

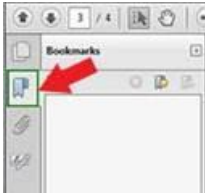
California Fish and Game Commission Meeting Binder



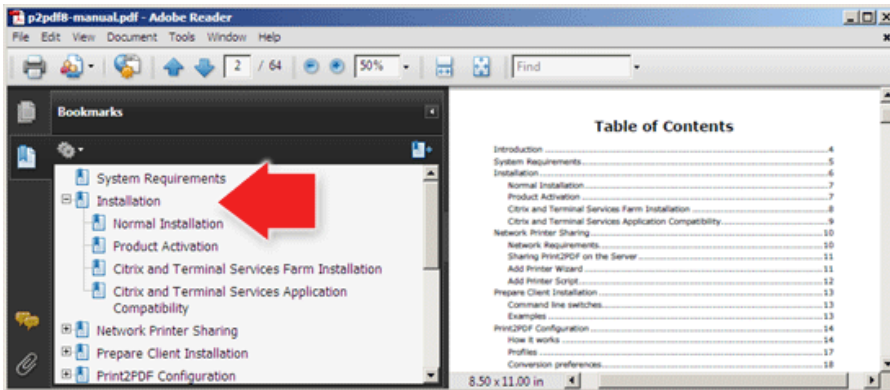
May 11, 2021
Webinar/Teleconference


EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It's helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line  located between the panels and using a long click /tap to move in either direction.
6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.
8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.
9. Do not hesitate to contact staff if you have any questions or would like assistance.

INTRODUCTIONS FOR FISH AND GAME COMMISSION MEETINGS

Fish and Game Commission

| | |
|-------------------------|--------------------------|
| Peter Silva | President (Jamul) |
| Samantha Murray | Vice President (Del Mar) |
| Jacque Hostler-Carmesin | Member (McKinleyville) |
| Eric Sklar | Member (Saint Helena) |
| Erika Zavaleta | Member (Santa Cruz) |

Commission Staff

| | |
|-----------------------|---------------------------|
| Melissa Miller-Henson | Executive Director |
| Rachel Ballanti | Deputy Executive Director |
| Mike Yaun | Legal Counsel |
| Ari Cornman | Wildlife Advisor |
| Sherrie Fonbuena | Associate Analyst |
| Cynthia McKeith | Staff Services Analyst |

California Department of Fish and Wildlife Staff

| | |
|-----------------|---|
| Chuck Bonham | Director |
| Wendy Bogdan | General Counsel |
| David Bess | Deputy Director and Chief, Law Enforcement Division |
| Clark Blanchard | Deputy Director, Office of Legislative Affairs and Acting Assistant Deputy Director, Office of Communication, Education and Outreach |
| Stafford Lehr | Deputy Director, Wildlife and Fisheries Division |
| Scott Gardner | Chief, Wildlife Branch |
| Jay Rowan | Chief, Fisheries Branch (Acting) |
| Craig Shuman | Regional Manager, Marine Region |

I would also like to acknowledge special guests who are present:
(i.e., elected officials, including tribal chairpersons, and other special guests)

OVERVIEW OF CALIFORNIA FISH AND GAME COMMISSION TELECONFERENCE MEETING

- Welcome to a meeting of the California Fish and Game Commission. This is the 151st year of operation for the Commission, in partnership with the California Department of Fish and Wildlife. Both organizations originated from the Board of Fish Commissioners and we collectively celebrated our 150th anniversary last year.
- The Commission's goals include preserving our wildlife heritage and conserving our natural resources through informed decision making. These meetings are vital in achieving those goals and, in that spirit, we provide the following information to be as effective and efficient toward that end.
- We are operating under the Bagley-Keene Open Meeting Act and these proceedings are being recorded and broadcast.
- In the unlikely event of an emergency, please note the location of the nearest emergency exits at your location.
- Items may be heard in any order pursuant to the determination of the presiding commissioner.
- The amount of time for each agenda item may be adjusted based on time available and the number of speakers.
- We will ask how many speakers we have before taking public comment; please be prepared and listen closely for your name or phone number to be called.
- When you speak, please state your name and any affiliation. Please be respectful and note that disruptions will not be tolerated. Time is precious so please be concise.
- To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, www.fgc.ca.gov, and sign up for our electronic mailing lists.
- If you want the Commission to consider a regulation change, note that all petitions for regulation change must be submitted in writing on the authorized form, FGC 1, Petition to the California Fish and Game Commission for Regulation Change, available on the Commission's website or directly from staff.
- For members of the public, if you have access to the Internet and are not planning to make public comment, you may listen to the meeting via our regular webcast by visiting the commission website at www.fgc.ca.gov (link is on right side). We ask that only those who plan to make public comment or who do not have Internet access to listen the meeting, participate by phone.
- **Reminder!** Please silence your mobile devices and computers to avoid interruptions.

Commissioners
Peter S. Silva, President
Jamul

Samantha Murray, Vice President
Del Mar

Jacque Hostler-Carmesin, Member
McKinleyville

Eric Sklar, Member
Saint Helena

Erika Zavaleta, Member
Santa Cruz

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

Melissa Miller-Henson
Executive Director
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Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

REVISED* MEETING AGENDA

May 11, 2021, 9:15 AM

Webinar and Teleconference

The California Fish and Game Commission is conducting this meeting by webinar and teleconference to avoid a public gathering and protect public health during the COVID-19 pandemic, consistent with Executive Order N-33-20.

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

***This agenda is revised to add item 5 related to a proposed change to the July 2021 Marine Resources Committee meeting date.**

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting to watch or listen. To provide public comment during the meeting, please join via Zoom Webinar or by telephone; [click here for instructions on how to join](#).

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 4. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

- 1. Consider approving agenda and order of items**

PUBLIC COMMENT

- 2. General public comment for items not on the agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

DISCUSSION AND ACTION ITEMS

3. Central Valley sport fishing

Consider adopting proposed changes to Central Valley sport fishing regulations and consider taking final action under the California Environmental Quality Act (CEQA). (Amend subsections 7.40(b)(4), (43), (66) and (80), Title 14, CCR)

4. Klamath River Basin sport fishing

Consider adopting proposed changes to Klamath River Basin sport fishing regulations and consider taking final action under CEQA. (Amend subsection 7.40(b)(50), Title 14, CCR)

5. Future meeting dates

Discuss and consider approving proposed change to next Marine Resources Committee meeting date from July 20, 2021 to July 21, 2021.

6. Adjourn

California Fish and Game Commission 2021 Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

| Meeting Date | Commission Meeting | Committee Meeting |
|----------------------|------------------------|---|
| May 11, 2021 | | Wildlife Resources Webinar/teleconference |
| June 16-17, 2021 | Webinar/teleconference | |
| July 20, 2021 | | Marine Resources Webinar/teleconference |
| August 17, 2021 | | Tribal Webinar/teleconference |
| August 18-19, 2021 | Webinar/teleconference | |
| September 16, 2021 | | Wildlife Resources Sacramento |
| October 13-14, 2021 | Sacramento | |
| November 9, 2021 | | Marine Resources Sacramento |
| December 14, 2021 | | Tribal Sacramento |
| December 15-16, 2021 | Sacramento | |

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 12-15, 2021, Providence, RI

Pacific Fishery Management Council

- June 22-26 & 28-30, 2021, Webinar
- September 8-15, 2021, Spokane, WA
- November 15-22, 2021, Costa Mesa, CA

Pacific Flyway Council

- August or September 2021, TBD

Western Association of Fish and Wildlife Agencies

- July 14-20, 2021, virtual

Wildlife Conservation Board

- May 20, 2021, videoconference or teleconference
- August 26, 2021, videoconference or teleconference
- November 18, 2021, videoconference or teleconference

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks the beginning of the 151st year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Equal Employment Opportunity (EEO) Office at (916) 653-9089 or EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language (ASL) interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; or deliver to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 (you must call at least 24 hours in advance to arrange delivery). Materials provided to the Commission may be made available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on April 28, 2021**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on May 6, 2021**. Comments received by this deadline will be made available to Commissioners at the meeting.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (as required by Section 662, Title 14, CCR). The form is available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. Petitions for regulation change are traditionally held for receipt at regularly-scheduled Commission meetings in February, April, June, August, October and December. Written comments submitted following the April 14, 2021 Commission meeting will be received at the June 16-17, 2021 meeting.

Non-Regulatory Requests

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. Written comments are traditionally held for receipt at regularly-scheduled Commission meetings in February, April, June, August, October and December. Written comments submitted following the April 14, 2021 Commission meeting will be received at the June 16-17, 2021 meeting. All requests heard during general public comment at this meeting will be scheduled for consideration at the next regularly-scheduled business meeting.

Speaking at the Meeting

To speak on an agenda item, please “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

1. Speakers will be called one at a time; please pay attention to when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.
 - b. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
 - c. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Visual Presentations/Materials

All electronic presentations must be submitted by the **Supplemental Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov.
2. All electronic formats must be Windows PC compatible.

STAFF SUMMARY FOR MAY 11, 2021

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

Receive verbal public comments for items not on the agenda. One regulation change petition will also be received under this item.

Summary of Previous/Future Actions

- | | |
|---|--|
| <ul style="list-style-type: none"> • Receive petition • Consider granting, denying, or referring | <p>May 11, 2021; Webinar/Teleconference Jun 16-17, 2021; Webinar/Teleconference</p> |
|---|--|

Background

Today's agenda item is to receive verbal public comments for items not on the agenda. Under the Bagley-Keene Open Meeting Act, FGC cannot act on any matter not included on the agenda, except to schedule issues raised by the public for consideration at future meetings.

Comments submitted in writing, including regulation change petitions, are traditionally held for receipt at regularly-scheduled FGC meetings in Feb, Apr, Jun, Aug, Oct and Dec. However, one regulation change petition received prior to the public comment deadline for the Apr 14, 2021 meeting was inadvertently not included in the materials for that meeting; it has been included for receipt at today's meeting (exhibits 1 and 2). All written comments submitted following the Apr 14, 2021 FGC meeting will be received at the Jun 16-17, 2021 meeting.

Significant Public Comments

1. A new petition for regulation change is summarized in Exhibit 1, and the original petition is provided as Exhibit 2.

Recommendation

FGC staff: Consider whether to add any items to a future meeting agenda to address issues that are raised during public comment.

Exhibits

1. [Summary of petition #2021-004](#)
2. [Petition #2021-004: Remove *Xenopus amietii* from the restricted invasive species classification, received March 24, 2021](#)

Motion (N/A)

STAFF SUMMARY FOR MAY 11, 2021

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

Consider adopting proposed changes to Central Valley sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|-----------------------------------|---|
| • WRC vetting | Sep 17, 2020; WRC, Webinar/Teleconference |
| • Notice hearing | Dec 9-10, 2020; Webinar/Teleconference |
| • Discussion hearing | Apr 14, 2021; Webinar/Teleconference |
| • Today's adoption hearing | May 11, 2021; Webinar/Teleconference |

Background

FGC generally adopts Central Valley sport fishing regulations on an annual basis to align state regulations with federal fishery management goals set by the Pacific Fishery Management Council (PFMC). In Dec 2020, FGC authorized publication of a notice of proposed changes to Sacramento River fall-run Chinook salmon (SRFC) size, bag and possession limits for the American, Feather, Mokelumne and Sacramento rivers to encompass possible PFMC 2021 recommendations for SRFC stocks.

The scope of options in the initial statement of reasons (ISOR; Exhibit 2) is intentionally broad to allow for flexibility in developing the final Central Valley salmon limits. A pre-season stock projection of 271,000 adult SRFC was released in Mar 2021, and PFMC made its final recommendation at its Apr 6-15, 2021 meeting.

At today's meeting, DFW will recommend specific size, bag and possession limits, and season dates for SRFC based on PFMC's final recommendations (Exhibit 9):

- Allow the take of any size Chinook salmon up to the daily bag and possession limits (option 1 from the ISOR; while options 2 and 3 are not currently recommended, Exhibit 4 provides rationale for the jack size limit in those options).
- Maintain the same bag and possession limits as 2020 for the American, Mokelumne and Sacramento rivers (bag limit of 2 Chinook salmon and a possession limit of 4 Chinook salmon).
- Decrease the bag and possession limits for the Feather River from a bag limit of 3 and a possession limit of 6 Chinook salmon to a bag limit of 2 and a possession limit of 4 Chinook salmon.
- Maintain the same season dates as 2020.

The Simplification of Statewide Inland Sport Fishing Regulations Rulemaking (Office of Administrative Law file 2020-1204-02s) became effective March 1, 2021 and made significant changes to the inland sport fishing regulations, including re-numbering streams and rivers that are the subject of this Central Valley sport fishing rulemaking. The regulatory language for this rulemaking (Exhibit 3) has been updated to reflect the final approved regulatory language of the sport fishing simplification rulemaking.

STAFF SUMMARY FOR MAY 11, 2021

California Environmental Quality Act (CEQA)

DFW drafted an initial study and a draft negative declaration as a proposed mechanism for complying with the California Environmental Quality Act (CEQA) and provided the draft to FGC (exhibits 5-7). FGC staff reviewed and analyzed the negative declaration and determined that the finding reflects the independent judgment of FGC. FGC staff submitted the draft negative declaration for public comment (State Clearinghouse Number # 2021040039, available at <https://ceqanet.opr.ca.gov/2021040039>); no public comments were received addressing the draft negative declaration.

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

FGC staff: Adopt the negative declaration prepared pursuant to CEQA in Exhibit 6 and adopt the regulation changes as recommended by DFW.

DFW: Adopt the recommended regulation changes as presented today.

Exhibits

1. [DFW memo transmitting ISOR, received Nov 30, 2020](#)
2. [Central Valley sport fishing ISOR, dated Dec 11, 2020](#)
3. [Updated proposed regulatory language, dated Mar 1, 2021](#)
4. [Previous ISOR, Central Valley salmon sport fishing, dated Nov 20, 2018, for background purposes only](#)
5. [DFW memo transmitting draft negative declaration, received Mar 26, 2021](#)
6. [Draft negative declaration, dated Mar 2021](#)
7. [Notice of completion and document transmittal form and summary form](#)
8. [Economic and fiscal impact statement \(Std. 399\)](#)
9. [DFW presentation](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the negative declaration prepared pursuant to the California Environmental Quality Act, approves the proposed project, and adopts proposed changes to subsections 7.40(b)(4), (43), (66), and (80) related to Central Valley sport fishing regulations for the 2021 season.

STAFF SUMMARY FOR MAY 11, 2021

4. KLAMATH RIVER BASIN SPORT FISHING**Today's Item**Information Action

Consider adopting proposed changes to Klamath River Basin sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|-----------------------------------|---|
| • WRC vetting | Sep 17, 2020; WRC, Webinar/Teleconference |
| • Notice hearing | Dec 9-10, 2020; Webinar/Teleconference |
| • Discussion hearing | Apr 14, 2021; Webinar/Teleconference |
| • Today's adoption hearing | May 11, 2021; Webinar/Teleconference |

Background

FGC annually adopts Klamath River Basin sport fishing regulations for consistency with federal fishery management goals. In Dec 2020, FGC authorized publication of a notice of proposed changes to quotas and bag and possession limits for Klamath River fall-run Chinook salmon (KRFC). The range of the proposed quotas, and size, bag and possession limits for KRFC in the initial statement of reasons (ISOR) are intentionally broad to allow for adjustments by the Pacific Fishery Management Council (PFMC) and FGC during the 2021 regulatory cycle.

PFMC released its pre-season stock projection of 181,500 adult KRFC in Mar 2021, and the 2021 basin allocation was recommended by PFMC at its Apr 6-15, 2021 meeting.

At today's meeting, DFW will recommend specific quota, size, bag and possession limits, and season dates for KRFC based on PFMC's final recommendations (Exhibit 8):

- 2021 quota of 1,221 KRFC over 23 inches total length.
- Maintain the 2020 bag limit of 2 Chinook salmon, of which no more than 1 fish may be over 23 inches total length until a river segment subquota is met, then 0 fish over 23 inches total length.
- Maintain the 2020 possession limit of 6 Chinook salmon, of which no more than 3 fish may be over 23 inches total length when the take of adult fish is allowed (once the subquota for a river segment or the total quota for the Klamath River Basin has been met, only juvenile fish can be taken and possessed).
- Maintain the same season dates as 2020 (Klamath River: August 15 – December 31, Trinity River: September 1 – December 31).

The Simplification of Statewide Inland Sport Fishing Regulations Rulemaking (Office of Administrative Law file 2020-1204-02s), became effective March 1, 2021 and made significant changes to the inland sport fishing regulations, including re-numbering streams and rivers that are the subject of this Klamath River Basin sport fishing rulemaking. The regulatory language for this rulemaking has been updated to reflect the final approved regulatory language of the sport fishing simplification rulemaking (Exhibit 3).

STAFF SUMMARY FOR MAY 11, 2021

California Environmental Quality Act (CEQA)

DFW drafted an initial study and a draft negative declaration as a proposed mechanism for complying with the California Environmental Quality Act (CEQA) and provided the draft to FGC (exhibits 4-6). FGC staff has reviewed and analyzed the negative declaration and determined that the finding reflects the independent judgment of FGC. FGC staff submitted the draft negative declaration for public comment (State Clearinghouse Number # 2021040037, available at <https://ceganet.opr.ca.gov/2021040037>); no public comments were received.

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

FGC staff: Adopt the negative declaration prepared pursuant to CEQA in Exhibit 5 and adopt the regulation changes as recommended by DFW.

DFW: Adopt the recommended changes as presented today.

Exhibits

1. [DFW memo transmitting ISOR, received Nov 30, 2020](#)
2. [Klamath River Basin ISOR, dated Dec 11, 2020](#)
3. [Updated proposed regulatory language, revised Mar 1, 2021](#)
4. [DFW memo transmitting draft negative declaration, received Mar 26, 2021](#)
5. [Draft negative declaration, dated Mar 2021](#)
6. [Notice of completion and document transmittal form and summary form](#)
7. [Economic and fiscal impact statement \(Std. 399\)](#)
8. [DFW presentation](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the negative declaration prepared pursuant to the California Environmental Quality Act, approves the proposed project, and adopts proposed changes to subsection 7.40(b)(50) related to Klamath River Basin sport fishing regulations for the 2021 season.

STAFF SUMMARY FOR MAY 11, 2021

5. FUTURE MEETING DATES**Today's Item**Information Action

Discuss and consider approving a proposed change to the next Marine Resources Committee (MRC) meeting date from Jul 20, 2021 to Jul 21, 2021.

Summary of Previous/Future Actions

- Approved all 2021 meeting dates Aug 19-20, 2020; Webinar/Teleconference
- **Today consider changing July MRC meeting date** **May 11, 2021; Webinar/Teleconference**

Background

In Aug 2020, FGC approved all 2021 meeting dates for FGC and committee meetings. An MRC meeting was scheduled for Jul 20, 2021. Due to unanticipated conflicts, a request was made to move the Jul MRC meeting to Jul 21.

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

FGC staff: Approve moving the July MRC meeting to July 21, 2021.

Exhibits (N/A)**Motion**

Moved by _____ and seconded by _____ that the Commission approves rescheduling the July Marine Resources Committee meeting for July 21, 2021.

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT FOR PETITION FOR REGULATION CHANGE: RECEIVED ON MARCH 24, 2021 at 1:42 PM

Revised 05/03/2021

| Tracking No. | Date Received | Name of Petitioner | Subject of Request | Short Description | FGC Receipt Scheduled | FGC Action Scheduled |
|--------------|---------------|--------------------|---------------------|--|-----------------------|--|
| 2021-004 | 3/24/2021 | Paul Rudnick | Xenopus amieti frog | Remove Xenopus amieti from the restricted invasive species classification. | 5/11/21 | This petition is currently under review by Commission staff and has not been formally accepted. If accepted action will be scheduled June 16-17, 2021. |



Tracking Number: (2021-004_) |

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Paul Rudnick

Address: [REDACTED]

Telephone number [REDACTED]

Email address:

2. Rulemaking Authority (Required) Reference to the statutory or constitutional authority of the Commission to take the action requested:

14 CCR §671.1 (a)

3. Overview (Required) - Summarize the proposed changes to regulations:

All species of the Genus *Xenopus* tadpoles and frogs are prohibited in the State.

The well documented *Xenopus laevis* is the largest *Xenopus* species and an invasive species in California and elsewhere around the Globe.

However, the current regulation 14 CCR §671.1 (a) prohibits ALL species of the Genus *Xenopus*.

Many of the prohibited species were not even described until years after the regulations were enacted.

There are many species within the Genus *Xenopus* which are completely non – invasive.

The rule prohibits the non invasive species *Xenopus amieti* based upon the fact that *Xenopus*



amieti is 'related to' the invasive *Xenopus laevis*. It is true these two frog species share the same Genus as the also shared a common ancestor millions of years ago.

The rule CLEARLY is enacted to prohibit species based upon *their level of invasiveness* and **not** enacted to prohibit amphibian species based upon evolution.

Xenopus amieti is legally prohibited from sharing classroom space with students in the State and it's only 'crime' is that it had a common ancestor with the invasive *Xenopus laevis* millions of years ago.

We are respectfully requesting a review of the now nearly half century old statute to reflect the realities of the much-changed challenge to native amphibians in local ecosystems and the implications for study in K-12 classrooms.

We are proposing to leave the Statute in place prohibiting 'all species of the Genus *Xenopus*' *with the single exception of Xenopus amieti*.

4. Rational (Required) - Describe the problem and the reason for the proposed change:

The study of tadpole to frog metamorphosis is K-12 Core curriculum and 'one of the fondest memories of childhood.'

As per current Statute the completely non invasive little 'Volcano frog' *Xenopus amieti* is legally prohibited from classrooms in the State yet the highly invasive bullfrog and highly invasive Cuban tree frog are legally permitted.

It seems to us that non – invasive, harmless tadpoles should be permitted in classrooms and 'not the other way around' as is the case per current Statutes.

In order to provide students with a positive Natural History lesson in classroom while allowing native diminishing tadpole populations to remain 'undisturbed' we propose a change to 14 CCR §671.1 (a) to allow the completely harmless non invasive I.U.C.N. Vulnerable Volcano frog to be allowed for classroom study in the State.

For the past 42 years Three Rivers Mail Order Corporation (a.k.a. Growafrog) has proudly facilitated education by providing captive bred see thru tadpoles and 'living staged tadpole to frog life cycle kits' so that a child may study metamorphosis in classroom without removing a native tadpole from the wild. A child may literally observe a live heartbeat and study anatomy WITHOUT the 'need' to dissect a live frog. In now 42 years there has never been a feral population of any of our frogs - anywhere - ever!

Currently *Xenopus amieti* is listed as an invasive species.

The little frog has zero invasive characteristics:

1. It is NOT a predator. It is prey.
2. It is NOT Invasive – it is endangered.
3. I.U.C.N. Red list status VULNERABLE



4. Endemic to one region on earth the Cameroon highlands.
5. Extreme low fecundity: *Xenopus laevis* perhaps 10,000 eggs per clutch. *Xenopus amieti* approx. 200 per clutch.
6. Extreme small size. Adults are approximately the same size as the permitted dwarf frog *Hymenochirus*.
7. Poor predator avoidance. *Xenopus amieti* is endemic to Volcanic lakes of the Cameroon highlands which are devoid of fish. The little frog has zero chance of surviving much less being an invasive species if introduced anywhere with many common larger fish such as largemouth bass.
8. No I.S.S.G.org listing of an invasive population of *Xenopus amieti* anywhere in the world. Indeed there are no listings of ANY *Xenopus* species on the Globe with the exception of the largest species *Xenopus laevis*.

Unfortunately, the simple act of a child going to the pond to obtain a tadpole for metamorphosis observation is no longer simple. The tadpole could easily be a highly invasive *Lithobates catesbeiana* (common American Bullfrog) tadpole which is well established in multiple regions in California. American Bullfrogs are a highly invasive I.U.C.N. species infested with Chytrid fungus.

In Southern California the tadpole is likely the Giant Cuban tree frog which is an I.S.S.G. highly invasive Non native species.

As per current Statutes, the American bullfrog is listed as a highly invasive species, yet it is PERMITTED.

Currently the Cuban tree frog is not even listed as an invasive species in the State. However, *Osteopilus septentrionalis* is a well documented invasive predator and 'bad news' for native amphibians. The Department will never be able to get rid of it – ever. The best that can be hoped for is to limit it's spread through legislation.

As per current Statute we are providing the permitted *Hymenochirus* and this frog is a 'poor choice' for education. *Hymenochirus* tadpoles are extremely small aprox 7mm. The tadpoles do not survive well in classroom. They are not transparent. We have already had a bevy of very upset educators who for decades have 'counted on' our company and our reputation to provide healthy, vigorous B.d. negative captive bred staged tadpoles for classroom observation.

In contrast to *Hymenochirus* tadpoles the Volcano frog *Xenopus amieti* **tadpoles** are EXCELLENT in size! Volcano frogs are also transparent thus allowing classroom anatomy study without the 'need' to dissect and 'sacrifice' a diminishing live frog! Volcano frogs compare very favorably with *Xenopus laevis* tadpoles for study!

*The student is getting ALL of the educational value of *Xenopus laevis* transparent tadpoles with ZERO risk of invasiveness!*

Our risk assessment of Not allowing the proposed rule change:

1. Continued harm to native California frog populations via predatory invasive species likely being released after classroom study.



2. An entire generation of students statewide will be 'shut out' from study of core curriculum in classroom.
3. Opening up the 'Potpourri' of unknown tadpole species via Ebay / biological supply companies/pet shops suppliers who simply collect wild tadpoles and ship. These tadpoles are often 'mystery' tadpoles and the State, the student and supplier often have 'no clue' what tadpole species are being provided.
4. The possible capture of native California frogs such as the Mountain Yellow-legged frog and/or Red Legged frog for classroom study. We *fervently* are of the opinion that this is a very poor idea. Native diminishing tadpole populations should be allowed to remain in the pond! Mountain Yellow-legged frog tadpoles take 2-4 years to morph! The California Red Legged frog is a threatened species! Let's NOT do this!

Our assessment of allowing the proposed rule change:

1. The State 'knows' the tadpole source for education – a harmless B.d. negative captive bred tadpole of a single species *Xenopus amieti* HIGHLY suitable for classroom observation.
2. Every student in California would have access to the study of core curriculum instead of 'shutting down' education for an entire generation of students.
3. Stopping or at least not contributing to the spread of invasive species which would likely be used as a 'substitute' for classroom study.
4. Save a species! The plight of diminishing 'bell weather' amphibians is a huge worldwide concern. In our humble opinion there is NO better way of 'raising awareness' of the plight of Vulnerable amphibian species than studying one in classroom!

If the application is denied and captive bred B.d. negative harmless tadpoles remain restricted and not permitted in the State the tadpoles which are permitted are

highly likely to be invasive species

OR

native species of concern which need to remain in the pond.

Our company is based upon a strong commitment to education **and** to native frog populations! We provide captive bred B.d. negative see thru tadpoles *because* we wish to allow native amphibians to remain 'undisturbed.' It is our understanding that we could legally provide invasive bullfrog or Cuban tree frog tadpoles as per Statute. We wish to inform the Commission that we will NOT do this! We do not provide invasive species to California or anywhere else. It is our fervent hope that the legal issues can be resolved however our commitment to the environment is unwavering and we will NOT provide invasive species even if permitted.

We respectfully thus petition the Commission to leave the door open to education by allowing the Volcano frog *Xenopus amieti* to be the single *Xenopus* species permitted in the State.

To summarize, this simple, single change to regulation is:

1. WIN for native frog populations
2. WIN for Elementary / Secondary Education



3. WIN for raising awareness for the plight of amphibians worldwide.

We wish to **thank** the Commission for allowing us to submit application for review.

SECTION II: Optional Information

5. **Date of Petition: March 7, 2021**

6. **Category of Proposed Change**

Sport Fishing

Commercial Fishing

Hunting

Other, please specify: Invasive species reclassification: Remove *Xenopus amieti* from the restricted invasive species classification.

7. **The proposal is to:** (To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)

Amend Title 14 Section(s): [Click here to enter text.](#)

Add New Title 14 Section(s): [Click here to enter text.](#)

Repeal Title 14 Section(s): [Remove *Xenopus amieti* from restricted species listing](#)

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency:

As soon as possible.

10. **Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents:**

<https://www.biodiversitylibrary.org/page/41421231#page/949/mode/1up>

<https://www.iucnredlist.org/species/58168/16929588>

<http://www.iucngisd.org/gisd/search.php>

[https://cdfgnews.wordpress.com/2014/07/15/california-red-legged-frog-named-state-amphibian/#:~:text=\(Rana%20draytonii\)%2Ca%20state,legged%20frog%2C%20official%20State%20Amphibian.](https://cdfgnews.wordpress.com/2014/07/15/california-red-legged-frog-named-state-amphibian/#:~:text=(Rana%20draytonii)%2Ca%20state,legged%20frog%2C%20official%20State%20Amphibian.)

<https://wildlife.ca.gov/Regions/6/Amphibians/Mountain-Yellow-legged-Frog>



<https://nhm.org/stories/los-angeles-being-invaded-frogs>

<http://www.iucngisd.org/gisd/speciesname/Osteopilus+septentrionalis>

11. Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:

Certainly, a negative impact upon schools by denying a child’s core curriculum, source. Possible increased costs to the Department due to costs associated with attempting to curtail the spread of the highly invasive Cuban tree frog which in our opinion would become the ‘substitute’ tadpole for ‘education.’ They are cheap and widely available. The tadpoles morph quickly and they are ‘interesting’ for students. This is about an invasive a frog as it gets and there are already populations established in Southern California.

12. Forms: If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- Denied by FGC
- Denied - same as petition _____
- Granted for consideration of regulation change

Tracking Number

State of California
Department of Fish and Wildlife

Memorandum

Date: November 16, 2020

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

From: Charlton H. Bonham
Director

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

Please find attached the Initial Statement of Reasons (ISOR) to amend subsections (b)(4), (b)(43), (b)(66), and (b)(80) of Section 7.40, Title 14, California Code of Regulations, for sport fishing regulations in the Central Valley.

Similar to last year, the California Department of Fish and Wildlife (Department) is presenting three regulatory options for the 2021 Central Valley sport fishing regulations for the Fish and Game Commission's (Commission) consideration. The three options encompass possible Pacific Fishery Management Council (PFMC) 2021 recommendations for Sacramento River fall-run Chinook Salmon (SRFC) stocks. The purpose for providing options is to increase flexibility for development of the final Central Valley sport fishing regulations. The Department's preferred option is Option 1 – any size Chinook Salmon fishery, given the 2021 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-river SRFC harvest. Specific bag and possession limits for SRFC will be presented to the Commission after the PFMC adopts its final recommendations at its April 2021 meeting.

The draft negative declaration for compliance with the California Environmental Quality Act will be provided to the Commission prior to the April 2021 discussion hearing.

The Department asks that the Commission request that the Office of Administrative Law make the regulations effective on or before July 16, 2021.

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, Karen Mitchell, as the Department's point of contact for this rulemaking. Ms. Mitchell can be reached at (916) 376-1917 or by e-mail at Karen.Mitchell@wildlife.ca.gov.

Attachment

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

Melissa Miller-Henson, Executive Director
Fish and Game Commission
November 16, 2020
Page 2

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

Amend Subsections (b)(4), (b)(43), (b)(66),
and (b)(80) of Section 7.40

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

I. Date of Initial Statement of Reasons: December 11, 2020

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 10, 2020

Location: Webinar/Teleconference

(b) Discussion Hearing

Date: April 14, 2021

Location: Webinar/Teleconference

(c) Adoption Hearing

Date: May 11, 2021

Location: Webinar/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 baseline regulatory language is presented under Section 7.40, Title 14, CCR, in accordance with the regulatory re-numbering proposed for the subject streams and rivers for this rulemaking with Office of Administrative Law (OAL) file 2020-1204-02s (Simplification of Statewide Inland Sport Fishing Regulations).*

Current regulations in subsections (b)(4), (b)(43), (b)(66), and (b)(80) of Section 7.40 prescribe the 2020 seasons and daily bag and possession limits for Sacramento River fall-run Chinook Salmon (*Oncorhynchus tshawytscha*; SRFC) sport fishing in the American, Feather, Mokelumne, and Sacramento rivers, respectively. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC for purposes of this document (Figure 1). Each year, the Department of Fish and Wildlife (Department) recommends new Chinook Salmon bag and possession limits for consideration by the Fish and Game Commission (Commission) to align the fishing limits with up-to-date management goals, as set forth below.

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

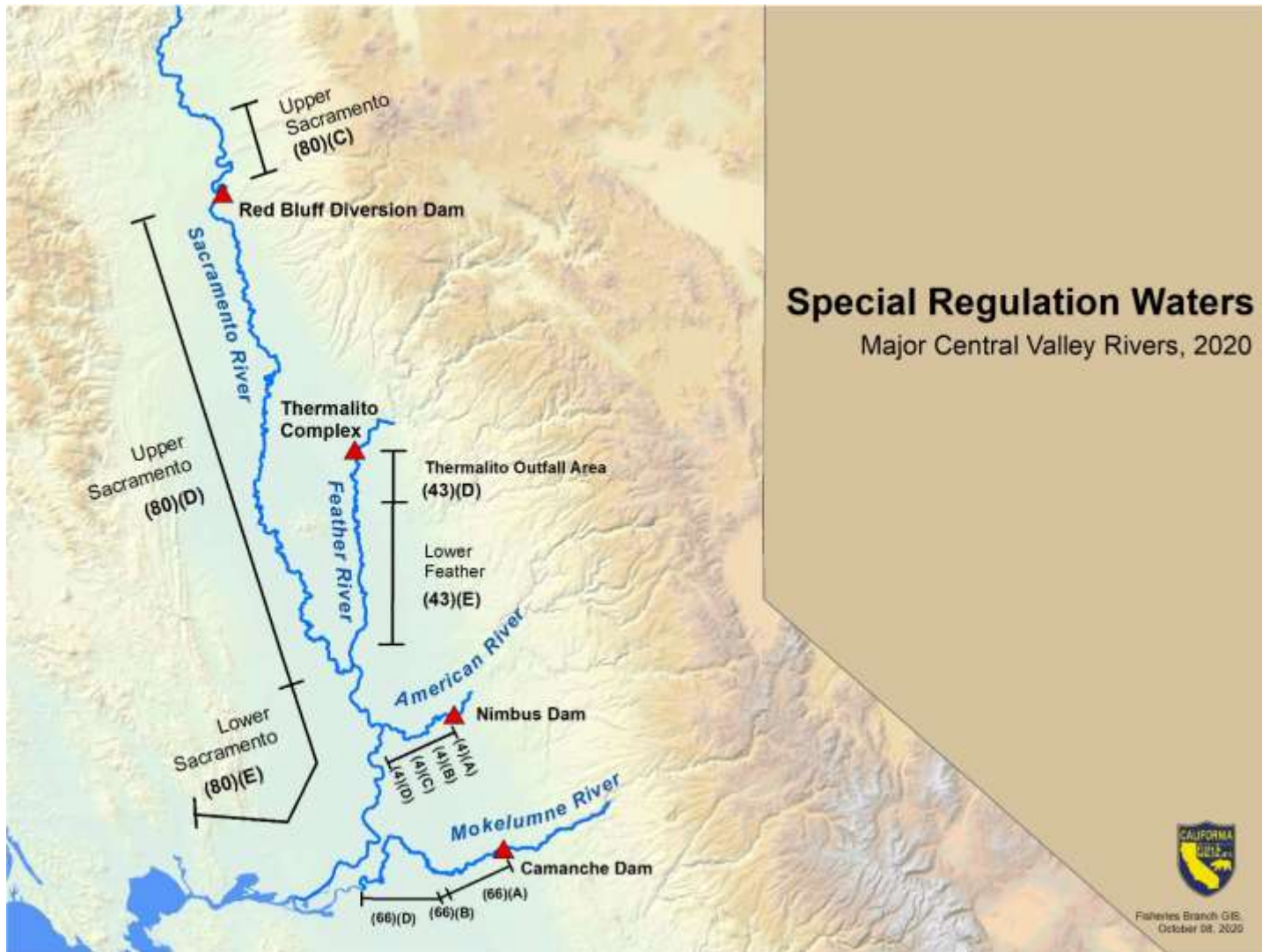


Figure 1. Map of the “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.40: American (b)(4), Feather (b)(43), Mokelumne (b)(66), and Sacramento (b)(80).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2021 meeting and will adopt its final regulatory recommendations at its April 2021 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2021 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations for the Central Valley fishery to the Commission at its April 14, 2021 meeting. The Commission will then consider adoption of the Central Valley sport fishing regulations at its May 11, 2021 meeting.

(b) Proposed Regulations

CHINOOK SALMON BAG AND POSSESSION LIMITS

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2021 Central Valley fishery, the Department is presenting three regulatory options for the

Commission's consideration to tailor 2021 Central Valley fishery management to target 2021 in-river fisheries harvest projections.

- Option 1 is the most liberal of the three options, and allows take of any size Chinook Salmon up to the daily bag and possession limits.
- Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits.
- Option 3 is the most conservative option, and allows for a grilse-only Chinook Salmon fishery.

Key to Proposed Regulatory Changes:

Because the PFMC recommendations are not known at this time, a range shown in [brackets] in the text below of bag and possession limits is indicated where it is desirable to continue Chinook Salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers.

The following options are provided for Commission consideration:

Option 1 – Any Size Chinook Salmon Fishery

This option would allow anglers to take up to [0-4] Chinook Salmon of any size per day. This option is the Department's preferred option if the 2021 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-river SRFC harvest.

American River, subsection 7.40(b)(4):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

Feather River, subsection 7.40(b)(43):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.
July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.
Possession limit – [0-12] Chinook Salmon.

Mokelumne River, subsection 7.40(b)(66):

- (A) From Camanche Dam to Elliott Road.
July 16 through October 15 with a bag limit of [0-4] Chinook Salmon.
Possession limit – [0-12] Chinook Salmon.
- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake.
From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.
Possession limit – [0-12] Chinook Salmon.
- (D) From the Lower Sacramento Road bridge to the mouth.
From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.
Possession limit – [0-12] Chinook Salmon.

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam.
August 1 through December 31 with a bag limit of [0-4] Chinook Salmon
Possession limit – [0-12] Chinook Salmon.
- (D) From the Red Bluff Diversion Dam to the Highway 113 bridge.
July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.
Possession limit – [0-12] Chinook Salmon.
- (E) From the Highway 113 bridge to the Carquinez Bridge.
July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.
Possession limit – [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

This option would allow the take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits. Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size, grilse are typically outcompeted by larger adults, and contribute significantly less to the spawning population, and so they would be available for harvest with minimal

impact to juvenile recruitment for the current season. Take of adult salmon would be limited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

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

American River, subsection 7.40(b)(4):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

Feather River, subsection 7.40(b)(43):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

Mokelumne River, subsection 7.40(b)(66)

(A) From Camanche Dam to Elliott Road.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

(B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

(D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

(C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

(D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

(E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

Option 3 – Grilse-only Salmon Fishery

This option would allow for a grilse-only salmon fishery. Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size, grilse are typically outcompeted by larger adults, and contribute significantly less to the spawning population, and so they would be available for harvest with minimal impact to juvenile recruitment for the current season. Take of adult salmon would be prohibited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

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

American River, subsection 7.40(b)(4):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

Feather River, subsection 7.40(b)(43):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

Mokelumne River, subsection 7.40(b)(66):

- (A) From Camanche Dam to Elliott Road.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including lake Lodi.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

(c) Necessity of the Proposed Regulation Changes

The proposed regulations are necessary to adjust Chinook Salmon bag and possession limits, size limits, and open seasons for the American, Feather, Mokelumne, and Sacramento rivers for consistency with PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season.

(d) Goals and Benefits of the Regulation

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use.

Adoption of scientifically-based SRFC bag and possession limits provides for the maintenance of sufficient populations of Chinook Salmon to ensure their continued existence.

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

(e) 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.

(f) Specific Technology or Equipment Required by Regulatory Change

None.

(g) Identification of Reports or Documents Supporting Regulation Change

Fish and Game Commission, 2018. *Initial Statement of Reasons for Regulatory Action. Amendments to Section 7.50, Title 14, California Code of Regulations, Re: Central Valley Salmon Sport Fishing*. November 2018. Available from:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=164433&inline>

Pahlke, K, 1988. *Length Conversion Equations for Sockeye, Chinook, and Coho salmon in southeast Alaska. Regional Information Report No. Ij88-03*. Alaska Department of Fish and Game Division of Commercial Fisheries, Southeast Region.

U.S. Fish and Wildlife Service, *2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*, available from

https://www.fws.gov/wsfrprograms/subpages/nationalsurvey/nat_survey2016.pdf

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

The Department presented the proposed amendments to the SRFC bag and possession limits at the Commission's Wildlife Resources Committee meeting on September 17, 2020.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

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

(b) No Change Alternative

The no change alternative would leave existing 2020 regulations in place. The no change alternative would not allow for appropriate harvest rates, while the proposed regulations will allow the state to harmonize its bag and possession limits with NMFS' regulations.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource, while providing inland sport fishing opportunities and thus, the prevention of adverse economic impacts.

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

The Commission does not anticipate significant adverse economic impacts but acknowledges the potential for short-term negative impacts on the creation or elimination of jobs within the state. The Commission anticipates no adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California. Minor variations in the bag and possession limits and/or the implementation of a size limit are unlikely to significantly impact the volume of business activity. The loss of up to 42 jobs with Option 3 is not expected to eliminate businesses because reduced fishing days will be partially offset by opportunities to fish for grilse Chinook Salmon and other species.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a Chinook Salmon sport fishery encourages consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of Chinook Salmon resources in the Central Valley.

The Commission does not anticipate any benefits to worker safety.

Other benefits of the proposed regulations are concurrence with federal fishery management goals and promotion of businesses that rely on Central Valley sport fishing.

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

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

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

None.

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

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

None.

(h) Effect on Housing Costs

None.

VII. Economic Impact Assessment

This action is expected to sustain fishery activity within the range of historically typical seasons. Lower PFMC harvest forecasts can result in a smaller bag and possession limit, (more conservative), whereas larger PFMC harvest forecasts can result in a higher bag and possession limit (more liberal), both of which can skew the average fishing activity over seasons. The potential difference between a typical season and the options under consideration range from \$6.2-8.3 M as shown in Table 1 below.

A typical recent season for the Central Valley fishery experiences about 214,214 sport salmon angler days in which anglers spend an average of \$83 -115 per day contributing a total of \$17.9 M (2020\$) in direct expenditures to California businesses. This expenditure is received by area businesses that spend a share on inputs and payroll. As employees receive income, their household spending again circulates in the local economy and statewide. These multiplier effects result in an estimated total economic impact of \$25.2M (2020\$), and up to 126 jobs throughout the state.

The regional and statewide economic impacts factor into the effort to balance the maintenance of the recreational fishery with resource preservation, while complying with PFMC allocations. The potential economic impacts that may result from each in-river harvest projection as specified in Option 1, Option 2, and Option 3 are evaluated in terms of each scenario’s probable impact on the number of angler days, and thus area spending.

Table 1. Central Valley Fishery Economic Impacts (2020\$)

| Regulation | Angler Days | Angler Expenditures | Total Econ Impact | Jobs |
|------------|-----------------|---------------------|-------------------|----------|
| Option 1 | 214,214 | \$ 17,895,438 | \$ 25,163,735 | 126 |
| Option 2 | 161,595 | \$ 13,499,646 | \$ 18,982,577 | 95 |
| Option 3 | 143,640 | \$ 11,999,686 | \$ 16,873,402 | 84 |
| Difference | Angler Day Loss | Expenditure Loss | Total Impact Loss | Job Loss |
| Option 1 | 0 | \$ - | \$ - | 0 |
| Option 2 | 52,619 | \$ 4,395,792 | \$ 6,181,158 | (31) |
| Option 3 | 70,574 | \$ 5,895,752 | \$ 8,290,333 | (42) |

Sources: California Department of Fish and Wildlife, Fisheries Branch economic analysis; U.S. Fish and Wildlife Service, 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; dollar figures adjusted for inflation with Implicit Price Deflator for Personal Consumption Expenditures, Bureau of Economic Analysis.

Historical correlations between catch limits and fishery participation levels suggest that Option 1 could enable a historically typical number of angler days for the 2021 Chinook Salmon season on the American, Feather, Mokelumne, and Sacramento rivers. Option 2 may result in declines in angler days of 52,619 below a typical year. Option 3 may result in larger declines, or an estimated 70,574 fewer angler days.

Additionally, anglers may pursue other in-river sport fish aside from Chinook Salmon, such as steelhead (*Oncorhynchus mykiss*), Striped Bass (*Morone saxatilis*), Largemouth Bass (*Micropterus salmoides*), White Sturgeon (*Acipenser transmontanus*) and catfish (*Ictalurus spp.*), that may mitigate any adverse impacts from any reductions in salmon fishing. In sum, the options presented to the Commission were conceived with the goal of enabling levels of recreational SRFC fishing in the range of historical averages, and thus should not be a source of significant adverse economic impacts.

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

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation or elimination of jobs. For Option 1, no change in job creation or elimination is anticipated. Option 2 and Option 3 have the potential to result in fewer angler visits, and absent substitution toward other sportfish and/or activities in the affected areas, the reduction in angler spending could reduce the support for 31-42 jobs statewide.

(b) Effects of the Regulation on the (b) Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation of new business or the elimination of existing businesses, because the proposed economic impacts of the regulations are unlikely to be substantial enough to stimulate the creation of new businesses or cause the elimination of existing businesses.

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

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve inland sport fishermen. The number of fishing trips and angler economic contributions are expected to remain within the range of historical averages.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission anticipates benefits to the health and welfare of California residents. Chinook Salmon is a nutritious food source and providing inland sport fishery opportunities encourages consumption of this nutritious food. Sport fishing also contributes to increased mental health of its practitioners, as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety from the proposed regulations because inland sport fishing does not impact working conditions.

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

Under all Options 1-3, the Commission anticipates benefits to the environment in the sustainable management of SRFC. It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use.

In accordance with this policy, adoption of scientifically-based inland Chinook Salmon bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence and thus continued economic stimulus.

(g) Other Benefits of the Regulation

Other benefits of the regulation include consistency with federal fishery management goals, and support for businesses that rely on Central Valley sport fishing.

Informative Digest/Policy Statement Overview

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

Current regulations in subsections (b)(4), (b)(43), (b)(66), and (b)(80) of Section 7.40 prescribe the 2020 seasons and daily bag and possession limits for Sacramento River fall-run Chinook Salmon (*Oncorhynchus tshawytscha*; SRFC) sport fishing in the American, Feather, Mokelumne, and Sacramento rivers, respectively. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC for purposes of this document. Each year, the Department of Fish and Wildlife (Department) recommends new Chinook Salmon bag and possession limits for consideration by the Fish and Game Commission (Commission) to align the fishing limits with up-to-date management goals, as set forth below.

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

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2021 meeting and will adopt its final regulatory recommendations at its April 2021 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2021 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations to the Commission at its April 14, 2021 meeting. The Commission will then consider adoption of the Central Valley sport fishing regulations at its May 11, 2021 meeting.

Proposed Regulations

Chinook Salmon Bag and Possession Limits

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2021 Central Valley fishery, the Department is presenting three regulatory options for the Commission’s consideration to tailor 2021 Central Valley fishery management to target 2021 in-river fisheries harvest projections.

- Option 1 is the most liberal of the three options, and allows take of any size Chinook Salmon up to the daily bag and possession limits.
- Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits.
- Option 3 is the most conservative option, and allows for a grilse-only Chinook Salmon fishery.

All options would be applicable to the following river segments and time periods:

American River, subsection 7.40(b)(4):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park, July 16 through October 31
- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge, July 16 through December 31
- (D) From the Jibboom Street bridge to the mouth, July 16 through December 16

Feather River, subsection 7.40(b)(43):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp, July 16 through October 31
- (E) From 200 yards above the Live Oak boat ramp to the mouth, July 16 through December 16

Mokelumne River, subsection 7.40(b)(66):

- (A) From Comanche Dam to Elliott Road, July 16 through October 15
- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake, July 16 through December 31
- (D) From the Lower Sacramento Road bridge to the mouth, July 16 through December 16

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam, August 1 through December 31
- (D) From the Red Bluff Diversion Dam to the Highway 113 bridge, July 16 through December 16.
- (E) From the Highway 113 bridge to the Carquinez Bridge, July 16 through December 16.

The following options are provided for Commission consideration:

Option 1 – Any Size Chinook Salmon Fishery

This option is the Department's preferred option if the 2021 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain inland SRFC harvest.

Bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

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

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

Option 3 – Grilse Salmon Fishery Only

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

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

Benefits of the Proposed Regulations

The Commission anticipates benefits to the environment in the sustainable management of Central Valley Chinook Salmon resources. Other benefits of the proposed regulations are consistency with federal fishery management goals, health and welfare of California residents, and promotion of businesses that rely on Central Valley Chinook Salmon sport fishing.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate sport fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to Chinook Salmon sport fishing seasons, bag, and possession limits for Central Valley sport fishing.

Proposed Regulatory Language – Option 1 (Any Size Chinook Salmon Fishery)

Updated 3/1/21

Section 7.40, Title 14, CCR, is amended to read:

§ 7.40. Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations.

. . . [No changes to subsections (a) through (b)(3)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|---|--|
| (4) American River (Sacramento Co.). | | |
| (A) From Nimbus Dam to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site. | Closed to all fishing all year. | |
| (B) From the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site to the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park. | Jan. 1 through Jul. 15. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession. |
| | Jul. 16 through Oct. 31. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2[0-4] Chinook Salmon. 4-[0-12] Chinook Salmon in possession. |
| (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park downstream to the Jibboom Street bridge. | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--------------------------------------|--|
| | Jul. 16 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2[0-4] Chinook Salmon. -4[0-12] Chinook Salmon in possession. |
| (D) From the Jibboom Street bridge to the mouth. | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2[0-4] Chinook Salmon. -4[0-12] Chinook Salmon in possession. |
| | Dec. 17 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

. . . [No changes to subsections (b)(5) through (b)(42)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--|--|
| (43) Feather River below Fish Barrier Dam (Butte, Sutter and Yuba Cos. <u>cos.</u>). | | |
| (A) From Fish Barrier Dam to Table Mountain bicycle bridge in Oroville. | Closed to all fishing all year. | |
| (B) From Table Mountain bicycle bridge to Highway 70 bridge. | Jan. 1 through Jul. 15. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (C) From Highway 70 bridge to the unimproved boat ramp above the Thermalito Afterbay Outfall. | All year. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp. | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|--|
| | Jul. 16 through Oct. 31. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>3[0-4] Chinook Salmon.</p> <p>6[0-12] Chinook Salmon in possession.</p> |
| | Nov. 1 through Dec. 31. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> |
| (E) From 200 yards above Live Oak boat ramp to the mouth. For purposes of this subsection, the lower boundary is defined as a straight line drawn from the peninsula point on the west bank to the Verona Marine boat ramp. | Jan. 1 through Jul. 15. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---------------|--------------------------------------|---|
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 3[0-4] Chinook Salmon. 6[0-12] Chinook Salmon in possession. |
| | Dec. 17 to Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

. . . [No changes to subsections (b)(44) through (b)(65)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--|---|
| (66) Mokelumne River (San Joaquin Co.). | | |
| (A) From Camanche Dam to Elliot Road. | Jan. 1 through Mar. 31. | 1 hatchery trout or hatchery steelhead**. |
| | Fourth Sat. in in May through Jul. 15. | 1 hatchery trout or hatchery steelhead**. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|---|
| | Jul. 16 through Oct. 15. | 1 hatchery trout or hatchery steelhead**. 2[0-4] Chinook Salmon. -4[0-12] Chinook Salmon in possession. |
| (B) From Elliot Road to the Woodbridge Irrigation District Dam including Lodi Lake. | Jan. 1 through Jul. 15. | 1 hatchery trout or hatchery steelhead ** <u>steelhead</u> **. |
| | Jul. 16 through Dec. 31. | 1 hatchery trout or hatchery steelhead**. 2[0-4] Chinook Salmon. -4[0-12] Chinook Salmon in possession. |
| (C) Between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge. | Closed to all fishing all year. | |
| (D) From the Lower Sacramento Road bridge to the mouth. For purposes of this subsection, this river segment is defined as Mokelumne River and its tributary sloughs downstream of the Lower Sacramento Road bridge and east of Highway 160 and north of Highway 12. | Jan. 1 through Jul. 15. | 1 hatchery trout or hatchery steelhead**. |
| | Jul. 16 through Dec. 16. | 1 hatchery trout or hatchery steelhead**. 2[0-4] Chinook Salmon. -4[0-12] Chinook Salmon in possession. |
| | Dec. 17 through Dec. 31. | 1 hatchery trout or hatchery steelhead**. |

. . . [No changes to subsections (b)(67) through (b)(79)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--|--|
| (80) Sacramento River and tributaries below Keswick Dam (Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Solano, Sutter, Tehama and Yolo Cos. <u>cos.</u>). | | |
| (A) Sacramento River from Keswick Dam to 650 feet below Keswick Dam. | Closed to all fishing all year. | |
| (B) Sacramento River from 650 feet below Keswick Dam to the Deschutes Road bridge. | | |
| 1. Sacramento River from 650 feet below Keswick Dam to the Highway 44 bridge. | Closed to all fishing from Apr. 1 through Jul. 31. | |
| | Jan. 1 to Mar. 31. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Aug. 1 to Dec. 31. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--|---|
| 2. Sacramento River from the Highway 44 bridge to the Deschutes Road bridge. | All year. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (C) Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam. | Jan. 1 through Jul. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Aug. 1 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2[0-4] Chinook Salmon. -4-[0-12] Chinook Salmon in possession. |
| (D) Sacramento River from the Red Bluff Diversion Dam to the Highway 113 bridge near Knights Landing. | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|--|
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2[0-4] Chinook Salmon. -4[0-12] Chinook Salmon in possession. |
| | Dec. 17 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (E) Sacramento River from the Highway 113 bridge near Knights Landing to the Carquinez Bridge (includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160). | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---------------|--------------------------------------|---|
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2[0-4] Chinook Salmon. 4[0-12] Chinook Salmon in possession. |
| | Dec. 17 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

. . . [No changes to subsections (b)(81) through (b)(123)] . . .

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

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

Proposed Regulatory Language – Option 2 (Limited Adult, Grilse Chinook Salmon Fishery)

Updated 3/1/21

Section 7.40, Title 14, CCR, is amended to read:

§ 7.40. Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations.

. . . [No changes to subsections (a) through (b)(3)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--|---|
| (4) American River (Sacramento Co.). | | |
| (A) From Nimbus Dam to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site. | Closed to all fishing all year. | |
| (B) From the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site to the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park. | Jan. 1 through Jul. 15. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|---|--|
| | Jul. 16 through Oct. 31. Only barbless hooks may be used. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u></p> |
| (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park downstream to the Jibboom Street bridge. | Jan. 1 through Jul. 15. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--------------------------------------|--|
| | Jul. 16 through Dec. 31. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u></p> |
| (D) From the Jibboom Street bridge to the mouth. | Jan. 1 through Jul. 15. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---------------|--------------------------------------|---|
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u> |
| | Dec. 17 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

. . . [No changes to subsections (b)(5) through (b)(42)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--------------------------------------|--------------------------------|
| (43) Feather River below Fish Barrier Dam (Butte, Sutter and Yuba Cos. <u>cos.</u>). | | |
| (A) From Fish Barrier Dam to Table Mountain bicycle bridge in Oroville. | Closed to all fishing all year. | |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--|---|
| (B) From Table Mountain bicycle bridge to Highway 70 bridge. | Jan. 1 through Jul. 15. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (C) From Highway 70 bridge to the unimproved boat ramp above the Thermalito Afterbay Outfall. | All year. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp. | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Jul. 16 through Oct. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 3 Chinook Salmon. 6 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u> |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|---|
| | Nov. 1 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (E) From 200 yards above Live Oak boat ramp to the mouth. For purposes of this subsection, the lower boundary is defined as a straight line drawn from the peninsula point on the west bank to the Verona Marine boat ramp. | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 3 Chinook Salmon. 6 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u> |
| | Dec. 17 to Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

. . . [No changes to subsections (b)(44) through (b)(65)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--|--|
| (66) Mokelumne River (San Joaquin Co.). | | |
| (A) From Camanche Dam to Elliot Road. | Jan. 1 through Mar. 31. | 1 hatchery trout or hatchery steelhead**. |
| | Fourth Sat. in in May through Jul. 15. | 1 hatchery trout or hatchery steelhead**. |
| | Jul. 16 through Oct. 15. | 1 hatchery trout or hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u> |
| (B) From Elliot Road to the Woodbridge Irrigation District Dam including Lodi Lake. | Jan. 1 through Jul. 15. | 1 hatchery trout or hatchery steelhead** <u>steelhead**</u> . |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|---|
| | Jul. 16 through Dec. 31. | <p>1 hatchery trout or hatchery steelhead**.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u></p> |
| (C) Between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge. | Closed to all fishing all year. | |
| (D) From the Lower Sacramento Road bridge to the mouth. For purposes of this subsection, this river segment is defined as Mokelumne River and its tributary sloughs downstream of the Lower Sacramento Road bridge and east of Highway 160 and north of Highway 12. | Jan. 1 through Jul. 15. | 1 hatchery trout or hatchery steelhead**. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---------------|--------------------------------------|--|
| | Jul. 16 through Dec. 16. | 1 hatchery trout or hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u> |
| | Dec. 17 through Dec. 31. | 1 hatchery trout or hatchery steelhead**. |

. . . [No changes to subsections (b)(67) through (b)(79)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--------------------------------------|--------------------------------|
| (80) Sacramento River and tributaries below Keswick Dam (Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Solano, Sutter, Tehama and Yolo Cos. cos.). | | |
| (A) Sacramento River from Keswick Dam to 650 feet below Keswick Dam. | Closed to all fishing all year. | |
| (B) Sacramento River from 650 feet below Keswick Dam to the Deschutes Road bridge. | | |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|---|--|
| 1. Sacramento River from 650 feet below Keswick Dam to the Highway 44 bridge. | Closed to all fishing from Apr. 1 through Jul. 31. | |
| | Jan. 1 to Mar. 31. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Aug. 1 to Dec. 31. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| 2. Sacramento River from the Highway 44 bridge to the Deschutes Road bridge. | All year. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (C) Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam. | Jan. 1 through Jul. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|--|
| | Aug. 1 through Dec. 31. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u></p> |
| (D) Sacramento River from the Red Bluff Diversion Dam to the Highway 113 bridge near Knights Landing. | Jan. 1 through Jul. 15. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|---|
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u> |
| (E) Sacramento River from the Highway 113 bridge near Knights Landing to the Carquinez Bridge (includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160). | Dec. 17 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---------------|--------------------------------------|---|
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-4] salmon may be over 27 inches total length.</u> |
| | Dec. 17 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

. . . [No changes to subsections (b)(81) through (b)(123)] . . .

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

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

Proposed Regulatory Language – Option 3 (Grilse Chinook Salmon Fishery)

Updated 3/1/21

Section 7.40, Title 14, CCR, is amended to read:

§ 7.40. Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations.

. . . [No changes to subsections (a) through (b)(3)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--|---|
| (4) American River (Sacramento Co.). | | |
| (A) From Nimbus Dam to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site. | Closed to all fishing all year. | |
| (B) From the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site to the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park. | Jan. 1 through Jul. 15. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|---|--|
| | Jul. 16 through Oct. 31. Only barbless hooks may be used. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p><u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u></p> <p><u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u></p> |
| (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park downstream to the Jibboom Street bridge. | Jan. 1 through Jul. 15. | <p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--------------------------------------|---|
| | Jul. 16 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> |
| (D) From the Jibboom Street bridge to the mouth. | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---------------|--------------------------------------|---|
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> |
| | Dec. 17 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

. . . [No changes to subsections (b)(5) through (b)(42)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--------------------------------------|--------------------------------|
| (43) Feather River below Fish Barrier Dam (Butte, Sutter and Yuba Cos. <u>cos.</u>). | | |
| (A) From Fish Barrier Dam to Table Mountain bicycle bridge in Oroville. | Closed to all fishing all year. | |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|--|--|---|
| (B) From Table Mountain bicycle bridge to Highway 70 bridge. | Jan. 1 through Jul. 15. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (C) From Highway 70 bridge to the unimproved boat ramp above the Thermalito Afterbay Outfall. | All year. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp. | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Jul. 16 through Oct. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 3 Chinook Salmon. 6 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size 27 inches total length.</u> |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|---|
| | Nov. 1 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (E) From 200 yards above Live Oak boat ramp to the mouth. For purposes of this subsection, the lower boundary is defined as a straight line drawn from the peninsula point on the west bank to the Verona Marine boat ramp. | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 3 Chinook Salmon. 6 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size 27 inches total length.</u> |
| | Dec. 17 to Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

. . . [No changes to subsections (b)(44) through (b)(65)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--|--|
| (66) Mokelumne River (San Joaquin Co.). | | |
| (A) From Camanche Dam to Elliot Road. | Jan. 1 through Mar. 31. | 1 hatchery trout or hatchery steelhead**. |
| | Fourth Sat. in in May through Jul. 15. | 1 hatchery trout or hatchery steelhead**. |
| | Jul. 16 through Oct. 15. | 1 hatchery trout or hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> |
| (B) From Elliot Road to the Woodbridge Irrigation District Dam including Lodi Lake. | Jan. 1 through Jul. 15. | 1 hatchery trout or hatchery steelhead** steelhead** . |
| | Jul. 16 through Dec. 31. | 1 hatchery trout or hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|--|
| (C) Between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge. | Closed to all fishing all year. | |
| (D) From the Lower Sacramento Road bridge to the mouth. For purposes of this subsection, this river segment is defined as Mokelumne River and its tributary sloughs downstream of the Lower Sacramento Road bridge and east of Highway 160 and north of Highway 12. | Jan. 1 through Jul. 15. | 1 hatchery trout or hatchery steelhead**. |
| | Jul. 16 through Dec. 16. | 1 hatchery trout or hatchery steelhead**. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> |
| | Dec. 17 through Dec. 31. | 1 hatchery trout or hatchery steelhead**. |

. . . [No changes to subsections (b)(67) through (b)(79)] . . .

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--|--|
| (80) Sacramento River and tributaries below Keswick Dam (Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Solano, Sutter, Tehama and Yolo Gov. <u>cos.</u>). | | |
| (A) Sacramento River from Keswick Dam to 650 feet below Keswick Dam. | Closed to all fishing all year. | |
| (B) Sacramento River from 650 feet below Keswick Dam to the Deschutes Road bridge. | | |
| 1. Sacramento River from 650 feet below Keswick Dam to the Highway 44 bridge. | Closed to all fishing from Apr. 1 through Jul. 31. | |
| | Jan. 1 to Mar. 31. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Aug. 1 to Dec. 31. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| 2. Sacramento River from the Highway 44 bridge to the Deschutes Road bridge. | All year. Only barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|---|
| (C) Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam. | Jan. 1 through Jul. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| | Aug. 1 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size 27 inches total length.</u> |
| (D) Sacramento River from the Red Bluff Diversion Dam to the Highway 113 bridge near Knights Landing. | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---|--------------------------------------|---|
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size 27 inches total length.</u> |
| | Dec. 17 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |
| (E) Sacramento River from the Highway 113 bridge near Knights Landing to the Carquinez Bridge (includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160). | Jan. 1 through Jul. 15. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

| Body of Water | Open Season and Special Restrictions | Daily Bag and Possession Limit |
|---------------|--------------------------------------|---|
| | Jul. 16 through Dec. 16. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. <u>[0-4] Chinook Salmon.</u> <u>Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size 27 inches total length.</u> |
| | Dec. 17 through Dec. 31. | 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. |

. . . [No changes to subsections (b)(81) through (b)(123)] . . .

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

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

For background purposes

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

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

I. Date of Initial Statement of Reasons: November 20, 2018

II. Dates and Locations of Scheduled Hearings

- | | | |
|-------------------------|-----------|-------------------|
| (a) Notice Hearing: | Date: | December 13, 2018 |
| | Location: | Oceanside, CA |
| (b) Discussion Hearing: | Date: | February 6, 2019 |
| | Location: | Sacramento, CA |
| (c) Discussion Hearing: | Date: | April 17, 2019 |
| | Location: | Santa Monica, CA |
| (d) Adoption Hearing: | Date: | May 16, 2019 |
| | Location: | Teleconference |

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation 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.

Current regulations in subsections (b)(5), (b)(68), (b)(124) and (b)(156.5) of Section 7.50 prescribe the 2018 seasons and daily bag and possession limits for Sacramento River fall-run Chinook Salmon (*Oncorhynchus tshawytscha*; SRFC) sport fishing in the American, Feather, Mokelumne, and Sacramento rivers, respectively. Collectively, these four rivers constitute the "Central Valley fishery" for SRFC for purposes of this document. Each year, the Department of Fish and Wildlife (Department) recommends new Chinook Salmon bag and possession limits for consideration by the Fish and Game Commission (Commission) to align the fishing limits with up-to-date management goals, as set forth below.

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

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2019 meeting, and will adopt its final regulatory recommendations at its April 2019 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2019 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations to the Commission at its April 17, 2019 meeting. The Commission will then consider adoption of the Central Valley salmon sport fishing regulations at its May 16, 2019 teleconference.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, adult salmon are generally those considered three to five years in age, and grilse salmon are those approximately two years of age. The age classes are distinguished by a cutoff of salmon total length measurement, depending on the inland (in-river) fishery. For purposes of the proposed regulation, this cutoff is presented as a range of 26 to 28 inches total length, as outlined under the options for the proposed regulations (below).

Current Regulations

In 2018, salmon sport fishing in the Central Valley was constrained for the first time since 2010 due to a low SRFC stock abundance forecast. At its March 2018 meeting, the PFMC determined it would be necessary to specify an ocean/inland sharing arrangement for the limited SRFC available for harvest (take) in 2018 for ocean sport and commercial fisheries, and in-river recreational fisheries in the Central Valley. As a result, the Department agreed to a one-time limit of the in-river harvest to 15 percent of the total available SRFC harvest.

In December 2017, the Commission provided notice of a range of alternatives for the 2018 Central Valley fishery, including a suite of bag and possession limit alternatives that were area-specific. However, because the Department did not anticipate the impending SRFC stock collapse, this range of alternatives did not include a number of other measures that might have been used to constrain inland SRFC catches to stay within the federal harvest projections. Consequently, the only management measure the Department could recommend to the Commission to target the federal in-river harvest projection was a reduction in the daily bag limit from two fish to one fish in all areas that would be open to retention during 2018.

Proposed Regulations

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2019 Central Valley fishery, the Department is presenting three regulatory options for the Commission's consideration to tailor 2019 Central Valley fishery management to target 2019 in-river fisheries harvest projections.

- Option 1 is the most liberal of the three options and allows take of any size Chinook Salmon up to the daily bag and possession limits.
- Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits.

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

All three options increase fishing opportunities on the Feather and Mokelumne rivers by: (1) extending the salmon fishing season by two weeks on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp; and (2) by extending the salmon and hatchery steelhead fishing season on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road. The expansion of fishing opportunity on 10 miles on the Mokelumne River for hatchery steelhead is buffered by the overall large run of hatchery steelhead, and because spawning occurs outside this stretch of river.

Grilse Chinook Salmon Fishery 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 female (jills). Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon. Take of adult salmon would be limited (Option 2) or prohibited (Option 3) under regulation, and the subsequent juvenile production would help rebuild the depressed stock size.

When considering a grilse fishery, determining a size cutoff that balances angling harvest opportunity for jacks versus preserving the limited number of females available to spawn is important. If the total length size cutoff is too short (conservative), too few jacks will be caught by anglers, and they will be underutilized because jacks 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 females will increase, reducing the hatchery and in-river spawners, since the limiting factor for spawning is egg availability from jills and adult females. Therefore, the Department is proposing a grilse salmon size limit range of less than or equal to 26 to 28 inches total length (TL) for discussion before the Department makes a final recommendation. Considered in this context, the cutoff size discussion is a trade-off between restricting take of the available adult female salmon versus increasing harvest of possibly abundant smaller, two-year old male salmon.

A review of brood year 2008-2015 Central Valley Angler Survey coded wire tag recovery data (2,329 age three and 789 age two Chinook Salmon) shows a grilse to adult cutoff at approximately 27-inch fork length (FL). Using the adult spawning Chinook Salmon fork length to total length conversion formula developed in Pahlke 1988^a, 27-inch FL converts to 28.3-inch TL. Below are the percentages of adult SRFC that would be prohibited from harvest at a 26, 27, and 28-inch TL cutoff for grilse salmon.

^a Pahlke, K, 1988. Length Conversion Equations for Sockeye, Chinook, and Coho salmon in southeast Alaska. Regional Information Report No. Ij88-03. Alaska Department of Fish and Game Division of Commercial Fisheries, Southeast Region.

- On average, a grilse fishery with a 26-inch TL cutoff (i.e., less than or equal to 26 inches TL) would allow harvest of 65 percent of age-two Chinook Salmon, while not allowing harvest on 98.9 percent of age-three Chinook Salmon. It would prevent harvest on 99 percent of adult males and 98.9 percent of adult females, where the majority of harvested fish would be grilse.
- On average, a grilse fishery with a 27-inch TL cutoff (i.e., less than or equal to 27 inches TL) would allow harvest of 81 percent of age-two Chinook Salmon, while not allowing harvest on 97.3 percent of age-three Chinook Salmon. It would prevent harvest on 97.3 percent of adult males and 97.9 percent of adult females, where the majority of harvested fish would be grilse.
- On average, a grilse fishery with a 28-inch TL cutoff (i.e., less than or equal to 28 inches TL) would allow harvest of 93.4 percent of age-two Chinook Salmon, while not allowing harvest on 94.5 percent of age-three Chinook Salmon. It would prevent harvest on 95 percent of adult males and 96 percent of adult females, where the majority of harvested fish would be grilse.

Predicting the abundance of grilse for any given year is currently not possible because they 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 Central Valley grilse population is usually from in-river recreational fishing beginning in mid-July. Grilse numbers compared to adult numbers for a given year are usually not fully known until the following January, when spawner 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.

Key to Proposed Regulatory Changes:

Because the PFMC recommendations are not known at this time, a range shown in [brackets] in the text below of bag and possession limits is indicated where it is desirable to continue Chinook Salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers.

Bold text indicates changes to the in-river season or boundary.

The following options are provided for Commission consideration:

Option 1 – Any Size Chinook Salmon Fishery

This option would allow anglers to take up to [0-4] Chinook Salmon of any size per day. This option is the Department’s preferred option if the 2019 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-river SRFC harvest.

In addition, this option would extend the salmon fishing season by two weeks (to October 31) on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp to allow for additional fishing opportunity. This section of the Feather River used to

provide spawning habitat for SRFC, but adult spawning has not been observed in this section of the Feather River for approximately 10 years. Allowing the take of salmon in this section of the Feather River during this time period will provide additional sport fishing opportunity without adversely impacting SRFC populations. Lastly, this option would provide additional fishing opportunity by extending the salmon season by two and one-half months (to December 31) and allowing year-round fishing on hatchery steelhead on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road. This would allow anglers to continue to fish lower in the river where no spawning is occurring. In addition, the Mokelumne River supports a large run of hatchery origin steelhead. Allowing the take of salmon and hatchery steelhead in this section of the Mokelumne River during this time period will provide additional sport fishing opportunity without adversely impacting populations of SRFC or wild steelhead.

American River, subsection 7.50(b)(5):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through **October 31** with a daily bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Mokelumne River, subsection 7.50(b)(124):

- (A) From Camanche Dam to **Elliott Road**.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (B) From **Elliott Road** to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 16 with a bag limit of [0-4] Chinook Salmon

Possession limit – [0-12] Chinook Salmon.

- (D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

This option would allow the take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits. Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Take of adult salmon would be limited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

As with Option 1, Option 2 would extend the salmon fishing season by two weeks (to October 31) on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp to allow for additional fishing opportunity. This section of the Feather River used to provide spawning habitat for SRFC, but adult spawning has not been observed in this section of the Feather River for approximately 10 years. Allowing the take of salmon in this section of the Feather River during this time period will provide additional sport fishing opportunity without adversely impacting SRFC populations. Lastly, this option would provide additional fishing opportunity by extending the salmon season by two and one-half months (to December 31) and allowing year-round fishing on hatchery steelhead on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road. This would allow anglers to continue to fish lower in the river where no spawning is occurring. In addition, the Mokelumne River supports a large run of hatchery origin steelhead. Allowing the take of salmon and hatchery steelhead in this section of the Mokelumne River during this time period will provide additional sport fishing opportunity without adversely impacting populations of SRFC or wild steelhead.

American River, subsection 7.50(b)(5):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through **October 31** with a daily bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Mokelumne River, subsection 7.50(b)(124)

- (A) From Camanche Dam to **Elliott Road**.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (B) From **Elliott Road** to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

(C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

(D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

(E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Option 3 – Grilse-only Salmon Fishery

This option would allow for a grilse-only salmon fishery. Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Take of adult salmon would be prohibited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

As with Options 1 and 2, Option 3 would extend the salmon fishing season by two weeks (to October 31) on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp to allow for additional fishing opportunity. This section of the Feather River used to provide spawning habitat for SRFC, but adult spawning has not been observed in this section of the Feather River for approximately 10 years. Allowing the take of salmon in

this section of the Feather River during this time period will provide additional sport fishing opportunity without adversely impacting SRFC populations. Lastly, this option would provide additional fishing opportunity by extending the salmon season by two and one-half months (to December 31) and allowing year-round fishing on hatchery steelhead on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road. This would allow anglers to continue to fish lower in the river where no spawning is occurring. In addition, the Mokelumne River supports a large run of hatchery origin steelhead. Allowing the take of salmon and hatchery steelhead in this section of the Mokelumne River during this time period will provide additional sport fishing opportunity without adversely impacting populations of SRFC or wild steelhead.

American River, subsection 7.50(b)(5):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to the Live Oak boat ramp.

July 16 through **October 31** with a daily bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Mokelumne River, subsection 7.50(b)(124):

- (A) From Camanche Dam to **Elliott Road**

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (B) From **Elliott Road** to the Woodbridge Irrigation District Dam and including lake Lodi.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

(D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

(E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

Necessity of the Proposed Regulation Changes

The proposed regulations are necessary to adjust Chinook Salmon bag and possession limits, size limits, and open seasons for the American, Feather, Mokelumne, and Sacramento rivers for consistency with PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. The proposed regulatory changes will maximize salmon and steelhead fishing opportunity where possible through the proposed extensions of season end dates for portions of the Feather and Mokelumne Rivers, without adversely affecting SRFC or wild steelhead.

OTHER CHANGES:

Under all options, changes are proposed to fix punctuation and to remove the extra word "in" in subsection 7.50(b)(124)(A).

(b) Goals and Benefits of the Regulation:

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use.

Adoption of scientifically-based SRFC bag and possession limits provides for the maintenance of sufficient populations of Chinook Salmon to ensure their continued existence.

The benefits of the proposed regulations are consistency with federal fishery management goals, sustainable management of Central Valley Chinook Salmon resources, general

health and welfare of California residents, and promotion of businesses that rely on Central Valley Chinook Salmon sport fishing.

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

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

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

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change:

Pahlke, K, 1988. Length Conversion Equations for Sockeye, Chinook, and Coho salmon in southeast Alaska. Regional Information Report No. Ij88-03. Alaska Department of Fish and Game Division of Commercial Fisheries, Southeast Region.

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

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

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

(b) No Change Alternative:

The no change alternative would leave existing 2018 regulations in place. The no-change alternative would not allow for appropriate harvest rates, while the proposed regulations will allow the state to harmonize its bag and possession limits with NMFS' regulations.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource, while providing inland sport fishing opportunities and thus, the prevention of adverse economic impacts.

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

The Commission does not anticipate adverse impacts, but acknowledges the potential for short-term negative impacts on the creation or elimination of jobs within the state. The Commission anticipates no adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California (see Table 1). Minor variations in the bag and possession limits and/or the implementation of a size limit are unlikely to significantly impact the volume of business activity. The loss of up to 20 jobs with Option 3 is not expected to eliminate businesses because reduced fishing days will be partially offset by the extension of the salmon fishing season on portions of the Feather and Mokelumne rivers and by opportunities to fish for grilse Chinook Salmon and other species.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a Chinook Salmon sport fishery encourages consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of California's Chinook Salmon resources in the Central Valley.

The Commission does not anticipate any benefits to worker safety.

Other benefits of the proposed regulations are concurrence with federal fishery management goals and promotion of businesses that rely on Central Valley Chinook Salmon sport fishing.

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

VII. Economic Impact Assessment

The regulatory amendments of subsections (b)(5), (b)(68), (b)(124), and (b)(156.5) of Section 7.50 under consideration will set the 2019 sport fishing regulations for Chinook Salmon in the American, Feather, Mokelumne, and Sacramento rivers, respectively, for consistency with PFMC in-river harvest projections.

Option 1 would allow anglers to take any size Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12] (most liberal option).

Option 2 would allow for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag limit [0-4] and possession limit [0-12].

Option 3 is the most conservative option and allows for take of only grilse Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12]. Take of adult salmon would not be allowed.

All three options increase fishing opportunities on the Feather and Mokelumne rivers by: (1) extending the salmon fishing season by two weeks on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp; and (2) by extending the salmon and hatchery steelhead fishing season on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road.

In a normal season, the Central Valley fall Chinook Salmon fishery generates \$18,536,979 in total economic output and supports 130 jobs. The regional and statewide economic impacts factor into the effort to balance the maintenance of the recreational fishery with resource preservation, while complying with PFMC recommendations. The potential economic impacts that may result from each in-river harvest projection as specified in Option 1, Option 2, and Option 3 are evaluated in terms of each scenario's probable impact on the number of angler days, and thus area spending.

Table 1. Central Valley Salmon Fishery Economic Impacts (2017\$)

| Regulation | Angler Days | Angler Expenditures | Total Econ Impact | Jobs |
|------------|-----------------|---------------------|-------------------|----------|
| Option 1 | 179,550 | \$ 13,182,320 | \$ 18,536,979 | 130 |
| Option 2 | 161,595 | \$ 11,864,088 | \$ 16,682,731 | 120 |
| Option 3 | 143,640 | \$ 10,545,856 | \$ 14,829,094 | 110 |
| Difference | Angler Day Loss | Expenditure Loss | Total Impact Loss | Job Loss |
| Option 1 | 0 | \$ - | \$ - | 0 |
| Option 2 | 17,955 | \$ 1,318,232 | \$ 1,854,248 | 10 |
| Option 3 | 35,910 | \$ 2,636,464 | \$ 3,707,885 | 20 |

Sources: CDFW Fisheries Branch economic analysis; U.S. Fish and Wildlife Service, 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; dollar figures adjusted for inflation with Implicit Price Deflator for Personal Consumption Expenditures, Bureau of Economic Analysis.

Historical correlations between catch limits and fishery participation levels suggest that Option 1 could enable a historically average number of angler days for the 2019 Chinook Salmon season on the American, Feather, Mokelumne, and Sacramento rivers. Option 2 may result in declines in angler days of 17,955 below an average year. Option 3 may result in larger declines or about 35,910 fewer angler days.

For all options, the proposed extensions of season end dates for portions of the Feather and Mokelumne Rivers would extend the period of angler regional economic contributions. Additionally, anglers may pursue other in-river sport fish aside from Chinook salmon, such as steelhead (*Oncorhynchus mykiss*), striped bass (*Morone saxatilis*), largemouth bass (*Micropterus salmoides*), sturgeon (*Acipenser transmontanus*) and catfish (*Ictalurus spp.*), that may mitigate any adverse impacts from any reductions in salmon fishing. In sum, the options presented to the Commission were conceived with the goal of enabling levels of recreational SRFC fishing in the range of historical averages, and thus should not be a source of significant adverse economic impacts.

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

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation or elimination of jobs. For Option 1, no change in job creation or elimination is anticipated. Option 2 and Option 3 have the potential to result in fewer angler visits, and absent substitution toward other sportfish and/or activities in the affected areas, the reduction in angler spending could reduce the support for 10 - 20 jobs statewide. These job impacts are statewide and may be moderated by the additional two and one-half months of fishing opportunity on approximately 10 miles of the Mokelumne River between the Highway 99 bridge and Elliott Road, and by the additional two weeks of fishing opportunity on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation of new business or the elimination of existing businesses, because the proposed changes to the regulations are unlikely to be substantial enough to stimulate the creation of new businesses or cause the elimination of existing businesses. The season extensions for portions of the Mokelumne and Feather rivers are expected to sustain the number of fishing trips and the level of economic stimulus within historical averages.

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

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve inland sport fishermen. The number of

fishing trips and angler economic contributions are expected to remain within the range of historical averages.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission anticipates benefits to the health and welfare of California residents. Chinook Salmon is a nutritious food source and providing inland sport fishery opportunities encourages consumption of this nutritious food. Sport fishing also contributes to increased mental health of its practitioners, as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety from the proposed regulations because inland sport fishing does not impact working conditions.

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

Under all Options 1-3, the Commission anticipates benefits to the environment in the sustainable management of Central Valley Chinook Salmon. It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use.

In accordance with this policy, adoption of scientifically-based inland Chinook Salmon bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence and thus continued economic stimulus.

(g) Other Benefits of the Regulation

Other benefits of the regulation include consistency with federal fishery management goals and the promotion of businesses that rely on Central Valley Salmon sport fishing.

Informative Digest/Policy Statement Overview

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

Current regulations in subsections (b)(5), (b)(68), (b)(124) and (b)(156.5) of Section 7.50 prescribe the 2018 seasons and daily bag and possession limits for Sacramento River fall-run Chinook Salmon (*Oncorhynchus tshawytscha*; SRFC) sport fishing in the American, Feather, Mokelumne, and Sacramento rivers, respectively. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC. Each year, the Department of Fish and Wildlife (Department) recommends new Chinook Salmon bag and possession limits for consideration by the Fish and Game Commission (Commission) to align fishing limits with up-to-date management goals, as set forth below.

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

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2019 meeting and will adopt its final regulatory recommendations at its April 2019 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest (take) for the coming season. Based on the April 2019 recommendations by PFMC, the Department will recommend specific bag and possession limit regulations to the Commission at its April 17, 2019 meeting. The Commission will then consider adoption of the regulations at its May 16, 2019 teleconference.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, adult salmon are generally those considered three to five years in age, and grilse salmon are those approximately two years of age. The age classes are distinguished by a cutoff of salmon total length measurement, depending on the in-river fishery. For purposes of the proposed regulation, this cutoff is presented as a range of 26 to 28 inches total length, as outlined under the options for the proposed regulations (below).

Proposed Regulations

The Department recognizes the uncertainty of Sacramento River fall-run Chinook Salmon (SRFC) inland (in-river) harvest projections. Therefore, the Department is presenting three regulatory options for the Commission’s consideration to tailor 2019 Central Valley fishery management to target 2019 in-river fisheries harvest projections.

- Option 1 is the most liberal of the three options and allows take of any size Chinook Salmon up to the daily bag and possession limits.

- Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits.
- Option 3 is the most conservative option and allows for a grilse-only Chinook Salmon fishery.

All three options increase fishing opportunities on the Feather and Mokelumne rivers by: (1) extending the salmon fishing season by two weeks on the Feather River between the Thermalito Afterbay Outfall and the Live Oak boat ramp; and (2) by extending the salmon and hatchery steelhead fishing season on approximately 10 miles of the Mokelumne River between the Highway 99 Bridge and Elliott Road.

All options would be applicable to the following river segments and time periods:

American River, subsection 7.50(b)(5):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park, July 16 through October 31
- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge, July 16 through December 31
- (D) From the Jibboom Street bridge to the mouth, July 16 through December 16

Feather River, subsection 7.50(b)(68):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp, July 16 through October 31
- (E) From 200 yards above the Live Oak boat ramp to the mouth, July 16 through December 16

Mokelumne River, subsection 7.50(b)(124):

- (A) From Comanche Dam to Elliott Road, July 16 through October 15
- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake, July 16 through December 31
- (D) From the Lower Sacramento Road bridge to the mouth, July 16 through December 16

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam, August 1 through December 16
- (D) From the Red Bluff Diversion Dam to the Highway 113 bridge, July 16 through December 16.
- (E) From the Highway 113 bridge to the Carquinez Bridge, July 16 through December 16.

The following options are provided for Commission consideration:

Option 1 – Any Size Chinook Salmon Fishery

This option is the Department's preferred option if the 2019 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain inland SRFC harvest.

Bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

Bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over [26-28] inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish may be over [26-28] inches total length.

Option 3 – Grilse Salmon Fishery Only

Bag limit of [0-4] Chinook Salmon less than or equal to [26-28] inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to [26-28] inches total length.

OTHER CHANGES:

Under all options, changes are proposed to fix punctuation and to remove the extra word “in” in subsection 7.50(b)(124(A)).

Benefits of the Proposed Regulations

The Commission anticipates benefits to the environment in the sustainable management of Central Valley Chinook Salmon resources. Other benefits of the proposed regulations are consistency with federal fishery management goals, health and welfare of California residents, and promotion of businesses that rely on Central Valley Chinook Salmon sport fishing.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to Chinook Salmon recreational fishing seasons, bag and possession limits for Central Valley sport fishing.

Memorandum

Date: March 30, 2021

Received March 26, 2021
Signed copy on file

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

From: Charlton H. Bonham
Director

Subject: **Initial Study and Negative Declaration for Proposed Amendments to Central Valley Sport Fishing Regulations, Section 7.40, Title 14, California Code of Regulations**

In compliance with the California Environmental Quality Act, the Department of Fish and Wildlife has prepared the enclosed *Initial Study and Negative Declaration for Proposed Amendments to 2021-2022 Central Valley Sport Fishing Regulations, Title 14, California Code of Regulations (CCR)*. The Fish and Game Commission (Commission) proposes to amend the “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.40, Title 14, CCR: American (b)(4), Feather (b)(43), Mokelumne (b)(66), and Sacramento (b)(80) based on federal fisheries management goals and to make additional changes for clarity. Based on the initial study, the Department does not think that the proposed amendments to the Central Valley sport fishing regulations will have any significant or potentially significant effects on the environment. The Department recommends the Commission adopt the proposed negative declaration.

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.

cc: Kevin Shaffer, Chief
Fisheries Branch
Kevin.Shaffer@wildlife.ca.gov

Kyle Murphy, Sr. Env. Scientist (Sup.)
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Fish and Game Commission
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STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
FISH AND GAME COMMISSION
DRAFT NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
2021-2022 CENTRAL VALLEY SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS

Prepared by:

California Department of Fish and Wildlife
Fisheries Branch

MARCH 2021

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
CENTRAL VALLEY SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

The Project

The Fish and Game Commission (Commission) proposes to amend the Central Valley sport fishing regulations as set forth in Title 14 of the California Code of Regulations. The current 2020 sport fishing regulations, Section 7.40, Title 14, California Code of Regulations, allow for salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers. Each year the Department of Fish and Wildlife (Department) evaluates the potential need to amend the existing Chinook Salmon bag and possession limits to align with management goals. Any proposed changes to the salmon fishing regulations are presented to the Commission for consideration.

The Findings

The initial study and the Commission's review of the project showed that the project will not have any significant or potentially significant effects on the environment and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. The project will not have a significant effect on aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

Basis of the Findings

Based on the initial study, implementing the proposed project will not have any significant or potentially significant effects on the environment. Therefore, a negative declaration is filed pursuant to the California Environmental Quality Act, Public Resource Code Section 21080, subdivision (c).

This proposed negative declaration consists of the following:

- Introduction – Project Description and Background Information on the Proposed Amendments to Central Valley Sport Fishing Regulations
- Initial Study Environmental Checklist Form
- Explanation of the Response to the Initial Study Environmental Checklist Form

**PROJECT DESCRIPTION AND BACKGROUND INFORMATION
FOR
PROPOSED AMENDMENTS
TO
CENTRAL VALLEY SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

Introduction

Annually, the Department recommends Central Valley sport fishing salmon regulations to the Commission. The Commission then makes the final determination on what amendments to the regulations should be implemented and is the lead agency for the purposes of CEQA. Under Fish and Game Code Section 200, the Commission has the authority to regulate the taking or possession of fish for the purpose of sport fishing.

Project goals and objectives

The goal of this project is to amend the Central Valley sport fishing salmon regulations in furtherance of the state's policy on conservation, maintenance, and utilization of California's aquatic resources stated in Fish and Game Code Section 1700. This section includes the following objectives:

1. Maintain sufficient populations of all aquatic species to ensure their continued existence.
2. Maintain sufficient resources to support a reasonable sport use.
3. Management of fisheries using best available science and public input.

Background

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

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2021 meeting and develop the final PFMC regulatory recommendations for adoption by NMFS at its April 2021 meeting. Based on the regulations adopted by NMFS, the Department will recommend specific bag and possession limits to the Commission in April. The Commission will consider the proposed regulations for adoption during a scheduled teleconference call on May 11, 2021.

Project Location

Central Valley sport fishing addressed by this environmental document occurs in the waters of the American, Feather, Mokelumne, and Sacramento rivers in northern and Central California in the counties of Siskiyou, Shasta, Tehama, Colusa, Butte, Yuba, Sutter, Placer, El Dorado, Sacramento, Yolo, Solano, Contra Costa, and San Joaquin.

Schedule

If adopted by the Commission and approved by the Office of Administrative Law, the proposed regulatory amendments described below will go into effect around July 1, 2021.

Project Description

Current regulations in subsections (b)(4), (b)(43), (b)(66), and (b)(80) of Section 7.40 prescribe the 2020 seasons and daily bag and possession limits for Sacramento River fall-run Chinook Salmon (*Oncorhynchus tshawytscha*; SRFC) sport fishing in the American, Feather, Mokelumne, and Sacramento rivers, respectively. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC for purposes of this document (Figure 1). Each year, the Department of Fish and Wildlife (Department) recommends new Chinook Salmon bag and possession limits for consideration by the Fish and Game Commission (Commission) to align the fishing limits with up-to-date management goals, as set forth below.

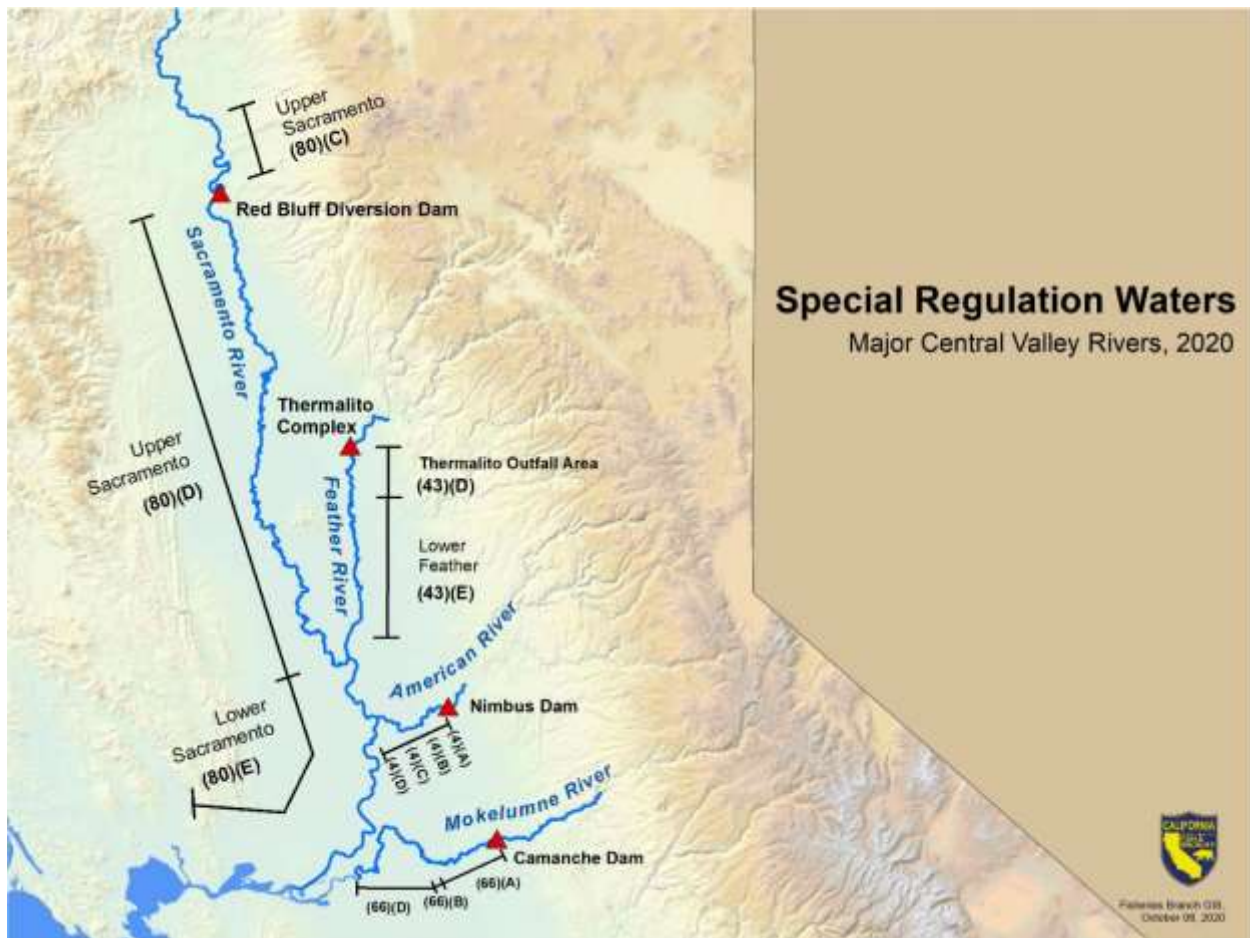


Figure 1. Map of the “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.40: American (b)(4), Feather (b)(43), Mokelumne (b)(66), and Sacramento (b)(80).

Proposed Regulations

CHINOOK SALMON BAG AND POSSESSION LIMITS

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2021 Central Valley fishery, the Department is presenting three regulatory options for the Commission's consideration to tailor 2021 Central Valley fishery management to target 2021 in-river fisheries harvest projections.

1. Option 1 is the most liberal of the three options and allows take of any size Chinook Salmon up to the daily bag and possession limits.
2. Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits.
3. Option 3 is the most conservative option, and allows for a grilse-only Chinook Salmon fishery

Key to Proposed Regulatory Changes:

Because the PFMC recommendations are not known at this time, a range shown in [brackets] in the text below of bag and possession limits is indicated where it is desirable to continue Chinook Salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers.

The following options are provided for Commission consideration:

Option 1 – Any Size Chinook Salmon Fishery

This option would allow anglers to take up to [0-4] Chinook Salmon of any size per day. This option is the Department's preferred option if the 2021 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-river SRFC harvest.

American River, subsection 7.40(b)(4):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

(D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

Feather River, subsection 7.40(b)(43):

(D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

(E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Mokelumne River, subsection 7.40(b)(66):

(A) From Camanche Dam to Elliott Road.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

(B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

(D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

(C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 31 with a bag limit of [0-4] Chinook Salmon

Possession limit – [0-12] Chinook Salmon.

- (D) From the Red Bluff Diversion Dam to the Highway 113 bridge.
July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.
Possession limit – [0-12] Chinook Salmon.
- (E) From the Highway 113 bridge to the Carquinez Bridge.
July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.
Possession limit – [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

This option would allow the take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits. Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size, grilse are typically outcompeted by larger adults, and contribute significantly less to the spawning population, and so they would be available for harvest with minimal impact to juvenile recruitment for the current season. Take of adult salmon would be limited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

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

American River, subsection 7.40(b)(4):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.
July 16 through October 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.
Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish may be over 27 inches total length.
- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.
July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no

more than [0-4] fish over 27 inches total length may be retained.

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

(D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

Feather River, subsection 7.40(b)(43):

(D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

(E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

Mokelumne River, subsection 7.40(b)(66)

(A) From Camanche Dam to Elliott Road.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

(B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

- (D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

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

Option 3 – Grilse-only Salmon Fishery

This option would allow for a grilse-only salmon fishery. Should a reduction in the adult component of the stock be imposed by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size, grilse are typically outcompeted by larger adults, and contribute significantly less to the spawning population, and so they would be available for harvest with minimal impact to juvenile recruitment for the current season. Take of

adult salmon would be prohibited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

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

American River, subsection 7.40(b)(4):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

Feather River, subsection 7.0(b)(43):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

Mokelumne River, subsection 7.40(b)(66):

- (A) From Camanche Dam to Elliott Road.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including lake Lodi.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

- (C) From Deschutes Road bridge to the Red Bluff Diversion Dam.

August 1 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

(D) From the Red Bluff Diversion Dam to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

(E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

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

ENVIRONMENTAL CHECKLIST FORM

1. Project Title:
Proposed Amendments to Central Valley Sport Fishing Regulations, Title 14, California Code of Regulations
2. Lead Agency Name and Address:
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814
3. Contact Person and Phone Number:
Melissa Miller-Henson, (916) 653-7229
4. Project Location:
The American, Feather, Sacramento, and Mokelumne rivers.
5. Project Sponsor's Name and Address:
California Department of Fish and Wildlife
Fisheries Branch
1010 Riverside Parkway
West Sacramento, CA 95605
6. General Plan designation:
N/A (statewide)
7. Zoning:
N/A (statewide)
8. Description of Project:
Potentially amend the daily bag and possession limits for the Central Valley Chinook

Salmon sport fishery to maintain consistency with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.

9. Surrounding land uses and setting:
N/A

10. Other Public Agencies Whose Approval Is Required:
None.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31?
No.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | |
| <input type="checkbox"/> Hazards and Hazardous Materials | | |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | |
| <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

This project will not have a "Potential Significant Impact" on any of the environmental factors listed above; therefore, no boxes are checked.

DETERMINATION:

On the basis of this initial evaluation:

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

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Melissa Miller-Henson, Executive Director

Date

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|---|--------------------------------------|--|------------------------------------|----------------|
| I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|---|--------------------------------------|--|------------------------------------|----------------|
| <p>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:</p> | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Result in any other emissions such as those leading to odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|--------------------------|
| IV. BIOLOGICAL RESOURCES. Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | LTS | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| V. CULTURAL RESOURCES. Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| VIII. GREENHOUSE GAS EMISSIONS. | | | | |
| Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|---|--------------------------------------|--|------------------------------------|----------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| X. HYDROLOGY AND WATER QUALITY. | | | | |
| Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| a) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| i) result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage system or provide substantial additional sources of pollution runoff; or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| iv) impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XI. LAND USE AND PLANNING. Would the project: | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Cause a significant environmental impact due to a conflict any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XII. MINERAL RESOURCES. Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|---|--------------------------------------|--|------------------------------------|----------------|
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| 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 general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XIV. POPULATION AND HOUSING. | | | | |
| Would the project: | | | | |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|---|--------------------------------------|--|------------------------------------|----------------|
| XV. PUBLIC SERVICES. | | | | |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XVI. RECREATION. | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XVII. TRANSPORTATION. Would the project: | | | | |
| a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| 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, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XIX. UTILITIES AND SERVICE SYSTEMS. Would the project: | | | | |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| b) Have sufficient water supplies available to serve the project and reasonable foreseeable future development during normal, dry, and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XXI. MANDATORY FINDINGS OF SIGNIFICANCE. | | | | |
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

EXPLANATION OF RESPONSES TO INITIAL STUDY ENVIRONMENTAL CHECKLIST

I. AESTHETICS

- a) The project will not have an adverse effect on a scenic vista. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FORESTRY RESOURCES

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- b) The project will not conflict with existing zoning for agricultural use or a Williamson Act contract. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timber zoned Timberland Production. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- d) There will be no loss of forest land and the project will not result in the conversion of forest land to non-forest use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- e) The project will not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

III. AIR QUALITY

- a) The project will not conflict with or obstruct implementation of the applicable air quality plan. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- b) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Such an impact will not occur because the project involves no ongoing sources of air pollution.
- c) The project will not expose sensitive receptors to substantial pollutant concentrations. Such an impact will not occur because the project will not increase pollutant concentrations.
- d) The project will not create objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (Department), National Marine Fisheries Service (NMFS) or U. S. Fish and Wildlife Service (USFWS).

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

The proposed project may result in an increase in the daily bag and possession limits for SRFC in the American, Feather, Mokelumne, and Sacramento rivers. Federally and state listed fish species including Central Valley steelhead, Central Valley spring-run Chinook Salmon, and Sacramento River winter-run Chinook Salmon co-occur in these waters. Existing regulations prohibit take of these species and current sport fishing regulations, including seasonal and area closures, minimize angler contact with these species. Therefore, the proposed project will have no significant impacts to these species.

- 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.
- 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 is not anticipated to result in any change of 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.
- c iv) The project will not impede or redirect flood flows 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.
- 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 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 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.

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 # 2021040039

Project Title: Proposed Amendments to Central Valley Sport Fishing Regulations, Title 14, CCR

Lead Agency: California Fish and Game Commission

Contact Person: Melissa Miller-Henson

Mailing Address: PO Box 944209,
Sacramento, CA 94244-2090

Phone: (916) 653-7229

County: Sacramento

Project Location:

County: Various City/Nearest Community: Redding, Sacramento, Woodbridge, Benicia

Cross Streets: Along the American, Feather, Mokelumne and Sacramento rivers in various counties from Shasta to San Joaquin counties

Document Type: CEQA, Neg Dec

Local Action Type: N/A

Development Type: Other-Central Valley Sport Fishing Regulations

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation: n/a

Project Description: California Fish and Game Commission adoption of amendments to bag and possession limits based on federal fisheries management goals for Sacramento Fall-run Chinook Salmon sport fishing regulations in the “Central Valley fishery,” encompassing the American, Feather, Mokelumne, and Sacramento Rivers.

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, |
| Coachella Valley Mtns. Conservancy | Department of |
| Coastal Commission | S.F. Bay Conservation & Development |
| Colorado River Board | Comm. |
| X Conservation, Department of | San Gabriel & Lower L.A. Rivers & Mtns. |
| Corrections, Department of | Conservancy |
| Delta Protection Commission | X San Joaquin River Conservancy |
| Education, Department of | Santa Monica Mtns. Conservancy |
| Energy Commission | X State Lands Commission |
| Fish & Game Region # | SWRCB: Clean Water Grants |
| Food & Agriculture, Department of | X SWRCB: Water Quality |
| Forestry and Fire Protection, Department of | SWRCB: Water Rights |
| General Services, Department of | Tahoe Regional Planning Agency |
| Health Services, Department of | Toxic Substances Control, Department of |
| Housing & Community Development | X Water Resources, Department of |
| Native American Heritage Commission | X Other: Fish and Wildlife Dept. of |
| | (Headquarters) |
| | Other: |

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

Starting Date: n/a

Ending Date: n/a

Lead Agency (Complete if applicable):

Consulting Firm: n/a

Applicant: n/a

Signature of Lead Agency Representative: [Signed form on file](#)

Date: 03/30/21

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 #: 2021040037

Project Title: Proposed Amendments to Central Valley 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: Along American, Feather, Mokelumne & Sacramento Rivers in var. counties from Shasta to San Joaquin.

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

The Fish and Game Commission (Commission) proposes to amend the Central Valley sport fishing regulations as set forth in Title 14 of the California Code of Regulations (CCR). The current 2020 sport fishing regulations, Section 7.40, Title 14, CCR, allow for salmon fishing in the "Central Valley fishery" for Sacramento Fall-run Chinook Salmon in the American, Feather, Mokelumne, and Sacramento rivers. Each year the Department of Fish and Wildlife (Department) evaluates the potential need to amend the existing Chinook Salmon bag and possession limits 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 for the Central Valley salmon sport fishery to maintain consistency with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use, and for the public's enjoyment.

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

ECONOMIC AND FISCAL IMPACT STATEMENT**(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

| | | | |
|---|--|--|---|
| DEPARTMENT NAME Fish and Game Commission | CONTACT PERSON Margaret.Duncan | EMAIL ADDRESS @wildlife.ca.gov | TELEPHONE NUMBER 916 704-3215 |
| DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Subsections(b)(4),(b)(43),(b)(66),Section7.40(b)(80),Title14,CCR Re:Central Valley Sport Fishing Regs. | | | NOTICE FILE NUMBER Z |

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input checked="" type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input checked="" type="checkbox"/> c. Impacts jobs or occupations | <input checked="" type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below): |

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.**If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*2. The **Fish and Game Commission** estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- Below \$10 million
- Between \$10 and \$25 million
- Between \$25 and \$50 million
- Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: **100-200**Describe the types of businesses (Include nonprofits): **Fishing boat owners, tackle stores, guides, food, fuel, lodging, campground vendors**Enter the number or percentage of total businesses impacted that are small businesses: **80%**4. Enter the number of businesses that will be created: **none** eliminated: **none**Explain: **Anticipated changes in fishing activity are not expected to be large enough to induce business loss/creation.**5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): **American, Feather, Mokelumne, & Sacramento river**6. Enter the number of jobs created: **0** and eliminated: **0-42**Describe the types of jobs or occupations impacted: **Fishing guide, retail salesclerks in sport fishing serving businesses, such as: tackle stores, food, fuel, lodging, and campground vendors.**7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly: _____

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ N/A*
- a. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: _____
- b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: _____
- c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: _____
- d. Describe other economic costs that may occur: N/A. *This action will set Central Valley sportfishing regulations with no new compliance costs. See Addendum.
2. If multiple industries are impacted, enter the share of total costs for each industry: N/A
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____
4. Will this regulation directly impact housing costs? YES NO
If YES, enter the annual dollar cost per housing unit: \$ _____
Number of units: _____
5. Are there comparable Federal regulations? YES NO
Explain the need for State regulation given the existence or absence of Federal regulations: Fish and Game Code (FGC) sections 200 and 205, and to ensure consistency with federal salmon sport fishing allocations adopted by the PFMC.
Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: This action is intended to support the continued sustainability of the salmon and other sport fisheries that benefit sport anglers, the health and welfare of California residents, the State's environment and businesses that support sport fishing activities.
2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?
Explain: Statute provides Fish & Game Commission the authority to establish sport fishing regulations (FGC sec. 200, 205).
3. What are the total statewide benefits from this regulation over its lifetime? \$ \$16.9 - 25.2 M annually
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: Proposed action is anticipated to maintain historically average levels of fishing activity that is not expected to be enough to induce the expansion of businesses currently doing business within the State.

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: Regulation: Option 1) Any size Chinook Salmon; Alt 1: Option 2) Limited numbers of Adult Salmon and Grilse take; Alt 2: Option 3) Grilse take only.

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ 25.2M Cost: \$ 0
Alternative 1: Benefit: \$ 19.0M Cost: \$ 6.2M
Alternative 2: Benefit: \$ 16.9M Cost: \$ 8.3M

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: Benefits and costs are only monetary without non-monetary non-use values. "Regulation" above refers to Option 1 in the ISOR; "Alternative 1" is Option 2; "Alternative 2" is Option 3.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NO

Explain: Fisheries management regulations traditionally involve setting harvest quotas, seasons, bag and possession limits.

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? YES NO

***If YES, complete E2. and E3
If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: No impact on level of investment in the State.

The incentive for innovation in products, materials or processes: No impact on level of innovation in the State.

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: Regulation benefits are

consistency w/federal fishery management goals, management of the SRFC fishery, health of residents & rec. businesses.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

a. Implements the Federal mandate contained in _____

b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)


\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE

DocuSigned by:
 Dennis Farrell

11/16/2020

The signatory certifies that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

DATE

 Bryan Cash

DocuSigned by:
 Melissa D. Miller-Henson
74DEFD80ABE5A488

1/12/2021 1/21/2021

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD. 399 Addendum

Amend Subsections (b)(4), (b)(43), (b)(66),and (b)(80) of Section 7.40 Title 14, California Code of Regulations Re: Central Valley Sport Fishing

Economic Impact Statement

The regulatory amendments of subsections (b)(4), (b)(43), (b)(66), and (b)(80) of Section 7.40 under consideration will set the 2021 sport fishing regulations for Sacramento River fall-run Chinook Salmon (SRFC) in the American, Feather, Mokelumne, and Sacramento rivers, respectively, for consistency with the Pacific Fishery Management Council (PFMC) in-river harvest projections. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC for the purposes of this document. Three regulatory options are provided for the Fish and Game Commission’s (Commission) consideration.

- **Option 1** would allow anglers to take any size Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12] (most liberal option).
- **Option 2** would allow for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag limit [0-4] and possession limit [0-12].
- **Option 3** is the most conservative option and allows for take of only grilse Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12]. Take of adult Chinook Salmon would not be allowed.

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation of new business or the elimination of existing businesses, because the proposed changes to the regulations are unlikely to be substantial enough to stimulate the creation of new businesses or cause the elimination of existing businesses.

Section A

Question 6. Number of jobs created and eliminated.

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation or elimination of jobs. For Option 1, no change in job creation or elimination is anticipated. Option 2 and Option 3 have the potential to result in fewer angler visits, and absent substitution toward other sportfish and/or activities in the affected areas, the reduction in angler spending could reduce the support for up to an estimated 31-42 jobs statewide (refer to Section C, question 3 below).

Section B

Question 1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime?

\$0. The regulations under consideration seek to maintain SRFC fishing opportunities with no new compliance costs. The proposed bag and possession limits, river areas and season lengths do not prescribe any particular equipment or methods.

Section C

Question 1. Briefly summarize the benefits of the regulation.

Adoption of scientifically-based SRFC bag and possession limits provides for the maintenance of sufficient populations of Chinook Salmon to ensure their continued existence.

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

Section C

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

\$16.9 – 25.2 M in total economic impact annually. This is the average historical range of total economic impact of the fishery with multipliers for indirect and induced impacts applied to the direct impact. This action is expected to sustain fishery activity within the range of historically typical seasons. The potential difference between an average season and the options under consideration range from \$6.2 - \$8.3 M as shown in Table 1.

A normal recent season for the Central Valley fishery experiences about 214,214 sport salmon angler days in which anglers spend an average of \$83 -115 per day contributing a total of \$17.9 M (2020\$) in direct expenditures to California businesses. This expenditure is received by area businesses that spend a share on inputs and payroll. As employees receive income, their household spending again circulates in the local economy and statewide. These multiplier effects result in an estimated total economic impact of \$25.2 M (2020\$), and up to 126 jobs.

The regional and statewide economic impacts factor into the effort to balance the maintenance of the recreational fishery with resource preservation, while complying with PFMC recommendations. The potential economic impacts that may result from each in-river harvest projection as specified in Option 1, Option 2, and Option 3 are evaluated in terms of each scenario's probable impact on the number of angler days, and thus area spending.

Table 1. Central Valley Fishery Projected Economic Impacts (2020\$)

| Regulation | Angler Days | Angler Expenditures | Total Econ Impact | Jobs |
|------------|-----------------|---------------------|-------------------|----------|
| Option 1 | 214,214 | \$ 17,895,438 | \$ 25,163,735 | 126 |
| Option 2 | 161,595 | \$ 13,499,646 | \$ 18,982,577 | 95 |
| Option 3 | 143,640 | \$ 11,999,686 | \$ 16,873,402 | 84 |
| Difference | Angler Day Loss | Expenditure Loss | Total Impact Loss | Job Loss |
| Option 1 | 0 | \$ - | \$ - | 0 |
| Option 2 | 52,619 | \$ 4,395,792 | \$ 6,181,158 | (31) |
| Option 3 | 70,574 | \$ 5,895,752 | \$ 8,290,333 | (42) |

Sources: California Department of Fish and Wildlife, Fisheries Branch economic analysis; U.S. Fish and Wildlife Service, 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; dollar figures adjusted for inflation with Implicit Price Deflator for Personal Consumption Expenditures, Bureau of Economic Analysis. Estimates are calculated with full fractional numbers for accuracy. Results are rounded to the nearest whole number.

Historical correlations between catch limits and fishery participation levels suggest that Option 1 could enable a historically typical number of angler days for the 2020 Chinook Salmon season on the American, Feather, Mokelumne, and Sacramento rivers. Option 2 may result in declines in angler days of 52,619 below a typical year. Option 3 may result in larger declines or about 70,574 fewer angler days.

Additionally, anglers may pursue other in-river sport fish aside from Chinook salmon, such as steelhead (*Oncorhynchus mykiss*), striped bass (*Morone saxatilis*), largemouth bass (*Micropterus salmoides*), sturgeon (*Acipenser transmontanus*) and catfish (*Ictalurus spp.*), that may mitigate any adverse impacts from any reductions in salmon fishing. In sum, the options presented to the Commission were conceived with the goal of enabling levels of recreational SRFC fishing in the range of historical averages, and thus should not be a source of significant adverse economic impacts.

Section C

Question 4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation.

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve inland sport anglers. The number of fishing trips and angler economic contributions are expected to remain within the range of historical averages.

Section D

Question 1. Alternatives to the Regulation

The “Regulation” is specified in the Initial Statement of Reasons (ISOR) as **Option 1** which would allow anglers to take any size Chinook salmon up to the daily bag limit [0-4] and possession limit [0-12] (most liberal option).

Alternative 1 is specified in the ISOR as **Option 2** which would allow for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag limit [0-4] and possession limit [0-12].

Alternative 2 is specified in the ISOR as **Option 3** which is the most conservative option and allows for take of only grilse Chinook Salmon up to the daily bag limit [0-4] and possession limit [0-12]. Take of adult Chinook Salmon would not be allowed.

Question 2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Table 2. Regulation and Alternatives Total Statewide Benefits and Costs (\$2020)

| Regulation or Alternative | Benefit | Cost |
|----------------------------------|----------------|-------------|
| Regulation: Option 1 | \$25.2M | \$0 |
| Alternative 1: Option 2 | \$19.0M | \$6.2M |
| Alternative 2: Option 3 | \$16.9M | \$8.3M |

2021 Central Valley Sport Fishing Regulations



**Fish and Game Commission Meeting
May 11, 2021
Jonathan Nelson, Anadromous EPM
Fisheries Branch**



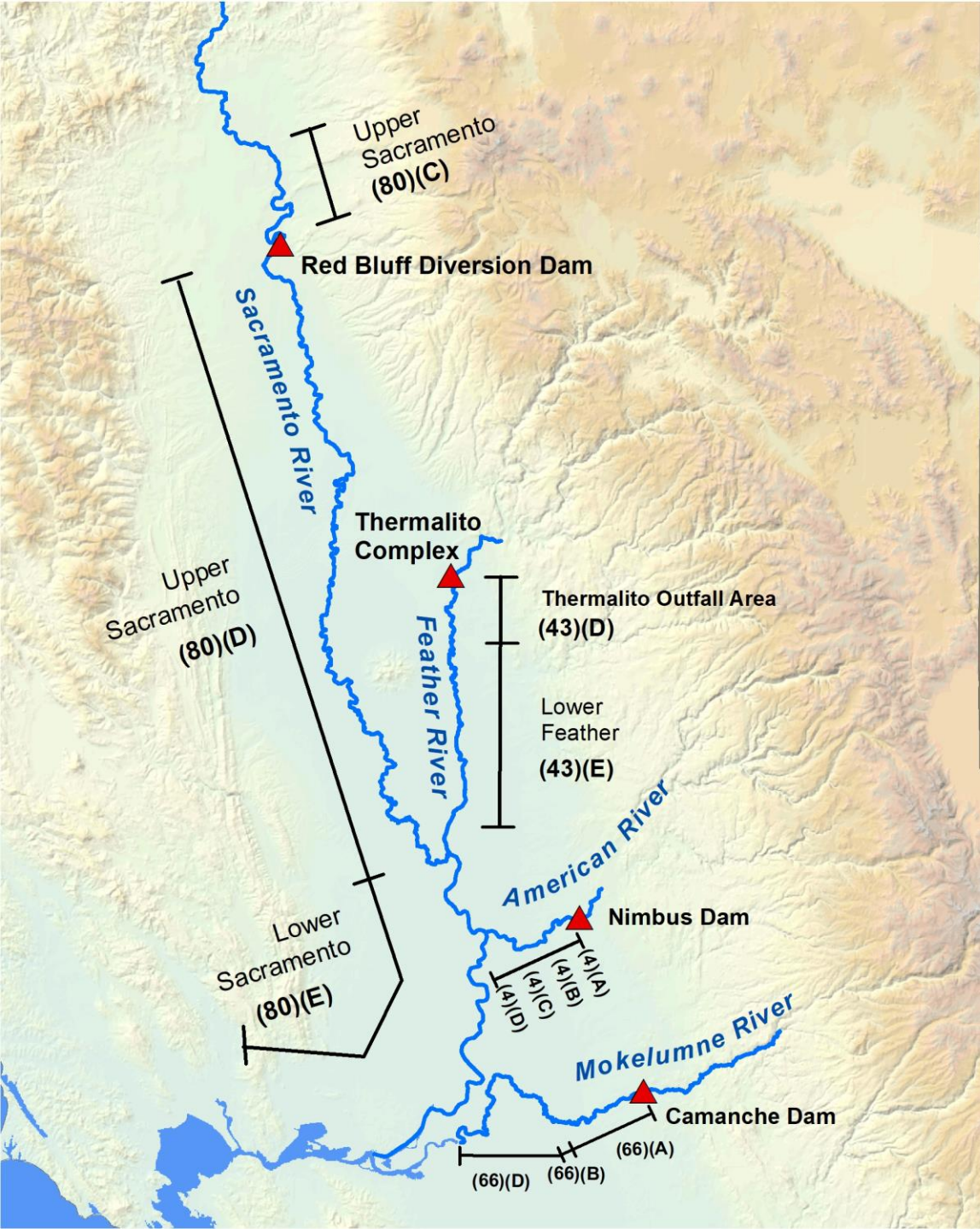
California Central Valley Waters Open to Chinook Salmon Angling



Special Regulation Waters

Section 7.40(b)

Major Central Valley Rivers, 2021



2020 Central Valley Sport Fishing Regulations

- Lower American River
 - 2 fish daily bag / 4 fish possession limit
- Feather River
 - 3 fish daily bag / 6 fish possession limit
- Sacramento River
 - 2 fish daily bag / 4 fish possession limit
- Mokelumne River
 - 2 fish daily bag / 4 fish possession limit

2021 Regulatory Options

- Option 1 – Any size Chinook Salmon fishery
 - allow harvest of up to [0-4] salmon any size per day
- Option 2 – Limited adult and grilse Chinook Salmon fishery
 - allow harvest of a limited number of adult salmon, with grilse salmon making up the remainder of the daily bag and possession limits
- Option 3 - Grilse-only Chinook Salmon fishery
 - allow for a grilse-only salmon fishery

2021 Proposed Bag and Possession Limits

- Lower American River
 - Bag limit: 2 fish; Possession limit: 4 fish
- Feather River
 - Bag limit: 2 fish; Possession limit: 4 fish
- Mokelumne River
 - Bag limit: 2 fish; Possession limit: 4 fish
- Sacramento River
 - Bag limit: 2 fish; Possession limit: 4 fish



State of California
Department of Fish and Wildlife

Memorandum

Date: November 17, 2020

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

From: Charlton H. Bonham
Director

Subject: **Initial Statement of Reasons to Amend Subsection (b)(50) of Section 7.40, Title 14, California Code of Regulations, Re: Klamath River Basin Sport Fishing Regulations 2021**

Please find attached the Initial Statement of Reasons (ISOR) package for the 2021 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 2021 Klamath River Basin allocation of adult KRFC will be recommended by the Pacific Fishery Management Council in April 2021 and presented to the Fish and Game Commission (Commission) for adoption at its May 11, 2021 teleconference.

The Department asks that the Commission request that the Office of Administrative Law make the regulations effective on or before August 15, 2021.

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.

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November 17, 2020
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State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Subsection (b)(50) of Section 7.40
Title 14, California Code of Regulations
Re: Klamath River Basin Sport Fishing

I. Date of Initial Statement of Reasons: December 11, 2020

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 10, 2020

Location: Webinar/Teleconference

(b) Discussion Hearing

Date: April 14, 2021

Location: Webinar/Teleconference

(c) Adoption Hearing

Date: May 11, 2021

Location: Webinar/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 baseline regulatory language is presented under Section 7.40, Title 14, CCR, in accordance with the regulatory re-numbering proposed for the subject streams and rivers for this rulemaking with Office of Administrative Law (OAL) file 2020-1204-02s (Simplification of Statewide Inland Sport Fishing Regulations).

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

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

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

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

Klamath River Fall-Run Chinook Salmon

Adult Klamath River fall-run Chinook Salmon (KRFC) harvest allocations and natural spawning escapement goals are established by 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 23 inches total length as a provisional cutoff. Salmon greater than 23 inches total length are defined as adult salmon (ages 3-5), and salmon less than or equal to 23 inches total length are defined as grilse salmon (age-two).

PFMC Overfishing Review

KRFC stocks have been designated as “overfished” by 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 overfished-threshold was 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 2019 was 20,245 natural area adult spawners, which is below the one-year conservation threshold of 40,700 natural area adult spawners. The most recent three-year geometric mean of 30,834 is still less than the required 40,700 natural area adult spawners conservation threshold, 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, the Department, and tribal entities, was submitted to PFMC in February 2019, adopted by PFMC in June 2019, and submitted to 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 PFMC. This in-river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations. KRSC harvest is monitored on the Klamath River below the Highway 96 bridge at Weitchpec to the mouth of the Klamath River by creel survey. The upper Trinity River, upstream of Junction City, is monitored using tag returns from anglers. When needed, KRSC regulations are amended in a separate rulemaking.

KRFC Allocation Management

The PFMC 2020 allocation for the Klamath River Basin sport harvest was 1,296 adult KRFC. Preseason stock projections of 2021 adult KRFC abundance will not be available from PFMC until March 2021. The 2021 basin allocation will be recommended by PFMC in April 2021 and presented to the Commission for adoption as a quota for the in-river sport harvest at its May 2021 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 7.40(b)(50)(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 7.40(b)(50)(D)2. For angler convenience, the subquotas, expressed as the number of fish, are listed for the affected river segments in subsection 7.40(b)(50)(E). The in-river sport subquota percentages are shown in Figure 1, and are as follows:

1. 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. Main stem Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the in-river sport quota;
3. Main stem 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. Main stem Trinity River downstream of the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the in-river sport fishery quota.

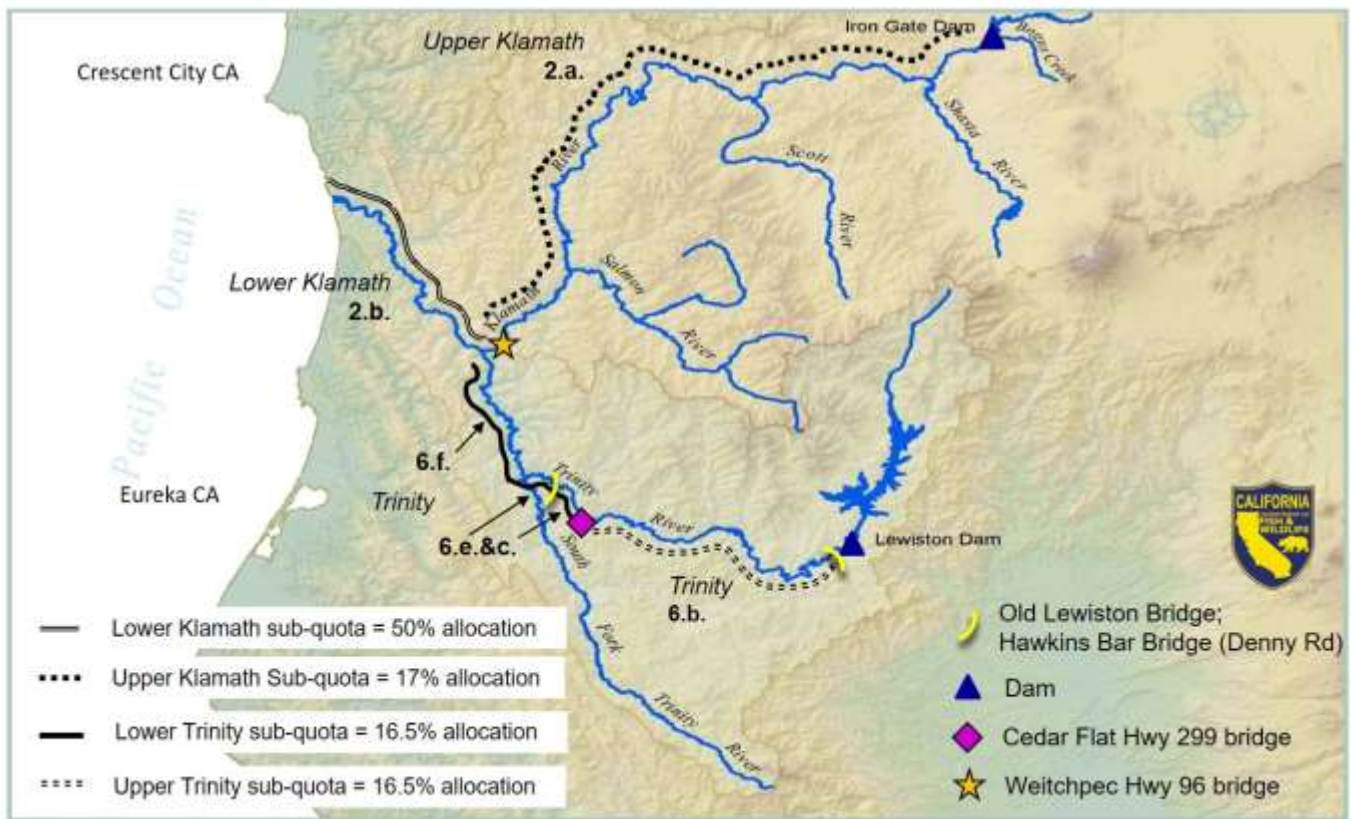


Figure 1. Map of the Klamath River Basin, showing the subquotas by reach of Trinity and Klamath rivers, and the associated subsections of 7.40(b)(50)(E).

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 are 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 does not currently conduct real time harvest monitoring in the Klamath River upstream of Weitchpec and in the Trinity River. 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.

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 7.40(b)(50)(E)2.a. and b. specify bag limits for KRFC stocks in the Klamath River. Current regulations in subsections 7.40(b)(50)(E)6.b., e., and f. specify bag limits for KRFC stocks in the Trinity River. Current regulations in subsection 7.40(b)(50)(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. All are proposed for the 2021 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 PFMC and Commission to make adjustments during the 2021 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 downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the total quota equates to [0-33,800];
- Main stem 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
- Main stem Trinity River downstream of 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 23 inches total length may be retained until the subquota is met, then 0 fish over 23 inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish over 23 inches total length may be retained when the take of salmon over 23 inches total length is allowed.

KRSC SPORT FISHERY:

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

OTHER CHANGES

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

1. Throughout the regulatory text in subsection 7.40(b)(50), update the year from 2020 to 2021 for the upcoming season.
2. In the first paragraph of subsection 7.40(b)(50), delete “Fishing in these waters is governed by the non-anadromous waters of the District General Regulations (see Section 7.00, subsection (a))” for consistency with amendments made to Section 7.00 in OAL file 2020-1204-02s (Simplification of Statewide Inland Sport Fishing Regulations).

(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.

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

The Department discussed the proposed amendments to the annual Klamath River Basin regulations at the Commission's Wildlife Resources Committee meeting on September 17, 2020. At this meeting, the Committee recommended to move this rulemaking package to the full Commission for notice in December 2020 for the usual quota adjustment.

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.

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.

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 2020 daily bag and possession limit regulations in place and would not allow flexibility to develop bag and possession limits based on 2021 PFMC allocations. The proposed regulatory change for 2021 is necessary to continue appropriate harvest rates and an equitable distribution of the harvestable surplus.

Other Changes for Clarity

The No Change Alternative for including amendments for clarity would leave the existing 2020 regulations in place. Additionally, the No Change Alternative would mean that the year for 2020 would not be updated for the 2021 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 2021 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 2021 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 23 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 the impacts to jobs and/or businesses 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 7.40(b)(50) under consideration will set the 2021 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 season; however, the possibility of marine fishery area closures still exists. The baseline year used is 2019 because it is the most recent full year of salmon fishing creel survey data and represents a year not impacted by health or other emergency closures. 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 2021 KRFC allocation ultimately adopted by PFMC, and the specific regulations adopted by the Commission.

The proposed quota of 0 to 67,600 adult KRFC in 2021 represents a range from 0 percent or no salmon fishing on adult KRFC to greater than 100 percent of the 2019 Klamath River Basin KRFC quota. Under all scenarios, sportfishing 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.

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. In years when the adult quota is met, angling is still allowed for grilse KRFC under the current regulations.

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 sport fishing. Scientifically-based KRFC allocations are necessary for the continued preservation of the resource, and therefore the prevention of adverse economic impacts.

A 2011 NMFS report (*In-River Sport Fishing Economics Technical Report*), reports that non-resident (outside the immediate locale) salmon or steelhead angler average expenditures are estimated to be \$113.69 (2020\$) 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. The NMFS report also excluded the Trinity River, the largest tributary to the Klamath. Since the Trinity River is allocated 33 percent of the KRFC total quota, this share is used to expand salmon and steelhead angler effort, and thus impacts on associated businesses that support anglers.

In a normal year, the total non-resident angler contribution to the entire Klamath River Basin (including the Trinity River) is estimated to be about \$4,792,080 (2020\$) in direct expenditures, resulting in about \$5,795,476 (2020\$) in total economic output that supports an estimated 70

jobs throughout the State. This is a conservative estimate of total economic impact as it counts only non-resident angler expenditures. The total impact of non-resident angler direct expenditures on labor income, total economic output, and jobs are shown in Table 1.

Table 1. Klamath Anglers Total Economic Output 2019* (2020\$)

| Klamath Sportfishing | Salmon | Steelhead | Total Impact |
|-----------------------|-------------|-------------|--------------|
| Expenditures | \$3,573,799 | \$1,218,281 | \$4,792,080 |
| Labor Income | \$1,999,779 | \$681,710 | \$2,681,489 |
| Total Economic Impact | \$4,322,104 | \$1,473,372 | \$5,795,476 |
| Total Jobs Impact | 45 | 25 | 70 |

Note: *2019 is the most recent full year of Klamath fishing creel survey data and represents a year not impacted by health emergency closures. Sources: CDFW Fisheries Branch Creel surveys, *In-River Sport Fishing Economics Technical Report*, National Oceanographic and Atmospheric Administration, National Marine Fisheries Service, September 2011.

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 \$68.21 per angler-day. Any decreases to expenditures by resident anglers associated with changes in 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 angler expenditures which represent new money whose injection serves to stimulate the local economy.

Northern Region creel surveys reveal that local resident (Eureka/Crescent City) anglers comprise about 30 percent of Klamath River Basin anglers, with a majority (70%) of anglers coming from outside the immediate locale, as shown in Figure 2.

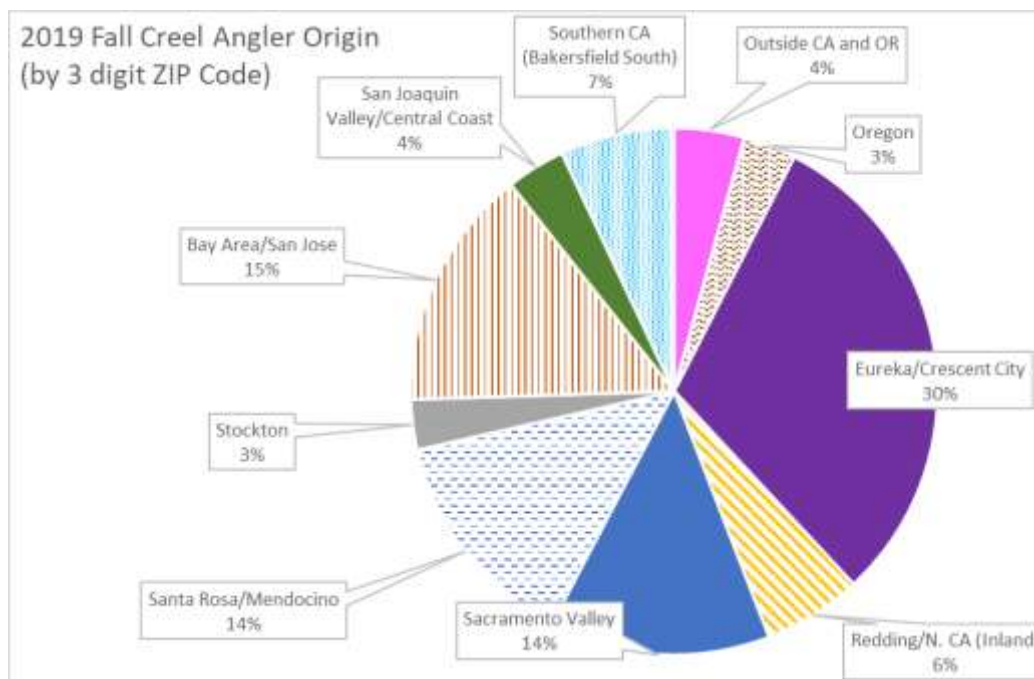


Figure 2. Klamath Basin Anglers Area of Origin: 2019. Source: CDFW Fisheries Branch creel surveys 2019.

Economic Impact Projections

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 23 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 grilse could be legally harvested during the fall season. The 2017 closure resulted in a nearly 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 2021 closure on the take of adult KRFC are estimated to result in the loss of less than 23 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 sport fish, 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. 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 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 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 23 inches total length as a provisional cutoff. Salmon greater than 23 inches total length are defined as adult salmon (ages 3-5) and salmon less than or equal to 23 inches total length are defined as grilse salmon (age-two).

PFMC Overfishing Review

KRFC stocks have been designated as “overfished” by 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 overfished-threshold was 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 2019 was 20,245 natural area adult spawners, which is below the one-year conservation threshold of 40,700 natural area adult spawners. The most-recent 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 PFMC in February 2019, adopted by PFMC in June 2019 and submitted to 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 2020 allocation for the Klamath River Basin sport harvest was 1,296 adult KRFC. Preseason stock projections of 2021 adult KRFC abundance will not be available from PFMC until March 2021. The 2021 basin allocation will be recommended by PFMC in April 2021 and presented to the Commission for adoption as a quota for the in-river sport harvest at its May 2021 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 7.40(b)(50)(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 7.40(b)(50)(D)2. For angler convenience, the subquotas, expressed as the number of fish, are listed for the affected river segments in subsection 7.40(b)(50)(E). The in-river sport subquota percentages are as follows:

1. for the main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the in-river sport quota;
2. for the main stem Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the in-river sport quota;
3. for the main stem 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 main stem Trinity River downstream of 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. All are proposed for the 2021 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 PFMC and Commission to make adjustments during the 2021 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 downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the total quota equates to [0-33,800];
- Main stem 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
- Main stem Trinity River downstream of 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.

- Bag Limit - [0-4] Chinook Salmon – of which no more than [0-4] fish over 23 inches total length may be retained until the subquota is met, then 0 fish over 23 inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish over 23 inches total length may be retained when the take of salmon over 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 PFMC. No regulatory changes are proposed for the general KRSC opening and closing season dates, and bag, possession and size limits.

OTHER CHANGES FOR CLARITY

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

1. Throughout the regulatory text in subsection 7.40(b)(50), update the year from 2020 to 2021.
2. In the first paragraph of subsection 7.40(b)(50), delete cross reference to Section 7.00, subsection (a) for consistency with amendments made to Section 7.00 in OAL file 2020-1204-02s (Simplification of Statewide Inland Sport Fishing Regulations).

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

Updated 3/1/21

Section 7.40, Title 14, CCR, is amended to read:

§ 7.40. Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations.

. . . [No changes to subsections (a) through (b)(49)] . . .

(50) Klamath River Basin Regulations.

Anadromous Waters of the Klamath River Basin Downstream of Iron Gate and Lewiston Dams. This subsection applies only to waters of the Klamath River Basin that are accessible to anadromous salmonids. This subsection does not apply to waters of the Klamath River Basin that 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 Dwinneel Dam. ~~Fishing in these waters is governed by the non-anadromous waters of the District General Regulations (see Section 7.00, subsection (a)).~~

(A) 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~~department fish-counting weir.
2. No fishing is allowed from the Ishi Pishi Road bridge upstream to and including Ishi Pishi Falls from Aug. 15 through Dec. 31. Exception: members of the Karuk 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 Sep. 15 through Dec. 31 in the Klamath River within 500 feet of the mouths of the Salmon, Shasta and Scott ~~Rivers~~rivers and Blue Creek.
4. No fishing is allowed from Jun. 15 through Sep. 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 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 Jan. 1 to Aug. 14 and the Trinity River downstream of the Old Lewiston Bridge to the confluence of the South Fork Trinity River from Jan. 1 to Aug. 31: 2 Chinook Salmon.
- b. Klamath River from Aug. 15 to Dec. 31 and Trinity River from Sep. 1 to Dec. 31: ~~6~~[0-12] Chinook Salmon. No more than ~~3~~[0-4] Chinook Salmon over 23 inches total length may be retained when the take of salmon over 23 inches total length is allowed.

(D) Klamath River Basin Chinook Salmon Quotas.

Klamath River fall-run Chinook Salmon take is regulated using quotas. Accounting of the tribal and non-tribal harvest is closely monitored from Aug.15 through Dec. 31 each year. Quota areas are noted in subsection (b)(50)(E) with “Fall-run Quota” in the Open Season and Special Regulations column.

1. Quota for Entire Basin.

The ~~2020~~2021 Klamath River Basin quota is ~~4,296~~[0-67,600] Klamath River fall-run Chinook Salmon over 23 inches total length. The ~~Department~~department shall inform the ~~Commission~~commission, and the public via the news media, prior to any implementation of restrictions triggered by the quotas. (Note: A ~~Department~~department status report on progress toward the quotas for the various river sections is updated weekly, and available by calling 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 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 Restrictions | Daily Bag Limit |
|---|---|---|
| 1. Bogus Creek and tributaries. | Fourth Sat. in May through Aug. 31. Only artificial lures with barbless hooks may be used. | 2 hatchery trout or hatchery steelhead.** <u>steelhead**.</u> |
| 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. | Jan. 1 to Aug. 14. | 0 Chinook Salmon. 2 hatchery trout or hatchery steelhead**. |
| | Fall-run Quota: 220 <u>[0-11,492]</u> Chinook Salmon Aug. 15 to Dec. 31, 2020 <u>2021</u> . | 2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 inches total length until subquota is met, then 0 fish over 23 inches total length. 2 hatchery trout or hatchery steelhead**. |
| | Fall-run Quota Exception: Chinook Salmon over 23 inches total length may be retained from 3,500 feet downstream of Iron Gate Dam to the Interstate Highway 5 bridge when the Department <u>department</u> 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. | |

| Body of Water | Open Season and Special Restrictions | Daily Bag Limit |
|--|---|---|
| b. Klamath River downstream of the Highway 96 bridge at Weitchpec. | Jan. 1 to Aug. 14. | 2 Chinook Salmon. 2 hatchery trout or hatchery steelhead**. |
| | Fall-run Quota: 648 <u>[0-33,800]</u> Chinook Salmon Aug. 15 to Dec. 31, 2020 <u>2021</u> . | 2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 inches total length until subquota is met, then 0 fish over 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 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. | Nov. 1 through Feb. 28. | 2 hatchery trout or hatchery steelhead**. |

| Body of Water | Open Season and Special Restrictions | Daily Bag Limit |
|--|--|---|
| 4. Scott River main stem downstream of the Fort Jones-Greenview bridge to the confluence with the Klamath River. | Fourth Sat. in May through Feb. 28. | 2 hatchery trout or hatchery steelhead**. |
| 5. Shasta River main stem downstream of the Interstate Highway 5 bridge north of Yreka to the confluence with the Klamath River. | Fourth Sat. in May through Aug. 31 and Nov. 16 through Feb. 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. | Apr. 1 through Sep. 15. Only artificial flies with barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. |

| Body of Water | Open Season and Special Restrictions | Daily Bag Limit |
|---|---|--|
| b. Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat. | Jan. 1 to Aug. 31. | 2 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**. |
| | Fall-run Quota: 244 <u>[0-11,154]</u> Chinook Salmon Sep. 1 to Dec. 31, 2020 <u>2021</u> . | <u>2</u> [0-4] Chinook Salmon - no more than <u>4</u> [0-4] fish over 23 inches total length until subquota is met, then 0 fish over 23 inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**. |
| | Fall-run Quota Exception: Chinook Salmon over 23 inches total length may be retained downstream of the Old Lewiston Bridge to the mouth of Indian Creek when the Department <u>department</u> 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. | Jan. 1 through Aug. 31. | 2 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**. |
| | Sep. 1 through Dec. 31. | Closed to all fishing. |

| Body of Water | Open Season and Special Restrictions | Daily Bag Limit |
|---|--|--|
| d. New River main stem downstream of the confluence of the East Fork to the confluence with the Trinity River. | Sep. 15 through Nov. 15. Only artificial lures with barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. |
| e. Trinity River main stem downstream of the Denny Road bridge at Hawkins Bar to the mouth of the South Fork Trinity River. | Jan. 1 to Aug. 31. | 2 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**. |
| | Fall-run Quota: 244 [0-11,154] Chinook Salmon Sep. 1 through Dec. 31, 2020 <u>2021</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table. | 2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 inches total length until subquota is met, then 0 fish over 23 inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**. |

| Body of Water | Open Season and Special Restrictions | Daily Bag Limit |
|--|---|--|
| f. Trinity River main stem downstream of the mouth of the South Fork Trinity River to the confluence with the Klamath River. | Jan. 1 to Aug. 31. | 0 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**. |
| | Fall-run Quota: 244 <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, 2020 <u>2021</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table. | 2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 inches total length until subquota is met, then 0 fish over 23 inches total length. 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. | Nov. 1 through Mar. 31. Only artificial lures with barbless hooks may be used. | 2 hatchery trout or hatchery steelhead**. |
| 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. | Nov. 1 through Mar. 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. | Nov. 1 through Mar. 31. | 0 Chinook Salmon. 2 hatchery trout or hatchery steelhead**. |

. . . [No changes to subsections (b)(51) through (b)(123)] . . .

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

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

Memorandum

Date: March 24, 2021

Received March 26, 2021
Signed copy on file

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

From: Charlton H. Bonham
Director

Subject: **Negative Declaration for Proposed Amendments to 2021-2022 Klamath River Basin Sport Fishing Regulations, Subsection (b)(50) of Section 7.40, Title 14, California Code of Regulations**

In compliance with the California Environmental Quality Act, the Department of Fish and Wildlife (Department) has prepared the enclosed *Initial Study/Negative Declaration for Proposed Amendments to 2021-2022 Klamath River Basin Sport Fishing Regulations, Title 14, California Code of Regulations* for 2021-22. The Fish and Game Commission (Commission) proposes to amend the Klamath River Basin sport fishing regulations as set forth in Title 14, subsection 7.40(b)(50) of the California Code of Regulations for Klamath River Fall-run Chinook Salmon based on federal fisheries management goals and to make additional changes for clarity. Based on the initial study, the Department does not think that the proposed amendments to the Klamath River Basin sport fishing regulations will have any significant or potentially significant effects on the environment. The Department recommends the Commission adopt the proposed negative declaration.

If you have any questions regarding the enclosed documents, please contact Karen Mitchell, Senior Environmental Scientist, at (916) 205-0250 or at Karen.Mitchell@wildlife.ca.gov.

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

Kevin Shaffer, Chief
Fisheries Branch
Kevin.Shaffer@wildlife.ca.gov

STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
FISH AND GAME COMMISSION
DRAFT INITIAL STUDY/NEGATIVE DECLARATION

FOR

PROPOSED AMENDMENTS
TO
2021-2022 KLAMATH RIVER BASIN SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS

Prepared by:

California Department of Fish and Wildlife
Fisheries Branch

MARCH 2021

This Report Has Been Prepared Pursuant to the
California Environmental Quality Act of 1970
State of California
Natural Resources Agency
Fish and Game Commission

**INITIAL STUDY/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 7.40(b)(50) of the California Code of Regulations for Klamath River Fall-run Chinook Salmon (KRFC) based on federal fisheries management goals and to make additional changes for clarity (project). The current Klamath River Basin sport fishing regulations allow sport fishing for KRFC 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 federal fisheries 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 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 for KRFC
- 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 not proposing any new amendments aside from those adjustments for bag and possession limits based on Pacific Fishery Management Council (PFMC) recommendations for federal fishery management goals, and to make additional changes for clarity. The Commission makes the final determination on what, if any, 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 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).

Tribes 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 Klamath River Basin in-river sport salmon fishery is managed using adult salmon quotas. A quota range of 0–67,600 adult KRFC in the Klamath River Basin is utilized for public notice purposes for the in-river sport fishery. This recommended range encompasses the historical range of the Klamath River Basin allocations and allows PFMC and Commission to make adjustments during the 2021 regulatory cycle. The annual KRFC in-river harvest quota specified in subsection 7.40(b)(50)(D)1 is split between four geographic areas between the Klamath and Trinity Rivers with a subquota for each area, expressed as a percentage of the total in-river quota. 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 PFMC adopted three 2021 ocean salmon fisheries regulatory alternatives for public review at its March 2021 meeting and is scheduled to adopt one of those alternatives as its final recommendations at its April 2021 meeting. The Klamath River Basin sport fishery allocation of adult KRFC in those alternatives ranges from 1,217 to 1,234—that allocation was 1,296 in 2020. The Department will propose Klamath River Basin KRFC bag and possession limits, and an adult KRFC quota and subquotas to the Commission at the April 14, 2021 Commission meeting. The Commission will adopt regulations for the 2021 KRFC sport fishery during a scheduled teleconference hearing on May 11, 2021. The Department’s proposal will be based on the regulatory alternative that PFMC adopts and, in turn, the 2021 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* increase or decrease the current salmon bag and possession limits; and

The proposed salmon sport fishing regulations for the Klamath and Trinity rivers *will* 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 August 15, 2021.

Project Description

Current Regulations

At its May 14, 2020, teleconference, the Commission adopted Klamath River Basin bag and possession limits and an adult quota for KRFC in alignment with federal regulations. The Commission also adopted the Department's recommendation to change the size used to delineate adult KRFC fish from greater than 22 inches total length to greater than 23 inches total length. These regulatory amendments went into effect on August 15, 2020 after they were approved by the Office of Administrative Law. The following is a summary of those 2020 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 23 inches total length may be retained when the take of salmon over 23 inches total length is allowed.
2. A possession limit of 6 Chinook Salmon, of which no more than 3 Chinook Salmon over 23 inches total length may be retained when the take of salmon over 23 inches total length is allowed.
3. A Klamath River Basin quota of 1,296 adult KRFC (greater than 23 inches total length).

The 2020 Klamath River Basin quota of 1,296 adult KRFC aligned with the 2020 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 Department proposes the following amendments to the Klamath River Basin regulations for KRFC for the 2021 season. The final regulations adopted by the Commission will be based on the 2021 PFMC recommendations for the management of sport and commercial ocean salmon fisheries and 2021 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 23 inches total length may be retained until the subquota is met, then 0 fish over 23 inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish over 23 inches total length may be retained when the take of salmon over 23 inches total length is allowed.

OTHER CHANGES

Other Changes for Clarity

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

1. Throughout the regulatory text in subsection 7.40(b)(50), update the year from 2020 to 2021 for the upcoming season.
2. In the first paragraph of subsection 7.40(b)(50), delete “Fishing in these waters is governed by the non-anadromous waters of the District General Regulations (see Section 7.00, subsection (a))” for consistency with amendments made in OAL file #2020-1204-02S (Simplification of Statewide Inland Sport Fishing Regulations), effective March 1, 2021.

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
1010 Riverside Parkway
West Sacramento, CA 95605
6. General Plan designation:
N/A (statewide)
7. Zoning:
N/A (statewide)
8. Description of Project:
Potentially amend the daily bag and possession limits and adult quota for Klamath River Fall-run Chinook Salmon for the Klamath River Basin sport fishery to maintain consistency with the Department’s mission to manage California’s diverse fisheries resources for their ecological value, their use and for the public’s enjoyment.
9. Surrounding land uses and setting:
N/A

10. Other Public Agencies Whose Approval Is Required:
None.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31?
No.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

This project will not have a “Potential Significant Impact” on any of the environmental factors listed above; therefore, no boxes are checked.

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Melissa Miller-Henson, Executive Director

Date

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|---|--------------------------------------|--|------------------------------------|----------------|
| I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|---|--------------------------------------|--|------------------------------------|----------------|
| <p>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:</p> | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Result in any other emissions such as those leading to odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|--------------------------|
| IV. BIOLOGICAL RESOURCES. Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | LTS | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| V. CULTURAL RESOURCES. Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| VIII. GREENHOUSE GAS EMISSIONS. | | | | |
| Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|---|--------------------------------------|--|------------------------------------|----------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| X. HYDROLOGY AND WATER QUALITY. | | | | |
| Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage system or provide substantial additional sources of pollution runoff; or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| iv) impede or redirect flood flows. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XI. LAND USE AND PLANNING. Would the project: | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Cause a significant environmental impact due to a conflict any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XII. MINERAL RESOURCES. Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|---|--------------------------------------|--|------------------------------------|----------------|
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| 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 general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XIV. POPULATION AND HOUSING. | | | | |
| Would the project: | | | | |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|---|--------------------------------------|--|------------------------------------|--------------------------|
| XV. PUBLIC SERVICES. | | | | |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XVI. RECREATION. | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | LTS | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XVII. TRANSPORTATION. Would the project: | | | | |
| a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| d) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| 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, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| XIX. UTILITIES AND SERVICE SYSTEMS. Would the project: | | | | |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Have sufficient water supplies available to serve the project and reasonable foreseeable future development during normal, dry, and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

| | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation (LTSM) | Less Than Significant Impact (LTS) | No Impact (NI) |
|--|--------------------------------------|--|------------------------------------|----------------|
| XXI. MANDATORY FINDINGS OF SIGNIFICANCE. | | | | |
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | NI |

**EXPLANATION OF RESPONSES TO
INITIAL STUDY ENVIRONMENTAL CHECKLIST**

I. AESTHETICS

- a) The project will not have an adverse effect on a scenic vista. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FORESTRY RESOURCES

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- b) The project will not conflict with existing zoning for agricultural use or a Williamson Act contract. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timber zoned Timberland Production. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- d) There will be no loss of forest land and the project will not result in the conversion of forest land to non-forest use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- e) The project will not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

III. AIR QUALITY

- a) The project will not conflict with or obstruct implementation of the applicable air quality plan. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- b) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Such an impact will not occur because the project involves no ongoing sources of air pollution.
- c) The project will not expose sensitive receptors to substantial pollutant concentrations. Such an impact will not occur because the project will not increase pollutant concentrations.
- d) The project will not create objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, 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* increase or decrease the current salmon bag and possession limits. The proposed salmon sport fishing regulations for the Klamath and Trinity rivers *will* 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 2021 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 2021 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.

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 regulations which have a reduced bag limit and season length. 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.

- 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 or the USFWS. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- c) The project will not 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 alteration, or land use changes.

- 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.
- c iv) The project will not impede or redirect flood flows 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. Based on the PFMC process for the 2021 salmon fishing season, the Commission may adopt a quota for adult KRFC that is lower or higher than that quota for the 2020 season. Also, the Commission is not considering changing the length of the season for KRFC in the Klamath River Basin sport fishing regulations.

- 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.

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 # 2021040037

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,
Sacramento, CA 94244-2090

Phone: (916) 653-7229

County: Sacramento

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

Document Type: CEQA, Neg Dec

Local Action Type: N/A

Development Type: Other-Klamath River Basin Sport Fishing Regulations

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation: n/a

Project Description: 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 | X Other: Fish and Wildlife Dept. of (Headquarters) |
| Health Services, Department of | Other: |
| Housing & Community Development | |
| Native American Heritage Commission | |

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

Starting Date: n/a

Ending Date: n/a

Lead Agency (Complete if applicable):

Consulting Firm: n/a

Applicant: n/a

Signature of Lead Agency Representative: [Signed form on file](#)

Date: 03/30/21

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 #: 2021040037

Project Title: Proposed 2021-2022 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

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 sport fishing regulations, Section 7.40, 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 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 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

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

| | | | |
|--|--|--|---|
| DEPARTMENT NAME Fish and Game Commission | CONTACT PERSON Margaret.Duncan | EMAIL ADDRESS @wildlife.ca.gov | TELEPHONE NUMBER 916 704-3215 |
| DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Subsection (b)(50) of Section 7.40 Title 14, CCR, Re: Klamath River Basin Sport Fishing | | | NOTICE FILE NUMBER Z |

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input checked="" type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input checked="" type="checkbox"/> c. Impacts jobs or occupations | <input checked="" type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below): |

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

2. The Fish and Game Commission estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- Below \$10 million
 Between \$10 and \$25 million
 Between \$25 and \$50 million
 Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: 30-50Describe the types of businesses (Include nonprofits): Fishing boat owners, tackle stores, guides, food, fuel, lodging, campground vendorsEnter the number or percentage of total businesses impacted that are small businesses: 80%4. Enter the number of businesses that will be created: none eliminated: noneExplain: Anticipated changes in fishing activity are not expected to be large enough to induce business loss/creation.5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): Klamath:Siskiyou,Trinity,Del Norte,HumboldtCounti6. Enter the number of jobs created: 0-35 and eliminated: 0-23Describe the types of jobs or occupations impacted: Fishing guide, retail salesclerks in sport fishing serving businesses, such as:
tackle stores, food, fuel, lodging, and campground vendors.7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly: _____

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ N/A*

a. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: _____

b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: _____

c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: _____

d. Describe other economic costs that may occur: N/A. This action will set Klamath River Basin fall-run Chinook (KRFC) bag and possession limits with no new compliance costs. See Addendum.

2. If multiple industries are impacted, enter the share of total costs for each industry: N/A

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____

4. Will this regulation directly impact housing costs? YES NO
If YES, enter the annual dollar cost per housing unit: \$ _____
Number of units: _____

5. Are there comparable Federal regulations? YES NO
Explain the need for State regulation given the existence or absence of Federal regulations: Fish and Game Code (FGC) sections 200 and 205, and to ensure consistency with federal salmon sport fishing allocations adopted by the PFMC.

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: This action is intended to support the continued sustainability of the salmon and other sport fisheries that benefit sport anglers, the health and welfare of California residents, the State's environment and businesses that support sport fishing activities.

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?
Explain: Statute provides Fish & Game Commission the authority to establish sport fishing regulations (FGC sec. 200, 205).

3. What are the total statewide benefits from this regulation over its lifetime? \$ 4.3 M annually

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: Proposed action is anticipated to maintain historically average levels of fishing activity that is not expected to be enough to induce the expansion of businesses currently doing business within the State.

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: Alt 1) More liberal bag/possession limits & fishing methods could induce a rush to fish that could damage fish stocks. Alt 2) No Change to the 2020 KRFC limits may not be consistent with the 2021 PFMC quota allocations.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ 4.3M Cost: \$ 0

Alternative 1: Benefit: \$ 4.3M Cost: \$ stock depletion*

Alternative 2: Benefit: \$ 4.3M Cost: \$ 0

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: Benefits sum total economic impact. Costs are more difficult tomonetize, such as stock depletion & population decline.4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NOExplain: Fisheries management regulations traditionally involve setting harvest quotas, seasons, bag and possession limits.**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? YES NO***If YES, complete E2. and E3
If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

 YES NO*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: No impact on level of investment in the State.The incentive for innovation in products, materials or processes: No impact on level of innovation in the State.The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: Regulation benefits areproposed regulations are consistency with federal fishery management goals, sustainable management of the SRFC fisher

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

a. Implements the Federal mandate contained in _____

b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE

DocuSigned by:

 Dennis Farrell

11/16/2020

F8B0B535880CAF6

The signature certifies that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

DocuSigned by:

 Bryan Cash

 Melissa A. Miller-Henson

DATE

1/12/2021 1/21/2021

74DED80ABE5A488...

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD. 399 Addendum

Amend Subsection (b)(50) of Section 7.40 Title 14, California Code of Regulations Re: Klamath River Basin Sport Fishing

Economic Impact Statement

The proposed regulatory amendments of subsection (b)(50) of Section 7.40 under consideration will set the 2021 Klamath River Basin salmon sport fishing regulations to conform to the Pacific Fishery Management Council (PFMC) Klamath River fall-run Chinook Salmon (KRFC) allocation. The Klamath River Basin is anticipated to be open for salmon sport fishing at levels similar to the levels in the 2019 sport fishing seasons; however, the possibility of marine fishery area closures still exists. (The year used as a baseline is 2019 because it is the most recent full year of angler data that also was not interrupted by any atypical emergencies.) 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 2021 KRFC allocation ultimately adopted by the PFMC, and the specific regulations adopted by the Fish and Game Commission (Commission), with input from the California Department of Fish and Wildlife (Department).

KRFC Adult Stocks

The proposed quota range of 0 - 67,600 adult KRFC in 2021 represents a range from 0 percent or no salmon fishing on adult KRFC, to greater than 100 percent of the 2019 Klamath River Basin KRFC quota. Under all scenarios, sport fishing may be allowed for other sportfish species, and likely for grilse KRFC, regardless of PFMC allocation. Thus, any adverse impacts to businesses could be less severe than under a complete closure of fishing.

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

Based on a 2011 National Marine Fisheries Service (NMFS) report (*In-River Sport Fishing Economics Technical Report*), and adding a 33 percent increase to account for the Trinity River¹, in a normal year, non-resident Klamath River salmon and steelhead

¹ The NMFS study excluded the Trinity River, the largest tributary to the Klamath. The Trinity River is allocated 33 percent of the KRFC total quota. Using the Trinity quota as a measure of salmon and steelhead angler effort, and thus impacts on associated businesses that support anglers, the Department added 33 percent to the total economic output listed in the NMFS report.

sport anglers together contribute about \$4,792,080 (2020\$) in direct expenditures, resulting in about \$5,795,476 (2020\$) in total economic output throughout the state of California. The NMFS study found that non-resident (outside the immediate locale) salmon or steelhead angler average expenditures are estimated to be \$113.69 (2020\$) per angler day (for lodging, food, gasoline, fishing gear, boat fuel, and guide fees). The projections do not distinguish between spring- and fall-runs, however, the in-river harvest is almost exclusively fall-run.

Local resident average expenditures per angler day are estimated to be 60 percent less (markedly reduced lodging, gasoline and food expenditures), which yields an estimate of \$68.21 per angler-day. Local resident anglers comprise about 30 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 assessment focuses on non-resident angler expenditures which represent new money whose injection serves to stimulate the local economy.

In a normal year, the total non-resident angler contribution to the entire Klamath River Basin (including the Trinity River) is estimated to be about \$4,792,080 (2020\$) in direct expenditures, resulting in about \$5,795,476 (2020\$) in total economic output that supports an estimated 70 jobs throughout the State. This is a conservative estimate of total economic impact as it counts only non-resident angler expenditures. The total impact of non-resident angler direct expenditures on labor income, total economic output, and jobs are shown in Table 1.

Table 1. Klamath Angler Total Economic Output: 2019* (2020\$)

| Klamath Sportfishing | Salmon | Steelhead | Total Impact |
|-----------------------|-------------|-------------|--------------|
| Expenditures | \$3,573,799 | \$1,218,281 | \$4,792,080 |
| Labor Income | \$1,999,779 | \$681,710 | \$2,681,489 |
| Total Economic Impact | \$4,322,104 | \$1,473,372 | \$5,795,476 |
| Total Jobs Impact | 45 | 25 | 70 |

Note: *2019 is the most recent representative full year of angler data. Sources: CDFW Fisheries Branch creel surveys, *In-River Sport Fishing Economics Technical Report*, National Oceanographic and Atmospheric Administration, National Marine Fisheries Service, September 2011.

Economic Impact Projections

To demonstrate the potential economic impacts that may result from a quota anywhere within the range of 0 - 67,600 KRFC, three adult salmon catch projections are as

follows: 100 percent of the 2019 adult KRFC catch limit; 50 percent of the 2019 adult KRFC catch limit; and 0 percent of the 2019 adult KRFC catch limit.

Section A

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

Projection 1: 100 percent of the 2019 adult KRFC catch limit: The Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses, as the quotas would not decrease effort nor curtail the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2: 50 percent of the 2019 adult KRFC catch limit: The Commission anticipates a decline in visits to the fishery areas of less than 50 percent due to the continued sport fishing allowed for other species and grilse KRFC. This may result in some decline in business activity, but the Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses directly related to fishing activities. However, with less effort being expended on salmon fishing, the possibility of alternative activities and the growth of businesses to serve those activities exists.

Projection 3: 0 percent of the 2019 adult KRFC catch limit: In the event of salmon fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission anticipates a decline in regional spending and thus reduced revenues to the approximately 30 to 50 businesses that directly and indirectly serve sport fishing activities with unknown impacts on the creation of new business or the elimination of existing businesses. However, adverse impacts may be mitigated by the continued opportunity to harvest other sportfish and the potential for take of grilse KRFC. Additionally, the long-term intent of the proposed regulatory action is to increase sustainability in fishable salmon stocks and, consequently, the long-term viability of these same small businesses.

Section A

Question 6. Number of jobs that will be created or eliminated.

Projection 1: 100 percent of the 2019 adult KRFC catch limit: The Commission does not anticipate any adverse impacts on the creation or elimination of jobs, as the quotas would not decrease effort nor curtail the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2: 50 percent of the 2019 adult KRFC catch limit: The Commission anticipates some impact on the creation or elimination of jobs, which may be partially offset by the potential for continued sport fishing allowed for other sportfish and grilse KRFC. A 50 percent salmon catch reduction will likely reduce visitor spending by slightly less than 50 percent, given price elasticities of demand for salmon fishing activity of less than one. As the “price” of fishing per unit catch increases, the demand for fishing trips

declines by a lesser extent, particularly in the short-run. While difficult to predict, job losses associated with a 50 percent reduction in the adult KRFC catch limit are expected to be less than half of the 45 estimated total jobs supported by salmon angler visits (i.e. fewer than 23 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, sportfishing 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 2021 closure on the take of adult KRFC are estimated to result in the loss of less than 23 jobs due to adjustment lags, and the continued sport fishing allowed for other species and potentially for grilse KRFC.

Section B

Question 1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$0

The regulations under consideration seek to maintain the Klamath River Basin fall-run Chinook Salmon fishing opportunities with no new compliance costs. The proposed bag and possession limits do not prescribe any particular equipment or methods.

Section C

Question 1. Briefly summarize the benefits of the regulation.

Under all projections, the Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a Klamath River Basin salmon sport fishery and other sport fisheries encourages a healthy outdoor activity and the consumption of a nutritious food. Sport fishing also contributes to increased mental health of its practitioners, as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

Under all projections, the Commission anticipates benefits to the environment in the sustainable management of Klamath River Basin salmonid resources. Adoption of scientifically-based Klamath River Basin salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence.

Under all projections, consistency with Federal Fishery Management Goals: California's salmon sport fishing regulations need to align with the new Federal regulations to achieve optimum yield in California. The PFMC annually reviews the status of west coast salmon populations. As part of that process, it recommends west coast adult salmon fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan (FMP). These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries off the coasts of Washington, Oregon, and California, and California inland salmon sport fisheries. These recommendations are subsequently implemented as ocean fishing regulations by the NMFS, and as salmon sport regulations for California marine and inland waters by the Commission.

Section C

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

\$4.3M annually.

A normal season for the Klamath River Basin (including the Trinity River) experiences about 31,434 nonresident sport salmon angler days in which anglers contribute an estimated \$3.6M (2020\$) in direct expenditures to California businesses. This expenditure is received by area businesses that spend a share on inputs and payroll. As employees receive income, their household spending again circulates in the local economy and statewide. These multiplier effects result in an estimated total economic impact of \$4.3M (2020\$), and up to 45 jobs (see Table 1).

Section C

Question 4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation.

Projection 1: 100 percent of the 2019 adult KRFC catch limit: The Commission does not anticipate any impacts on the expansion of businesses in California as the quotas would not increase effort nor increase the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2: 50 percent of the 2019 adult KRFC catch limit: The Commission does not anticipate any impacts on the expansion of businesses currently doing business within the State. Decreases in expenditures by resident anglers associated with reduced fishing opportunities may be offset by increased expenditures on other locally purchased goods and services – with no net change in local economic activity. For non-resident anglers, however, decreases in local expenditures associated with decreases in local fishing opportunities may result in increases in other expenditures outside the Klamath River Basin area.

Projection 3: 0 percent of the 2019 adult KRFC catch limit: In the event of salmon fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission does not anticipate any expansion of businesses in California. Decreases in expenditures by anglers associated with reduced fishing opportunities may be partially offset by increased expenditures on other locally purchased goods and services as visitors fish for other sportfish, potentially including grilse KRFC, or the substitution of salmon fishing with other recreational activities.

Section D

Question 1. Alternatives to the Regulation

Alternative 1:

KRFC Adult Stocks

The use of more liberal regulations for KRFC bag limits, possession limits, and minimum adult salmon size would be less desirable than those proposed, because they could create risk of an intense fishery, reaching or exceeding the quota in a very short time. Reaching the quota in a very short time could be damaging to the local economy and exceeding the allowable harvest could damage the KRFC adult stocks.

Alternative 2:

KRFC Adult Stocks

The No Change Alternative would leave the current 2020 daily bag and possession limit regulations in place and would not allow flexibility to develop bag and possession limits based on 2021 PFMC allocations. The change for 2021 is necessary to continue appropriate harvest rates and an equitable distribution of the harvestable surplus.

Klamath River Basin Sport Fishing Regulations



California Fish and Game Commission Meeting

May 11, 2021

**Jonathan Nelson, Anadromous EPM
Fisheries Branch**



Lower Klamath sub-quota area
50% of quota

Area 1

Area 2

Trinity sub-quota areas
16.5% of quota each

Iron Gate Dam

Upper Klamath
sub-quota area
17% of quota

Lewiston Dam

Map of the Klamath Basin
Showing sub-quota areas
and creel sampling areas (1
and 2) in lower Klamath River

Pacific Ocean

Klamath River Fall-run Chinook Salmon Management

- Pacific Fishery Management Council (PFMC) establishes harvest allocations and natural spawning escapement goals for Klamath River fall-run Chinook Salmon
- The PFMC adopted a 2021 adult fall Chinook Klamath River Basin in-river recreational fishery allocation of 1,221 fish.
- Klamath River Basin quota allocation typically conforms to PFMC recommendations (minimum of 15% of non-tribal allocation)
- DFW determines bag and possession limits based on quota

2020 Adopted Klamath River Basin Sport Fishing Regulations

- Klamath River Basin quota: 1,294 fish > 23 inches
- Daily bag limit: 2 fish, no more than 1 adult > 23 inches
- Possession limit: 6 fish, no more than 3 adults > 23 inches
- Season: Aug. 15 – Dec. 31 (Klamath River)
- Season: Sept. 1 – Dec. 31 (Trinity River)

2021 Proposed Klamath River Basin Sport Fishing Regulations

- Klamath River Basin quota: 1,221 fish > 23 inches
- Daily bag limit: 2 fish, no more than 1 adult > 23 inches
- Possession limit: 6 fish, no more than 3 adults > 23 inches
- Season: Aug. 15 – Dec. 31 (Klamath River)
- Season: Sept. 1 – Dec. 31 (Trinity River)

Questions?

