

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: November 22, 2021

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: February 17, 2022

Location: Webinar/Teleconference

(b) Discussion Hearing

Date: April 21, 2022

Location: Monterey/Santa Cruz

(c) Adoption Hearing

Date: May 19, 2022

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).

Current regulations in subsections (b)(4), (b)(43), (b)(66), and (b)(80) of Section 7.40 prescribe the 2021 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).

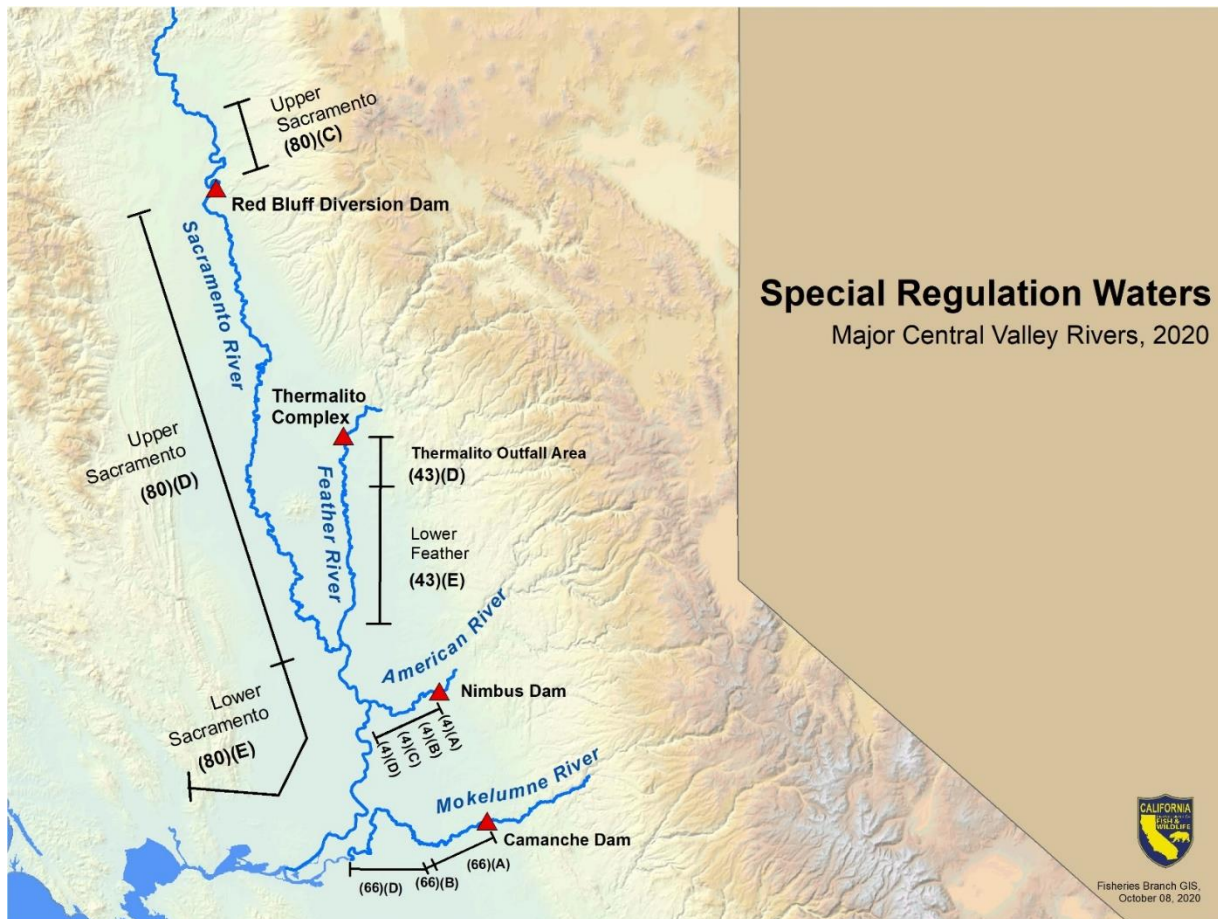


Figure 1. Map of the “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.40: American (b)(4), Feather (b)(43), Mokelumne (b)(66), and Sacramento (b)(80).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2022 meeting and will adopt its final regulatory recommendations at its April 2022 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2022 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations for the Central Valley fishery to the Commission at its April 21, 2022 meeting. The Commission will then consider adoption of the Central Valley sport fishing regulations at its May 19, 2022 meeting.

(b) Proposed Regulations

**CHINOOK SALMON BAG AND POSSESSION LIMITS**

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2022 Central Valley fishery, the Department is presenting three regulatory options for the Commission’s consideration to tailor 2022 Central Valley fishery management to target 2022 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 (two-year old 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 and have [0-12] Chinook Salmon in possession. This option is the Department’s preferred option if the 2022 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 United States Geological Survey (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 (two-year old salmon) making up the remainder of the daily bag and possession limits. This option would allow anglers to take up to [0-4] Chinook Salmon per day, with no more than [0-4] of those salmon salmon over 27 inches total length, and have [0-12] Chinook Salmon in possession, of which no more than [0-4] salmon may be over 27 inches total length. Should a reduction in the adult component of the stock be indicated 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 2018 (refer to Section III(g) 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. This option would allow anglers to take [0-4] Chinook Salmon with a maximum size of 27 inches total length and have [0-12] Chinook Salmon in possession, with a maximum size of 27 inches total length. Should a reduction in the adult component of the stock be indicated 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 2018 (refer to Section III(g) 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.

## **OTHER CHANGES**

Within the language of each potential option, the Department is proposing additional changes for clarity and consistency, as follows:

1. Throughout the regulatory text in subsections 7.40(b)(43) and (b)(80), replace “to” with “through” when describing date ranges. Changing the description of date ranges from “to” to “through” makes it clearer to the public that the date ranges are inclusive and fishing is allowed on the final day of the date range. This is also consistent with the language in other subsections of Section 7.40.

### **(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**

As stated in Fish and Game Code Section 1700, Conservation of Aquatic 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 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.

### **(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. Available from:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=164436&inline>

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

<https://www.census.gov/content/dam/Census/library/publications/2018/demo/fhw16-nat.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 16, 2021.

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

**SRFC Adult Stocks**

The no change alternative would leave existing 2021 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.

**Other Changes for Clarity**

Additionally, the No Change Alternative would cause the language within subsections (b)(43), and (b)(80) of 7.40 to be continue to be inconsistent with the rest of Section 7.40.

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 44 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 in total economic impact between a typical season and the options under consideration range from \$0, to \$2.7 M, to \$5.4 M as shown in Table 1 below.

A five-year average over the 2016-2020 seasons for the Central Valley fishery experiences about 187,388 sport salmon angler days in which anglers spend an average of \$86 to \$118 per day contributing a total of \$19.2 M (2021\$) 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 \$26.9 M (2021\$), that supports up to 220 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 Projected Economic Impacts (2021\$)

Regulation	Angler Days	Angler Expenditures	Total Econ Impact	Jobs
Option 1	187,388 <sup>1</sup>	\$ 19,169,693	\$ 26,956,422	220
Option 2	168,649	\$ 17,252,723	\$ 24,260,780	198
Option 3	149,910	\$ 15,335,754	\$ 21,565,137	176

Difference	Angler Day Loss	Expenditure Loss	Total Impact Loss	Job Loss
Option 1	0	\$ -	\$ -	0
Option 2	-18,739	-\$1,916,969	-\$ 2,695,642	(22)
Option 3	-37,478	-\$3,833,939	-\$ 5,391,284	(44)

<sup>1</sup> Base year for angler days is the five-year average of 2016–2020 annual creel survey data. 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; Expenditure figures in 2021 dollars, 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 (5-year average) number of angler days for the 2022 Chinook

Salmon season on the American, Feather, Mokelumne, and Sacramento rivers. Option 2 may result in declines in angler days of 18,739 below a typical year. Option 3 may result in larger declines, or an estimated 37,478 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 22-44 jobs statewide.

(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 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 2021 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 2022 meeting and will adopt its final regulatory recommendations at its April 2022 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2022 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations to the Commission at its April 21, 2022 meeting. The Commission will then consider adoption of the Central Valley sport fishing regulations at its May 19, 2022 meeting.

### Proposed Regulations

#### **Chinook Salmon Bag and Possession Limits**

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2022 Central Valley fishery, the Department is presenting three regulatory options for the Commission’s consideration to tailor 2022 Central Valley fishery management to target 2022 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 (two-year old 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 2022 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-river 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.

### **All Options**

Under all options, non-substantive edits are proposed for consistency with other subsections of Section 7.40.

#### **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.