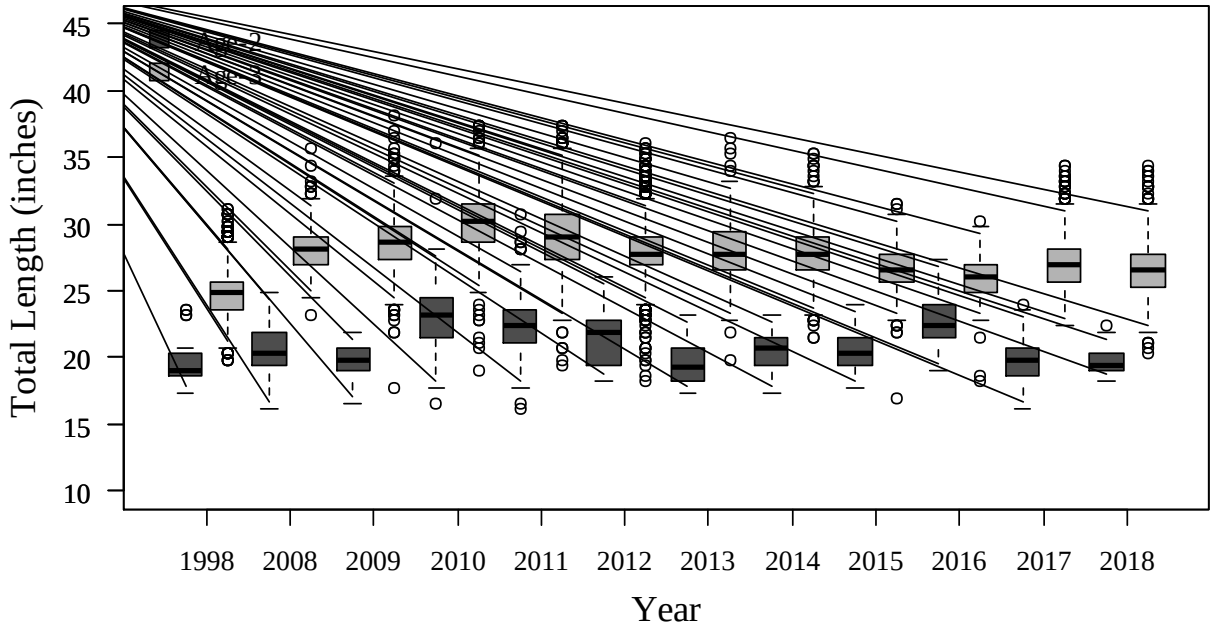

Figure 3. Timeseries of box and whisker plots of total lengths from known age-two and age-three fall Chinook Salmon collected at Trinity River hatchery, 1998 and 2008-2018. Horizontal bars indicate medians, boxes encompass the 25th to 75th percentiles, whiskers extend to 1.5 times the height of each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

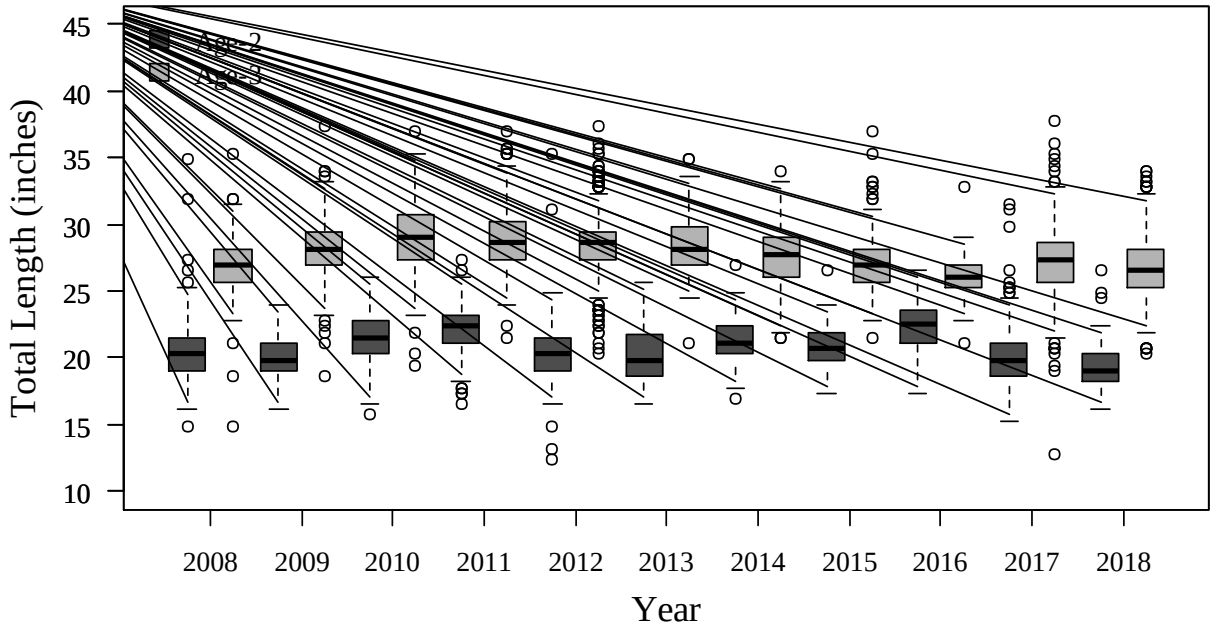

Figure 4. Timeseries of box and whisker plots of total lengths from estimated age-two and age-three fall Chinook Salmon collected at Willow Creek weir, 2008-2018. Horizontal bars indicate medians, boxes encompass the 25th to 75th percentiles, whiskers extend to 1.5 times the height of each box, and outliers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

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.

☐	Aesthetics	☐	Agriculture and Forestry	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology/Soils	☐	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials
☐	Hydrology/Water Quality	☐	Land Use/Planning	☐	Mineral Resources
☐	Noise	☐	Population/Housing	☐	Public Services
☐	Recreation	☐	Transportation	☐	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire	☐	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.

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	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☐	☒
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.	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

	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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

	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))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d) Result in any other emissions such as those leading to odors affecting a substantial number of people?	☐	☐	☐	☒
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?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒

	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?	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
VI. ENERGY. Would the project:	☐	☐	☐	☒
a) Result in potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations?	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒
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:	☐	☐	☐	☒
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?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
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?	☐	☐	☐	☒

	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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
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?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

	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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒
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?	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
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:	☐	☐	☐	☒
i) result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒

	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;	☐	☐	☐	☒
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	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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	☐	☐	☐	☒

	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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
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?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Other public facilities?	☐	☐	☐	☒
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?	☐	☐	☒	☐
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?	☐	☐	☐	☒
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒
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,	☐	☐	☐	☒

	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.	☐	☐	☐	☒
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?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonable foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

	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:	☐	☐	☐	☒
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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.	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

	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)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

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.

DRAFT DOCUMENT

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Proposed Amendments to Klamath River Basin Sport Fishing Regulations, Title 14, California Code of Regulations

Lead Agency: California Fish and Game Commission — Contact Person: Melissa Miller-Henson

Mailing Address: PO Box 944209 — Phone: (916) 653-7229

City: Sacramento — Zip: 94244-2090 — County: Sacramento

Project Location: County: _____ City/Nearest Community: Del Norte, Humboldt, Siskiyou and Trinity cos.

Cross Streets: _____ Zip Code: _____

Longitude/Latitude (degrees, minutes and seconds): ____° ____′ ____″ N / ____° ____′ ____″ W Total Acres: _____

Assessor's Parcel No.: _____ Section: _____ Twp.: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: _____ Waterways: _____

Airports: _____ Railways: _____ Schools: _____

Document Type:

CEQA: ☐ NOP ☐ Draft EIR — NEPA: ☐ NOI — Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☒ Neg Dec (Prior SCH No.) _____ ☐ Draft EIS ☐ Other: _____
☐ Mit Neg Dec Other: _____ ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other: _____

Development Type:

☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational: _____
☐ Recreational: _____
☐ Water Facilities: Type _____ MGD _____
☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ MW _____
☐ Waste Treatment: Type _____ MGD _____
☐ Hazardous Waste: Type _____
☒ Other: Klamath River Basin Sport Fishing Regulations

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☐ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☐ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☐ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Other: GHG, Fishing

Present Land Use/Zoning/General Plan Designation:

Project Description: *(please use a separate page if necessary)*

California Fish and Game Commission adoption of amendments to sport fishing regulations for the Klamath and Trinity River systems.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "**X**".
If you have already sent your document to the agency please denote that with an "**S**".

_____	Air Resources Board	_____	Office of Historic Preservation
_____	Boating & Waterways, Department of	_____	Office of Public School Construction
_____	California Emergency Management Agency	X	Parks & Recreation, Department of
_____	California Highway Patrol	_____	Pesticide Regulation, Department of
_____	Caltrans District # _____	_____	Public Utilities Commission
_____	Caltrans Division of Aeronautics	_____	Regional WQCB # _____
X	Caltrans Planning	X	Resources Agency
X	Central Valley Flood Protection Board	_____	Resources Recycling and Recovery, Department of
_____	Coachella Valley Mtns. Conservancy	_____	S.F. Bay Conservation & Development Comm.
_____	Coastal Commission	_____	San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
_____	Colorado River Board	X	San Joaquin River Conservancy
X	Conservation, Department of	_____	Santa Monica Mtns. Conservancy
_____	Corrections, Department of	X	State Lands Commission
_____	Delta Protection Commission	_____	SWRCB: Clean Water Grants
_____	Education, Department of	X	SWRCB: Water Quality
_____	Energy Commission	_____	SWRCB: Water Rights
_____	Fish & Game Region # _____	_____	Tahoe Regional Planning Agency
_____	Food & Agriculture, Department of	_____	Toxic Substances Control, Department of
_____	Forestry and Fire Protection, Department of	X	Water Resources, Department of
_____	General Services, Department of		
_____	Health Services, Department of	X	Other: Fish and Wildlife Dept. of (Headquarters)
_____	Housing & Community Development	_____	Other: _____
_____	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date _____ Ending Date _____

Lead Agency (Complete if applicable):

Consulting Firm: _____ Applicant: _____
Address: _____ Address: _____
City/State/Zip: _____ City/State/Zip: _____
Contact: _____ Phone: _____
Phone: _____

Signature of Lead Agency Representative: _____ **Date:** _____

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Print From

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: Proposed Amendments to Klamath River Basin Sport Fishing Regulations, Title 14, CCR

Lead Agency: California Fish and Game Commission

Contact Name: Melissa Miller-Henson

Email: fgc@fgc.ca.gov Phone Number: (916) 653-7229

Project Location: Del Norte, Humboldt, Siskiyou, and Trinity counties

City *County*

Project Description (Proposed actions, location, and/or consequences).

The Fish and Game Commission (Commission) proposes to amend the Klamath River Fall Chinook Salmon (KRFC) sport fishing regulations in the Klamath River Basin as set forth in Title 14 of the California Code of Regulations (CCR). The current 2020 sport fishing regulations, Section 7.50, Title 14, CCR, allow for salmon fishing in the Klamath and Trinity rivers. Each year the Department of Fish and Wildlife (Department) evaluates the potential need to amend the existing KRFC 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.

This project therefore proposes to potentially amend the daily bag and possession limits and fishing seasons for the KRFC 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.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

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.

Therefore, a negative declaration is filed pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21080, subdivision (c).

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

N/A

Provide a list of the responsible or trustee agencies for the project.

California Department of Fish and Wildlife

Fisheries Biologists Present California's Ocean Salmon Forecast for 2020

February 27, 2020

At the annual Ocean Salmon Informational Meeting held in Santa Rosa today, state and federal fishery scientists presented updates on the numbers of California's spawning salmon, as well as the expected abundance for the upcoming fishing season. The 2020 ocean abundance projection for Sacramento River fall Chinook (SRFC), a main salmon stock harvested in California waters, is estimated at 473,200 adult salmon, higher than the 2019 forecasts. The Klamath River fall Chinook (KRFC) abundance forecast of 186,600 adult salmon is lower than the 2019 forecast and will likely result in reduced fishing opportunity in the areas north of Pt. Arena.

“The outlook for Sacramento River fall Chinook is better than last year, but this season’s fisheries will be tempered by protections needed to conserve low numbers of Klamath River fall Chinook,” said Jennifer Simon, an environmental scientist with the California Department of Fish and Wildlife’s Ocean Salmon Project.

Recreational anglers and commercial salmon trollers at the meeting provided comments and voiced concerns to a panel of fishery managers, scientists and industry representatives. Stakeholder input will be taken into consideration when developing three alternatives for this season during the Pacific Fishery Management Council (PFMC) meeting, which will be held March 3-9 in Rohnert Park. Final regulations will be adopted at the April 4-10 PFMC meeting in Vancouver, Washington.

The PFMC may take a conservative approach when crafting 2020 ocean salmon seasons since both SRFC and KRFC stocks are still considered to be overfished under the terms of the federal Salmon Fishery Management Plan.

For more information on the salmon season setting process or general ocean salmon fishing information, visit the **Ocean Salmon Project web page** or call the ocean salmon hotline at (707) 576-3429.

###

Media Contacts:
***Pete McHugh**, CDFW Marine Region, (707) 576-2870*
***Harry Morse**, CDFW Communications, (916) 322-8958*