

California Fish and Game Commission Meeting Binder



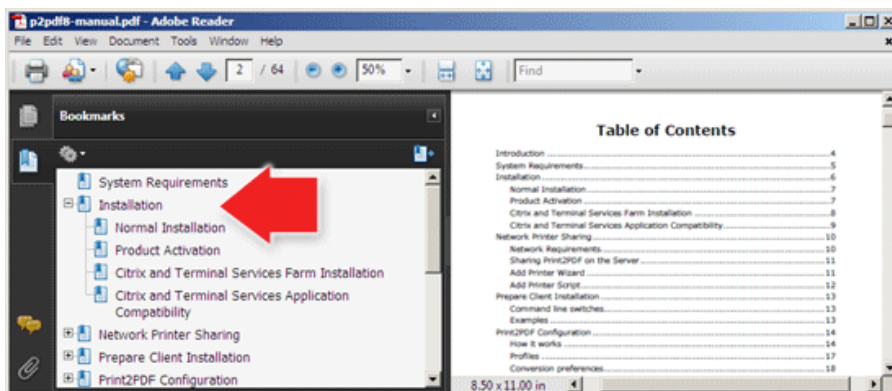
**May 19, 2022
Teleconference**


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.

OVERVIEW OF CALIFORNIA FISH AND GAME COMMISSION TELECONFERENCE MEETING

- Welcome to a meeting of the California Fish and Game Commission. This is the 153rd 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 three years ago.
- 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.

INTRODUCTIONS FOR FISH AND GAME COMMISSION MEETINGS

Fish and Game Commission

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

Commission Staff

Melissa Miller-Henson	Executive Director
Rachel Ballanti	Deputy Executive Director
Mike Yaun	Legal Counsel
Susan Ashcraft	Marine Advisor
Ari Cornman	Wildlife Advisor
Chuck Striplen	Tribal Advisor and Liaison
Sherrie Fonbuena	Associate Analyst
Cynthia McKeith	Staff Services Analyst

California Department of Fish and Wildlife Staff

Chuck Bonham	Director
Wendy Bogdan	General Counsel
Chad Dibble	Deputy Director, Wildlife and Fisheries Division
David Bess	Deputy Director and Chief, Law Enforcement Division
Julie Vance	Deputy Director, Ecosystem Conservation (Acting)
Jordan Traverso	Deputy Director, Office of Communication, Education and Outreach
Scott Gardner	Chief, Wildlife Branch
Jay Rowan	Chief, Fisheries Branch
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)

Commissioners
Samantha Murray, President
Del Mar
Erika Zavaleta, Vice President
Santa Cruz
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Vacant, Member

STATE OF CALIFORNIA
Gavin Newsom, Governor

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

REVISED* MEETING AGENDA – TELECONFERENCE **May 19, 2022, 8:30 am**

California Department of Fish and Wildlife
Large Conference Room, 3883 Ruffin Road, San Diego, CA 92123
(enter through the single door located in the middle of the building)

Members of the public may participate in the teleconference meeting at the address above and any of the following locations:

- Central Valley Regional Water Quality Control Board, Gregory Cash Room, 364 Knollcrest Drive, Redding, CA 96002
- California Department of Fish and Wildlife, Conference Room, 50 Ericson Court, Arcata, CA 95521
- Napa Valley Community Housing, 150 Camino Dorado, Napa, CA 94558
- Natural Resources Building, 715 P Street, Room 2-310, Sacramento, CA 95814

The meeting will be live streamed *for listening purposes only*; visit www.fgc.ca.gov the day of the meeting.

*** This agenda was revised on May 6 to amend one of the teleconference participation locations.**

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 5. 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**

GENERAL 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), California 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. **Game fish contests**

Discuss proposed changes to game fish contest regulations. (Amend Section 230, Title 14, CCR)

6. **Clarification of allowed and prohibited uses for state marine recreational management areas (SMRMAs)**

Discuss proposed changes to clarify allowed and prohibited uses for SMRMAs. (Amend subsections 632(b)(9), (37), (41), (42) and (91), Title 14, CCR)

Adjourn

California Fish and Game Commission 2022 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
June 15-16	Los Angeles/Orange County area	
July 14		Marine Resources Santa Rosa area
August 16		Tribal Fortuna
August 17-18	Fortuna	
September 15		Wildlife Resources Los Angeles/Inland Empire
October 12-13	Truckee	
November 17		Marine Resources San Diego area
December 13		Tribal San Diego area
December 14-15	San Diego area	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 18-21, 2022 – Fort Worth, TX

Pacific Fishery Management Council

- June 7-14, 2022 – Vancouver, WA
- September 7-14, 2022 – Boise, ID
- November 2-8, 2022 – Orange County, CA

Pacific Flyway Council

- August 26, 2022 – Juneau, AK

Western Association of Fish and Wildlife Agencies

- July 10-15, 2022 – Oklahoma City, OK

Wildlife Conservation Board

- May 26, 2022 – Sacramento, CA
- August 25, 2022 – Sacramento, CA
- November 17, 2022 – Sacramento, CA

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks 153 years 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 and we provide this 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 EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language 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; deliver to California Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814 (you must call at least one business day 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 May 6, 2022**. 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 16, 2022**. 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), 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. Petitions submitted following the April 20-21, 2022 Commission meeting will be received at the next regularly scheduled business meeting on June 15-16, 2022, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

Non-Regulatory Requests

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. Non-regulatory requests are traditionally held for receipt at regularly scheduled Commission meetings in February, April, June, August, October and December. Non-regulatory requests submitted following the April 20-21, 2022 Commission meeting will be received at the June 15-16, 2022 meeting.

Speaking at the Meeting

For this meeting, speakers must participate at one of the locations listed on the agenda.

Please complete a "speaker card" and provide it to the designated staff member before the agenda item is announced. Cards will be available near the entrance of the meeting room.

Only one speaker card is necessary for speaking to multiple items.

1. Speakers will be identified in groups; please line up when your name is called.
2. When addressing the Commission, please 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. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
 - b. In-person participants ceding their time shall complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time.
 - c. 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.
 - d. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
 - e. 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. If the presentation file is too large to send via email, contact staff to identify an alternative method for submitting the file.
2. All electronic formats must be Windows PC compatible.
3. If presenting at an in-person meeting location, it is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.

STAFF SUMMARY FOR MAY 19, 2022

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

Receive verbal public comment regarding topics within FGC authority that are not included on the agenda.

Summary of Previous/Future Actions

- Today receive verbal requests and comments May 19, 2022; Teleconference
- Consider granting, denying, or referring Jun 15-16, 2022; Los Angeles/Trinidad

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. All written comments submitted following the Apr 20-21, 2022 FGC meeting will be received at the Jun 15-16, 2022 meeting.

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

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

Exhibits (N/A)**Motion (N/A)**

STAFF SUMMARY FOR MAY 19, 2022

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

Consider adopting proposed changes to Central Valley sport fishing regulations and taking final action under the California Environmental Quality Act (CEQA).

Summary of Previous/Future Actions

- | | |
|-----------------------------------|---|
| • WRC vetting | Sep 16, 2021; WRC, Webinar/Teleconference |
| • Notice hearing | Feb 16-17, 2022; Webinar/Teleconference |
| • Discussion hearing | Apr 20-21, 2022; Monterey/Trinidad |
| • Today's adoption hearing | May 19, 2022; 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 Feb 2022, FGC authorized publication of a notice of proposed changes to bag and possession limits for Sacramento River fall-run Chinook salmon (SRFC) in the American, Feather, Mokelumne, and Sacramento rivers to encompass possible PFMC 2022 recommendations for SRFC stocks.

The scope of options in the initial statement of reasons (ISOR; Exhibit 2) was intentionally broad to allow for flexibility in developing the final Central Valley salmon limits. A pre-season stock projection of 396,500 adult SRFC was released in March 2022 (Exhibit 7), and PFMC made its final recommendation at its Apr 6-13, 2022 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 (PSOR; Exhibit 10):

- Allow take of any size Chinook salmon up to the daily bag and possession limits (option 1 from the ISOR).
- A daily bag limit of two fish, and a possession limit of four fish for the lower American, Feather, Sacramento, and Mokelumne river
- Maintain the same season dates as in 2021

California Environmental Quality Act

DFW drafted an initial study and a draft negative declaration as a proposed mechanism for complying with CEQA and provided the draft to FGC (exhibits 4-6). FGC staff reviewed and analyzed the negative declaration and determined that it reflects the independent judgment of FGC. FGC staff submitted the draft negative declaration for public comment (State Clearinghouse Number # 2022040250, available at <https://ceqanet.opr.ca.gov/2022040250>); no public comments were received addressing the draft negative declaration.

STAFF SUMMARY FOR MAY 19, 2022

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 regulation changes as presented in the PSOR

Exhibits

1. [DFW memo transmitting ISOR, received Jan 13, 2022](#)
2. [Central Valley sport fishing ISOR, dated Nov 22, 2021](#)
3. [Proposed regulatory language, dated Mar 2022](#)
4. [DFW memo transmitting draft negative declaration, received Apr 11, 2022](#)
5. [Draft negative declaration, dated Mar 2022](#)
6. [Notice of completion and document transmittal form and summary form](#)
7. [PFMC Report: Pre-Season Report I](#) – Stock Abundance Analysis and Environmental Assessment Part 1 for 2022 Ocean Salmon Fishery Regulations, dated Mar 2022
8. [Economic and fiscal impact statement \(Std. 399\)](#)
9. [DFW memo transmitting PSOR, received May 9, 2022](#)
10. [PSOR and revised proposed regulatory language, dated April 22, 2022](#)

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 2022 season.

STAFF SUMMARY FOR MAY 19, 2022

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

Adopt proposed changes to Klamath River Basin sport fishing regulations and consider taking final action under the California Environmental Quality Act.

Summary of Previous/Future Actions

- | | |
|-----------------------------------|---|
| • WRC vetting | Sep 17, 2020; WRC, Webinar/Teleconference |
| • Notice hearing | Feb 16-17, 2022; Webinar/Teleconference |
| • Discussion hearing | Apr 20-21, 2022; Monterey/Trinidad |
| • Today's adoption hearing | May 19, 2022; Teleconference |

Background

FGC annually adopts Klamath River Basin sport fishing regulations for consistency with federal fishery management goals. In Feb 2022, FGC authorized publication of a notice of proposed changes to quotas and to bag and possession limits for Klamath River fall-run Chinook salmon (KRFC).

For notice purposes, DFW recommended a quota range of 0-67,600 adult KRFC over 23 inches total length in the Klamath River Basin for the in-river sport fishery, as this range encompasses the historical range of Klamath River Basin allocations and allowed for adjustments by the Pacific Fishery Management Council (PFMC) and FGC during the 2022 regulatory cycle.

PFMC released its pre-season stock projection of 155,000 adult KRFC in Mar 2022, and the 2022 basin allocation was recommended by PFMC at its Apr 7-13, 2022. At FGC's Apr 2022 meeting, DFW recommended a range of proposed bag and possession limits for KRFC as stated in the initial statement of reasons (ISOR; Exhibit 2). The scope of options in the initial statement of reasons is intentionally broad to allow for flexibility in developing the final KRFC limits.

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 10; PSOR):

- 2022 quota of 2,119 KRFC over 23 inches total length
- KRFC daily bag limit of two Chinook salmon, of which no more than one fish over 23 inches total length may be retained until the subquota is met, then zero fish over 23 inches total length.
- KRFC possession limit of six Chinook salmon, with no more than three fish over 23 inches total length may be retained when the take of salmon over 23 inches total length is allowed.

No changes were proposed for the Klamath River and Trinity River KRFC seasons. The Klamath River Basin also supports Klamath River spring-run Chinook Salmon (KRSC); there

STAFF SUMMARY FOR MAY 19, 2022

are no regulatory changes proposed in this rulemaking for the general KRSC opening and closing season dates, or bag, possession and size limits.

California Environmental Quality Act

DFW drafted an initial study and a draft negative declaration as a proposed mechanism for complying with CEQA and provided the draft to FGC (exhibits 4-6). FGC staff has reviewed and analyzed the negative declaration and determined that it reflects the independent judgment of FGC. FGC submitted the draft negative declaration for public comment (State Clearinghouse Number # 2022040251, available at <https://ceqanet.opr.ca.gov/2022040251>); 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 in the PSOR.

Exhibits

1. [DFW memo transmitting ISOR, received Jan 13, 2022](#)
2. [Klamath River Basin sport fishing ISOR, dated Nov 22, 2021](#)
3. [Proposed regulatory language, dated Mar 2022](#)
4. [DFW memo transmitting draft negative declaration, received Mar 22, 2022](#)
5. [Draft negative declaration, dated Mar 2022](#)
6. [Notice of completion and document transmittal form and summary form](#)
7. [PFMC report: *Pre-Season Report I – Stock Abundance Analysis and Environmental Assessment Part 1 for 2022 Ocean Salmon Fishery Regulations*, dated Mar 2022](#)
8. [Economic and fiscal impact statement \(STD. 399\)](#)
9. [DFW memo transmitting PSOR, received May 9, 2022](#)
10. [PSOR and revised proposed regulatory language, received May 9, 2022](#)

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 2022 season.

STAFF SUMMARY FOR MAY 19, 2022

5. GAME FISH CONTESTS**Today's Item****Information** ☒**Action** ☐

Discuss proposed changes to game fish contest regulations.

Summary of Previous/Future Actions

- | | |
|-------------------------------------|---|
| • WRC vetting | Sep 16, 2021; WRC, Webinar/Teleconference |
| • WRC vetting | Jan 13, 2022; WRC, Webinar/Teleconference |
| • Notice hearing | Apr 20-21, 2022; Monterey/Trinidad |
| • Today's discussion hearing | May 19, 2022; Teleconference |
| • Adoption hearing | Jun 15-16, 2022; Los Angeles |

Background

Section 2003 of the California Fish and Game Code authorizes DFW to issue a permit to a person seeking to offer prizes for taking game fish; the permit is subject to regulations adopted by FGC. Section 230 of Title 14 establishes the procedures by which DFW issues the permits. Currently, DFW issues two different types of permits, Type A and Type B, based on the number of participants and value of prizes or other inducements offered. DFW begins accepting permit applications on July 1 for contests to be held the following year. Fishing contest permits are issued for the take of approximately 10 different game fish species. Contests targeting black bass are the most popular and account for approximately 80 percent of all permits issued each year.

In Apr 2022, FGC authorized publication of notice of its intent to amend Section 230 to add a definition section to define specific terms, redefine the contest permit types, revise the requirements and procedures to apply and obtain permits, revise the number of contests DFW issues per water per month, update and replace an existing form, adopt three new forms, and clarify the basis for denial and revocation. The proposed changes will help address the needs of today's contest applicants that are not being met with the current regulations.

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

1. [Staff summary from Apr 21, 2022 \(for background purposes only\)](#)
2. [DFW memo, received Apr 6, 2022](#)
3. [Initial statement of reasons](#)
4. [Proposed regulation text](#)
5. [DFW memo, received May 9, 2022](#)
6. [Draft Negative Declaration](#)
7. [Notice of Completion and Summary](#)

Motion (N/A)

STAFF SUMMARY FOR MAY 19, 2022

6. CLARIFICATION OF ALLOWED AND PROHIBITED USES FOR STATE MARINE RECREATIONAL MANAGEMENT AREAS (SMRMAs)**Today's Item****Information** ☒**Action** ☐

Discuss proposed changes to clarify allowed and prohibited uses for SMRMAs.

Summary of Previous/Future Actions

- | | |
|-------------------------------------|-------------------------------------|
| • Notice hearing | Apr 20-21, 2022; Monterey/Trinidad |
| • Today's discussion hearing | May 19, 2022; Teleconference |
| • Adoption hearing | Jun 15-16, 2022; Los Angeles |

Background

The Marine Managed Areas Improvement Act (California Public Resources Code Section 36600 et seq.) authorizes FGC to designate SMRMAs for hunting purposes. Between 2007 and 2012, FGC adopted regulations designating South Humboldt Bay SMRMA [subsection 632(b)(9)], Russian River SMRMA [subsection 632(b)(37)], Estero Americano SMRMA [subsection 632(b)(41)], Estero de San Antonio SMRMA [subsection 632(b)(42)], and Morro Bay SMRMA [subsection 632(b)(91)].

In 2015, FGC adopted a “clean-up” rulemaking which unintentionally removed take restrictions originally established in regulation for the five SMRMAs. Consequently, FGC regulations no longer explicitly prohibit take within the boundaries of the five SMRMAs as originally intended and adopted by FGC.

At its Apr 20-21, 2022 meeting (see Exhibit 3), FGC authorized staff to publish notice of its intent to return the regulatory text to language similar to that used prior to adopting the 2015 clean-up regulations. In addition, the new amendments would prohibit take of geological and cultural marine resources to align authorized uses within SMRMAs with authorized uses within state marine reserves and state marine conservation areas, thereby improving consistency amongst protected areas (see exhibits 1 and 2). Non-substantive amendments are also proposed for consistency with the regulatory text in other subsections of Section 632.

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

1. [DFW memo transmitting draft initial statement of reasons \(ISOR\), received Mar 22, 2022](#)
2. [ISOR and proposed regulatory language, dated Feb 3, 2022](#)
3. [Staff summary from Apr 20-21, 2022 FGC meeting \(for background purposes only\)](#)
4. [California Public Resources Code, Section 36600 et seq., accessed May 11, 2022](#)

Motion (N/A)

Memorandum

Date: January 12, 2022

Original on file,
Received January 13, 2022

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 Sportfishing Regulations**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission (Commission) authorize publishing notice of its intent 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 prior years, the Department is presenting three regulatory options for the 2022 Central Valley sport fishing regulations for the Commission's consideration. The three options encompass possible Pacific Fishery Management Council (PFMC) 2022 recommendations for Sacramento River fall-run Chinook Salmon (SRFC) stocks. These potential options are as follows:

Option 1 – Allows take of any size Chinook Salmon up to the daily bag and possession limits, which are to be determined.

Option 2 – Allows 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 – Allows a grilse-only Chinook Salmon fishery.

The purpose for providing options is to increase flexibility for development of the final Central Valley sport fishing regulations. Specific bag and possession limits for SRFC will be presented to the Commission after the PFMC adopts its final recommendations at its April 2022 meeting.

The draft negative declaration for compliance with the California Environmental Quality Act will be provided to the Commission prior to the April 2022 discussion hearing. The Department asks that the Commission request that the Office of Administrative Law make the regulations effective on or before July 16, 2022.

If you have any questions regarding this item, please contact Jay Rowan, Chief, Fisheries Branch, by telephone at (916) 212-3164. The public notice for this rulemaking should identify Senior Environmental Scientist Karen Mitchell as the Department's point of contact. She can be reached at (916) 376-1917.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
January 12, 2022
Page 2

cc: Garry Kelley, Acting Deputy Director
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Tina Bartlett, Regional Manager
Northern Region (Region 1)
California Department of Fish and Wildlife

Kevin Thomas, Regional Manager
North Central Region (Region 2)
California Department of Fish and Wildlife

Jay Rowan, Branch Chief
Fisheries Branch
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Rob Titus, Supervisor
Fisheries Branch
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Karen Mitchell, Sr. Environmental Scientist
Fisheries Branch
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Ona Alminas, Program Manager
Regulations Unit
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Rose Dodgen, Analyst
Regulations Unit
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Ari Cornman, Wildlife Advisor
Fish and Game Commission

Maurene Trotter, Analyst
Fish and Game Commission

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).

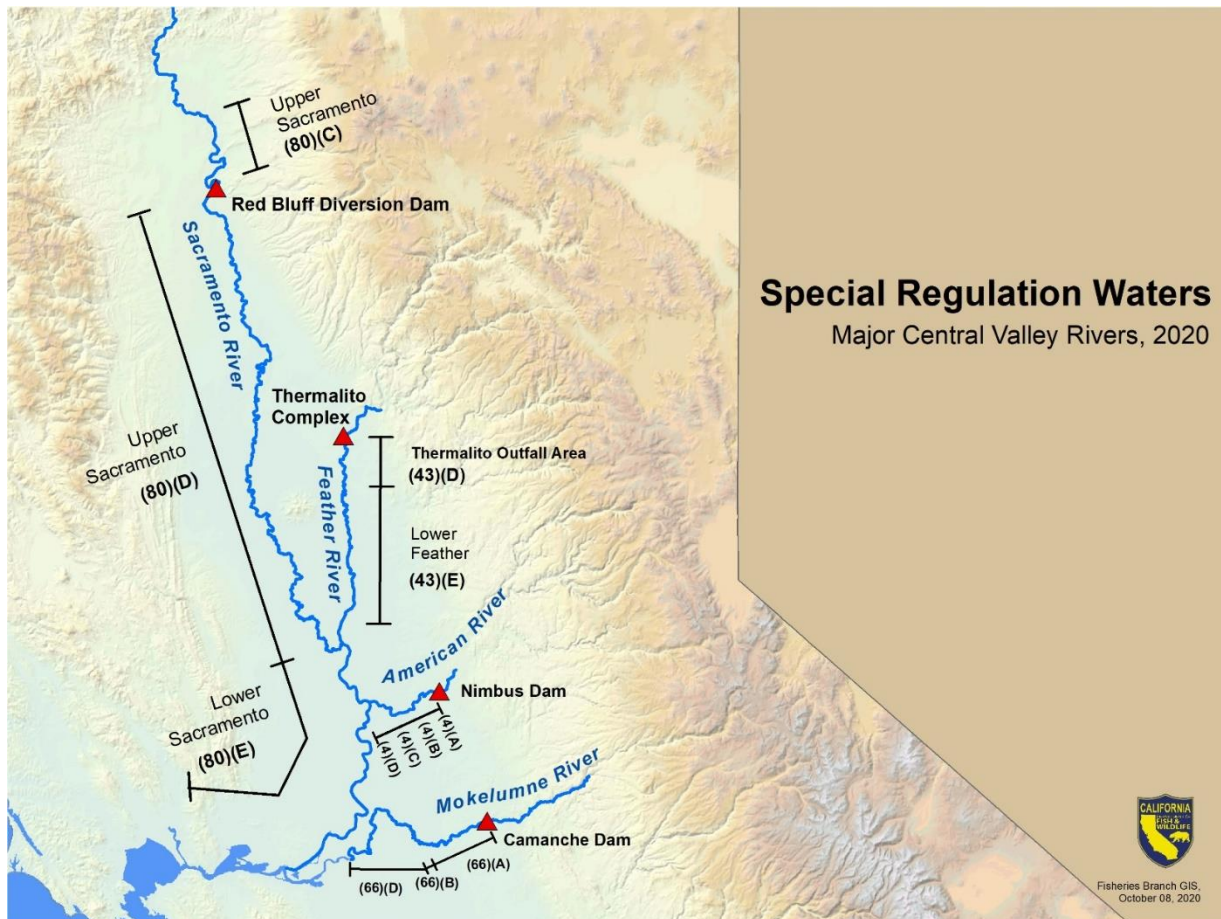


Figure 1. Map of the “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.40: American (b)(4), Feather (b)(43), Mokelumne (b)(66), and Sacramento (b)(80).

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 ¹	\$ 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)

¹ 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.

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

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.).		
(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>2<u>[0-4]</u> Chinook Salmon.</p> <p>4<u>[0-12]</u> 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. 2 <u>[0-4]</u> Chinook Salmon. 4 <u>[0-12]</u> Chinook Salmon in possession.
	Dec. 17 to <u>through</u> 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 May through Jul. 15.	1 hatchery trout or hatchery steelhead**.

	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**.
	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**.
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. . . [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.).		
(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 <u>through</u> 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 <u>through</u> 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 <u>[0-4]</u> Chinook Salmon. 4 <u>[0-12]</u> 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.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2[0-4] Chinook Salmon.</p> <p>4[0-12] Chinook Salmon in possession.</p>
	Dec. 17 through Dec. 31.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>
(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.	<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.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p> <p>2[0-4] Chinook Salmon.</p> <p>4[0-12] Chinook Salmon in possession.</p>
	Dec. 17 through Dec. 31.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>

. . . [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)

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.	<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>
	Dec. 17 through Dec. 31.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>

. . . [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.).		
(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. 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>

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. 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 to <u>through</u> 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 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**.

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.	<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>
	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.).		
(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 <u>through</u> 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 <u>through</u> 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>
	Jul. 16 through Dec. 16.	<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>

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
	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.
	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)

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.	<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>
(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.	<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>
	Dec. 17 through Dec. 31.	<p>2 hatchery trout or hatchery steelhead**.</p> <p>4 hatchery trout or hatchery steelhead** in possession.</p>

. . . [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.).		
(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. 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>

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. 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 to through 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 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**.
	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. 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 cos.).		

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

. . . [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.

Memorandum

Date: April 8, 2022

Signed Original on File:
Received April 11, 2022

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 (Department) has prepared the enclosed *Initial Study and Negative Declaration for Proposed Amendments to the 2022-2023 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) 205-0250.

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STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
FISH AND GAME COMMISSION
NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
2022-2023 CENTRAL VALLEY SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS

Prepared by:

California Department of Fish and Wildlife
Fisheries Branch

MARCH 2022

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 California Fish and Game Commission (Commission) proposes to amend Central Valley sport fishing regulations as set forth in Title 14 of the California Code of Regulations. The current 2021 sport fishing regulations in Section 7.40 of Title 14 allow for salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers. Each year the California Department of Fish and Wildlife (Department) evaluates the potential need to amend 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:

- 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 U.S. Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, the recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2022 meeting and develop the final PFMC regulatory recommendations for adoption by NMFS at its April 2022 meeting. Based on the regulations adopted by NMFS, the Department will recommend specific bag and possession limits to the Commission in April 2022. The Commission will consider the proposed regulations for adoption during a scheduled teleconference call on May 19, 2022.

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, 2022.

Project Description

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 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.

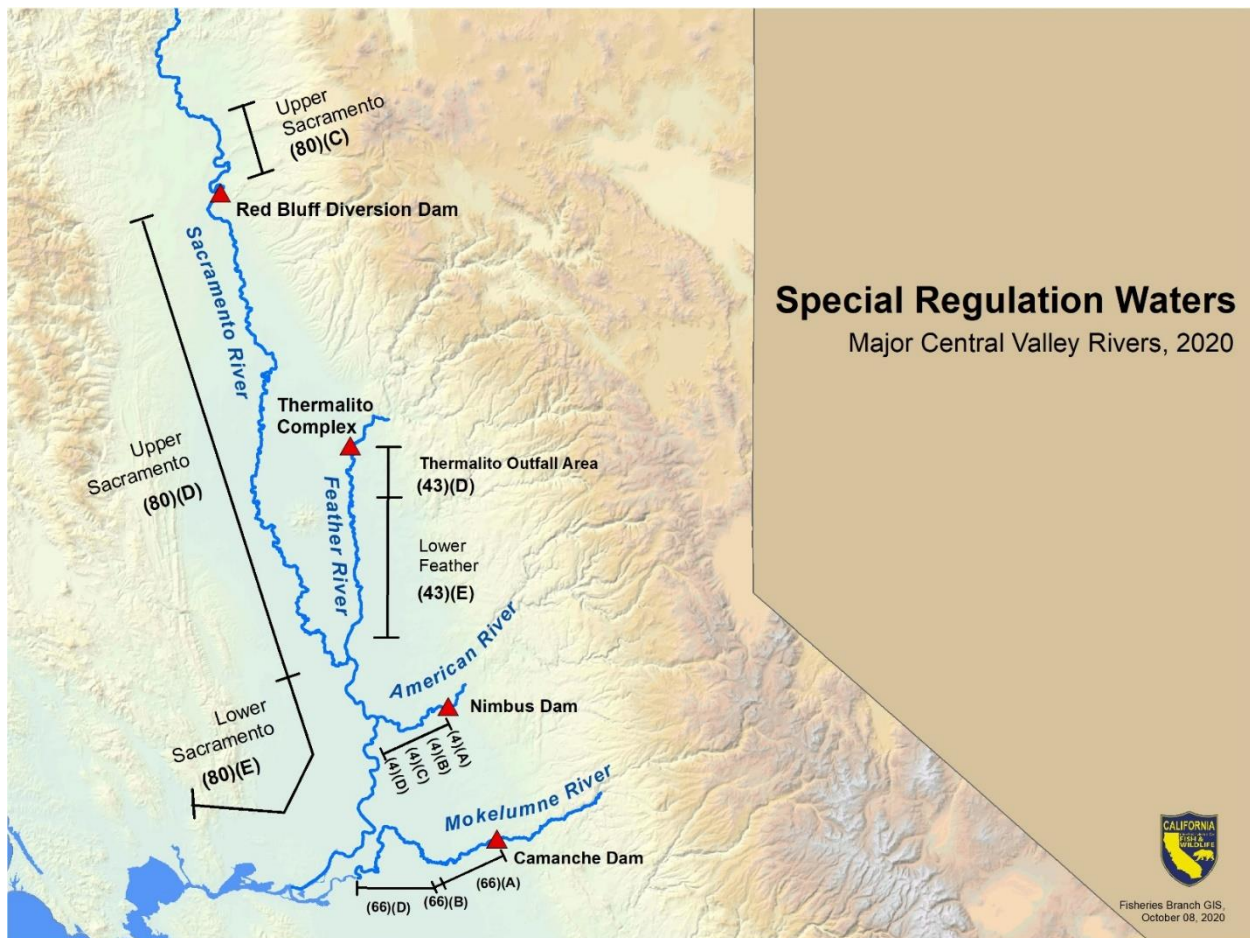


Figure 1. Map of the “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.40: American (b)(4), Feather (b)(43), Mokelumne (b)(66), and Sacramento (b)(80).

PROPOSED REGULATIONS

Chinook Salmon Bag and Possession Limits

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 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:

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 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 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 7.40(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.

ENVIRONMENTAL CHECKLIST FORM

1. Project Title:
Proposed Amendments to 2022-2023 Central Valley Sport Fishing Regulations, Title 14, California Code of Regulations
2. Lead Agency Name and Address:
California Fish and Game Commission
715 P Street, 16th floor
Sacramento, CA 95814
3. Contact Person and Phone Number:
Melissa Miller-Henson, (916) 653-4899
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) In nonurbanized areas, 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)
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<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 dedicated 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:	<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 systems 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 with 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	<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)
value to the region and the residents of the state?				
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<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 program, 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) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
a) 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 geographically 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:				
i) 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
ii) 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	<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)
construction or relocation of which could cause significant environmental effects?				
b) Have sufficient water supplies available to serve the project and reasonably 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 waste water 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, in nonurbanized areas, 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 alteration, 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). Option 1, described above, could result in a potential increase in bag and possession limits for Sacramento River fall-run Chinook Salmon (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.

In addition, an increase in the daily bag and possession limits for SRFC would not result in a significant impact to SRFC. Daily bag and possession limits are established 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. These limits are designed to avoid adverse effects to the target species. Therefore, the proposed project will have no significant impacts to SRFC.

- 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 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.
- f) The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

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 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 would not 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 geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Further:
 - a i) 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.
 - a ii) 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.
- d) The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

- a) 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 that are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- c) 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 # 2022040250

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) 653-4899

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/	X Growth Inducement
X Biological Resources	X Noise	Compaction/Grading	X Land Use
n/a Coastal Zone	X Population/Housing	X Solid Waste	X Cumulative Effects
X Drainage/Absorption	Balance	X Toxic/Hazardous	X Other: GHG, Fishing
n/a Economic/Jobs	X Public Services/Facilities	X Traffic/Circulation	
n/a Fiscal	X Recreation/Parks	n/a Vegetation	

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
X 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: 04/12/22

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 #: 2022040250

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 fr. Shasta to San Joaquin

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 IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Subsections(b)(4),(b)(43),(b)(66),(b)(80) of Sec.7.40,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: **0-44**
- 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 AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

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? \$ \$26.9M 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 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: \$	<u>26.9M</u>	Cost: \$	<u>0</u>
Alternative 1:	Benefit: \$	<u>24.3M</u>	Cost: \$	<u>2.7M</u>
Alternative 2:	Benefit: \$	<u>21.6M</u>	Cost: \$	<u>5.4M</u>

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.

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 _____

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

STD. 399 (Rev. 10/2019)

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)

\$ _____

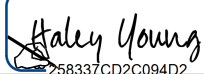
☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DocuSigned by:



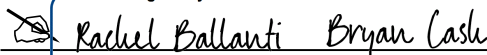
DATE

3/15/2022

The signature attests 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:



3/17/2022

DATE

3/16/2022

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 22-44 jobs statewide (refer to Section C, question 3 Table 1, 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?

\$21.6 – 26.9 M in total economic impact annually. This is the five-year 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 the 2016-2020 historically typical seasons. The potential difference between an average season and the options under consideration range from \$2.7 - \$5.4 M as shown in Table 1.

The total economic impact of the continued level of activity throughout the Central Valley fishery is reported as the “benefit” of this regulation. While the incremental change introduced by this proposed regulation is reported as the “costs.” The proposed regulation is expected to support fishing within the five-year average historical range such that the difference or “cost” is \$0. The proposed regulatory options are presented to the Commission so that a choice may be implemented in order to align with the PFMC status report on Chinook Salmon and recommended management limits. There is always the possibility that the PFMC could recommend a full closure to salmon fishing. Against that potential outcome, the total economic impact of the continued historically typical level fishery activity is reported as the total statewide benefits.

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 -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 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 (2021\$)

Regulation	Angler Days	Angler Expenditures	Total Econ Impact	Jobs
Option 1	187,388 ¹	\$ 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)

¹ Base year used 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; 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 (5-year average) typical number of angler days for the 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*), 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 (\$2021)

Regulation or Alternative	Benefit	Cost
Regulation: Option 1	\$26.9M	\$0
Alternative 1: Option 2	\$24.3M	\$2.7M
Alternative 2: Option 3	\$21.6M	\$5.4M

State of California
Department of Fish and Wildlife

Memorandum

Date: May 5, 2022

Signed Original on File:
Received May 9, 2022

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

From: Charlton H. Bonham
Director

Subject: **Submittal of Pre-Adoption Statement of Reasons for the May 19, 2022 Fish and Game Commission meeting agenda item: RE: Central Valley Sport Fishing Regulations**

Please find attached the Pre-Adoption Statement of Reasons (PSOR) for the 2022 Central Valley sport fishing regulations. The PSOR includes the Department of Fish and Wildlife (Department)'s recommendation for bag and possession limits for Sacramento River fall-run Chinook Salmon on the Sacramento, lower American, Feather, and Mokelumne rivers, and responses to public comments on the proposed sport fishing regulations. No changes have been made to the originally proposed regulatory language; however, the Department is recommending Option 1 from the Initial Statement of Reasons (ISOR) which allows for take and possession of any size Chinook Salmon up to the daily bag and possession limits. The Department is recommending a daily bag limit of 2 fish, and a possession limit of 4 fish for the lower American, Feather, Sacramento, and Mokelumne rivers. These specific bag and possession limits for Sacramento River fall-run Chinook Salmon in the Central Valley are slated for adopted during the Commission teleconference on May 19, 2022.

If you have any questions regarding this item, please contact Jay Rowan, Chief, Fisheries Branch, by telephone at (916) 212-3164.

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Tina Bartlett, Regional Manager
Northern Region (Region 1)
California Department of Fish and Wildlife

Kevin Thomas, Regional Manager
North Central Region (Region 2)
California Department of Fish and Wildlife

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 5, 2022
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Jay Rowan, Branch Chief
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Wildlife and Fisheries Division
California Department of Fish and Wildlife

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California Department of Fish and Wildlife

Karen Mitchell, Sr. Environmental Scientist
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Ona Alminas, Program Manager
Regulations Unit
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Rose Dodgen, Analyst
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Wildlife and Fisheries Division
California Department of Fish and Wildlife

Ari Cornman, Wildlife Advisor
California Fish and Game Commission

Maurene Trotter, Analyst
California Fish and Game Commission

State of California
Fish and Game Commission
Pre-Adoption Statement of Reasons for Regulatory Action

Amend Section(s) (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. Date of Pre-Adoption Statement of Reasons: April 22, 2022

III. 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

(c) Adoption Hearing

Date: May 19, 2022

Location: Teleconference

IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons (ISOR)

No changes have been made to the originally proposed regulatory language; however, the Department of Fish and Wildlife (Department) is recommending Option 1 from the Initial Statement of Reasons (ISOR) which allows for take and possession of any size Chinook Salmon up to the daily bag and possession limits. The Department is recommending a daily bag limit of two fish, and a possession limit of four fish for the lower American, Feather, Sacramento, and Mokelumne rivers.

The Department is recommending adoption of the other proposed changes as described in the ISOR.

V. Reasons for Modification of Originally Proposed Language of ISOR:

The Pacific Fishery Management Council (PFMC) has reviewed west-coast salmon stocks and has projected the in-river recreational harvest impact to be approximately 198,694 adult Sacramento River fall-run Chinook Salmon for the 2022 season. Regulatory options 1-3 in the ISOR encompassed varying ranges of sport fishing bag and possession limits based on PFMC's projection. To target PFMC's projection, the Department is recommending Option 1 in the ISOR, which allows for take of any size Chinook Salmon up to the daily bag possession limits. The Department is not recommending Option 2 (limited adult, and grilse fishery – jacks or jills) or Option 3 (grilse-only fishery).

The Department is recommending a daily bag limit of two fish, and a possession limit of four fish of any size for the lower American, Feather, Sacramento, and Mokelumne rivers. This will result in

no change to the current bag and possession limits on these waters. The reason for this relatively conservative approach for these waters is that the Department remains concerned about rebuilding of the fall-run Chinook Salmon stock in the upper Sacramento River basin and on the American River.

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

April 21, 2022 – Mark Smith, Northern California Guides and Sportsmen’s Association (NCGASA) (oral comment).

Expressed appreciation to the Commission, Department staff, and everyone who worked with them to understand our concerns about escapement targets in the Sacramento system. Mr. Smith stated that they were very pleased to see the higher recommended escapement that was adopted this year. We understand that at least on paper that it’s supposed to provide for a significant increase in fish returning to the system and significant number of what they hope will be natural spawners. That has not always panned out, paper numbers haven’t always materialized to real fish. They are very interested to see how that ends up working out this year.

Mr. Smith also expressed support for the Department’s recommendation for a two fish bag limit and would like to schedule a conversation with the Department between now and the adoption hearing in May. He expressed concern that the inland fishery has been struggling and stated that the number of guides that have been operating on the river system continue to decline, businesses continue to be lost, and recreational angling enthusiasm continues to go down. This year, low flow conditions in the rivers will result in warmer temperatures for all species of salmon. This will also impact recreational anglers who won’t be able to get a boat on to certain sections of the river, especially in the Feather system. That river is so inundated with sediment at certain points in the river, that low flow releases in the summer really have an impact on recreational activity.

Response: Comments noted and appreciated.

Updated 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).

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 **developed** the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2022 meeting and **adopted** 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 **recommended** 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.

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 **presented** 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 **were** 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.

Update:

No changes have been made to the originally proposed regulatory language; however, the Department is recommending Option 1 from the ISOR which allows for take and possession of any size Chinook Salmon up to the daily bag and possession limits. The Department is recommending a daily bag limit of two fish, and a possession limit of four fish for the lower American, Feather, Sacramento, and Mokelumne rivers.

Revised Proposed Regulatory Language

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 Chinook Salmon. 4 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 Chinook Salmon. 4 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 Chinook Salmon. 4 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.).		
(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>2 Chinook Salmon.</p> <p>4 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>
	Jul. 16 through Dec. 16.	<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>

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
	Dec. 17 to <u>through</u> 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 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.
(B) From Elliot Road to the Woodbridge Irrigation District Dam including Lodi Lake.	Jan. 1 through Jul. 15.	1 hatchery trout or hatchery steelhead**.
	Jul. 16 through Dec. 31.	1 hatchery trout or hatchery steelhead**. 2 Chinook Salmon.

		4 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 Chinook Salmon. 4 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.).		
(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 <u>through</u> 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 <u>through</u> 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>
(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>
	Jul. 16 through Dec. 16.	<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>

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
	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.
	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.
	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.

Memorandum

Date: January 12, 2022

Original on file,
Received January 13, 2022

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

From: Charlton H. Bonham
Director

Subject: **Submittal of 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 2022**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission (Commission) authorize publishing notice of its intent to amend subsection (b)(50) of Section 7.40, Title 14, California Code of Regulations, for sport fishing regulations in the Klamath River Basin.

As in prior years, the Department is proposing a range for the quota and bag and possession limits for adult Klamath River fall-run Chinook Salmon (KRFC). The 2022 Klamath River Basin allocation of adult KRFC will be recommended by the Pacific Fishery Management Council in April 2022, following a federal review of west coast salmon stocks and fishery allocation proposals. After PFMC adopts its final recommendations, the Department will present a specific quota and specific bag and possession limits for KRFC for adoption at the Commission's May 19, 2022 teleconference.

The draft negative declaration for compliance with the California Environmental Quality Act will be provided to the Commission prior to the April 2022 discussion hearing.

The Department asks that the Commission request that the Office of Administrative Law make the regulations effective on or before August 15, 2022.

If you have any questions regarding this item, please contact Jay Rowan, Chief, Fisheries Branch, by telephone at (916) 212-3164.

The public notice for this rulemaking should identify Senior Environmental Scientist Karen Mitchell as the Department's point of contact. She can be reached at (916) 376-1917.

ec: Garry Kelley, Acting Deputy Director
Wildlife and Fisheries Division

Tina Bartlett, Regional Manager
Northern Region (Region 1)

Melissa Miller-Henson, Executive Director
Fish and Game Commission
January 12, 2022
Page 2

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Fish and Game Commission

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: 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, CA

(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).

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 PPMC. 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 the 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).

PPMC Overfishing Review

KRFC stocks have been designated as “overfished” by PPMC. This designation is the result of not meeting conservation objectives for these stocks. Management objectives and criteria for KRFC are defined in the PPMC 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 2020 was 26,190 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 31,167 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, PPMC, U.S. Fish and Wildlife Service, the Department, and tribal entities, was submitted to PPMC in February 2019, adopted by PPMC 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 PPMC. 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 2021 allocation for the Klamath River Basin sport harvest was 1,221 adult KRFC. The PFMC allocation for the Klamath River Basin sport harvest is normally a minimum of 15 percent of the non-tribal PFMC harvest allocation of KRFC. Preseason stock projections of 2022 adult KRFC abundance will not be available from PFMC until March 2022. The 2022 basin allocation will be recommended by PFMC in April 2022. That allocation will inform the quota that the Department proposes to the Commission for adoption as a quota for the in-river sport harvest at the Commission's May 2022 teleconference meeting.

The Commission may adopt a KRFC in-river sport harvest quota that is different than the quota proposed by the Department or the PFMC 2022 allocation for that fishery. 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.

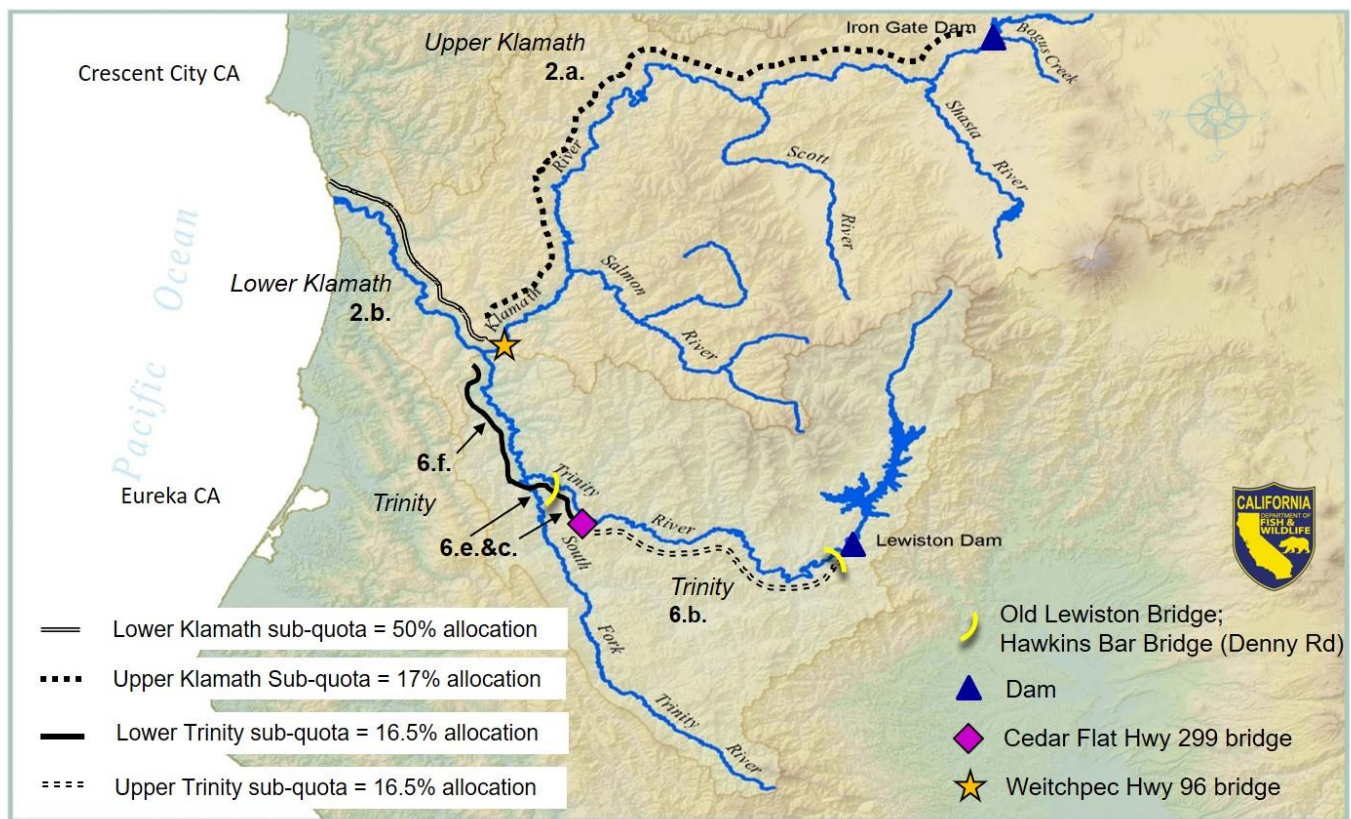


Figure 1. Map of the Klamath River Basin, showing the subquotas by reach of Trinity and Klamath rivers, and the associated subsections of 7.40(b)(50)(E).

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 45 days after the lower Klamath 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 2022 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 2022 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 2021 to 2022 for the upcoming season.
2. Throughout the regulatory text in subsection 7.40(b)(50), use “through” instead of “to” when describing date ranges. This better indicates to the public that date ranges are inclusive, as per Section 1.41, and is consistent with language throughout the rest of Section 7.40.

(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. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=164441&inline>

(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 16, 2021. At this meeting, the Committee recommended to move this rulemaking package to the full Commission for notice in February 2022 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 the KRFC quota, 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. More liberal regulations for bag limits, possession limits, and minimum adult salmon size could create the risk of an intense fishery in which the quota is reached or exceeded in a very short time. Reaching the quota in a

very short time could be damaging to the local economy, and exceeding the quota or setting a higher quota could damage 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 2021 quota, daily bag and possession limit regulations in place and would not allow flexibility to develop a quota and bag and possession limits based on 2022 PFMC allocations. The proposed regulatory change for 2022 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 regulations in place. Additionally, the No Change Alternative would mean that the year would not be updated for the 2022 season, which could cause confusion for anglers on the validity of the regulations. This would also allow the language describing date ranges to remain inconsistent with other subsections of 7.40, and potentially cause confusion about described date ranges.

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 2022 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 2022 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 some transitory 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 12 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 2022 Klamath River Basin salmon sport fishing regulations that are informed by 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 2021 sport fishing season; however, the possibility of marine fishery area closures still exists. Ocean closures may in turn result in PFMC recommendations for Klamath River Basin salmon sport fishery closures for the take of adult KRFC. Adverse or positive impacts to jobs and businesses will depend on the 2022 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 2022 represents a range from 0 percent or no salmon fishing on adult KRFC to greater than 100 percent of the 2021 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 \$118.08 (2021\$) 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 \$1,545,885 (2021\$) in direct expenditures,

resulting in about \$1,869,572 (2021\$) in total economic output that supports an estimated 32 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 2021 (2021\$)

Klamath Sportfishing	Salmon	Steelhead	Total Impact
Expenditures	\$1,152,878	\$393,007	\$1,545,885
Labor Income	\$645,112	\$219,914	\$865,026
Total Economic Impact	\$1,394,274	\$475,298	\$1,869,572
Total Jobs Impact	24	8	32

Sources: 2021 Department Northern Region 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 than non-residents (markedly reduced lodging, gasoline, and food expenditures), which yields an estimate of \$70.85 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.

Creel surveys in the Department's Northern Region (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity counties) reveal that local resident (Eureka/Crescent City) anglers comprise about 27 percent of Klamath River Basin anglers, with a majority (73 percent) of anglers coming from outside the immediate locale, as shown in Figure 2.

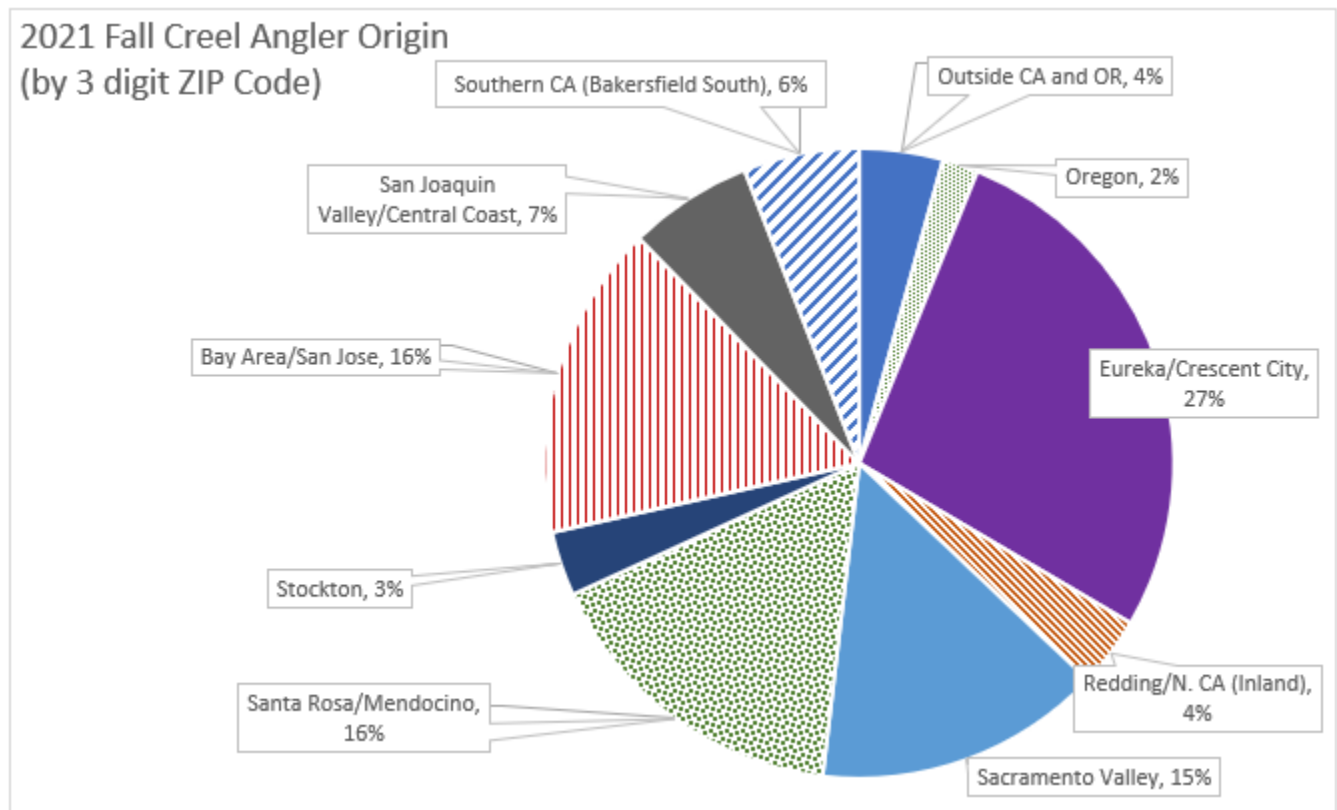


Figure 2. Klamath Basin Anglers Area of Origin: 2021.
Source: CDFW Fisheries Branch, Northern Region creel survey 2021.

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 2021 adult KRFC catch limit; 50 percent of the 2021 adult KRFC catch limit; and 0 percent of the 2021 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 2021 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 2021 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 24 estimated total jobs supported by salmon angler visits (i.e. fewer than 12 jobs).

Projection 3: 0 percent of the 2021 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 2022 closure on the take of adult KRFC are estimated to result in the loss of less than 12 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 2021 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 2021 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 2021 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 2021 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 2021 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 2021 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 Federal fisheries management goals 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 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 the 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 2020 was 26,190 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 31,167 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, 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 2021 allocation for the Klamath River Basin sport harvest was 1,221 adult KRFC. The PFMC allocation for the Klamath River Basin sport harvest is normally a minimum of 15 percent of the non-tribal PFMC harvest allocation of KRFC. Preseason stock projections of 2022 adult KRFC abundance will not be available from PFMC until March 2022. The 2022 basin allocation will be recommended by PFMC in April 2022. That allocation will inform the quota that the Department proposes to the Commission for adoption as a quota for the in-river sport harvest at the Commission’s May 2022 teleconference meeting.

The Commission may adopt a KRFC in-river sport harvest quota that is different than the quota proposed by the Department or the PFMC 2022 allocation for that fishery. 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 2022 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 2022 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 2021 to 2022.
2. Throughout the regulatory text in subsection 7.40(b)(50), change terminology describing date ranges from “to” to “through” to make it clear that date ranges are inclusive.

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 Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (Fish and Game Code sections 200, 205, 315, and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. Commission staff has searched the California Code of Regulations and has found no other state regulations related to sport fishing in the Klamath River Basin.

Proposed Regulatory Language

Section 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 section 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 Dwinnel Dam.

(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 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, the Shasta and the Scott 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 Jul. 1 to Aug. 14 and the Trinity River downstream of the Old Lewiston Bridge to the confluence of the South Fork Trinity River from Jul. 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 ~~2021~~²⁰²² Klamath River Basin quota is ~~4,224~~^[0-67,600] Klamath River fall-run Chinook Salmon over 23 inches total length. The department shall inform the commission, and the public via the news media, prior to any implementation of restrictions triggered by the quotas. (Note: A department status report on progress toward the quotas for the various river sections is updated weekly, and available 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 for all year except those areas listed in the following table. Bag limits are for trout and Chinook Salmon in combination unless otherwise specified.

Body of Water	Open Season and Special 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.**
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 <u>through</u> Aug. 14.	2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 208 <u>[0-11,492]</u> Chinook Salmon Aug. 15 to <u>through</u> Dec. 31, 2024 <u>2022</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 5 bridge when the department determines that the adult fall-run Chinook Salmon spawning escapement at Iron Gate Hatchery exceeds 8,000 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.	

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 <u>through</u> Jun. 30.	2 hatchery trout or hatchery steelhead**.
	Jul. 1 to <u>through</u> Aug. 14.	1 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 644 <u>[0-33,800]</u> Chinook Salmon Aug. 15 to <u>through</u> Dec. 31, 2021 <u>2022</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.	

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
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**.
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 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**.
b. Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat.	Jan. 1 to <u>through</u> Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 to <u>through</u> Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
	Fall Run Quota 204 [0-11,154] Chinook Salmon Sep. 1 to through Dec. 31, 2024 2022 .	2 [0-4] Chinook Salmon - no more than 4 [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 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 Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 through Aug. 31.	1 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 <u>through</u> Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 to <u>through</u> Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 204 <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, 2021 <u>2022</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**.
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 <u>through</u> Aug. 31.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
	Fall Run Quota 204 <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, 2021 <u>2022</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 Dec. 31.	0 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Jan. 1 through Mar. 31.	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 14, 2022

Signed Original on File:
Received March 22, 2022

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 2022-2023 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 2022-2023 Klamath River Basin Sport Fishing Regulations, Title 14, California Code of Regulations* for 2022-2023. 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.

ec: Garry Kelley, Acting Deputy Director
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Tina Bartlett, Regional Manager
Northern Region (Region 1)

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Fish and Game Commission

March 14, 2022

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STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
FISH AND GAME COMMISSION
INITIAL STUDY/NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
2022-2023 KLAMATH RIVER BASIN SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS

Prepared by:

California Department of Fish and Wildlife
Fisheries Branch

MARCH 2022

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 California Fish and Game Commission (Commission) proposes to amend 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 California 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:

- 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 and the adult quota 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, 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.

PFMC is responsible for adopting recommendations for the management of sport and commercial ocean salmon fisheries in the U.S. Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, the National Marine Fisheries Service (NMFS) implements them as ocean salmon fishing regulations.

The 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.

The Klamath River Basin in-river sport salmon fishery is managed using adult 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 the Commission to make adjustments during the 2022 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 2021 allocation for the Klamath River Basin sport harvest was 1,221 adult KRFC. The PFMC allocation for the Klamath River Basin sport harvest is normally a minimum of 15 percent of the non-tribal PFMC harvest allocation of KRFC. The 2022 basin allocation will be recommended by PFMC in April 2022. That allocation will inform the quota that the Department proposes to the Commission for adoption as a quota for the in-river sport harvest at the Commission’s May 2022 teleconference meeting.

The Commission may adopt a KRFC in-river sport harvest quota that is different than the quota proposed by the Department or the PFMC 2022 allocation for that fishery. Commission modifications need to meet 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 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, 2022.

Current Regulations

At its May 11, 2021 teleconference meeting, the Commission adopted Klamath River Basin bag and possession limits and an adult quota for KRFC in alignment with federal regulations. These regulatory amendments went into effect on August 15, 2021, after

they were approved by the Office of Administrative Law. The following is a summary of those 2021 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 1,221 adult KRFC (greater than 23 inches total length).

The 2021 Klamath River Basin quota of 1,221 adult KRFC aligned with the 2021 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 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 the adult quota and bag and possession limits which encompass historical ranges. All are proposed for the 2022 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: 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 the Commission to make adjustments during the 2022 regulatory cycle.

Subquotas: The proposed subquotas for KRFC stocks are as follows and shown in Figure 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 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].

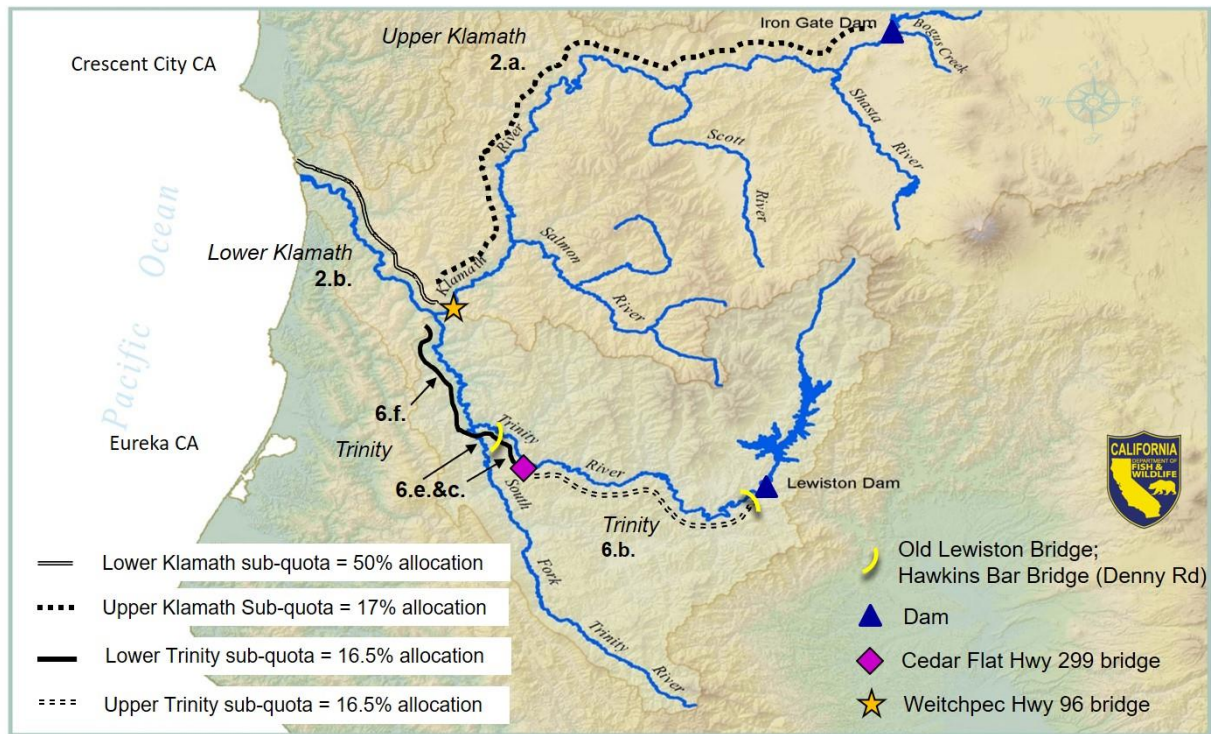


Figure 1. Map of the Klamath River Basin, showing the subquotas by reach of Trinity and Klamath rivers, and the associated subsections of 7.40(b)(50)(E).

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:

- 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.

ENVIRONMENTAL CHECKLIST FORM

1. Project Title:
Proposed 2022-2023 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
715 P Street, 16th Floor
Sacramento, CA 95814
3. Contact Person and Phone Number:
Melissa Miller-Henson, (916) 653-4899
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 based on PFMC recommendations 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) In nonurbanized areas, 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)
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<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 dedicated 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:	<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 systems 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 with 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	<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)
value to the region and the residents of the state?				
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<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 program, 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) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
a) 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 geographically 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:				
i) 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
ii) 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	<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)
construction or relocation of which could cause significant environmental effects?				
b) Have sufficient water supplies available to serve the project and reasonably 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 waste water 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 alternation, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade, in nonurbanized areas, the existing visual character or quality of public views of the site and its surroundings. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FORESTRY RESOURCES

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

III. AIR QUALITY

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

IV. BIOLOGICAL RESOURCES

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, 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 2022 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 2022 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.
- f) The project will not indirectly destroy a unique paleontological resource or site or unique geologic feature.

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 wildland 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 2022 salmon fishing season, the Commission may adopt a quota for adult KRFC that is lower or higher than that quota for the 2021 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 would not 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 geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Further,
 - a i) 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.
 - a ii) 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.
- d) The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

- a) 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 # 2022040251

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) 653-4899

County: Sacramento

Project Location: Del Norte, Humboldt, Siskiyou and Trinity cos.

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.

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	
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: 04/12/22

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 #: 2022040251

Project Title: Proposed 2022-2023 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) 653-4899

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

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

The California 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 California 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 IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Subsection (b)(50) of Section 7.40Title 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: **30-50**
- Describe the types of businesses (Include nonprofits): **Fishing boat owners, tackle stores, guides, food, fuel, lodging, camping 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: **0** eliminated: **0**
- Explain: **Anticipated changes in fishing activity are not expected to be large enough to induce business loss or creation.**
5. Indicate the geographic extent of impacts: ☐ Statewide
☒ Local or regional (List areas): **Siskiyou, Trinity, Del Norte, and Humboldt Counties**
6. Enter the number of jobs created: **0** and eliminated: **0 - 12**
- Describe the types of jobs or occupations impacted: **Fishing guides, retail sales clerks in sport fishing-serving businesses, such as: tackle stores, food, fuel, lodging, and camping 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 AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

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? \$ 0
- a. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: 1
- d. Describe other economic costs that may occur: N/A. This action will set Klamath River Fall-Run Chinook (KRFC) bag and possession limits with no 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.* \$ N/A
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 ensure consistency with federal salmon sport fishing allocations adopted by the Pacific Fishery Management Council.
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 should result in the continued sustainability of the salmon and other sport fisheries that benefit sport anglers, and the area businesses involved in 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? \$ 1.4 M, see Addendum
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: Any changes in fishing activity levels are not expected to be sufficient 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: Alternatives considered:
- 1) More liberal bag/ possession limits and fishing methods could induce a rush to fish that may damage salmon stocks.
- 2) No Change to the 2021 KRFC limits may not be in accord with the 2022 PFMC quota allocations. See Addendum.

**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: \$ 1.4 M Cost: \$ 0

Alternative 1: Benefit: \$ 1.4 M Cost: \$ >0*

Alternative 2: Benefit: \$ 1.4 M 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 = estimated (salmon angler days x spending) x multipliersfor total economic impact. *Costs include long-run over-fishing costs to fishery sustainability that are difficult to estimate.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 effect on level of investment in the State.The incentive for innovation in products, materials or processes: No effect on the incentive for innovation in products, materials, or processes.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: Benefits to the state's environment and quality of life, recreational angling, and the businesses that serve them.

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 _____

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

STD. 399 (Rev. 10/2019)

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

DocuSigned by:


258337CD2C094D2...

DATE

3/15/2022

The signature attests 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:

3/17/2022

DATE

3/16/2022

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 2022 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 2021 sport fishing seasons; however, the possibility of marine fishery area closures still exists. Ocean closures may in turn result in PFMC recommendations for Klamath River Basin salmon sport fishery closures for the take of adult KRFC. Adverse or positive impacts to jobs and businesses will depend on the 2022 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 2022 represents a range from 0 percent or no salmon fishing on adult KRFC, to greater than 100 percent of the 2021 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 of the Klamath River*), and adding a 33 percent increase to account for the Trinity River¹, in a normal year, non-resident Klamath River salmon and steelhead sport anglers together contribute about \$1,545,885 (2021\$) in direct expenditures, resulting in about \$1,869,572 (2021\$) 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 \$118.08

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.

(2021\$) 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 than a non-resident (markedly reduced lodging, gasoline and food expenditures), which yields an estimate of \$70.85 per angler-day. Local resident anglers comprise about 27 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.

Creel surveys in the Department's Northern Region (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity counties) reveal that local resident (Eureka/Crescent City) anglers comprise about 27 percent of Klamath River Basin anglers, with a majority (73 percent) of anglers coming from outside the immediate locale, as shown in Figure 2.

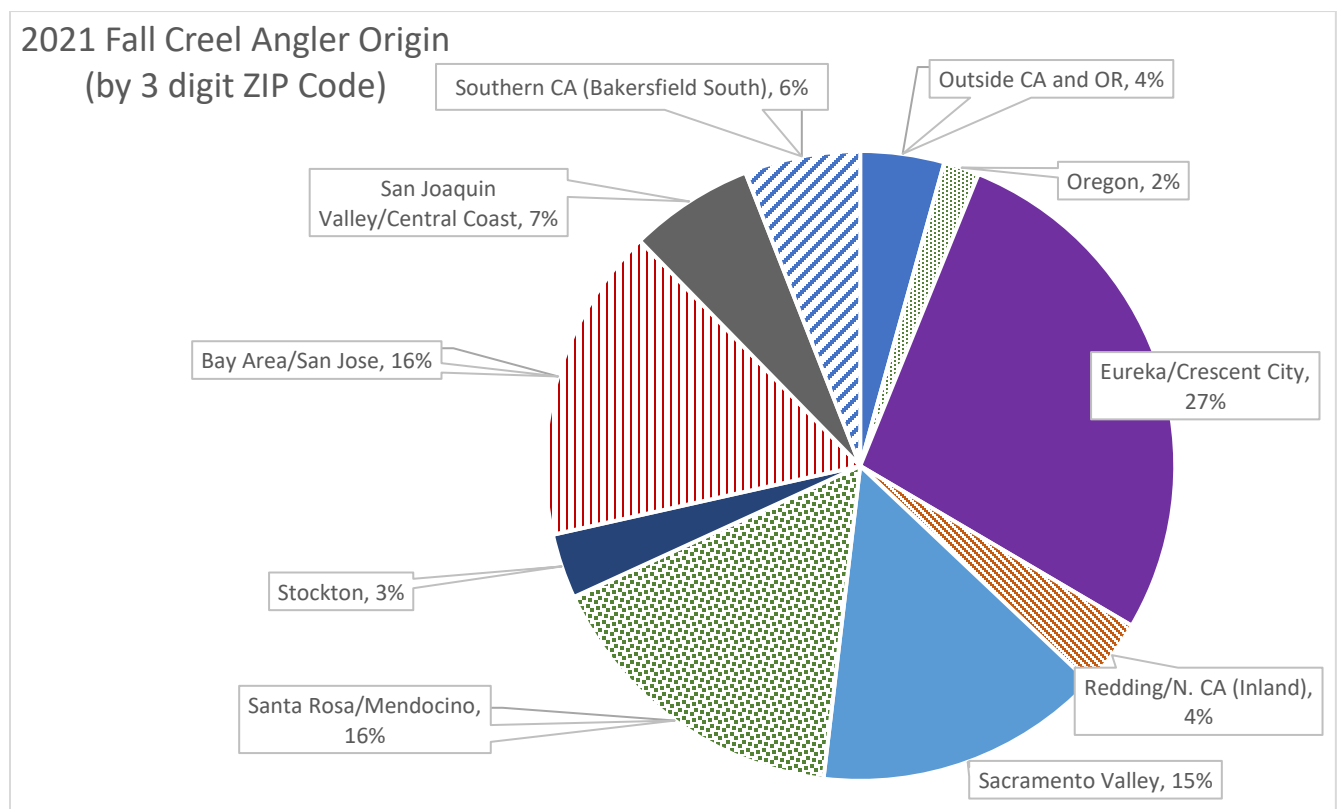


Figure 2. Klamath Basin Anglers Area of Origin: 2021.
Source: Department Fisheries Branch, Northern Region creel survey 2021.

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 \$1,545,885 (2021\$) in direct expenditures, resulting in about \$1,869,572 (2021\$) in total economic output that supports an estimated 32 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: 2021 (2021\$)

Klamath Sportfishing	Salmon	Steelhead	Total Impact
Expenditures	\$1,152,878	\$393,007	\$1,545,885
Labor Income	\$645,112	\$219,914	\$865,026
Total Economic Impact	\$1,394,274	\$475,298	\$1,869,572
Total Jobs Impact	24	8	32

Sources: Department Fisheries Branch Northern Region 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 2021 adult KRFC catch limit; 50 percent of the 2021 adult KRFC catch limit; and 0 percent of the 2021 adult KRFC catch limit.

Section A

Question 4. Number of businesses that will be created or eliminated.

Projection 1: 100 percent of the 2021 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 2021 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 activities and the growth of businesses to serve those activities exists.

Projection 3: 0 percent of the 2021 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 2021 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 2021 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 24 estimated total jobs supported by salmon angler visits (i.e. fewer than 12 jobs).

Projection 3: 0 percent of the 2021 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 2022 closure on the take of adult KRFC are estimated to result in the loss of less than 12 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 does not anticipate benefits to worker safety because the proposed regulations will not impact working conditions.

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.

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?

\$1.4 M annually.

A normal season for the Klamath River Basin (including the Trinity River) experiences about 9,764 nonresident sport salmon angler days in which anglers contribute an estimated \$1.2 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 \$1.4 M (2021\$), and up to 24 jobs (see Table 1).

The total economic impact of the continued level of activity throughout the Klamath River Basin fishery is reported as the “benefit” of this regulation. While the incremental change introduced by this proposed regulation is reported as the “costs.” The proposed regulation is expected to support fishing within the historical range such that the difference or “cost” is \$0. The proposed regulatory options are presented to the Commission so that a choice may be implemented in order to align with the PFMC status report on Chinook Salmon and recommended management limits. There is always the possibility that the PFMC could recommend a full closure to salmon fishing. Against that potential outcome, the total economic impact of the continued historically typical level of fishery activity is reported as the total statewide benefits.

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 2021 adult KRFC catch limit: The Commission does not anticipate any impacts on the expansion of businesses in California 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 2021 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 2021 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 the KRFC quota, bag limits, possession limits, and minimum adult salmon size would be less desirable than those proposed. More liberal regulations for bag limits, possession limits, and minimum adult salmon size could create the risk of an intense fishery in which the quota is reached or exceeded in a very short time. Reaching the quota in a very short time could be damaging to the local economy and exceeding the quota or setting a higher quota could damage KRFC stocks.

Alternative 2:

KRFC Adult Stocks

The No Change Alternative would leave the current 2021 regulations in place and would not allow flexibility to develop a quota and bag and possession limits based on 2022 PFMC allocations. The change for 2022 is necessary to continue appropriate harvest rates and an equitable distribution of the harvestable surplus.

State of California
Department of Fish and Wildlife

Memorandum

Date: May 6, 2022


Original on file,
Received May 9, 2022

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

From: Charlton H. Bonham
Director

Subject: **Submittal of Pre-Adoption 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 2022**

Please find attached the Pre-Adoption Statement of Reasons (PSOR) for the 2022 Klamath River Basin (KRB) sport fishing regulations. The PSOR includes the Department's recommendation for a KRB quota and bag and possession limits for Klamath River fall Chinook Salmon (KRFC) on the Klamath and Trinity rivers. It also includes responses to public comments on the proposed sport fishing regulations. No changes were made to the original proposed regulations. Specific bag and possession limits for KRFC will be on the agenda for adoption during the Commission teleconference on May 19, 2022.

If you have any questions regarding this item, please contact Jay Rowan, Chief, Fisheries Branch, by telephone at (916) 212-3164 or by email at 

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Jay Rowan, Branch Chief
Fisheries Branch
Wildlife and Fisheries Division

Tina Bartlett, Regional Manager
Northern Region (Region 1)

Karen Mitchell, Sr. Environmental Scientist
Fisheries Branch
Wildlife and Fisheries Division

Ona Alminas, Program Manager
Regulations Unit
Wildlife and Fisheries Division

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 6, 2022
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Rose Dodgen, Analyst
Regulations Unit
Wildlife and Fisheries Division

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State of California
Fish and Game Commission
Pre-Adoption 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: November 22, 2021

II. Date of Pre-Adoption Statement of Reasons: April 22, 2022

III. 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

(c) Adoption Hearing

Date: May 19, 2022

Location: Teleconference

IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons (ISOR)

No changes have been made to the originally proposed regulatory language; however, the California Department of Fish and Wildlife (Department) is recommending bag and possession limits, basin quota, and adult size regulations for Klamath River fall-run Chinook Salmon (KRFC) for consideration by the Commission for inclusion in the 2022 Klamath River Basin sport fishing regulations. The recommendations fall within ranges identified in the Initial Statement of Reasons (ISOR).

The Department recommends a KRFC daily bag limit of 2 fish, with no more than 1 adult, and a possession limit of 6 fish, with no more than 3 adults. The Department recommends a quota of 2,119 adult KRFC. The quota is based on Pacific Fishery Management Council (PFMC) guidance.

The Department is recommending adoption of the other proposed changes as described in the ISOR.

V. Reasons for Modification of Originally Proposed Language of ISOR:

The Klamath River Basin allocation has been identified as a range between 0–67,600 adult KRFC. The Department bases annual daily bag and possession limit recommendations on annual quotas. In large quota years, daily bag and possession regulations are more liberal to allow for increased harvest opportunity. In low quota years, regulatory recommendations are more conservative to protect the stock and achieve basin spawner escapement goals.

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

April 21, 2022 – Mark Smith, Northern California Guides and Sportsmen's Association (NCGASA) (oral comment).

Expressed support for the Department's recommendation for the Klamath fishery. Mr. Smith stated that it is always a constrained fishery, but we do support the recommendations that we hope always extends the season and provide more opportunity over a longer period of time for more anglers to make their way up to that beautiful part of our state and participate in recreational angling.

Response: Comment noted and appreciated.

Updated 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 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 the 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 2021 was 30,196 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 25,109 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, 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 2021 allocation for the Klamath River Basin sport harvest was 1,221 adult KRFC. The PFMC allocation for the Klamath River Basin sport harvest is normally a minimum of 15 percent of the non-tribal PFMC harvest allocation of KRFC. Preseason stock projections of 2022 adult KRFC abundance **were** available from PFMC March 2022. The 2022 basin allocation recommended by PFMC **informs** the quota that the Department proposes to the Commission for adoption as a quota for the in-river sport harvest at the Commission’s May 2022 teleconference meeting. **The Department recommends a quota of 2,119 adult KRFC for this year.**

The Commission may adopt a KRFC in-river sport harvest quota that is different than the quota proposed by the Department or the PFMC 2022 allocation for that fishery. 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 **were** not known at the time the changes were initially proposed, ranges **were** shown in [brackets] in the proposed regulatory text below of bag and possession limits which encompass historical quotas. **The Department is recommending a KRFC daily bag limit of 2 fish, with no more than 1 adult, and a possession limit of 6 fish, with no more than 3 adults.** All are proposed for the 2022 KRFC fishery in the Klamath and Trinity rivers.

The final KRFC bag and possession limits **need** 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 2022 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 2021 to 2022.
2. Throughout the regulatory text in subsection 7.40(b)(50), change terminology describing date ranges from “to” to “through” to make it clear that date ranges are inclusive.

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 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.

Update

No changes have been made to the originally proposed regulatory language; however, within the previously defined ranges, the Department is recommending a KRFC daily bag limit of 2 fish, with no more than 1 adult, and a possession limit of 6 fish, with no more than 3 adults. The Department recommends a quota of 2,119 adult KRFC based on PFMC projections.

Revised Proposed Regulatory Language

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 section 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 Dwinnel Dam.

(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 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, the Shasta and the Scott 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 Jul. 1 to Aug. 14 and the Trinity River downstream of the Old Lewiston Bridge to the confluence of the South Fork Trinity River from Jul. 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 Chinook Salmon. 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.

(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 ~~2021~~2022 Klamath River Basin quota is ~~4,224~~2,119 Klamath River fall-run Chinook Salmon over 23 inches total length. The department shall inform the commission, and the public via the news media, prior to any implementation of restrictions triggered by the quotas. (Note: A department status report on progress toward the quotas for the various river sections is updated weekly, and available 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 for all year except those areas listed in the following table. Bag limits are for trout and Chinook Salmon in combination unless otherwise specified.

Body of Water	Open Season and Special 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.**
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 <u>through</u> Aug. 14.	2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 208 <u>360</u> Chinook Salmon Aug. 15 to <u>through</u> Dec. 31, 2021 <u>2022</u> .	2 Chinook Salmon - no more than 1 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 5 bridge when the department determines that the adult fall-run Chinook Salmon spawning escapement at Iron Gate Hatchery exceeds 8,000 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.	
b. Klamath River downstream of the Highway 96 bridge at Weitchpec.	Jan. 1 to <u>through</u> Jun. 30.	2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
	Jul. 1 to <u>through</u> Aug. 14.	1 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 6441,060 Chinook Salmon Aug. 15 to <u>through</u> Dec. 31, 2021 <u>2022</u> .	2 Chinook Salmon - no more than 1 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 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**.
b. Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat.	Jan. 1 to <u>through</u> Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 to <u>through</u> Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
	Fall Run Quota 2013 <u>50</u> Chinook Salmon Sep. 1 to <u>through</u> Dec. 31, 2021 <u>2022</u> .	2 Chinook Salmon - no more than 1 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 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 Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 through Aug. 31.	1 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 <u>through</u> Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 to <u>through</u> Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 2013 <u>49</u> Chinook Salmon Sep. 1 through Dec. 31, 2021 <u>2022</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table.	2 Chinook Salmon - no more than 1 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**.
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 <u>through</u> Aug. 31.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
	Fall Run Quota 2013 ⁴⁹ Chinook Salmon Sep. 1 through Dec. 31, 2021 ²⁰²² . This is the cumulative quota for subsections 6.e. and 6.f. of this table.	2 Chinook Salmon - no more than 1 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 Dec. 31.	0 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Jan. 1 through Mar. 31.	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.**

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25. GAME FISH CONTESTS

Today's Item

Information ☐

Action ☒

Consider authorizing publication of notice of intent to amend game fish contest regulations.

Summary of Previous/Future Actions

- | | |
|---------------------------------|--|
| • WRC vetting | Sep 16, 2021; WRC, Webinar/Teleconference |
| • WRC vetting | Jan 13, 2022; WRC, Webinar/Teleconference |
| • Today's notice hearing | Apr 20-21, 2022; Monterey/Trinidad |
| • Discussion hearing | May 19, 2022; Teleconference |
| • Adoption hearing | Jun 15-16, 2022; Los Angeles/Orange County |

Background

Section 2003 of the California Fish and Game Code authorizes DFW to issue a permit to a person seeking to offer prizes for taking game fish; the permit is subject to regulations adopted by FGC.

Section 230 of Title 14 establishes the procedures by which DFW issues the permits. Currently, DFW issues two different types of permits, Type A and Type B, based on the number of participants and value of prizes or other inducements offered. DFW begins accepting permit applications on July 1 for contests to be held the following year. Fishing contest permits are issued for the take of approximately 10 different game fish species. Contests targeting black bass are the most popular and account for approximately 80 percent of all permits issued each year. Fishing contests are popular with many sport fish anglers, but current permit issuance requirements and processes do not meet the needs of today's contest applicants. DFW requests that FGC amend Section 230, update and replace an existing form, and adopt three new forms to resolve these issues (Exhibit 1).

Proposed Regulations

The proposed changes to Section 230 include:

- (1) adding a definition section to define specific terms (both existing and new terms);
- (2) redefining the contest permit types and adding two new permit types (Type C and Type D permits) to better allow for new types of contests being held today;
- (3) revising the requirements and procedures to apply for and obtain permits to ensure that all applicants have the same opportunity to conduct fishing contests;
- (4) revising the number of contests DFW issues per water per month to ensure a satisfactory angling experience for all resource user groups and to allow DFW to consider potential impacts to resources when issuing permits;
- (5) increasing the observer fee to reflect the current salaries of DFW environmental scientists and game wardens charged with monitoring fishing contests for regulation compliance;

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- (6) broadening the criteria to add additional conditions to permits to protect the resource;
- (7) changing the requirements on how to submit applications and report forms;
- (8) requiring notice to applicants and permittees before DFW denies or revokes a permit application, a permit change request, or a permit;
- (9) clarifying and broadening the bases for denial and revocation; and
- (10) adding language allowing an applicant or permittee to request DFW to reconsider any denial or revocation, and placing appropriate limits on that request.

Further details on all these proposed changes are available in the initial statement of reasons and proposed regulatory language (exhibits 2 and 3).

In addition to amending Section 230, DFW proposes to update and replace form FG 775 and create three new forms: forms DFW 774, DFW 776, and DFW 777 (exhibits 4-7). Form DFW 774 will be used to apply for Type A permits during the initial offering process described in proposed Section 230). Updated form DFW 775 will be used to apply for Type A, Type B, Type C, and Type D permits after, or outside the initial offering process. Form DFW 776 will be used to report on fishing contests. Form DFW 777 will be used by contestants to self-certify that the vessels and equipment they use in contests are free from aquatic invasive species.

Significant Public Comments (N/A)

Recommendation

FGC staff: Authorize publication of notice of intent to amend regulations regarding the permit process to offer prizes for the take of game fish, as recommended by DFW and discussed today.

WRC: Consider the proposed regulation changes for game fish contests.

DFW: Authorize publication of a notice of intent to amend regulations governing the permit process to offer prizes for the take of game fish.

Exhibits

1. DFW memo transmitting ISOR, received Apr 6, 2022
2. Draft ISOR and informative digest
3. Proposed regulation text
4. Proposed DFW Form 774
5. Proposed DFW Form 775
6. Proposed DFW Form 776
7. Proposed DFW Form 777
8. Draft economic and fiscal impact statement (Std. 399) and addendum
9. DFW presentation

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Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend Section 230 related to issuing permits for contests offering prizes for the take of game fish as discussed today.

Memorandum

Date: March 28, 2022

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

From: Charlton H. Bonham
Director

Subject: **Initial Statement of Reasons to Amend Section 230, Title 14, California Code of Regulations (CCR), Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission to authorize publishing notice of its intent to amend Section 230, Title 14, CCR for game fish contests. The Department is proposing to update the current permit issuance requirements and processes. The amendments are fully described in the attached Initial Statement of Reasons. The Department also emphasizes the notice be submitted to OAL no later than April 19, 2022 for publication in the California Regulatory Notice Register on April 29, 2022. Discussion is planned at the May 19 Commission teleconference, and adoption proposed for the June 16, 2022 meeting.

If you have any questions, please contact Jay Rowan, Fisheries Branch Chief, at (916) 212-3164. The public notice for this rulemaking should identify Senior Environmental Scientist, Karen Mitchell, as the Department's point of contact. Ms. Mitchell can be reached at (916) 205-0520.

ec: Garry Kelley, Acting Deputy Director
Wildlife and Fisheries Division

Jay Rowan, Branch Chief
Fisheries Branch
Wildlife and Fisheries Division

Wendy Bogden, General Counsel
Office of General Counsel

Chris Stoots, Assistant Chief
Law Enforcement Division

Ona Alminas, Program Manager
Regulations Unit
Wildlife and Fisheries Division

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

Amend Section 230
Title 14, California Code of Regulations
Re: Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish

I. Date of Initial Statement of Reasons: March 20, 2022

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: April 21, 2022

Location: Monterey

(b) Discussion Hearing

Date: May 19, 2022

Location: Teleconference

(c) Adoption Hearing

Date: June 16, 2022

Location: Los Angeles/ Orange

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.

BACKGROUND

Section 2003 of the Fish and Game Code authorizes the California Department of Fish and Wildlife (Department) to issue a permit to a person seeking to offer prizes for the taking of game fish. The permit is subject to regulations adopted by the Fish and Game Commission (Commission). The regulations are in Section 230.

Section 230 establishes the rules by which the Department issues these permits. Currently, the Department issues two different types of permits, Type A and Type B, based on the number of participants and value of prizes or other inducements offered. The Department begins accepting permit applications on July 1 for contests to be held in the following year. Fishing contest permits are issued for the taking of approximately 10 different game fish species. Contests targeting black bass are the most popular and account for approximately 80 percent of all permits issued each year. Fishing contests are popular with many sport fish anglers. With the addition of new types of contests, increases in conflict resolution processes, and increased competition for certain times and locations, current permit issuance requirements and processes do not meet the needs of today's contest applicants. Based on the Department's recommendations, the Commission is proposing to amend Section 230, update and replace an existing form, and adopt three new forms to resolve these issues.

CURRENT REGULATIONS

The current regulations (existing Section 230) state that the Department may issue two types of permits depending on expected number of participants and value of prizes and inducements offered at each contest: Type A and Type B permits. Applicants may submit permit applications using form FG 775 beginning July 1 for contests to be held the following calendar year. The Department issues Type A permits through a random drawing conducted by the Department during the month of July preceding the contest date. The Department accepts applications for Type B permits July 1 of the year preceding the contest and issued on a first come, first serve basis. To protect the welfare of fish populations the Department places additional restrictions on contests targeting black bass. All contest applicants must submit a report of contest results to the Department within 30 days after the contest has concluded.

The proposed changes to Section 230 include the following: 1) adding a definitions section to define some terms in Section 230, both existing and proposed; 2) redefining the contest permit types in Section 230 (Type A and Type B permits) and adding two new permit types (Type C and Type D permits) to allow for new types of contests being held today; 3) revising the requirements and procedures to apply for and obtain permits to ensure that all applicants have the same opportunity to conduct fishing contests; 4) revising the number of contests the Department issues per water per month to ensure a satisfactory angling experience for all resource user groups and to allow the Department to consider potential impacts to resources when issuing permits; 5) increasing the observer fee to reflect the current salaries of Department environmental scientists and game wardens charged with monitoring fishing contests for regulation compliance; 6) broadening the criteria to add additional conditions to permits to protect the resource; 7) changing the requirements on how to submit applications and report forms; 8) Require notice to applicants and permittees before the Department denies or revokes a permit application, a permit change request, or a permit; 9) clarifying and broadening the bases for denial and revocation; and 10) adding language allowing an applicant or permittee to request the Department to reconsider any denial or revocation.

Applicants and permittees are also required to use a certain Department form to apply for permits and for permittees, to report on their contests: APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING GAME FISH, FG 775 (REV. 11/98) (form FG 775). In addition to amending Section 230, the Department proposes to update and replace form FG 775 and create three new forms: forms DFW 774, DFW 776, and DFW 777. Form DFW 774 will be used to apply for Type A permits during the initial offering process described in proposed Section 230. Updated form DFW 775 will be used to apply for Type A, Type B, Type C, and Type D permits after, or outside the initial offering process. Form DFW 776 will be used to report on fishing contests. Form DFW 777 will be used by contestants to self-certify that their vessels and equipment they use in contests are free from aquatic invasive species.

PROPOSED REGULATIONS

The regulatory changes the Commission is proposing are described below by subsection and paragraph.

- ***Subsection (a), Definitions.***

- Replaces existing subsection (a) to define the following terms in Section 230: “angler,” “applicant,” “black bass,” “contest,” “game fish,” “prize compensation,” “permittee,” “resource,” and “weigh-in.” The purpose of defining these terms is to provide clarity which will make it easier for anglers to follow and comply with the regulations, thereby minimizing enforcement issues.
- Moves the language in existing subsections (a)(1) and (2) for “Type-A” and “Type-B” contests to proposed subsection (c), with modifications.
- Add subsection (a)(1) to define “angler.” This provision is necessary to clarify who constitutes a contest participant and to eliminate confusion arising from whether everyone on the boat is a participant, or only those actively engaged in fishing.
- Adds subsection (a)(2) to define “applicant.” This provision is necessary to differentiate between applicant, permittee, and angler.
- Adds subsection (a)(3) to define “black bass.” This provision is necessary to clarify which species are referred to in Type A, Type B, and Type C permits.
- Adds subsection (a)(4) to define “contest” or “fishing contest” as defined in existing subsection (b). This provision is necessary to clarify what activities are subject to the provisions in Section 230.
- Adds subsection (a)(5) to define “game fish.” This provision is necessary to define all species of fish which could be targeted in fishing contests under Section 230.
- Adds subsection (a)(6) to define “prize compensation.” This provision is necessary to align the definition of “prize compensation” in Section 230 with the definition in Fish and Game Code Section 2003.
- Adds subsection (a)(7) to define “permittee.” This provision is necessary to clarify the conditions an applicant is subject to after the applicants has obtained contest permit from the Department.
- Adds subsection (a)(8) to define “resource.” The term “resource” appears in Fish and Game Code section 2003 but is not defined. This provision is necessary to clarify when the Department may deny a permit application or permit adjustment under the proposed regulations or add conditions to a permit, with a focus on the water where a fishing contest will be held and the benefits the water provides, including fish and wildlife and recreation which can be adversely affected by fishing contests with numerous participants. In addition, the proposed definition is consistent with the Department’s mission to manage the state’s fish and wildlife resources “for their ecological values and for their use and enjoyment of the public.” (Fish and Game Code Section 712.1).
- Adds subsection (a)(9) to define “weigh-in.” This provision is necessary to clarify the “weigh in” requirement for contest permits under Section 230.

- ***Subsection (b)***

- Strikes most of the language in existing subsection (b) and keeps general information about the Department's authority to issue revocable permits for fishing contests.
- Replaces "person" where it appears in existing subsection (b)(1) with "applicant," as defined in proposed subsection (a)(2).
- Moves the process for permit issuance in existing subsections (b)(1) and (2) to proposed subsections (d) and (f).
- Moves the language defining "fishing contests" and "game fish" in existing subsection (b)(1) to proposed subsection (a) to consolidate defined terms.
- Modifies language in existing subsection (b)(1) to make the Department's issuance of contest permits permissive and only allows the Department to issue a permit if it determines that such issuance will not harm the resource, as proposed.
- Moves the language in existing subsection (b)(6) to proposed subsection (h).
- Strikes subsection (b)(7).
- Moves the language in subsection (b)(8) to proposed subsection (i), with modifications.

- ***Subsection (c), Contest Permit Types***

- Moves existing subsection (c) ("Observer Requirement") to proposed subsection (j), with modifications, and inserts new subsection (c) ("Contest Permit Types").
- Proposed subsection (c) includes language from existing subsections (a)(1) and (2) pertaining to Type A and Type B permits and adds two new permits: Type C and Type D to allow for new types of contests under Section 230. The four types of contests are distinguished by the targeted game fish species, the number of participants, and the weigh-in requirements. The four permit types are described below.
- *Subsection (c)(1), Type A Permit.*
 - Moves the language from existing subsection (a)(1) for Type A permits and modifies the language as described below.
 - Removes the minimum prize value of \$1,000 or more. This change will remove the inducement requirement for contests and make the permit types (A and B) a condition of the number of anglers expected at each contest. In addition, the \$1,000 inducement requirement is no longer necessary as prizes and other inducements awarded in today's contests consistently exceed \$1,000.
 - Limits Type A permits to contests targeting black bass. The proposed new Type D permit will be for contests that target game fish species other than black bass.
 - Increases the minimum number of anglers per contest from more than 50 to more than 60. This change will alleviate pressure on the limited Type A permits by allowing some smaller contests to fall within Type B permits. This change is not expected to have an appreciable impact to the resource.

- Removes the language in existing subsection (a)(1), "...the first application received shall be given priority...." This change is necessary because proposed subsection (c) defines permit types and proposed subsections (d)(1) through (5) address the process for issuing permits.
- Allows more than one Type A contest per day on certain waters and allows less than one Type A contest per weekend or month on certain waters. These waters are specified in proposed subsection (e).
- *Subsection (c)(2), Type B Permit.*
 - Includes the language from existing subsection (a)(2) for Type B permits with the modifications described below.
 - Limits Type B permits to contests targeting black bass. The proposed new Type D permit will be for contests that target game fish species other than black bass.
 - Increases the maximum number of anglers per contest from 50 or fewer to 60 or fewer. This change is necessary to remain consistent with the associated change to the angler threshold for Type A permits. This change is being made to reduce pressure on the limited availability of Type A permits.
 - Restricts the number of Type B permits issued for any water on the same day to three. The purpose of this change is to provide a positive experience for contest participants and other users, to meet stakeholder needs, and to reduce the possibility of adverse impacts on fisheries.
 - Allows more than three Type B contests per day on certain waters. These waters are specified in proposed subsection (e).
 - Restricts the maximum number of days per contest to three. This change is necessary for consistency between the revised definitions for Type A and Type B permits for black bass contests that hold a centralized weigh-in.
- *Subsection (c)(3), Type C Permit.*
 - Establishes a new permit, Type C, for contests targeting black bass where anglers do not retain fish for a centralized weigh-in. This new permit is necessary because there is an increasing number of contests in which participants fish from non-motorized vessels. Those vessels lack suitable devices to hold fish alive for later release. Thus, anglers in such contests are required to release all fish caught immediately after capture.
 - Contests under a Type C permit may exceed three days in duration and may be conducted on multiple waters bodies concurrently. This provision is necessary to address contest formats that are currently being conducted, often through online platforms. This will allow for a mechanism to appropriately permit these contests. This change will result in a significant resource impact as anglers in Type C contests may not retain fish for a centralized weigh-in, but instead must release all fish immediately after capture.
 - Type C permits do not limit the number of anglers. This is allowable because catch-photo-release or catch-weigh-release contests, where fish are not retained in live wells, are generally thought to have a much smaller impact to

the resource than centralized weigh-in contests.

- *Subsection (c)(4), Type D Permit.*
 - Establishes a new permit, Type D, for contests that target game fish species other than black bass. This new permit is needed to address the increased diversity of contests being offered and provide a mechanism to appropriately permit these contests.
 - Contests under a Type D Permit may exceed three days in duration and may be conducted on multiple waters bodies, concurrently. These provisions address long-duration contest types that are currently being conducted. These contests are often hosted by tackle shops for an entire season.
 - Type D permits do not limit the number of participants. This provision is necessary to address contest formats that are currently being conducted statewide. This change will not result in a significant resource impact as anglers participating in these types of contests will still be required to follow existing sport fish angling regulations that protect and conserve the resource.
- ***Subsection (d), Application Procedures for Permits Outside Initial Offering***
 - Moves existing subsection (d) (“Compliance with Sport Fishing Regulations”) to proposed subsection (k), with modifications, and inserts proposed subsection (d) (“Application Procedures”). Proposed subsection (d) includes language from existing subsection (b), with the modifications described below, and specifies the requirements to apply for contest permits outside the initial offering described in proposed subsection (f), which is limited to Type A permits.
 - *Subsection (d)(1).*
 - The language in this subsection clarifies that applications for Type A permits outside the initial offering, and Type B, Type C, and Type D permits will not be processed until after the completion of the initial offering for Type A permits. A sentence mentioning the order in which permit applications will be processed is necessary to clarify that these permit applications will be processed on a first-come, first-serve basis.
 - *Subsection (d)(2).*
 - The language in this proposed subsection is moved from existing subsections (b)(3) and (4), stating that applications will not be accepted prior to July 1 of the year preceding the calendar year in which the contest will be held and shall be submitted to the Department at least 30 days prior to the date of the contest.
 - *Subsection (d)(3).*
 - Requires applicants to apply for a contest permit using an existing form APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING OF GAME FISH, DFW 775 (revised 3/1/2022) (form DFW 775, incorporated by reference herein), which the Department is revising as part of this rulemaking, as outlined below.

- *Subsection (d)(4).*
 - Explains that the Department may require applications to be submitted through the Department's Automated License Data System (ALDS). The Department is not requiring submittal through ALDS now because it needs to make technical adjustments before ALDS can accept applications.
- *Subsection (d)(5).*
 - Describes how and where to submit applications outside ALDS, when an application will be deemed as received, and when an application will be deemed as complete.
- ***Subsection (e), Permit Limits for Specific Waters***
 - This proposed new subsection replaces existing subsection (e), which is moved to subsection (l). Proposed subsection (e) lists waters with permit limitations that deviate from the statewide standard. This list is necessary because it allows the Department to consider the Sacramento-San Joaquin River Delta (Delta) to be three separate waters for fishing contest permitting purposes under (e)(1). The purpose for this change is that the Delta has over 1,000 miles of navigable waterways. With such an expanse, the Department believes multiple tournaments may be permitted on these waterways without impacting the resource. The number of permits issued will be limited to three for each Delta county: Sacramento, San Joaquin, and Contra Costa. Permit issuance in this manner will distribute contests across the Delta while still providing for positive user experiences. This list also allows the Department to limit Type A permits on three heavily used waters in Southern California (proposed (e)(2) through (e)(4) to limit impacts to the resource. Subsection (e) also clarifies what is to be considered a "Multi-day Type A Permit".
- ***Subsection (f), Initial Offering of Type A Permits***
 - The purpose of this subsection is to **remove** the requirement of permit issuance by random draw for Type A permits and to define guidelines for a collaborative process for resolving conflicts and issuing permits through an "initial offering" process. Based on significant input from stakeholders, the Department's understanding, relayed to the Commission, is that the stakeholder preference was for a collaborative process by which applicants could negotiate with each other and resolve conflicts over contest dates and waters. The proposed new procedures for issuing Type A permits are described below in proposed subsections (f)(1)(A) through (l). Existing subsection (f) is moved to proposed subsection (m), with modifications.
 - Proposed subsection (f) is necessary to establish the permitting process for Type A permits, inform potential applicants of the application process for initial offering and Type A permits and the conditions for obtaining and maintaining a permit issued pursuant to this section. These clarifications are necessary to ensure that applicants understand the forms that are required for submission, the order in which the forms will be processed, the information required to be completed on

the forms, and the certifications applicants are required to make prior to submitting the form.

- The conflict resolution period is necessary to provide a fair and equitable process for resolving conflicts under the newly established collaborative Initial Offering process. The information required on form DFW 774 must match the information required on form DFW 775 so that the Department can confirm the applicant that is awarded date and water combinations through the initial offering (DFW 774) matches the applicant submitting Contest Applications (DFW 775) for those same date and water combinations.

- *Subsection (f)(1)(A)*

- Describes the new initial offering process for Type A permits and requires applicants to use a new Department form which is being adopted as part of this rulemaking: INITIAL OFFERING APPLICATION FOR “TYPE A” GAME FISH CONTESTS, DFW 774 (NEW 2/1/2022) (form DFW 774, incorporated by reference herein). Applicants will specify their desired contest dates and waters on the form. An initial offering of Type A permits will be conducted during July of the year preceding the contest date. Notification of the open period to submit form DFW 774 will be posted to the Department’s Inland Fishing Contest webpage and sent to all previous years’ permittees. Applicants will be required to provide an email address and phone number on form DFW 774, which may be used by the Department to facilitate the initial offering and the conflict resolution period.

Applicants will be required to certify on the application that: (1) they are not coordinating on date selection with other applicants; (2) they are applying on their individual behalf or on behalf of an organization, independently from other applicants; and (3) if a date is awarded, certify they intend to hold a contest on that date and water.

- *Subsection (f)(1)(B)*

- Specifies that no more than one form DFW 774 may be submitted on behalf of each applicant or organization and that applicants may request no more than one date per water per month.

- *Subsection (f)(1)(C)*

- Specifies that the Department will assign a random number to form DFW 774 upon receipt and identify conflicts. A “conflict” refers to requests for the same date and water submitted by more than one applicant, as defined in proposed subsection (a)(4).

- *Subsection (f)(1)(D)*

- Establishes a process for applicants to collaborate and resolve conflicts identified by the Department. The Department will conduct a conflict resolution process that may be held in person or virtually. Conflict resolution conducted in person will be open for up to four hours. Conflict resolution conducted virtually will be open for up to four weeks. During the conflict

resolution period, applicants may withdraw a request completely, or move a request in conflict to a new water and/or date if the new selection does not result in conflict. Applicants may not request new dates or waters during the conflict resolution period.

- *Subsection (f)(1)(E)*
 - Specifies that at the end of the conflict resolution period, all requests not in conflict will be awarded to the requesting applicant and remaining conflicts will be decided by random selection.
- *Subsection (f)(1)(F)*
 - Specifies that once an applicant's request has been awarded, the applicant shall submit an application using form DFW 775 and payment to the Department. The information on the form DFW 775 application must match the information provided on the form DFW 774 they submitted for the initial offering.
- *Subsection (f)(1)(G)*
 - Lists those factors that may lead the Department to reject an applicant's form DFW 774 or 775 or to revocation an awarded request.
- *Subsection (f)(1)(H)*
 - Specifies that applications for Type A permits received after the due date for the initial offering will be processed following the procedures in proposed subsection (d).
- *Subsection (f)(1)(I)*
 - Specifies how and where form DFW 775 applications must be sent for the initial offering and explains that they may need to be submitted though ALDS.
- ***Subsection (g), Permit Adjustments.***
 - Moves existing subsection (g) to proposed subsection (n), with modifications. Proposed subsection (g) includes the language in existing subsection (b)(5), specifying when the Department will consider a request to adjust an approved permits and limits a permittee to three change requests. Any additional requests will require submission of a new application and payment of fees. Under the existing subsection (b)(5), a permittee can make unlimited change requests without additional cost. Some applicants have made multiple change requests that have been very time consuming for Department staff to process. By placing a limit on the change requests and requiring the submittal of a new application and fees after the third request, the Department will be able to cover its costs to process such requests.
 - *Subsection (g)(1)*
 - This subsection specifies that the Department will consider requests for adjustments to approved permits if such requests are received by the issuing regional office at least 30 days prior to the contest date.

- *Subsection (g)(2)*
 - This subsection specifies that permittees may request up to three changes to the originally approved permit and any additional change requests will require the submission of a new application and payment of all applicable fees.
- ***Subsection (h), No Transfer.***
 - Moves existing subsection (h) to proposed subsection (o). The language in proposed subsection (h) is from existing subsection (b)(6), with no change.
- ***Subsection (i), Fees.***
 - Fish and Game Code Section 2003 provides that an “application for [a fishing contest permit] shall be accompanied by a fee in the amount determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing the permit.” Existing subsection (b)(8) directs the reader to “subsection 699(b) of these regulations of the fee for [a fishing contest] permit.” Section 699(b) reads: “...Unless otherwise provided in this Title 14 or in the Fish and Game Code, the Department shall charge a fee of thirty dollars (\$30.00) for any permit issued pursuant to these regulations.” The fee the Department has been charging is greater than \$30.00. Last year, the fee was \$68.50. However, this fee and past fishing contest fees do not appear in Title 14 itself. Instead, this fee has been shown on form DFW 775, the Department’s application form for fishing contest permits.
 - To avoid any confusion an applicant might have on whether to pay the \$30.00 in Section 699(b) or the fee on form DFW 775, proposed subsection (i) will replace subsection (b)(8) and direct the reader to pay the fee specified therein: \$70.30. The fee is higher than last year’s to account for inflation and the Department confirmed the fee is sufficient to cover the costs it incurs to issue fishing contest permits, all in accordance with Fish and Game Code section 713(a), (b), and (g). (See Section VI(c) below for more information.) The fee will still show on form DFW 775 with reference to proposed subsection (i) to help applicants submit the correct fee.
- ***Subsection (j), Observer Requirement.***
 - The language in this proposed subsection is from existing subsection (c) with the modifications described below.
 - Increases the observer reimbursement fee from \$100 to \$275. For more information on this increase, see Table 2 in Section VI(c), below. This change is necessary due to increased staff salaries. As such, the amount charged should allow the Department to recover the expenses it incurs to have a Department employee observe a contest. The Department typically requires an observer when there is an elevated concern for the welfare of individual fish, fish populations, or the environment that might be based on environmental conditions, resource status, or applicants’ history regarding fishing contests.

- Adds instructions for where to send the observer fee. This language is necessary to inform applicants that payments must be sent to the regional office from which the permit was or will be issued.
- Amends the language taken from existing subsection (c) to clarify who may be required to pay the observer fee. This change is necessary to inform potential applicants that the Department may require payment of the observer fee either during the application phase or after a permit has been issued.
- ***Subsection (k), Compliance with Sport Fishing Regulations.***
 - The language in this subsection is from existing subsection (d) with the modifications described below.
 - *Subsection (k)(1)*
 - Changes “participant” to “angler” for clarity and consistency with the definition of angler in subsection (a).
 - *Subsection (k)(1)(A)*
 - Removes “for Type A contests.” This change is being made to expand the availability of special regulation exemptions to Type B permits and add clarification for black bass. This will eliminate the past observed practice of applicants applying for Type A permits to receive the exemption, without meeting the participant/angler threshold.
 - *Subsection (k)(2)*
 - Adds the following language: “...by anglers or permittees to accommodate off-site contest weigh-in locations.” Adding this language is necessary to clarify that the Department may allow for the movement of live fish to facilitate an offsite weigh-in. Fish moved to an offsite weigh-in location must be released back into water of original capture.
 - The change to the word “establish” to “impose” is necessary to allow for case-by-case consideration of off-site weigh ins.
- ***Subsection (l), Additional Restrictions for Any Black Bass Contest.***
 - This language in this proposed subsection is from existing subsection (e).
 - Removes the restriction in existing subsection (e)(2) that all contestants must have facilities for keeping bass alive. This change is necessary because not all bass contests will require the transport of fish to a centralized weigh-in location. Thus, not all watercraft used in contests targeting black bass will need to have live wells. This change is necessary to ensure that the appropriate contest types are accommodated.

- ***Subsection (m), Special Conditions.***

- This language in this proposed subsection is from existing subsection (f) with the modifications described below.
- Amends the language existing subsection (f) to clarify that standard special conditions applicable to permits are on form DFW 775. This subsection also mentions that special conditions on form DFW 775 require the use of the AQUATIC INVASIVE SPECIES SELF-INSPECTION CERTIFICATION FOR GAME FISH CONTESTS, DFW 777 (New 2/1/2022) (form DFW 777, incorporated by reference herein).
- Existing subsection (f) allows the Department to impose additional conditions to provide for the welfare of fish populations or individual fish. Proposed subsection (m) adds that the Department may also impose such conditions to provide for the welfare of the resource. This addition is necessary to allow the Department to impose a broader range of protective conditions to avoid adverse effects to the resource, as defined in proposed subsection (a)(8).

- ***Subsection (n), Submission of Reports.***

- This language in this proposed subsection is from subsection (g), with the modifications described below.
- Removes the following language from existing subsection (g): "... (attached to application form FG 775 (vers. 6/90))." The report form will no longer be an attachment to this form, to be replaced by form DFW 775 as part of this rulemaking. A new report form, FISHING CONTEST REPORT, DFW 776 (NEW 2/1/2022) (form DFW 776, incorporated by reference herein), will replace the attachment as part of this rulemaking.
- Specifies that form DFW 776 will need to be completed and submitted electronically.

- ***Subsection (o), Denial or Revocation of Applications, Permit Adjustments, and Permits.***

- The language in proposed subsection (o) is from existing subsection (h) with the modifications described below.
- Amends the language in existing subsection (h) to clarify and expand when the Department may deny or revoke a permit application or permit; adds language to allow the Department to deny a permit adjustment request; adds language clarifying the circumstances that would allow the Department to deny or revoke applications, permit adjustment request, and permits; adds a notice requirement; and adds language that allows an applicant or permittee to request the Department to reconsider any decision to deny or revoke. These changes amendments are necessary to allow the Department to enforce the new and existing procedures and requirements described in Section 230 with sufficient due process.

- *Subsection (o)(1)*
 - Specifies the Department's authority to deny a permit application or a request for a permit adjustment if the Department determines in its sole discretion that issuance of a permit or approval of a permit adjustment would be detrimental to the resource, or the applicant or permittee has failed to adhere to the requirements or procedures described in Section 230. Specifies that notice must be given in accordance with proposed subsection (o)(4).
- *Subsection (o)(2)*
 - Specifies that the Department may revoke a permit if the Department determines in its sole discretion that the applicant or permittee has failed to comply with any terms or conditions of its permit or has failed to adhere to the requirements or procedures described in Section 230. This paragraph specifies that notice must be given in accordance with proposed subsection (o)(4).
- *Subsection (o)(3)*
 - Specifies that the Department may consider an applicant's or permittee's previous compliance with Section 230 and with previous permits when determining whether to issue a denial or revocation.
- *Subsection (o)(4)*
 - Specifies the notice requirements applicable to denials and revocations under proposed subsections (o)(1) and (o)(2).
- *Subsection (o)(5)*
 - Specifies that an applicant or permittee may request the Department to reconsider any decision to deny or revoke under subsection (o)(1) and (o)(2).

FORMS

INITIAL OFFERING APPLICATION FOR "TYPE A" GAME FISH CONTESTS, form DFW 774 (NEW 2/1/2022)

This regulatory action includes the adoption of the above-referenced form to standardize the process of receiving initial offering requests and clarify application procedures for the initial offering.

Section 1, Applicant Information. This section collects applicant contact information. This section is necessary to clarify who the applicant is and provide contact information as part of the initial offering.

Section 2, Initial Offering Request. This section requests a table of requested dates and waters by an applicant. This section is necessary to collect requested dates as part of the initial offering. Providing a list of dates and waters is required to determine where conflicts exist, and this information will be used to resolve conflicts. This section limits the number of requested combination of waters and dates to 60. This number was chosen based on understanding from applicants to provide a variety of options of dates and waters.

Section 3, Certification. This section requires the applicant to certify that the information provided on this form is complete and accurate and that the applicant agrees to comply with all provisions outlined in Section 230.

Instructions for Initial Offering Application for Type A Game Fish Contests. The Instruction page of DFW 774 reminds applicants of certain informational items they should be aware of. The instructions provide section-by-section guidance for how to fill out the form. The instructions also remind applicants to create a customer record and obtain a GO ID in ALDS. The instructions themselves outline the form fields, and are necessary to guide the applicant on how to complete the form.

APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING GAME FISH, form DFW 775 (REV. 3/1/2022)

The above-referenced form is an existing form that would be modified to standardize the process of applying for a Type A, B, C, or D permit as part of this regulatory action.

There are two versions of DFW 775 mentioned in the existing Section 230: in subsection 230(b)(2), a form FG 775 (rev. 11/98) is mentioned for the application, and in subsection 230(g), FG 775 (rev. 6/90) is mentioned regarding returning a report on a standard form. Both versions are proposed for a complete strike and replacement due to several updates for the required information applicants must fill out, and how this form is administered.

Section 1, Applicant Information. This section collects applicant contact information. This section is necessary to clarify who the applicant is and provide contact information, and for cross-referencing to applicant information from form DFW 774.

Section 2, Contest Information. This section identifies the type of fishing contest to be held, the start and end date of the contest, the water where contest will be conducted, the estimated number of participants, the weigh-in time and location (if applicable), and the contest target species. This section is necessary to allow an applicant to select the type of contest they are interested in, and for gathering necessary data from applicants to protect the resource, by allowing the department to limit the number of contests held at each water for each day.

Section 3, Special Conditions for Contests. This section identifies special conditions for all contests and select target species such as Chinook Salmon, Sturgeon, and black bass, including special release site instructions. This section is necessary to protect the resource. Previously added by individual Department regional offices, these conditions will now apply to all contests statewide.

Section 4, Certification and Approval. This section is signed by the applicant and provides approval information by the approving regional representative. This section is necessary to show that the applicant agrees to comply to all conditions stated on the permit any special conditions added by the Department. This section also provides a unique permit identifier for the Department upon issuance.

Section 5, Department Regional Office Locations. This section provides the names and addresses of Department regional offices. This section is necessary for applicants to identify the appropriate regional office in which to submit contest applications.

FISHING CONTEST REPORT, form DFW 776 (New 2/1/2022)

This regulatory action includes the adoption of the above-referenced form to collect fishery and participation data after the completion of a fishing contest. This information is important to assess the overall impact fishing contests have on fishery resources. An electronic and online reporting system is planned to facilitate the Department's access and use information on game fish contests for tracking and management purposes.

Section 1, Permit Information. This section collects permit information. This section is necessary to relate contest result information back to corresponding fishing contest permit (DFW 775).

Section 2, Submitter Information. This section collects a permittee's contact information. This section is necessary to confirm the correct permit is being reported and to provide contact information in the event the Department needs to verify any of the information being submitted.

Section 3, Contest Results Information. This section collects fishery and angler data resulting from the contest. This section is necessary to monitor angler pressure, initial mortality, and overall potential impacts to the fishery.

The Notice language at the bottom of form DFW 776 is necessary to remind reporting permittees of the timeline to submit reports, relevant Title 14 sections and who to contact for additional information. It also includes the weblink to the Fishing Contests webpage and an email address for permittees to send questions or concerns.

AQUATIC INVASIVE SPECIES SELF-INSPECTION CERTIFICATION FOR GAME FISH CONTESTS, form DFW 777 (New 2/1/2022)

This regulatory action includes the adoption of the above-referenced form to provide a method for contestants to self-certify that the vessels and equipment they use in fishing contests are free from aquatic invasive species.

Section 1, Background. This section is necessary to educate permittees and anglers about what aquatic invasive species are, their environmental and economic impacts, and actions they should take to prevent their spread.

Section 2, Instructions. This section is necessary to define when the form is required, how to complete it, and how to display it.

Section 3, Self-Certification Questions. This section is necessary to assess the potential for a contestant's vessel or equipment to introduce aquatic invasive species into the contest waterbody. Aquatic invasive species can survive on vessels and equipment for up to several weeks in damp conditions. Fishing contests draw participants who frequently use their vessels and equipment, creating the risk that equipment will not dry between uses, which increases the potential that aquatic invasive species may be present. Contestants may also originate from throughout the state and outside of the state, increasing the diversity of potential aquatic invasive species present on vessels or equipment. These factors increase the potential that aquatic invasive species may be carried on vessels and equipment used in fishing contests. If a vessel or equipment harboring aquatic invasive species is used in a contest, it will introduce

those invasive species into the waterbody, potentially resulting in environmental and economic impacts.

Self-certification question 1 addresses situations where fishing contests are held on the same body of water as the last water body where the contestant's vessel, trailer, and equipment were last used. The risk of harboring aquatic invasive species is lower if the contestant's vessel/equipment have already been in the contest water. Questions 2 through 5 address whether the contestant's vessel and/or equipment is free of or poses a low risk of harboring living aquatic invasive species (cleaned, drained, and dry), and therefore is not likely to introduce aquatic invasive species to the contest waterbody.

Section 4, Certification. This section is necessary to identify the contest, the waterbody it will take place on, the dates the contest will take place, and the contestant's vessel, and identifies the contestant's attestation that the vessel is clean and dry, or decontaminated, thereby low risk for introducing aquatic invasive species by participating in the contest.

(b) Goals and Benefits of the Regulations

The goals and benefits of these regulations will establish contest conditions that provide for the welfare and conservation of fish populations and the environment and limit the impact to other recreational users while also allowing the offering of prizes for the taking of game fish.

The fishing contest types offered to today's anglers have changed significantly. There has also been an increased demand for fishing contest permits, especially for contests targeting black bass. To ensure the welfare of fish populations, the department limits the number and type of contests that may be held on each water each day. The regulatory action proposed herein will provide for equitable distribution of contest permits and ensure the welfare of fish populations.

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

Authority: Sections 200, 205, 1050 and 2003 Fish and Game Code.

Reference: Sections 67, 711, 713, 1050, and 2003 Fish and Game Code.

Fish and Game Code section 2 provides that the definitions in Chapter 1 of the Fish and Game Code "govern the construction of [the] code and all regulations adopted under the code." "Person" appears in some of the definitions in the proposed regulations (see subsections (a)(1), (2), (7), and (8)) and in other parts of Section 230. Because "person" is defined in Chapter 1 under Fish and Game Code Section 67, Section 67 is being added as a reference as part of this proposed rulemaking. In addition, because "person" is already defined in the Fish and Game Code, and under Fish and Game Code Section 2 applies to "person" as used in Section 230, "person" is not defined in proposed subsection (a).

(d) Specific Technology or Equipment Required by Regulatory Change

No specific technology or equipment is required to meet most of the goals of the proposed regulatory action. However, due to the mainstream use by the regulated community of computer and internet technology, the Department wished to coincide the timing of this regulatory proposal with an improved application submission and reporting system. As described in proposed subsection (d), entering applications through ALDS, when that function

is available, is expected to consolidate the number of applicants applying for the initial offering. Form DFW 776, Fishing Contest Report, is expected to be available in the appropriate electronic format by the time the proposed regulations are effective. Thus, form DFW 776 exhibits the content required of applicants for the online format to direct a permittee to complete the required data based on a particular permit type, and the workflow functionality by indicating the permit type selected (Types A through D) would result in a dynamic form based on selections made in previous sections of the application. Whether shown on paper or implemented in an electronic format, the information requested of all applicants will be the same.

The Department makes available an annual report that summarizes the results of fishing contests that target black bass

(e) Identification of Reports or Documents Supporting Regulation Change

None.

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

The Department conducted a survey of stakeholders who participated in the 2020 black bass permit draw. The survey was designed to obtain stakeholder feedback on the first ever virtual permit draw process.

The proposal to amend Section 230 was introduced at the Commission's Wildlife Resources Committee meeting held virtually on September 16, 2021.

Public scoping meetings were held in person and virtually on December 1, 2021, and virtually on December 2, 2021.

The proposed changes to Section 230 were detailed during a presentation at the Commission's Wildlife Resources Committee meeting held virtually on January 13, 2022.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

Seniority-Based Issuance of Type A Contest Permits

In summary, the proposal states that competition for Type A permits for highly desirable locations and dates has resulted in spurious applications to increase an applicant's odds of receiving their desired location and date. To counter this, an alternative based on seniority, with minimum qualifications establishing a legal business identity, was proposed. Entities with the most consecutive years of participation would receive priority in selecting locations and dates, and limits to the number of permits they request would be based on the number they have purchased in the prior three years.

Fish and wildlife are the property of the people (Fish and Game Code, Section 1600), and it is the mission of the Department to manage California's fish for the use and enjoyment of the public (Fish & Game Code, Section 712.1). It is the policy of the Department to provide for the beneficial use and enjoyment of wildlife by all citizens of the state and to provide for economic contributions to the citizens of the state, through the recognition that wildlife is a renewable

resource of the land by which economic return can accrue to the citizens of the state, individually and collectively, through regulated management. (Fish & Game Code, Section 1801, subdivision (b).) Such management must be consistent with the maintenance of healthy and thriving wildlife resources and the public ownership status of the wildlife resources. Further, the California Natural Resources Agency and the Department are committed to providing equitable access to all Californians to our public natural resources, which includes access to fishing opportunities. Integrating a seniority-based system based on permitting history and/or requiring a business identity immediately precludes equitable access to individuals and businesses/organizations not already engaged in fishing contests or defined as a legal entity. Further, such regulations would perpetuate inequity into the future as newcomers to fishing contest would always be subordinate to those permittees with greater seniority.

(b) No Change Alternative

Stakeholder feedback has consistently shown that the issuance process laid out in current regulatory text does not work for most stakeholders and is not compatible with most business models. If proposed amendments are not adopted, fishing contest permittees would likely file a formal request to change Section 230. Most permit applicants have expressed the need for changes to this regulation in a Department-conducted survey in 2020 and at public meetings of permit holders held in 2021.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

None identified.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no significant adverse effect on the environment, and 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 regulatory 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 because the game fish contests are specific to water bodies within the state of California.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The Commission does not anticipate any benefits to the health and welfare of California residents or worker safety.

The new regulations will benefit the environment by expanding the Department's authority to consider potential impacts to the resources when issuing permits. Existing Section 230 states that the Department shall issue a permit if the fishery or health of individual fish are not impacted. The new regulations allow for a holistic consideration of potential impacts to the environment and other resource users before issuing a permit.

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

Fish and Game Code Section 2003 provides that an "application for [a fishing contest permit] shall be accompanied by a fee in the amount determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing the permit." Last year, the application fee was \$68.50. For 2022, the fee is being adjusted for inflation to \$70.30 in accordance with Fish and Game Code Section 713¹. The total cost for application is \$72.41, which includes a 3% non-refundable ALDS fee (Section 700.4(e)). In addition, the Department confirmed this fee will be sufficient to cover the Department's costs by completing the analysis shown in Table 1 below consistent with Fish and Game Code subsection 713(g).²

Table 1. Department Costs to Issue Fishing Contest Permits (Processing of Form DFW 775)

Classification	Task	Hours/ Permit	Rate	Total
Region 1	110 contests			
Environmental Scientist, Range C	Review, Communication, Entering	0.30	\$66.32	\$19.90
Office Technician	Receive, scan, process payment	0.30	\$33.72	\$10.12
Region 2	414 contests			
Environmental Scientist, Range C	Communication with applicant	0.30	\$66.32	\$19.90
Office Technician	Receiving/processing application	0.20	\$33.72	\$6.74
Environmental Scientist, Range C	Reviewing application	0.25	\$66.32	\$16.58
Environmental Scientist, Range C	Approving application	0.20	\$66.32	\$13.26

¹ Fish and Game Code 713(a) requires the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, to be used as the index to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, tags, or other entitlements issued by the department.

² Under Fish and Game Code 713(g), the Department and the Commission, at least every five years, shall analyze all fees for licenses, stamps, permits, tags, and other entitlements issued by it to ensure the appropriate fee amount is charged.

Classification	Task	Hours/ Permit	Rate	Total
Environmental Scientist, Range C	Entering application	0.20	\$66.32	\$13.26
Environmental Scientist, Range C	Issuing/regional communication	0.20	\$66.32	\$13.26
Scientific Aide	issuing/regional comm.	0.10	\$17.14	\$1.71
Region 3	338 contests			
Staff Services Analyst	Communication with applicant	0.20	\$46.75	\$9.35
Office Technician	Receiving/processing application	0.10	\$33.72	\$3.37
Staff Services Analyst	Entering application	0.10	\$46.75	\$4.68
Staff Services Analyst	Reviewing application	0.20	\$46.75	\$9.35
Environmental Program Manager	Approving application	0.20	\$117.71	\$23.54
Staff Services Analyst	Issuing/regional communication	0.20	\$46.75	\$9.35
Region 4	410 contests			
Environmental Scientist, Range C	Communication with applicant	0.15	\$66.32	\$9.95
Office Technician	Receiving/processing application	0.20	\$33.72	\$6.74
Office Technician	Entering application	0.10	\$33.72	\$3.37
Environmental Scientist, Range C	Reviewing application	0.20	\$66.32	\$13.26
Environmental Program Manager	Approving application	0.10	\$117.71	\$11.77
Office Technician	Issuing permit	0.20	\$33.72	\$6.74
Region 5	277 contests			
Environmental Scientist, Range C	Communication with applicant	0.20	\$66.32	\$13.26
Office Technician	Receiving/processing application	0.10	\$33.72	\$3.37
Environmental Scientist, Range C	Reviewing and approving application	0.20	\$66.32	\$13.26
Environmental Scientist, Range C	Entering application	0.10	\$66.32	\$6.63
Office Technician	Receiving/processing application	0.20	\$33.72	\$6.74
Region 6	174 contests			
Environmental Scientist, Range C	Communication with applicant	0.20	\$66.32	\$13.26

Classification	Task	Hours/ Permit	Rate	Total
Environmental Scientist, Range C	Reviewing application	0.20	\$66.32	\$13.26
Environmental Scientist, Range C	Entering application	0.20	\$66.32	\$13.26
Environmental Scientist, Range C	Issuing/regional communication	0.30	\$66.32	\$19.90
Office Technician	Receiving/processing application	0.30	\$33.72	\$10.12
	All Regions Subtotal		--	\$339.30
	Overhead		24.32%	\$82.52
	Total for 6 permits			\$421.82
	Per Permit Average Cost			\$70.30

Notes: CalHR California State Civil Service Pay Scales by Classification. Rate is the median hourly salary including benefits (staff benefit rates for non-peace officer = 52.734%). Overhead for non-federal projects (24.32%) is applied to program subtotal costs.

In addition, the contest observer fee is proposed to increase from \$100 to \$275. Although a contest observer is rarely required, this adjustment is necessary to allow the Department to more fully recover staff salary and benefit costs when an observer is required. To minimize the fee increase, travel time and vehicle expenses have not been included. Thus, the amount charged for a Department contest observer will allow for only the partial recovery of necessary expenses incurred by the Department.

Table 2. Department Game Fish Contest Observer Cost (Fee Per Day)

Classification	Task	Hours	Rate	Total
Environmental Scientist, Range C	Travel to & from Region HQ to tournament weigh-in location*	---	\$66.32	\$0.00
Environmental Scientist, Range C	Observe fishing contest weigh-in	2.5	\$66.32	\$165.80
Environmental Scientist, Range C	Complete a report detailing observations/recommendations	0.83	\$66.32	\$55.27
	Vehicle mileage*	---	\$0.55/mile	\$0.00
	Program Subtotal			\$221.07
	Overhead	---	24.32%	\$53.76
	Program Total			\$274.83
	Rounded up to nearest \$0.25			\$275.00

Notes: CalHR California State Civil Service Pay Scales by Classification. Rate is the median hourly salary including benefits (staff benefit rates for non-peace officer = 52.734%). Overhead for non-federal projects (24.32%) is applied to program subtotal costs.

*Travel time and vehicle mileage are not included in the determination of the Contest Observer fee per day.

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

None. No change in costs or savings to state agencies are expected as a direct result of the proposed amendments to Section 230. However, the Department has estimated that the initial offering process continues to engage staff time throughout the state, and particularly Fisheries Branch staff in the Department's headquarters. An estimate of the time per entry and total program cost is detailed in Table 2. Currently, there is no fee to submit a form DFW 774 to participate in the initial offering. The following table is to disclose that the Department cost per entry is estimated to be approximately \$230.92. The Department receives an average of 70 forms DFW 744 per year. The total annual staff time costs (with benefits and overhead) are estimated to be approximately \$16,165 in a typical year.

Table 3. Department Cost Per Form 774 and Total Program Costs

Fisheries Branch Staff	Task	Hours per Form	Expanded Hours	Rate	Total
Senior Environmental Scientist – (Sup)	Program oversight, process bass reporting	0.4	30	\$101.80	\$3,054.00
Environmental Scientist - C	Draw planning	0.5	35	\$66.32	\$2,321.20
Environmental Scientist - C	Conducting draw (online)	0.6	40	\$66.32	\$2,652.80
Environmental Scientist - C	Draw back-end work	0.6	40	\$66.32	\$2,652.80
Environmental Scientist - C	Communication throughout year	0.5	35	\$66.32	\$2,321.20
	HQ Program Subtotal	2.6	180		\$13,002.00
	Overhead			24.32%	\$3,162.09
	Program Total				\$16,164.09
Average of 70 forms/year	Per Participant	\$230.92		70	\$230.92

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

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

None.

(h) Effect on Housing Costs

None.

VII. Economic Impact Assessment

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

There is no perceived effect on the creation or elimination of jobs within the State by amending regulations for game fish contests because no impact on the demand for services is anticipated as a direct result of the proposed administrative amendments.

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

There is no anticipated creation of new businesses or elimination of existing business within California due to the proposed amendment to the regulations for game fish contests because no impact on the demand for goods or services is anticipated as a direct result of the proposed administrative amendments.

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

The effects of the regulations should have no impact on the expansion of businesses currently doing business within the state because the proposed amendment to the regulations for game fish contests should have no impact on the demand for goods or services as a direct result of the proposed administrative amendments.

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

The Commission does not anticipate any benefits to the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The proposed regulations will have no benefits for worker safety because they have no bearing on working conditions.

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

The proposed regulations will continue to protect the natural resources of the state by limiting the number of contests permitted at each water thus minimizing impacts to targeted fish populations by fishing contests.

(g) Other Benefits of the Regulatory Action

The proposed changes to Section 230 and form DFW 775 and new forms DFW 774, 776, and 777 will enable the Department to align the fishing contest permit application process to better meet the needs of today's applicants. The Department has seen a tremendous demand for the limited number of permits that are issued to popular waters. Revising the application procedure will help minimize financial impacts to permit applicants.

Fishing contests are popular with sport fish anglers. Revising the permit application process will facilitate the continuation of the many annual fishing contests and may encourage new contests. Providing fishing contests may encourage new anglers to participate in sport fishing activities, keep those anglers already engaged, or encourage anglers who have not sport fished in recent years to join this outdoor activity that they previously participated in.

Informative Digest/Policy Statement Overview

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

Section 2003 of the Fish and Game Code authorizes the California Department of Fish and Wildlife (Department) to issue permits for persons seeking to offer prizes for the taking of game fish, subject to regulations adopted by the Fish and Game Commission (Commission). The regulations are in Section 230. Section 230 establishes the rules by which the Department issues these permits. Consistent with the Department's recommendations, the Commission is proposing to amend Section 230 and to revise one form and adopt three new forms associated with these fishing contests to resolve issues with the current permit issuance requirements and processes which do not meet the needs of today's contest applicants.

The proposed changes to Section 230 include the following:

- Define certain terms used in Section 230.
- Remove the use of "random draw" for Type A permits.
- Establish an "initial offering" process for Type A permits to resolve conflicts for contest dates and waters.
- Revise the requirements for Type A and Type B permits for fishing contests.
- Establish two new contest permit types: Type C and Type D.
- Revise the number of permits for contests issued per water per month.
- Make changes to the application process for contest permits outside the initial offering process.
- Limit the number of permit adjustment requests to three.
- Increase the observer fee from \$100 to \$275.
- Specify the permit fee that must accompany form DFW 775.
- Remove the restriction that all contestants must have facilities for keeping bass alive due to the new permit Types C and D.
- Restrict the number of changes to approved permits to three.
- Require permittees to complete and file fishing contest reports electronically.
- Require notice to applicants and permittees before the Department denies or revokes a permit application, a permit change request, or a permit.
- Allow applicants and permittees to request the Department to reconsider any decision to deny, or revoke a permit application, a permit change request, or a permit.
- Adopt form DFW 774, the Initial Offering Application for "Type A" Game Fish Contests, incorporate the form into Section 230 by reference and require applicants this use this form.
- Update existing Form DFW 775, the Application for Permit to Offer Prizes for the Taking of Game Fish.
- Adopt form DFW 776, Fishing Contest Report, to collect fishery and participation data and incorporate the form into Section 230 by reference and require permittees to use this form.
- Adopt form DFW 777, Aquatic Invasive Species Self-Certification for Game Fish Contests, and incorporate the form into Section 230 by reference, and require contestants to use this form.

Benefit of the Regulations

This regulatory action will establish contest conditions that provide for the welfare and conservation of fish populations benefiting the environment, and limiting the impact to other recreational users, while also allowing the offering of prizes for the taking of game fish.

The fishing contest types offered to today's anglers has changed significantly. There has also been an increased demand for fishing contest permits, especially for contests targeting black bass. To ensure the welfare of fish populations, the Department limits the number and type of contests that may be held on each water each day. The regulation changes proposed herein will provide for equitable distribution of contest permits as well as ensure for the welfare of fish populations.

Consistency and Compatibility with Existing Regulations

Section 20 of Article IV 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 Commission has reviewed its own regulations and finds that the proposed regulatory action is 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 the permitting of game fish contests.

PROPOSED REGULATORY LANGUAGE

Section 230 of Title 14 of the California Code of Regulations is amended to read:

§ 230. Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish.

~~(a) Definition of Contests.~~ Definitions. The definitions below apply to this section.

~~(1) Type-A Contest. Type-A contests are those events offering prizes totaling more than \$1,000 in value or with more than 50 participants. Type-A contests may not exceed three days in duration and no more than one Type-A event may be held at any water on the same day for the same game fish category listed in subsection 230(b)(1). If two or more applicants have requested a permit for the same date for a water, the application received first shall be given priority except for black bass contests, see subsection (b)(1)(A) through (D), below. (See subsection 230(e) re: additional restrictions for black bass events.)~~ “Angler” means a natural person engaged in the act of angling in a contest permitted under this section.

~~(2) Type-B Contest. Type-B contests are those events offering prizes of \$1,000 or less and with 50 or fewer participants.~~ “Applicant” means any person applying for a permit to conduct a fishing contest pursuant to this section.

~~(3) “Black bass” means any species of the genus Micropterus.~~

~~(4) “Contest” or “fishing contest” means any derbies, tournaments, tagged fish contests, or similar events offering prize compensation or inducements for the taking of game fish.~~

~~(5) “Game fish” means white sturgeon; American shad; all species of salmon and trout; goldfish; common carp; Sacramento pikeminnow; Sacramento (Western) sucker; all species of catfish and bullheads; striped bass; white bass; all species of black bass and sunfish; all species of tilapia; sargo; bairdiella; and all species of corvina.~~

~~(6) “Prize compensation” means “prize compensation” as defined in section 2003(e)(1)(B) of the Fish and Game Code pursuant to this section.~~

~~(7) “Permittee” means any person issued a permit by the department to conduct a fishing contest pursuant to this section.~~

~~(8) “Resource” means the water where a contest will be held, any fish and wildlife resources that use the water, the area surrounding the water, and recreational uses on the water.~~

~~(9) “Weigh-in” means any centralized facilitation of measurement or weighing of fish retained and transported as part of a fishing contest.~~

~~(b) Issuance of Permits (1) Revocable permits to conduct fishing contests (including tournaments, derbies or tagged fish contests) may be issued by the department to any person (as defined by section 67, Fish and Game Code) applicant., authorizing the permittee to offer prizes or other inducements for the taking of game fish. The~~

department ~~shall~~may issue such permits if it determines the proposed contest(s) would not be detrimental to the resource. ~~For the purposes of this section, game fish are defined as the following: white sturgeon and green sturgeon; American shad; salmon and trout—all species; goldfish; common carp; hardhead; Sacramento squawfish; western sucker; catfish and bullheads—all species; striped bass; white bass; black bass and sunfish—all species; tilapia—all species; sargo; bairdiella; and orangemouth corvina. Procedures for issuing event permits for black bass fishing contests are specified in subsections (A) through (D), below:~~

~~(A) A random drawing will be conducted by department personnel to issue Type-A permits for black bass fishing contests during July of the year preceding the contest date. Dates will be determined by departmental staff. Applications will not be accepted prior to July 1 of the year preceding the calendar year in which a contest is proposed.~~

~~(B) Applicants may submit a completed application(s) (including appropriate fees) to the appropriate department office (see Section 230(b)(2)) or attend the random drawings in person. Applications received prior to the random drawings must be prioritized by the applicant and if not, will be drawn in chronological order based on the contest date. Prior to the drawing, a random number will be assigned to each applicant in attendance and to each group of applications submitted by an individual not in attendance. A series of random drawings of the assigned numbers will be conducted by department personnel and one application accepted for each number drawn. Only one application shall be accepted from each applicant during each consecutive round of the drawing process. Rounds of drawings will be conducted until all applications have been accepted, or there are no more available dates for a given body of water, whichever occurs first.~~

~~(C) Immediately following the drawing(s), the fees for all successful applications not already submitted must be paid to the department.~~

~~(D) Permits for applications received after the drawings will be issued in chronological order of receipt, subject to availability.~~

~~(2) Application shall be made on a standard form provided by the department (APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING GAME FISH, FG 775 (Rev. 11/98)), which is incorporated by reference herein), and shall include the name of the sponsor, if any, and the name and address of the applicant, the telephone number where the applicant can be reached, and for each contest: the location and date of the event, total value of the prizes, and expected number of participants. The application must be signed by the applicant. Applications for Type-B contests should be submitted to the regional office (see map and addresses of Regional offices attached to application form FG 775 (Rev. 11/98)) nearest to the applicant. Applications for Type-A permits must be submitted to the department regional office for the region where the contest(s) is proposed.~~

~~(3) The application shall be submitted to the department at least 30 days prior to the proposed contest(s).~~

~~(4) Applications will not be accepted prior to July 1 of the year preceding the calendar year in which any contest is proposed.~~

~~(5) The department will consider requests for adjustments to approved Type A contest dates, if such requests are received by the issuing regional office not later than 30 days prior to the contest date to be changed.~~

~~(6) Permits are not transferable.~~

~~(7) Event and Annual Permits.~~

~~(A) An Event Permit will be issued for each Type A contest (see subsection 230(a)(1)).~~

~~(B) An Annual Permit will be issued on a calendar year basis to cover all Type B Contests (see subsection 230(a)(2)) proposed for that year.~~

(c) Contest Permit Types.

(1) Type A Permit. Type A permits are for contests targeting black bass with more than 60 anglers. Unless otherwise specified in subsection (e), the department may not issue more than one Type A permit for any water on the same day. Contests held under a Type A permit shall not exceed three days in duration.

(2) Type B Permit. Type B permits are for contests targeting black bass with 60 or fewer anglers. Unless otherwise specified in subsection (e), the department may not issue more than three Type B permits for any water on the same day. Contests held under a Type B permit shall not exceed three days in duration.

(3) Type C Permit. Type C permits are for contests targeting black bass in which anglers do not retain fish for a centralized weigh-in. For a contest conducted under a Type C permit, all live fish caught must be released immediately after recording weight or measurement. Contests conducted under a Type C permit may exceed three days in duration and may be conducted on multiple water bodies concurrently. Type C permits do not limit the number of anglers.

(4) Type D Permit. Type D permits are for contests that do not target black bass. Contests conducted under a Type D permit may exceed three days in duration and may be conducted on multiple water bodies concurrently. Type D permits do not limit the number of anglers.

(d) Application Procedures for Permits Outside Initial Offering.

(1) Any applicant seeking a Type A permit outside the department's initial offering described in subsection (f), or a Type B, Type C, or Type D permit shall follow the process described in this subsection to apply for and obtain one or more of these permits. Applications for permits made outside the department's initial offering described in subsection (f) will not be processed until after the completion of the initial offering. Except as specified in subsection (f), all permit applications will be processed in the chronological order in which they are received.

(2) Applications will not be accepted prior to July 1 of the year preceding the calendar year in which the contest will be held and shall be submitted to the department at least 30 days prior to the date of the contest.

(3) Applications shall be made using the department's APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING GAME FISH, DFW 775 (REV. 3/1/2022) (form DFW 775), incorporated by reference herein.

(4) The department may require applicants to submit required forms in the department's Automated License Data System (ALDS). When ALDS is required, applicants will need to obtain a GO ID and must complete all required fields in ALDS. When ALDS is required, the department will provide notice containing instructions.

(5) Applications for Type A permits outside the initial offering described in subsection (f) shall be submitted to the department regional office for the region where the contest(s) is proposed, unless submission via ALDS is required. Applications for Type B, Type C, and Type D permits may be submitted to any departmental regional office (see addresses of regional offices attached to form DFW 775), unless submittal using ALDS is required. An application is deemed as received when a complete application accompanied by payment of the permit fee specified in subdivision (i) is date-stamped by the receiving regional office or an electronic system. For an application to be complete, the correct form must be used, all required fields must be completed, and the application must be signed by the applicant.

(e) Permit Limits for Specific Waters

(1) Sacramento-San Joaquin River Delta (as defined in Section 1.71). No more than three Type A permits and nine Type B permits shall be issued for the Sacramento-San Joaquin River Delta for the same day, such that no more than one Type A permit and three Type B permits shall be issued in each of the three Delta counties: Sacramento, San Joaquin and Contra Costa.

(2) Diamond Valley Lake (Riverside County). No more than one Type A permit shall be issued per weekend (Saturday or Sunday) and not more than one multi-day Type A permit shall be issued per calendar month.

(3) Lake Perris (Riverside County). No more than one Type A permit shall be issued per weekend (Saturday or Sunday) and not more than one multi-day Type A permit shall be issued per calendar month.

(4) Silverwood Lake (San Bernardino County). No more than one Type A permit shall be issued per weekend (Saturday or Sunday) and not more than one multi-day Type A permit shall be issued per calendar month.

(5) "Multi-day Type A permit" as used in this subsection does not include permits that begin at night and hold a single weigh-in during the next calendar day.

(f) Initial Offering of Type A Permits.

(1) This subsection describes the procedures to obtain Type A permits through an “initial offering” by the Department.

(A) The department will conduct an initial offering of Type A permits during September 2022 for contest dates in 2023. Thereafter, commencing with the 2023 contest year, the initial offering will be conducted between July and September. Notification of the open period to submit the department’s INITIAL OFFERING APPLICATION FOR “TYPE A” GAME FISH CONTESTS, DFW 774 (NEW 2/1/2022) (form DFW 774), incorporated by reference herein, will be posted to the department’s Inland Fishing Contest webpage and sent to all previous years’ permittees. To apply for a Type A permit during the initial offering, applicants shall submit a completed form DFW 774 to identify the applicant’s desired contest dates and waters. The department will use the email address and telephone number the applicant includes on form DFW 774 to facilitate the initial offering and the conflict resolution described in subsection (f)(1)(D). Form DFW 774 shall require applicants to certify the following:

(i) The applicant will not request conflicting dates or waters in coordination with any other applicant;

(ii) The applicant is applying on their individual behalf or on behalf of an organization, independent of any other applicants; and

(iii) If a request is awarded, the applicant intends in good faith to hold a contest on that date and water.

(B) No more than one form DFW 774 shall be submitted on behalf of each applicant. If the applicant is not a natural person, the applicant shall select one individual to submit one form DFW 774 on behalf of the applicant. Applicants may request no more than one date per water per month on form DFW 774.

(C) The department will assign a random number to each form DFW 774 upon receipt of the form and identify conflicts among all applicants. For purposes of this subsection, “conflict” shall mean requests for the same date and water submitted by more than one applicant.

(D) The department will conduct a conflict resolution process for applicants to collaborate and resolve conflicts identified by the department. Prior to opening the conflict resolution process, the department will announce whether the conflict resolution process will be conducted in person or virtually. If the conflict resolution process is conducted in person, applicants will be given up to four hours to resolve conflicts. If the conflict resolution process is conducted virtually, applicants will be given up to four weeks to resolve conflicts. During the conflict resolution process, applicants may withdraw a request completely or move a request in conflict to a new water and/or date if the new selection does not result in a conflict with another applicant. Applicants may not otherwise request new dates or waters during the conflict resolution process.

(E) At the end of the conflict resolution process, all requests not in conflict will be awarded to the requesting applicant. Remaining conflicts will be decided by random selection.

(F) Upon receipt of confirmation from the department that a request has been awarded, the applicant shall submit to the department a complete form DFW 775 and pay the permit fee specified in subdivision (i) for all awarded requests. All information listed on the applicant's form DFW 775 must match the information the applicant provided on form DFW 774 for the initial offering.

(G) Incomplete applications, incorrect or missing payment, inconsistent information, or failure to adhere to the requirements set forth in this subsection may cause the department to reject an applicant's form DFW 774 or DFW 775 or to revoke an awarded request.

(H) Applications for Type A permits during the initial offering received after the due date will be processed following the procedures described in subsection (d).

(I) Applications for Type A permits during the initial offering shall be submitted to the department regional office for the region where the applicant will hold the contest, unless the department provides notice that applications must be submitted through ALDS pursuant to subsection (d)(4).

(g) Permit Adjustments.

(1) The department will consider requests for adjustments to approved permits if such requests are received by the issuing regional office at least 30 days prior to the contest date.

(2) Permittees may request up to three changes to the originally approved permit. Any additional change requests will require the submittal of a new application and fee payment.

(h) No Transfer. Permits are not transferable.

(8) Cost of permit: See subsection 699(b) of these regulations for the fee for this permit.

(i) Fees. The permit fee that must accompany form DFW 775 is \$70.30.

(e)(j) Observer Requirement. An employee of the department may be assigned as an observer and be present at any contest. The applicant or permittee shall reimburse the department \$400 ~~\$275~~ per day for the cost of the observer's services and associated administrative and incidental costs. Payment shall be sent to the regional office from which the permit was or will be issued.

~~(d)~~(k) Compliance with Sport Fishing Regulations.

(1) No provisions of these regulations exempt any participant angler in a contest from the applicable freshwater sport fishing regulations, except that the department may, for permitted contests, authorize an exemption to:

(A) ~~Regulations~~ Black bass regulations which impose an increased minimum size limit larger than 12 inches, a slot size limit, or a reduced bag limit less than five fish ~~for Type A contests~~, and;

(B) Daily bag and possession limits for all permitted black bass contests, insofar that once the daily bag and possession limit has been reached by an individual angler, that same angler may continue to fish under the condition that each additional fish caught must immediately be returned to the water alive and in good condition or be used to replace a fish being maintained alive and in good condition from the ~~participant's~~ angler's livewell or other suitable holding facility.

(2) To prevent the movement of live fish from one body of water to another, the department also may ~~establish~~ impose permit conditions governing the movement of live fish ~~associated with tournament activities~~. by anglers or permittees to accommodate off-site contest weigh-in locations.

~~(e)(l)~~ (l) Additional Restrictions for Any Black Bass Contests. Contest:

(1) Insofar as possible, all fish shall be returned to the water alive and in good condition, except the department may for scientific or management purposes, take possession of any fish caught during the contest and provide for retention of unusually large fish by participants. The department shall notify the permittee or his designated representative of such exceptions prior to the start of the contest.

~~(2) All contestants shall have facilities for keeping bass alive and in good condition. The contest or department officials shall have the authority to disqualify any individual from competing if suitable facilities are not available.~~

~~(3)~~ (2) Only artificial lures may be used.

~~(f)~~ (m) Special Conditions. To provide for the welfare of fish populations, ~~or individual fish, or the resource~~, the department may impose special conditions in addition to those specified in this section and those listed on form DFW 775 not specifically covered herein for any contest. Special conditions on form DFW 775 outline required use of the AQUATIC INVASIVE SPECIES SELF-INSPECTION CERTIFICATION FOR GAME FISH CONTESTS, DFW 777 (NEW 2/1/2022) (form DFW 777), incorporated by reference herein to this section. ~~The Department~~ department shall provide such conditions in writing to the applicant when issuing the permit. The permittee shall provide copies or otherwise inform every angler of the special conditions. It is unlawful for any person participating in a contest permitted under the authority of this ~~Section~~ section to violate any condition of the permit.

~~(g)~~ (n) Submission of Reports. Permittees shall electronically complete and return submit a report on a standard form ~~(attached to application form FG 775(6/90))~~, FISHING CONTEST REPORT, DFW 776 (NEW 2/1/2022) (form DFW 776), incorporated by reference herein, provided by the department, or an equivalent form, within 30 days after the completion of each contest, following the submission procedures described on the form. Completed reports shall be submitted online via the department's Inland

Fishing Contest webpage. The permittee shall answer all the questions thereon relating to the contest, so that department personnel may monitor the impact of such contests on fisheries resources.

~~(h)(o) Revocation or Denial or Revocation of Applications, Permit Adjustments, and Permits. Failure of a permittee to comply with the provisions of this section, and any special conditions applied under this section, can result in the revocation of current permits or denial of applications for future permits, as determined by the department.~~

(1) Denial.

(A) The department may deny a permit application or a request for a permit adjustment if the department determines in its sole discretion that:

(i) Issuance of a permit or approval of a permit adjustment would be detrimental to the resource; or

(ii) The applicant or permittee has failed to adhere to the requirements or procedures set forth in this section; and

(iii) The department notifies the applicant of the basis for its determination in accordance with subsection (o)(4).

(2) Revocation.

(A) The department may revoke a permittee's permit if the department determines in its sole discretion that:

(i) The permittee has failed to comply with any terms or conditions of its permit; or

(ii) The applicant or permittee has failed to adhere to the requirements or procedures set forth in this section; and

(iii) The department notifies the applicant or permittee of the basis for its determination in accordance with subsection (o)(4).

(3) Previous compliance. The department may consider an applicant's or permittee's previous compliance with this section and with previous permits when determining whether to issue a denial or revocation.

(4) Written notice. The notice provided pursuant to subsection (o)(1)(A)(iii) and (o)(2)(A)(iii) shall:

(A) Explain in writing the basis for the department's determination and the effective date of the denial, or the effective date of the revocation; and

(B) Be sent by email and certified mail using the email and mailing addresses included in the form DFW 774 or DFW 775 submitted by the applicant or permittee.

(5) Reconsideration.

(A) An applicant or permittee who receives a notice of denial from the department of a permit application or a requested permit adjustment under subsection (o)(1) or a

revocation of a permit under subsection (o)(2) may submit a written request for reconsideration to the department no later than 30 calendar days following the date of the notification, and shall state the reasons for the requested reconsideration. The department shall consider any information submitted with the request and may reverse or amend its decision.

NOTE: Authority: Sections 200, 205, 1050 and 2003, Fish and Game Code. Reference: Sections 67, 711, 713, 1050, and 2003, Fish and Game Code.

Memorandum

Date: May 6, 2022

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

From: Charlton H. Bonham
Director

Subject: **Submission of Initial Study and Negative Declaration for Proposed Amendments to Section 230, 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 Section 230, Title 14, CCR, Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish*. Based on the initial study, the Department has concluded that the proposed amendments will not 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.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Jay Rowan, Branch Chief
Fisheries Branch
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Sarah Mussulman, Program Manager
Fisheries Branch
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Kyle Murphy, Sr. Environmental Scientist (Supervisor)
Fisheries Branch
Wildlife and Fisheries Division
California Department of Fish and Wildlife

Melissa Miller-Henson, Executive Director
Fish and Game Commission
May 6, 2022
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Ari Cornman, Wildlife Advisor
California Fish and Game Commission

Jenn Greaves, CESA Analyst
California Fish and Game Commission

STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
FISH AND GAME COMMISSION

INITIAL STUDY/NEGATIVE DECLARATION

PROPOSED AMENDMENTS TO
SECTION 230, TITLE 14, CCR
“ISSUANCE OF PERMITS FOR CONTESTS OFFERING PRIZES
FOR THE TAKING OF GAME FISH”

Prepared by:

California Department of Fish and Wildlife
Fisheries Branch

MAY 2022

This Report Has Been Prepared Pursuant to the
California Environmental Quality Act of 1970

INITIAL STUDY/NEGATIVE DECLARATION
FOR PROPOSED AMENDMENTS TO
SECTION 230, GAME FISH CONTESTS,
TITLE 14, CALIFORNIA CODE OF REGULATIONS

The Project

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

The Fish and Game Commission (Commission) proposes to amend Section 230, Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish (Game Fish Contests). The Type A fishing contest permits are issued annually (July) for contests to be held in the following calendar year. Current language creates challenges for enforcing conditions associated with the permit awarding process. It is necessary for the Commission to adopt revisions to Section 230 to allow for issuance of permits under a new framework which would ensure fair business practices.

The proposed revision of Section 230 would enable the Department of Fish and Wildlife (Department) to provide a fishing contest permit application process to distribute limited permits more equitably. The Department has seen a tremendous increase in demand for the limited number of permits that are issued for popular waters. The Department's permitting process directly impacts organizations that require these permits to conduct business. It is critical that the Department offers a clear, fair and enforceable process to issue permits to all interested parties. Revising the application and issuance procedures will allow for fair and reasonable business practices for entities that depend on this permitting process.

The Department has evaluated the proposed amendments and presented its findings 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
- 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
SECTION 230, GAME FISH CONTESTS

Introduction

The Department periodically evaluates the need to update fishing regulations to align with management goals and presents any proposed amendments to the Commission for consideration. The Department is proposing amendments to Section 230 regulations for the purpose of allowing the issuance of permits under a new framework which would ensure fair business practices and improve the fishing contest experience.

Section 230 establishes the procedures by which the Department issues the permits. Currently two different types of permits are issued: Type A and Type B, based on the number of participants and value of prizes or other inducements offered. Permit applications are accepted in July for contests to be held the following year. Fishing contest permits are issued for the take of approximately 10 different game fish species. Contests targeting black bass are the most popular and account for approximately 80 percent of all permits issued each year. Fishing contests are popular with many sport fish anglers, but current permit issuance requirements and processes do not meet the needs of today's contest applicants. The Department has evaluated the proposed amendments to update and replace an existing form, and adopt three new forms to resolve these issues.

Project Goals and Objectives

The goal of this project is to amend the sport fishing regulations in furtherance of the state's conservation policy as set forth in Section 1700 of the Fish and Game Code ("FGC"). The conservation policy includes the following objectives:

- (a) The maintenance of sufficient populations of all species,
- (b) The recognition of the importance of recreational uses,
- (c) The maintenance of a sufficient resource to support a reasonable sport use,
- (d) The growth of local commercial fisheries,
- (e) The management of the fisheries under the state's jurisdiction.

Background

FGC section 2003 authorizes the Department to issue a permit to a person seeking to offer prizes for the taking of game fish. The permit is subject to regulations adopted by the Commission. The regulations are in Section 230 which establishes the rules by which the Department issues these permits. Currently, two different types of permits, Type A and Type B, are issued depending on the number of participants and value of prizes or other inducements offered. Applications are accepted in July for contests to be held in the following year. Fishing contest permits are issued for the taking of approximately 10 different game fish species. Contests targeting black bass are the most popular and account for approximately 80 percent of all permits issued each year. Fishing contests are popular with many sport fish anglers. With the addition of new types of contests and increased competition for certain times and locations, current permit issuance requirements and processes do not meet the needs of today's contest applicants. Based on the Department's recommendations, the Commission is proposing to amend Section 230 to provide four permit types depending on the size and scope of contests, implement a new conflict resolution process, update and replace an existing form, and adopt three new forms to resolve these issues.

Project Location

Game Fish Contests are conducted throughout California.

Schedule

At its May 19, 2022, teleconference, the Commission adopted the amendments to Section 230. If approved by the Office of Administrative Law, the proposed regulatory amendments described below are anticipated to go into effect by August 31, 2022.

Current Regulations

Section 230 (adopted in 1975 and periodically revised) establishes the rules by which the Department issues these permits. Currently, two different types of permits issued, Type A and Type B, based on the number of participants and value of prizes or other inducements offered. The Department begins accepting permit applications on July 1 for contests to be held in the following year.

ENVIRONMENTAL CHECKLIST FORM

1. Project Title:
Proposed Amendments to Section 230, Game Fish Contests
2. Lead Agency Name and Address:
California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814
3. Contact Person and Phone Number:
Melissa Miller-Henson, (916) 653-7229
4. Project Location:
Game Fish Contests are conducted statewide.
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:
The proposed revision of Section 230 would enable the Department to provide a fishing contest permit application process to distribute limited permits more equitably. The Department has seen a tremendous increase in demand for the limited number of permits that are issued for popular waters. The Department's permitting process directly impacts organizations that require these permits to conduct business. It is critical that the Department offers a clear, fair and enforceable process to issue permits to all interested parties. Revising the application and issuance procedures will allow for fair and reasonable business practices for entities that depend on this permitting process.
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?

Native American tribes were mailed a tribal notification on April 11, 2022. No consultation has been requested.

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) In nonurbanized areas, 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)
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<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 dedicated 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

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (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
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:				

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
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
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:				

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
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
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:	<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 systems 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

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (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 with 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
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 ground borne vibration or ground borne 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	<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)
in the project area to excessive noise levels?				
XIV. POPULATION AND HOUSING.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<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
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	<input type="checkbox"/>	<input type="checkbox"/>	LTS	<input type="checkbox"/>

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, 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) 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
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
XVIII. TRIBAL CULTURAL RESOURCES.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
a) 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 geographically 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:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of	<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)
historical resources as defined in Public Resources Code section 5020.1(k), or				
ii) 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 reasonably 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 waste water 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

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (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 alternation, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade, in nonurbanized areas, the existing visual character or quality of public views of the site and its surroundings. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FORESTRY RESOURCES

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

III. AIR QUALITY

- a) The project will not conflict with or obstruct implementation of the applicable air quality plan. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.

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

IV. BIOLOGICAL RESOURCES

- a) The project may have a Less Than Significant Impact, 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 project adjusts the definitions of type-A and type-B permits and creates new type-C and type-D permits. These four permit types more clearly accommodate contests that are already being conducted under the current regulations. Changes to the permit definitions are not expected to lead to any additional contest pressure on fishery resources. The list of permissible target species is not being changed and is not expected to create any impact to additional biological resources. None of the proposed changes are expected to increase the scope, geographic range, or intensity of fishing contest impact throughout the State.

Anglers participating in a fishing contest must abide by all state sport fishing regulations. These regulations are in place to protect the resource and allow more anglers to enjoy more success. In many contests, the contest sponsor implements conditions that are more restrictive than the standard state regulations. Research has shown that since black bass tournaments require anglers to maintain captive fish alive and in good condition, fishing contests have not negatively impacted the fish populations within a given water body.

- 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 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.
- f) The project will not indirectly destroy a unique paleontological resource or site or unique geologic feature.

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 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 wildland 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 have a less than significant impact on recreation, and 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.

General practice of fishing contest:

During a fishing contest, anglers target specific fish which are retained for a scheduled weigh-in. During contests targeting black bass, captured fish are maintained alive and in good condition in the vessels live well. Immediately after weigh-in all fish are released to the same water where captured. For non-black bass contests, all fish are retained by anglers after weigh-in. The primary recreational facilities used by contest anglers is the boat ramp and parking lot adjacent to each contest water. The number of participants in a contest varies, but typically range between 10 – 100 anglers.

Use of recreational facilities and number of people:

The project will change the number of fishing contest permit types from two to four. The number of participants required for each permit type will vary, but no increase in the number of anglers participating in fishing contests is expected. The project will not cause impacts to recreation because the project will limit the number of permits that may be issued water per day. Some waters will have limits to the number of permits issued per month. By reducing the number of permits this may reduce the number of anglers present fishing a water each day. As a result, the project is not expected to result in a significant increase in the number of anglers/visitors to these waters nor increase use of existing facilities. Existing facilities such as boat ramps and parking lots utilized by anglers are designed for such use and no deterioration would occur or be accelerated. Additionally, the project will not require any new facilities or repurposing of existing facilities. Therefore, the project would not have a significant impact on recreation.

- 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 would not 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 geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Further,
 - ai. 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.
 - aii. 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.
- d) The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

- a) 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 #**Project Title:** Proposed Amendments to Section 230, Title 14, CCR: Issuance of Permits for Contests Offering Prizes for the Taking of Game FishLead Agency: California Fish and Game CommissionContact Person: Melissa Miller-HensonMailing Address: PO Box 944209Phone: (916) 653-7229City: SacramentoZip: 94244-2090County: Sacramento**Project Location:** County: various City/Nearest Community: Statewide

Cross Streets: _____ Zip Code: _____

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: _____

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

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

Airports: _____ Railways: _____ Schools: _____

Document Type:

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

Local Action Type:

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

Development Type:

☐ Residential: Units _____ Acres _____ ☐ Transportation: Type _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____ ☐ Mining: Mineral _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____ ☐ Power: Type _____ MW _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____ ☐ Waste Treatment: Type _____ MGD _____
☐ Educational: _____ ☐ Hazardous Waste: Type _____
☐ Recreational: _____ ☒ Other: Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish
☐ Water Facilities: Type _____ MGD _____

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation:**Project Description:** (please use a separate page if necessary)

California Fish and Game Commission adoption of amendments to Section 230 would enable the Department to provide a fishing contest permit application process to distribute limited permits more equitably. The Department has seen a tremendous increase in demand for the limited number of permits that are issued for popular waters. Our permitting process directly impacts organizations that require these permits to conduct business. It is critical that the Department offers a clear, fair and enforceable process to issue permits to all interested parties. Revising the application and issuance procedures will allow for fair and reasonable business practices for entities that depend on this permitting process.

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 an "X".

If you have already sent your document to the agency please denote that with an "S".

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

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

Starting Date _____ Ending Date _____

Lead Agency (Complete if applicable):

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

Signature of Lead Agency Representative: _____ Date: _____

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

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

Memorandum

Date: March 18, 2022

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

From: Charlton H. Bonham
Director

Subject: **Submission of Initial Statement of Reasons to Amend Subsections 632(b)(9), 632(b)(37), 632(b)(41), 632(b)(42), and 632(b)(91), Title 14, California Code of Regulations, Re: State Marine Recreational Management Areas**

The Department of Fish and Wildlife (Department) requests the Fish and Game Commission (Commission) authorize publishing notice of its intent to amend subsections 632(b)(9), 632(b)(37), 632(b)(41), 632(b)(42), and 632(b)(91) of Title 14, California Code of Regulations to correct an error in regulations established in 2016. The proposed amendment will also prohibit take of geological and cultural marine resources within five state marine recreational management areas. The Department requests authorization of the request to publish notice for the April 20-21, 2022 Commission meeting, discussion at the May 19, 2022 Commission meeting, and adoption at the June 15-16, 2022 Commission meeting.

The primary goal of the proposed regulation amendments is to restore the regulations to their original intent with regards to take prohibition, and to improve consistency of regulatory language and enforceability.

If you have any questions regarding this item, contact Dr. Craig Shuman, Marine Regional Manager, at (916) 215-9694. The public notice for this rulemaking should identify Environmental Scientist, Amanda Van Diggelen as the Department's point of contact. Her contact information is (562) 522-3901 or R7RegionalMgr@wildlife.ca.gov.

ec: Garry Kelley, Acting Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env. Regional Manager
Marine Region

Eric Kord, Assistant Chief
Law Enforcement Division

Ona Alminas, Program Manager
Regulations Unit

Rose Dodgen, Regulatory Analyst
Regulations Unit

Melissa Miller-Henson, Executive Director
Fish and Game Commission
March 18, 2022
Page 2

Susan Ashcraft, Marine Adviser
Fish and Game Commission

Becky Ota, Environmental Program Manager
Marine Region

Stephen Wertz, Senior Environmental Scientist, Supervisor
Marine Region

Amanda Van Diggelen, Environmental Scientist
Marine Region

Sherrie Fonbuena, Analyst
Fish and Game Commission

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

Amend subsections 632(b)(9), 632(b)(37), 632(b)(41), 632(b)(42), and 632(b)(91)
Title 14, California Code of Regulations
Re: State Marine Recreational Management Areas

I. Date of Initial Statement of Reasons: February 3, 2022

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: April 20, 2022

Location: Monterey/Santa Cruz, CA

(b) Discussion Hearing

Date: May 19, 2022

Location: Teleconference/webinar

(c) Adoption Hearing

Date: June 15, 2022

Location: Los Angeles/Orange County, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Unless otherwise specified, all references in this document are regarding Title 14 of the California Code of Regulations (CCR). The California Department of Fish and Wildlife (Department) is recommending that the California Fish and Game Commission (Commission) amend Section 632, Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures.

Background Information

The Marine Life Protection Act (MLPA) of 1999 (Fish and Game Code sections 2850-2863) required California to re-examine and redesign California's existing MPA system to increase its coherence and effectiveness at protecting the state's marine life, habitats, and ecosystems. In 2000, the Marine Managed Areas Improvement Act (Public Resources Code sections 36600-36900) standardized and clarified the designations of MMAs, which include MPAs. The overriding goal of these acts is to protect California's valuable marine resources, including natural biodiversity and abundance of marine life, sustaining and rebuilding species of economic value, and improving recreational and educational opportunities in areas subject to minimal human disturbance.

From 2004 to 2012, planning to re-design California's existing system of MPAs into a coherent network of MPAs occurred sequentially within four coastal regions. Following planning within each region, the Commission adopted MPA regulations that were implemented along the coast from 2007 to 2012. Three of the four coastal regions included regulations for State Marine Recreational Management Areas (SMRMAs) (Attachments 1, 2, and 3).

In 2015, the Commission adopted a rulemaking package intended to clarify and clean-up regulations associated with MPAs and MMAs (Office of Administrative Law's File #2016-0108-01s, effective March 1, 2016). This rulemaking unintentionally removed the take restrictions intended to be included by regional stakeholders and the Commission within five SMRMAs: South Humboldt Bay SMRMA, Russian River SMRMA, Estero Americano SMRMA, Estero de San Antonio SMRMA, and Morro Bay SMRMA (Attachments 4 and 5).

The 2016 amendments intended to conform regulatory text used for SMRMAs with similar text used for state marine reserves, state marine conservation areas, and state marine parks. However, the SMRMA definition in the Marine Managed Areas Improvement Act [Public Resources Code, subdivision 36710(e)], does not provide the same take restrictions as the other MPA designation definitions. Consequently, the five SMRMAs no longer explicitly specify prohibited take within their boundaries (Attachment 6).

Proposed amendments to subsections 632(b)(9), 632(b)(37), 632(b)(41), 632(b)(42), 632(b)(91)

The proposed amendments will return the regulatory text to similar language used prior to 2016 regarding take of living marine resources. In addition, the new amendments would prohibit take of geological and cultural marine resources to align SMRMAs with state marine reserves and state marine conservation area designation definitions, thereby improving consistency amongst protected areas.

Subsections 632(b)(9)(B) and (C) are also proposed to be renumbered for consistency with other subsections. Additionally, language in subsection 632(b)(91)(B) concerning the hunting of waterfowl in Morro Bay SMRMA is proposed to be revised for consistency with the language concerning hunting of waterfowl in other MMAs.

Necessity and rationale:

According to Public Resources Code subdivision 36710(e), in SMRMAs it is unlawful to perform any activity that would compromise the recreational values for which the area may be designated. California's five SMRMAs were originally designed to protect living marine resources, unless a specific take exemption was identified. However, the areas designated as SMRMAs no longer have any restrictions on take of living marine resources, which is in opposition to their original intent. Additionally, Public Resources Code, subdivision 36602(d) states that a designated MMA can be used to protect living marine resources, as well as cultural or geological resources. The proposed amendment to add cultural and geological resources, along with living marine resources as prohibited take, is in alignment with what SMRMAs are defined to protect. The inclusion of all three marine resource types will improve consistency amongst protected area designations as the definitions of state marine reserves and state marine conservation areas include living, geological, or cultural marine resource in the definitions [Public Resource Code subdivisions 36710(a) and 36710(c)]. Amending the regulations as proposed will return SMRMAs to the condition they were originally designed to exist as, as well as improving consistency amongst protected area designations.

The regulatory text for South Humboldt Bay SMRMA [subsection 632(b)(9)], regarding allowed take of marine resources and take of waterfowl, was written with a different approach than the other four SMRMAs in subsection 632(b). Specifically, South Humboldt Bay SMRMA lists take

of waterfowl as subsection 632(b)(9)(C), while all other SMRMAs lists take of waterfowl within subsection 632(b)(X)(B). Therefore, the Department is proposing to renumber the language for this SMRMA to increase consistency in language, while retaining the original allowable activities for this area.

(b) Goals and Benefits of the Regulation

California's MMAs are one of many tools for resource managers to use for protecting, conserving, and managing the state's valuable marine resources. MMAs can offer many benefits, including protecting habitats, species, cultural resources, and water quality; enhancing recreational opportunities; and contributing to the economy through such activities as increased tourism. MMAs may also benefit fisheries management by protecting representative habitats and reducing extractive uses [Public Resources Code subdivision 36601(a)(3)]. The primary goal of the proposed regulation amendments is to ensure the five SMRMAs are used to protect and conserve the marine resources within their designated area as intended when they were implemented. Additionally, the proposed amendments to improve consistency of regulatory language will help reduce any confusion about regulations that apply to MMAs.

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

Authority: Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code

Reference: Sections 200, 205(c), 265, 399, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code

(d) Specific Technology or Equipment Required by Regulatory Change

None

(e) Identification of Reports or Documents Supporting Regulation Change

Attachment 1. Central Coast Region Initial Statement of Reasons for Regulatory Action, dated January 15, 2007

Attachment 2. North Central Coast Region Amended Initial Statement of Reasons for Regulatory Action, dated June 8, 2009

Attachment 3. North Coast Region Initial Statement of Reasons for Regulatory Action, dated December 12, 2011

(f) Identification of Reports or Documents Providing Background Information

Attachment 4. 2015 Initial Statement of Reasons for Regulatory Action, dated June 4, 2015

Attachment 5. California's Marine Protected Area Network - State Marine Recreational Management Areas

Attachment 6. 2015 Final Adopted Amended 632 Regulations, effective March 1, 2016

(g) 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 regulatory 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 the five SMRMAs without any of protected measures they were intended to have when originally designed.

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 because the proposed amendments return SMRMAs to their originally intended design and permitted uses that were established during the MLPA planning process. The proposed action is to remedy an inadvertent omission of take restrictions while also adding language regarding take of geologic and cultural resources for consistency with other protected areas which are central to the intent of the SMRMA habitat protection goals that may also be associated with increased recreational activities and tourism.

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

The Commission does not anticipate any impacts on creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses or the expansion of businesses in California because the proposed amendments are to return SMRMAs to their originally intended design and permitted uses that were established during the MLPA planning process and to prohibit take of geologic and cultural resources for consistency amongst protected areas.

The Commission does not anticipate any benefits to the health and welfare of California residents or worker safety.

The Commission anticipates benefits to the environment by restoring and adding enhanced protection of marine and estuarine habitats and species within the five areas designated as SMRMAs.

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

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

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

None.

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

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

None.

(h) Effect on Housing Costs

None.

VII. Economic Impact Assessment

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

The Commission does not anticipate any impacts on creation or elimination of jobs because the proposed change would not directly impact demand for goods or services.

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

The Commission does not anticipate any impacts on the creation of new businesses or the elimination of existing businesses in California because the proposed amendments are to return SMRMAs to their originally intended design and permitted uses that were established during the MLPA planning process and to prohibit take of geologic and cultural resources for consistency amongst protected areas. No change in business activities was observed during the period in which the unintended omission was in place, or is anticipated with the addition of prohibitions on take of geologic and cultural resources.

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

The Commission does not anticipate any impacts on the expansion of businesses in California because the proposed amendments serve to return SMRMAs to their originally intended

design and permitted uses that were established during the MLPA planning process and to prohibit take of geologic and cultural resources for consistency amongst protected areas.

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

The Commission does not anticipate any direct benefits to the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety.

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

The proposed action is anticipated to benefit the environment by protecting marine and estuarine habitats that support an array of species.

(g) Other Benefits of the Regulation

SMRMAs offer many benefits through the protection of habitat, species, cultural resources, and water quality which may also enhance recreational opportunities, and contribute to the economy through increased tourism. MMAs may also benefit fisheries management by protecting representative habitats and reducing extractive uses.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all references in this document are regarding Title 14 of the California Code of Regulations (CCR).

The Marine Life Protection Act (MLPA) of 1999 (Fish and Game Code sections 2850-2863) required California to re-examine and redesign California's existing Marine Protected Area (MPA) system to increase its coherence and effectiveness at protecting the state's marine life, habitats, and ecosystems. In 2000, the Marine Managed Areas (MMAs) Improvement Act (Public Resources Code sections 36600-36900) standardized and clarified the designations of MMAs, which include MPAs. The overriding goal of these acts is to protect California's valuable marine resources, including natural biodiversity and abundance of marine life, sustaining and rebuilding species of economic value, and improving recreational and educational opportunities in areas subject to minimal human disturbance.

The California Fish and Game Commission (Commission) adopted MPA regulations that were implemented, by region, between 2007 to 2012. In 2015, the Commission adopted a rulemaking package intended to clarify and clean-up regulations associated with MPAs and MMAs. The 2015 rulemaking unintentionally removed the take restrictions intended to be included by regional stakeholders and the Commission within five State Marine Recreational Management Areas (SMRMAs): South Humboldt Bay SMRMA, Russian River SMRMA, Estero Americano SMRMA, Estero de San Antonio SMRMA, and Morro Bay SMRMA. As a result, under current regulations (Section 632), SMRMAs no longer have language prohibiting take of marine resources as intended by the regional stakeholders and the Commission. Current regulations for each of the five SMRMAs specify that area restrictions apply as defined in subsection 632(a)(1)(D), however the definition in subsection 632(a)(1)(D) does not have any take restrictions identified.

The proposed amendments will return the regulatory text to similar language used prior to 2016 regarding take of living marine resources. In addition, the new amendments would prohibit take of geological and cultural marine resources to align SMRMAs with state marine reserve and state marine conservation area designation definitions to improve consistency amongst protected areas.

The following is a summary of the proposed language change for Section 632:

- South Humboldt Bay SMRMA and Morro Bay SMRMA
 - Current language to be replaced: "Area restrictions defined in subsection 632(a)(1)(D) apply, with the following specified exceptions"
 - Proposed language to be used: "Take of all living, geological, or cultural marine resources is prohibited except"
- Russian River SMRMA, Estero Americano SMRMA, and Estero de San Antonio SMRMA
 - Current language to be replaced: "Area restrictions defined in subsection 632(a)(1)(D) apply"
 - Proposed language to be used: "Take of all living, geological, or cultural marine resources is prohibited"

In addition, subsections 632(b)(9)(B) and (C) are proposed to be renumbered for consistency with other subsections and language in subsection 632(b)(91)(B) concerning the hunting of waterfowl in

Morro Bay SMRMA is proposed to be revised for consistency with the language concerning hunting of waterfowl in other MMAs.

Benefits of Regulations

California's MMAs are one of many tools for resource managers to use for protecting, conserving, and managing the state's valuable marine resources. MMAs can offer many benefits, including protecting habitats, species, geological and cultural resources, and water quality; enhancing recreational opportunities; and contributing to the economy through such things as increased tourism. MMAs may also benefit fisheries management by protecting representative habitats and reducing extractive uses [Public Resources Code subdivision 36601(a)(3)]. The primary goal of the proposed regulation amendments is to ensure the five SMRMAs are used to protect and conserve the marine resources within their designated area as intended when they were implemented. Additionally, the proposed amendments to improve consistency of regulatory language will help reduce any confusion about regulations that apply to MMAs.

Consistency and Compatibility with Existing Regulations

The proposed regulations are consistent with regulations concerning sport and commercial fishing found in Title 14, CCR. The State Water Resources Control Board may designate State Water Quality Protection Areas and the State Park and Recreation Commission may designate State Marine Reserves, State Marine Conservation Areas, State Marine Recreational Management Areas, State Marine Parks and State Marine Cultural Preservation Areas; however, only the Commission has authority to regulate commercial and recreational fishing and any other taking of marine species in Marine Managed Areas. Department staff has searched the CCR and has found no other regulations pertaining to authorized activities in marine protected areas and therefore has determined that the proposed amendments are neither inconsistent, nor incompatible, with existing state regulations.

Proposed Regulatory Language

Section 632, Title 14 CCR, is amended to read:

§632. Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures

[Subsections 632(a) through (b) are provided for context only; no changes are proposed]

(a) General Rules and Regulations:

The areas specified in this section have been declared by the commission to be marine protected areas, marine managed areas, or special closures. Public use of marine protected areas, marine managed areas, or special closures shall be compatible with the primary purposes of such areas. MPAs, MMAs, and special closures are subject to the following general rules and regulations in addition to existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b), areas and special regulations for use. Nothing in this section expressly or implicitly precludes, restricts or requires modification of current or future uses of the waters identified as marine protected areas, special closures, or the lands or waters adjacent to these designated areas by the Department of Defense, its allies or agents.

(1) Protection of Resources in MPAs and MMAs, as defined in Public Resources Code Section 36710:

(A) State Marine Reserves: In a state marine reserve, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except under a scientific collecting permit issued by the department pursuant to Section 650 or specific authorization from the commission for research, restoration, or monitoring purposes.

(B) State Marine Parks: In a state marine park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the commission as specified in subsection 632(b), areas and special regulations for use. The department may issue scientific collecting permits pursuant to Section 650. The commission may authorize research, monitoring, and educational activities and certain recreational harvest in a manner consistent with protecting resource values.

(C) State Marine Conservation Areas: In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes except as specified in subsection 632(b), areas and special regulations for use. The department may issue scientific collecting permits pursuant to Section 650. The commission may authorize research, education, and recreational activities, and certain commercial and recreational harvest of marine resources, provided that these uses do not compromise protection of the species of interest, natural community, habitat, or geological features.

(D) State Marine Recreational Management Areas: In a state marine recreational management area, it is unlawful to perform any activity that would compromise the recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted unless specified in subsection 632(b), areas and special regulations for use.

(2) Finfish. Finfish, for the purpose of this section, are defined as any species of bony fish or cartilaginous fish (sharks, skates and rays). Finfish do not include amphibians, invertebrates, plants or algae. The definition of finfish provided in Section 159 does not apply to this Section.

(3) Pelagic Finfish. Pelagic finfish, for the purpose of this section, are a subset of finfish defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena* spp.), billfishes* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus paucus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family Scombridae) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola lalandi*). *Marlin is not allowed for commercial take.

(4) Access. Access into marine protected areas or marine managed areas for non-consumptive uses including but not limited to swimming, surfing, diving, boating, hiking and walking is allowed unless otherwise specified in subsection 632(b), areas and special regulations for use.

(5) Introduction of Species. Unless authorized by the commission or as a result of authorized fishing activities, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is prohibited. The department may reintroduce endemic species to marine protected areas or marine managed areas for management purposes.

(6) Feeding of Fish and Wildlife. The feeding of fish and wildlife is prohibited except permitted scientific collection pursuant to Section 650 or as a result of authorized fishing within state marine conservation areas, state marine parks, and state marine recreational management areas, or unless feeding of fish is specifically authorized in subsection 632(b) for purposes of marine life viewing.

(7) Anchoring. Vessels shall be allowed to anchor in any marine protected area or marine managed area with catch onboard unless otherwise specified in subsection 632(b), areas and special regulations for use. Fishing gear shall not be deployed in the water while anchored in a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while anchored in a state marine recreational management area, state marine park or state marine conservation area. Anchoring regulations shall be consistent with federal law and allowances made for anchoring required by emergency or severe weather.

(8) Transit or Drifting.

(A) Vessels shall be allowed to transit through MPAs and MMAs with catch onboard. Fishing gear shall not be deployed in the water while transiting through a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while transiting through a state marine recreational management area, state marine park or state marine conservation area.

(B) Spearfishermen with or without catch shall be allowed to transit through MPAs and MMAs. While transiting MPAs and MMAs that prohibit spearfishing or while in possession of species not identified as allowed for take in the MPA or MMA being transited, spearfishing gear shall be in an unloaded condition, not carried in hand, and the diver shall remain at the surface.

(9) Water Quality Monitoring. Sampling of water, sediment and marine life, for water quality monitoring or pollution research, or as required in a Monitoring and Reporting Program of a National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements issued by the State or Regional Water Boards pursuant to the United States Clean Water Act and the California Water Code, is allowed within state marine reserves, state marine conservation areas, state marine parks, and state marine recreational management areas pursuant to a valid scientific

collecting permit issued by the department.

(10) Public Safety. Public safety activities, including installation, maintenance and/or seasonal placement and removal of safety-related artificial structures, including but not limited to lifeguard towers, are allowed within any MPA classification pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

(11) Tribal Take. For purposes of this regulation, “federally recognized tribe” means any tribe on the List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, published annually in the Federal Register. Any member of a federally recognized tribe authorized to take living marine resources from an area with area-specific take restrictions in subsection 632(b), when engaging in take within an authorized area shall possess on his person, in his immediate possession, or where otherwise specifically required by law to be kept, any valid license, report card, tag, stamp, validation, permit, or any other entitlement that is required in the Fish and Game Code, or required by other state, federal, or local entities, in order to take living marine resources. Members shall possess a valid photo identification card issued by a federally recognized tribe that contains expiration date, tribal name, tribal member number, name, signature, date of birth, height, color of eyes, color of hair, weight, and sex; and display any of the items listed above upon demand to any peace officer. Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b). No member, while taking living marine resources pursuant to this section, may be assisted by any person who does not possess a valid tribal identification card and is not properly licensed to take living marine resources. Nothing in the regulation is intended to conflict with, or supersede, any state or federal law regarding the take of protected, threatened or endangered species.

(12) Shore Fishing. Take from shore, or shore fishing, for purposes of this section, means take of living marine resources from shore, including beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore. Unless specifically authorized in subsection 632(b), no vessel, watercraft (motorized or non-motorized), or floating device may be used to assist in the take, transport or possession of species taken while shore fishing, except that a float tube or similar flotation device may be used when taking abalone only.

(b) Areas and Special Regulations for Use. Pursuant to the commission’s authority in Fish and Game Code Section 2860 to regulate commercial and recreational fishing and any other taking of marine species in MPAs, Fish and Game Code Sections 10500(f), 10500(g), 10502.5, 10502.6, 10502.7, 10502.8, 10655, 10655.5, 10656, 10657, 10657.5, 10658, 10660, 10661, 10664, 10666, 10667, 10711, 10801, 10900, 10901, 10902, 10903, 10904, 10905, 10906, 10907, 10908, 10909, 10910, 10911, 10912, 10913, and 10932 are superseded as they apply to designations in Subsection 632(b). All geographic coordinates listed use the North American Datum 1983 (NAD83) reference datum:

[Subsections 632(b)(1) through (b)(8) remain unchanged]

(9) South Humboldt Bay State Marine Recreational Management Area

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

40° 43.000' N. lat. 124° 15.527' W. long.;

40° 43.000' N. lat. 124° 15.000' W. long.;

40° 42.000' N. lat. 124° 15.000' W. long.; and

40° 42.000' N. lat. 124° 16.141' W. long.

~~(B) Area restrictions defined in subsection 632(a)(1)(D) apply, with the following specified exceptions:~~

~~1. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(9) of these regulations and shall comply with all other existing regulations and statutes:~~

~~Wiyot Tribe.~~

~~(C)(B) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).~~

~~(C) Take of all living, geological, or cultural marine resources is prohibited except~~

~~1. The following federally recognized tribe is exempt from the area and take regulations found in subsection 632(b)(9) of these regulations and shall comply with all other existing regulations and statutes:~~

~~Wiyot Tribe.~~

[Subsections 632(b)(10) through (b)(36) remain unchanged]

(37) Russian River State Marine Recreational Management Area.

(A) This area includes the waters below the mean high tide line eastward of the mouth of the Russian River estuary defined as a line connecting the following two points:

38° 27.160' N. lat. 123° 07.910' W. long.;

38° 27.010' N. lat. 123° 07.740' W. long.

and westward of the Highway 1 Bridge.

(B) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

~~(C) Take of all living, geological, or cultural marine resources is prohibited. Area restrictions defined in subsection 632(a)(1)(D) apply.~~

[Subsections 632(b)(38) through (b)(40) remain unchanged]

(41) Estero Americano State Marine Recreational Management Area.

(A) This area includes the waters below the mean high tide line within Estero Americano westward of longitude 122° 59.250' W.

(B) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

~~(C) Take of all living, geological, or cultural marine resources is prohibited. Area restrictions defined in subsection 632(a)(1)(D) apply.~~

(42) Estero de San Antonio State Marine Recreational Management Area.

(A) This area includes the waters below the mean high tide line within Estero de San Antonio westward of longitude 122° 57.400' W.

(B) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

~~(C) Take of all living, geological, or cultural marine resources is prohibited. Area restrictions defined in subsection 632(a)(1)(D) apply.~~

[Subsections 632(b)(43) through (b)(90) remain unchanged]

(91) Morro Bay State Marine Recreational Management Area.

(A) This area includes the area below mean high tide within Morro Bay east of the Morro Bay entrance breakwater and west of longitude 120° 50.340' W.

(B) Waterfowl may be taken in accordance with the general waterfowl regulations ~~Recreational hunting of waterfowl is allowed unless otherwise restricted by hunting regulations (sections~~ Sections 502, 550, 551, and 552).

(C) Take of all living, geological, or cultural marine resources is prohibited except ~~Area restrictions defined in subsection 632(a)(1)(D) apply, with the following specified exceptions~~ activities are allowed north of latitude 35°19.700' N:

1. The recreational take of finfish.
2. Aquaculture pursuant to a valid state water bottom lease and permit.
3. Storing finfish taken outside the Morro Bay State Marine Recreational Management Area in a receiver for bait purposes.
4. Dredging for the purpose of harbor and channel operations and pursuant to required and valid permits and approvals.
5. Harbor operations and maintenance and cleaning of vessel hulls and other man-made structures, including removal of living marine resources for these purposes.

[Subsections 632(b)(92) through (b)(124) remain unchanged]

NOTE: Authority cited: Sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code. Reference: Sections 200, 205(c), 265, 399, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code.

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5. CLARIFICATION OF ALLOWED AND PROHIBITED USES FOR STATE MARINE RECREATIONAL MANAGEMENT AREAS (SMRMAs)

Today's Item

Information ☐

Action ☒

Consider authorizing publication of notice of intent to amend regulations to clarify allowed and prohibited uses for SMRMAs.

Summary of Previous/Future Actions

- | | |
|---------------------------------|--|
| • Today's notice hearing | Apr 20-21, 2022; Monterey/Trinidad |
| • Discussion hearing | May 19, 2022; Teleconference |
| • Adoption hearing | Jun 15-16, 2022; Los Angeles/Orange County areas |

Background

The Marine Life Protection Act (MLPA) of 1999 (California Fish and Game Code sections 2850-2863) required California to re-examine and redesign the state's existing marine protected area (MPA) system to increase its coherence and its effectiveness protecting the state's marine life, habitats, and ecosystems. In 2000, the Marine Managed Areas Improvement Act (Public Resources Code sections 36600-36900) consolidated and standardized area designations into six types of MMAs. The MMAs include a subset of three MPA types and three other MMA types, one of which is a SMRMA. The overriding goal of these acts is to protect California's valuable marine resources, including natural biodiversity and abundance of marine life, sustain and rebuild species of economic value, and improve recreational and educational opportunities in areas subject to minimal human disturbance.

Following planning within each of four coastal regions, FGC adopted regulations in each region that were implemented along the coast between 2007 and 2012. The regulations primarily addressed MPAs, but also included regulations designating SMRMAs in five areas that overlap with waterfowl hunting; the SMRMAs were designed to provide marine life protections consistent with MPA designations without conflicting with waterfowl hunting managed through separate FGC regulations. The five SMRMAs – South Humboldt Bay SMRMA, Russian River SMRMA, Estero Americano SMRMA, Estero de San Antonio SMRMA, and Morro Bay SMRMA – are spread across three of the four coastal regions.

In 2015, FGC adopted a rulemaking to clarify and clean-up regulations associated with MMAs. The clean-up rulemaking unintentionally removed take restrictions originally established in regulation for the five SMRMAs. Consequently, FGC regulations no longer explicitly prohibit take within the boundaries of the five SMRMAs as originally adopted and intended by FGC.

In Feb 2022, DFW brought this concern to FGC and proposed that FGC act rapidly to rectify the inadvertent omission through a rulemaking to commence with a notice hearing in Apr 2022 (this meeting).

The proposed amendments (see exhibits 1 and 2) to subsections 632(b)(9), 632(b)(37), 632(b)(41), 632(b)(42), and 632(b)(91) will return the regulatory text to similar language used

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prior to the adoption of the 2015 “clean-up” regulations. In addition, the new amendments would prohibit take of geological and cultural marine resources to align authorized uses within SMRMAs with authorized uses within MPAs (specifically state marine reserves and state marine conservation areas), thereby improving consistency amongst protected areas.

In addition, non-substantive amendments are proposed for consistency with the regulatory text in other subsections of Section 632.

Significant Public Comments (N/A)

Recommendation

FGC staff: Authorize publication of a notice of intent to adopt regulations as described in the initial statement of reasons (ISOR), consistent with DFW’s recommendation.

DFW: Authorize publishing notice of FGC intent to amend subsections 632(b)(9), 632(b)(37), 632(b)(41), 632(b)(42), and 632(b)(91) to correct an error in regulations established in 2016 and to prohibit take of geological and cultural marine resources within five state marine recreational management areas.

Exhibits

1. DFW memo transmitting draft ISOR, received Mar 22, 2022
2. Draft ISOR and proposed regulatory language, dated Feb 3, 2022
3. Draft economic and fiscal impact statement (std 399)
4. DFW presentation

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend subsections 632(b)(9), 632(b)(37), 632(b)(41), 632(b)(42), and 632(b)(91), related to state marine recreational management areas.

PUBLIC RESOURCES CODE - PRC

DIVISION 27. OCEAN RESOURCES MANAGEMENT [36000 - 36995]

CHAPTER 7. Marine Managed Areas Improvement Act [36600 - 36900]

ARTICLE 1. General Provisions [36600 - 36620]

36600.

This chapter shall be known, and may be cited, as the Marine Managed Areas Improvement Act.

36601.

(a) The Legislature finds and declares all of the following:

(1) California's extraordinary ocean and coastal resources provide a vital asset to the state and nation. These resources are important to public health and well-being, ecological health, and ocean-dependent industries.

(2) The ocean ecosystem is inextricably connected to the land, with coastal development, water pollution, and other human activities threatening the health of marine habitat and the biological diversity found in California's ocean waters. New technologies and demands have encouraged the expansion of fishing and other activities to formerly inaccessible marine areas that once recharged nearby fisheries. As a result, ecosystems throughout the state's ocean waters are being altered, often at a rapid rate.

(3) California's marine managed areas (MMAs), such as refuges, reserves, and state reserves, are one of many tools for resource managers to use for protecting, conserving, and managing the state's valuable marine resources. MMAs can offer many benefits, including protecting habitats, species, cultural resources, and water quality; enhancing recreational opportunities; and contributing to the economy through such things as increased tourism and property values. MMAs may also benefit fisheries management by protecting representative habitats and reducing extractive uses.

(4) The array of state MMAs in California is the result of over 50 years of designations through legislative, administrative, and statewide ballot initiative actions, which has led to 18 classifications and subclassifications of these areas.

(5) A State Interagency Marine Managed Areas Workgroup was convened by the Resources Agency to address this issue, bringing together for the first time all of the state agencies with jurisdiction over these areas. This group's report indicates that California's state MMAs have evolved on a case-by-case basis, without conforming to any plan for establishing MMAs in the most effective way or in a manner which ensures that the most representative or unique areas of the ocean and coastal environment are included.

(6) The report further states that California's MMAs do not comprise an organized system, as the individual sites are not designated, classified, or managed in a systematic manner. Many of these areas lack clearly defined purposes, effective management measures, and enforcement.

(7) To some, this array of MMAs creates the illusion of a comprehensive system of management, while in reality, it falls short of its potential to protect, conserve, and manage natural, cultural, and recreational resources along the California coast. Without a properly designed and coordinated system of MMAs, it is difficult for agencies to meet management objectives, such as maintaining biodiversity, providing education and outreach, and protecting marine resources.

(8) Agency personnel and the public are often confused about the laws, rules, and regulations that apply to MMAs, especially those adjacent to a terrestrial area set aside for management purposes. Lack of clarity about the manner in which the set of laws, rules, and regulations for the array of MMAs interface and complement each other limits public and resource managers' ability to understand and apply the regulatory structure.

(9) Designation of sites and subsequent adoption of regulations often occur without adequate consideration being given to overall classification goals and objectives. This has contributed to fragmented management, poor compliance with regulations, and a lack of effective enforcement.

(10) Education and outreach related to state MMAs is limited and responsibility for these activities is distributed across many state agencies. These factors hamper the distribution of information to the public regarding the benefits of MMAs and the role they can play in protecting ocean and coastal resources.

(11) There are few coordinated efforts to identify opportunities for public/private partnerships or public stewardship of MMAs or to provide access to general information and data about ocean and coastal resources within California's MMAs.

(12) Ocean and coastal scientists and managers generally know far less about the natural systems they work with than their terrestrial counterparts. Understanding natural and human-induced factors that affect ocean ecosystem health, including MMAs, is fundamental to the process of developing sound management policies.

(13) Research in California's MMAs can provide managers with a wealth of knowledge regarding habitat functions and values, species diversity, and complex physical, biological, chemical, and socioeconomic processes that affect the health of marine ecosystems. That information can be useful in determining the effectiveness of particular sites or classifications in achieving stated goals.

(b) With the single exception of state estuaries, it is the intent of the Legislature that the classifications currently available for use in the marine and estuarine environments of the state shall cease to be used and that a new classification system shall be established, with a mission, statement of objectives, clearly defined designation guidelines, specific classification goals, and a more scientifically-based process for designating sites and determining their effectiveness. The existing classifications may continue to be used for the terrestrial and freshwater environments of the state.

(c) Due to the interrelationship between land and sea, benefits can be gained from siting a portion of the state's marine managed areas adjacent to, or in close proximity to, terrestrial protected areas. To maximize the benefits that can be gained from having connected protected areas, whenever an MMA is adjacent to a terrestrial protected area, the managing agencies shall coordinate their activities to the greatest extent possible to achieve the objectives of both areas.

36602.

The following definitions govern the construction of this chapter:

(a) "Committee" is the State Interagency Coordinating Committee established pursuant to Section 36800.

(b) "Designating entity" is the Fish and Game Commission, State Park and Recreation Commission, or State Water Resources Control Board, each of which has the authority to designate specified state marine managed areas.

(c) "Managing agency" is the Department of Fish and Game or the Department of Parks and Recreation, each of which has the authority to manage specified state marine managed areas.

(d) "Marine managed area" (MMA) is a named, discrete geographic marine or estuarine area along the California coast designated by law or administrative action, and intended to protect, conserve, or otherwise manage a variety of resources and their uses. The resources and uses may include, but are not limited to, living marine resources and their habitats, scenic views, water quality, recreational values, and cultural or geological resources. General areas that are administratively established for recreational or commercial fishing restrictions, such as seasonal

or geographic closures or size limits, are not included in this definition. MMAs include the following classifications:

- (1) State marine reserve, as defined in subdivision (a) of Section 36700.
- (2) State marine park, as defined in subdivision (b) of Section 36700.
- (3) State marine conservation area, as defined in subdivision (c) of Section 36700.
- (4) State marine cultural preservation area, as defined in subdivision (d) of Section 36700.
- (5) State marine recreational management area, as defined in subdivision (e) of Section 36700.
- (6) State water quality protection areas, as defined in subdivision (f) of Section 36700.

(e) "Marine protected area" (MPA), consistent with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) is a named, discrete geographic marine or estuarine area seaward of the mean high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law or administrative action to protect or conserve marine life and habitat. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs). MPAs include the following classifications:

- (1) State marine reserve, as defined in subdivision (a) of Section 36700.
- (2) State marine park, as defined in subdivision (b) of Section 36700.
- (3) State marine conservation area, as defined in subdivision (c) of Section 36700.

36620.

The mission of the state MMA system is to ensure the long-term ecological viability and biological productivity of marine and estuarine ecosystems and to preserve cultural resources in the coastal sea, in recognition of their intrinsic value and for the benefit of current and future generations. In support of this mission, the Legislature finds and declares that there is a need to reexamine and redesign California's array of MMAs, to establish and manage a system using science and clear public policy directives to achieve all of the following objectives:

- (a) Conserve representative or outstanding examples of marine and estuarine habitats, biodiversity, ecosystems, and significant natural and cultural features or sites.
- (b) Support and promote marine and estuarine research, education, and science-based management.
- (c) Help ensure sustainable uses of marine and estuarine resources.
- (d) Provide and enhance opportunities for public enjoyment of natural and cultural marine and estuarine resources.

ARTICLE 2. Classifications, Designations, Restrictions, and Allowable Uses [36700 - 36900]

36700.

Six classifications for designating managed areas in the marine and estuarine environments are hereby established as described in this section, to become effective January 1, 2002. Where the term "marine" is used, it refers to both marine and estuarine areas. A geographic area may be designated under more than one classification.

(a) A "state marine reserve" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

- (1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.

(2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(3) Protect or restore diverse marine gene pools.

(4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.

(b) A "state marine park" is a nonterrestrial marine or estuarine area that is designated so the managing agency may provide opportunities for spiritual, scientific, educational, and recreational opportunities, as well as one or more of the following:

(1) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(2) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding representative or imperiled marine habitats or ecosystems.

(3) Preserve cultural objects of historical, archaeological, and scientific interest in marine areas.

(4) Preserve outstanding or unique geological features.

(c) A "state marine conservation area" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

(1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.

(2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(3) Protect or restore diverse marine gene pools.

(4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.

(5) Preserve outstanding or unique geological features.

(6) Provide for sustainable living marine resource harvest.

(d) A "state marine cultural preservation area" is a nonterrestrial marine or estuarine area designated so the managing agency may preserve cultural objects or sites of historical, archaeological, or scientific interest in marine areas.

(e) A "state marine recreational management area" is a nonterrestrial marine or estuarine area designated so the managing agency may provide, limit, or restrict recreational opportunities to meet other than exclusively local needs while preserving basic resource values for present and future generations.

(f) A "state water quality protection area" is a nonterrestrial marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality, including, but not limited to, areas of special biological significance that have been designated by the State Water Resources Control Board through its water quality control planning process. "Areas of special biological significance" are a subset of state water quality protection areas, and require special protection as determined by the State Water Resources Control Board pursuant to the California Ocean Plan adopted and reviewed pursuant to Article 4 (commencing with Section 13160) of Chapter 3 of Division 7 of the Water Code and pursuant to the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters

and Enclosed Bays and Estuaries of California (California Thermal Plan) adopted by the state board.

36710.

(a) In a state marine reserve, it is unlawful to injure, damage, take, or possess any living geological, or cultural marine resource, except under a permit or specific authorization from the managing agency for research, restoration, or monitoring purposes. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state. Access and use for activities including, but not limited to, walking, swimming, boating, and diving may be restricted to protect marine resources. Research, restoration, and monitoring may be permitted by the managing agency. Educational activities and other forms of nonconsumptive human use may be permitted by the designating entity or managing agency in a manner consistent with the protection of all marine resources.

(b) In a state marine park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial exploitation purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features may be restricted by the designating entity or managing agency. All other uses are allowed, including scientific collection with a permit, research, monitoring, and public recreation, including recreational harvest, unless otherwise restricted. Public use, enjoyment, and education are encouraged, in a manner consistent with protecting resource values.

(c) In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes, that the designating entity or managing agency determines would compromise protection of the species of interest, natural community, habitat, or geological features. The designating entity or managing agency may permit research, restoration, monitoring, education, and recreational activities, and certain commercial and recreational harvest of marine resources.

(d) In a state marine cultural preservation area, it is unlawful to damage, take, or possess any cultural marine resource. Complete integrity of the cultural resources shall be sought, and no structure or improvements that conflict with that integrity shall be permitted. No other use is restricted.

(e) In a state marine recreational management area, it is unlawful to perform any activity that, as determined by the designating entity or managing agency, would compromise the recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted.

(f) In a state water quality protection area, waste discharges shall be prohibited or limited by the imposition of special conditions in accordance with the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code) and implementing regulations, including, but not limited to, the California Ocean Plan adopted and reviewed pursuant to Article 4 (commencing with Section 13160) of Chapter 3 of Division 7 of the Water Code and the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (California Thermal Plan) adopted by the state board. No other use is restricted.

36711.

The classifications contained in Section 36710 may not be inconsistent with United States military activities deemed mission critical by the United States military.

36725.

(a) The Fish and Game Commission may designate, delete, or modify state marine recreational management areas established by the commission for hunting purposes, state marine reserves, and state marine conservation areas. The Fish and Game Commission shall consult with, and secure concurrence from, the State Parks and Recreation Commission prior to modifying or deleting state marine reserves and state marine conservation areas designated by the State Parks and Recreation Commission. The Fish and Game Commission shall not delete or modify state marine recreational management areas designated by the State Parks and Recreation Commission.

(b) The State Parks and Recreation Commission may designate, delete, or modify state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, and state marine recreational management areas. The State Parks and Recreation Commission may not designate, delete, or modify a state marine reserve, state marine park, or state marine conservation area without the concurrence of the Fish and Game Commission on any proposed restrictions upon, or change in, the use of living marine resources.

(c) If an unresolved conflict exists between the Fish and Game Commission and the State Parks and Recreation Commission regarding a state marine reserve, state marine park, or state marine conservation area, the Secretary of the Resources Agency may reconcile the conflict.

(d) The State Water Resources Control Board may designate, delete, or modify state water quality protection areas.

(e) The Fish and Game Commission, State Parks and Recreation Commission, and State Water Resources Control Board each may restrict or prohibit recreational uses and other human activities in the MMAs for the benefit of the resources therein, except in the case of restrictions on the use of living marine resources. Pursuant to this section, and consistent with Section 2860 of the Fish and Game Code, the Fish and Game Commission may regulate commercial and recreational fishing and any other taking of marine species in MMAs.

(f) (1) The Department of Fish and Game may manage state marine reserves, state marine conservation areas, state marine recreational management areas established for hunting purposes and, if requested by the State Water Resources Control Board, state water quality protection areas.

(2) The Department of Parks and Recreation may manage state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, and state marine recreational management areas. Department authority over units within the state park system shall extend to units of the state MMAs system that are managed by the department.

(3) The State Water Resources Control Board and the California regional water quality control boards may take appropriate actions to protect state water quality protection areas. The State Water Resources Control Board may request the Department of Fish and Game or the Department of Parks and Recreation to take appropriate management action.

36750.

Any MMA in existence on January 1, 2002, that has not been reclassified in accordance with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code), shall be reclassified under the classification system described in Section 36700 by January 1, 2003, based upon the management purpose and level of resource protection at each site on January 1, 2002. Upon the reclassification of existing sites, but no later than January 1, 2003, the use of all other classifications shall cease for the marine and estuarine environments of the state, though the classifications may continue to be used for the terrestrial and freshwater environments where applicable. The reclassification process shall be the responsibility of the State Interagency Coordinating Committee established pursuant to

Section 36800, and shall occur to the extent feasible in conjunction and consistent with the MMA master planning process created pursuant to the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code).

36800.

The Secretary of the Resources Agency shall establish and chair the State Interagency Coordinating Committee, whose members are representatives from those state agencies, departments, boards, commissions, and conservancies with jurisdiction or management interests over marine managed areas, including, but not limited to, the Department of Fish and Game, Department of Parks and Recreation, California Coastal Commission, State Water Resources Control Board, and State Lands Commission. The Secretary of the Resources Agency shall designate additional members of the committee. The committee shall review proposals for new or amended MMAs to ensure that the minimum required information is included in the proposal, to determine those state agencies that should review the proposal, and to ensure consistency with other such designations in the state. The committee shall also serve to ensure the proper and timely routing of site proposals, review any proposed site-specific regulations for consistency with the state system as a whole, and conduct periodic reviews of the statewide system to evaluate whether it is meeting the mission and statement of objectives.

36850.

Designation guidelines based on the classification goals adopted for the state system of MMAs shall be developed jointly by the appropriate managing agencies in cooperation with the committee on or before January 1, 2002. These guidelines shall be used to provide a general sense of requirements for designating a site in any particular classification, and may include characteristics such as uniqueness of the area or resource, biological productivity, special habitats, cultural or recreational values, and human impacts to the area. These designation guidelines shall be provided on a standard set of instructions for each classification.

36870.

On or before January 1, 2002, the committee shall establish a standard set of instructions for each classification to guide organizations and individuals in submitting proposals for designating specific sites or networks of sites. On or before January 1, 2003, the relevant site proposal guidelines shall be adopted by each designating entity.

(a) At a minimum, each proposal shall include the following elements for consideration for designation as an MMA:

- (1) Name of individual or organization proposing the designation.
- (2) Contact information for the individual or organization, including contact person.
- (3) Proposed classification.
- (4) Proposed site name.
- (5) Site location.
- (6) Need, purpose, and goals for the site.
- (7) Justification for the manner in which the proposed site meets the designation criteria for the proposed classification.
- (8) A general description of the proposed site's pertinent biological, geological, and cultural resources.
- (9) A general description of the proposed site's existing recreational uses, including fishing, diving, boating, and waterfowl hunting.

(b) The following elements, if not included in the original proposal, shall be added by the proposed managing agency in cooperation with the individual or organization making the proposal, prior to a final decision regarding designation:

- (1) A legal description of the site boundaries and a boundary map.
- (2) A more detailed description of the proposed site's pertinent biological, geological, cultural, and recreational resources.
- (3) Estimated funding needs and proposed source of funds.
- (4) A plan for meeting enforcement needs, including on-site staffing and equipment.
- (5) A plan for evaluating the effectiveness of the site in achieving stated goals.
- (6) Intended educational and research programs.
- (7) Estimated economic impacts of the site, both positive and negative.
- (8) Proposed mechanisms for coordinating existing regulatory and management authority, if any exists, within the area.
- (9) An evaluation of the opportunities for cooperative state, federal, and local management, where the opportunities may exist.

36900.

Individuals or organizations may submit a proposal to designate an MMA directly through the committee or an appropriate designating entity. Proposals submitted to a designating entity shall be forwarded to the committee to initiate the review process. Proposals for designating, deleting, or modifying MMAs may be submitted to the committee or a designating entity at any time. The committee and scientific review panel established pursuant to subdivision (b) shall annually consider and promptly act upon proposals until an MPA master plan is adopted pursuant to subdivision (b) of Section 2859 of the Fish and Game Code, and thereafter, no less than once every three years. Upon adoption of a statewide MPA plan, subsequent site proposals determined by the committee to be consistent with that plan shall be eligible for a simplified and cursory review of not more than 45 days.

(a) The committee shall review proposals to ensure that the minimum required information is included in the proposal, to determine those state agencies that should review the proposal, and to ensure consistency with other designations of that type in the state. After initial review by the coordinating committee and appropriate agencies, the proposal shall be forwarded to a scientific review panel established pursuant to subdivision (b).

(b) The Secretary of the Resources Agency shall establish a scientific review panel, with statewide representation and direction from the committee, to evaluate proposals for technical and scientific validity, including consideration of such things as site design criteria, location, and size. This panel, to the extent practical, shall be the same as the master plan team used in the process set forth in the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code). Members shall maintain familiarity with the types and effectiveness of MMAs used in other parts of the world for potential application to California. Members shall be reimbursed reasonable costs to participate in the activities of the panel. Where feasible, advice shall be sought from the appropriate federal agencies and existing regional or statewide marine research panels and advisory groups. After review by the scientific review panel, the committee shall forward the proposal and any recommendations to the appropriate designating entity for a public review process.

(c) Designating entities shall establish a process that provides for public review and comment in writing and through workshops or hearings, consistent with the legal mandates applicable to designating entities. All input provided by the committee and scientific review panel shall be

made available to the public during this process. Outreach shall be made to the broadest ocean and coastal constituency possible, and shall include commercial and sport fishing groups, conservation organizations, waterfowl groups and other recreational interests, academia, the general public, and all levels of government.

(d) This process does not replace the need to obtain the appropriate permits or reviews of other government agencies with jurisdiction or permitting authority.

(e) Nothing in this section shall be construed as altering or impeding the process identified under the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) or the actions of the master plan team described in that act.