

## 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        |
| • <b>Today's adoption hearing</b> | <b>May 19, 2022; Teleconference</b>       |

**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.

# 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

Jay Rowan, Branch Chief  
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Wildlife and Fisheries Division

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Northern Region (Region 1)

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Rose Dodgen, Analyst  
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Ari Cornman, Wildlife Advisor  
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Maurene Trotter, Analyst  
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 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 these stocks. 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 conservation threshold, therefore the KRFC are still considered as an “overfished” stock.

Accordingly, the FMP outlines a process for preparing a “rebuilding plan” that includes assessment of the factors that led to the decline of the stock, including fishing, environmental factors, model errors, etc. The rebuilding plan includes recommendations to address conservation of KRFC, with the goal of achieving rebuilt status. Rebuilt status requires meeting a three-year geometric mean of 40,700 adult natural area KRFC spawner escapement. The plan developed by representatives of NMFS, PFMC, U.S. Fish and Wildlife Service, the Department, and tribal entities, was submitted to PFMC in February 2019, adopted by PFMC in June 2019, and submitted to NMFS in August 2019. Forthcoming recommendations from the rebuilding plan may alter how KRFC are managed in the future, including changing the in-river allocation number, and/or allocating less than the normal target number.

## **Klamath River Spring-Run Chinook Salmon**

The Klamath River Basin also supports Klamath River spring-run Chinook Salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by PFMC. This in-river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations. KRSC harvest is monitored on the Klamath River below the Highway 96 bridge at Weitchpec to the mouth of the Klamath River by creel survey. The upper Trinity River, upstream of Junction City,

is monitored using tag returns from anglers. When needed, KRSC regulations are amended in a separate rulemaking.

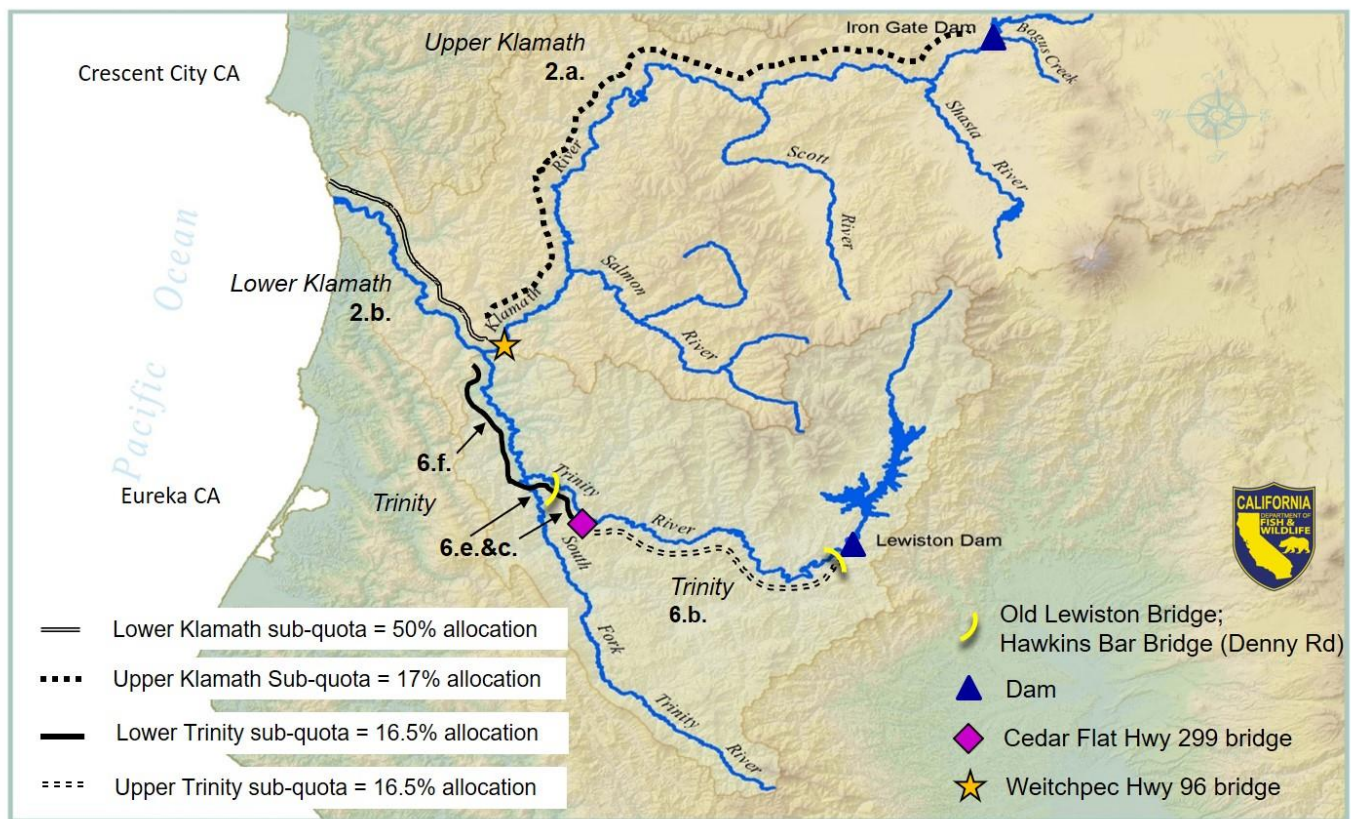
### **KRFC Allocation Management**

The PFMC 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.

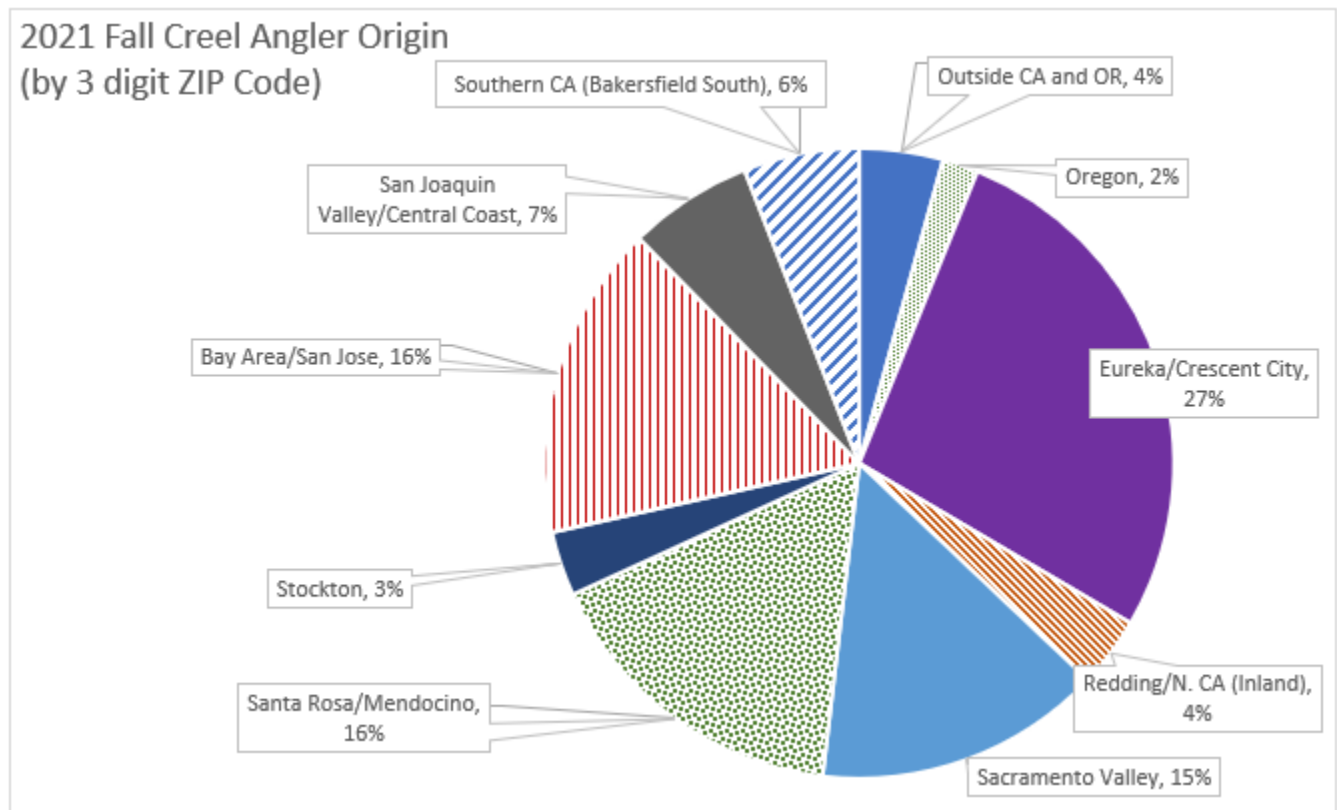


Figure 2. Klamath Basin Anglers Area of Origin: 2021.  
Source: CDFW Fisheries Branch, Northern Region creel survey 2021.

### 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~~<sup>[0-12]</sup> Chinook Salmon. No more than ~~3~~<sup>[0-4]</sup> 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~~<sup>2022</sup> Klamath River Basin quota is ~~4,224~~<sup>[0-67,600]</sup> 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 <del>to</del> <u>through</u> Aug. 14.	2 hatchery trout or hatchery steelhead**.
	Fall Run Quota <del>208</del> <u>[0-11,492]</u> Chinook Salmon Aug. 15 <del>to</del> <u>through</u> Dec. 31, <del>2024</del> <u>2022</u> .	<del>2</del> <u>[0-4]</u> Chinook Salmon - no more than <del>4</del> <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 <del>to</del> <u>through</u> Jun. 30.	2 hatchery trout or hatchery steelhead**.
	Jul. 1 <del>to</del> <u>through</u> Aug. 14.	1 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota <del>644</del> <u>[0-33,800]</u> Chinook Salmon Aug. 15 <del>to</del> <u>through</u> Dec. 31, <del>2021</del> <u>2022</u> .	<del>2</del> <u>[0-4]</u> Chinook Salmon - no more than <del>4</del> <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 <del>to</del> <u>through</u> Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 <del>to</del> <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 <del>[0-11,154]</del> Chinook Salmon Sep. 1 <del>to</del> through Dec. 31, 2024 <del>2022</del> .	2 <del>[0-4]</del> Chinook Salmon - no more than 4 <del>[0-4]</del> 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 <del>to</del> <u>through</u> Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 <del>to</del> <u>through</u> Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota <del>204</del> <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, <del>2021</del> <u>2022</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table.	<del>2</del> <u>[0-4]</u> Chinook Salmon - no more than <del>4</del> <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 <del>to</del> <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 <del>204</del> <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, <del>2021</del> <u>2022</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table.	<del>2</del> <u>[0-4]</u> Chinook Salmon - no more than <del>4</del> <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  
Wildlife and Fisheries Division

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Northern Region (Region 1)

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Fish and Game Commission

March 14, 2022

Page 2

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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.

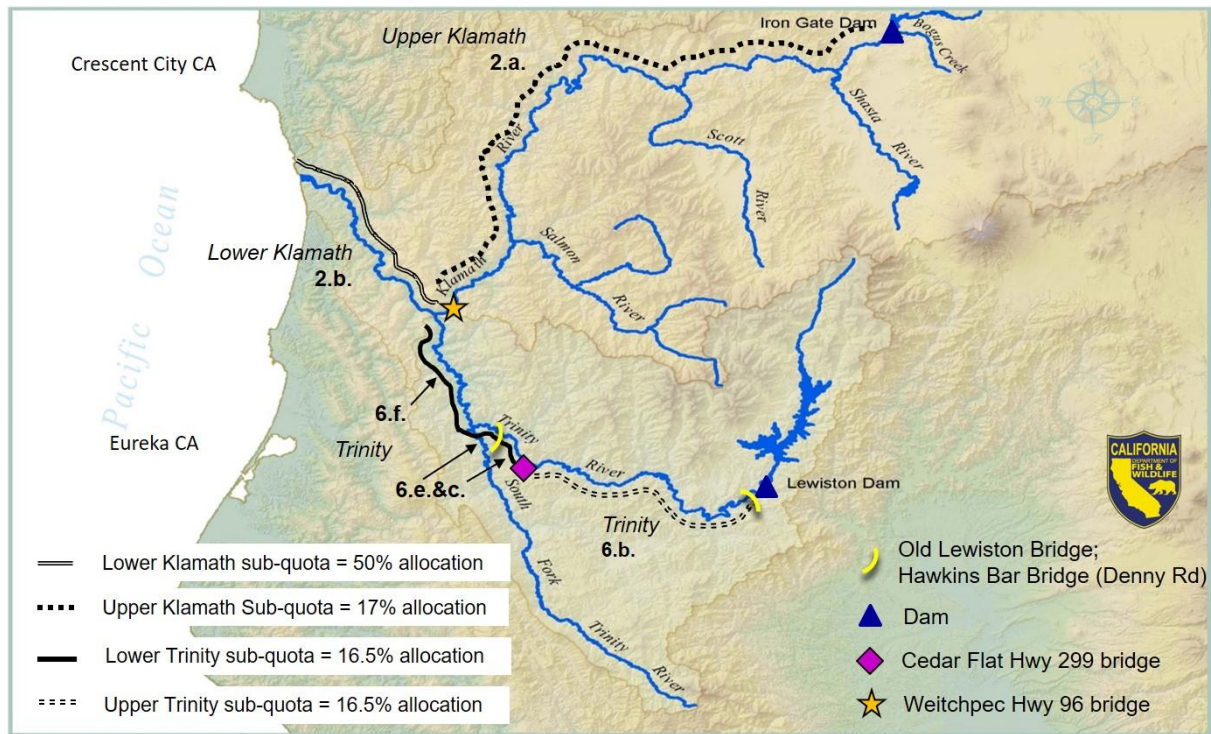
#### ***KRFC ADULT STOCKS (SPORT FISHERY QUOTA MANAGEMENT):***

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, 16<sup>th</sup> 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.

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**Melissa Miller-Henson, Executive Director**

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**Date**

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
<b>I. AESTHETICS.</b> 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)
<b>II. AGRICULTURE AND FORESTRY RESOURCES.</b> 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
<b>III. AIR QUALITY.</b> 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)
<b>IV. BIOLOGICAL RESOURCES.</b> 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)
<b>V. CULTURAL RESOURCES.</b> 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
<b>VI. ENERGY.</b> 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
<b>VII. GEOLOGY AND SOILS.</b> 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
<b>VIII. GREENHOUSE GAS EMISSIONS.</b>				
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
<b>IX. HAZARDS AND HAZARDOUS MATERIALS.</b> 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
<b>X. HYDROLOGY AND WATER QUALITY.</b> 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
<b>XI. LAND USE AND PLANNING.</b> 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
<b>XII. MINERAL RESOURCES.</b> 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
<b>XIII. NOISE.</b> 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
<b>XIV. POPULATION AND HOUSING.</b>				
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)
<b>XV. PUBLIC SERVICES.</b>				
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
<b>XVI. RECREATION.</b>				
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
<b>XVII. TRANSPORTATION.</b> 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
<b>XVIII. TRIBAL CULTURAL RESOURCES.</b>	<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
<b>XIX. UTILITIES AND SERVICE SYSTEMS.</b> 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
<b>XX WILDFIRE.</b> 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
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
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](mailto: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 <b>Fish and Game Commission</b>	CONTACT PERSON <b>David Thesell</b>	EMAIL ADDRESS <b>fgc@fgc.ca.gov</b>	TELEPHONE NUMBER <b>916 902-9291</b>
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 <b>Amend Subsection (b)(50) of Section 7.40Title 14, CCR, Re: Klamath River Basin Sport Fishing</b>			NOTICE FILE NUMBER <b>Z</b>

**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 River<sup>1</sup>, 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

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<sup>1</sup> 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.

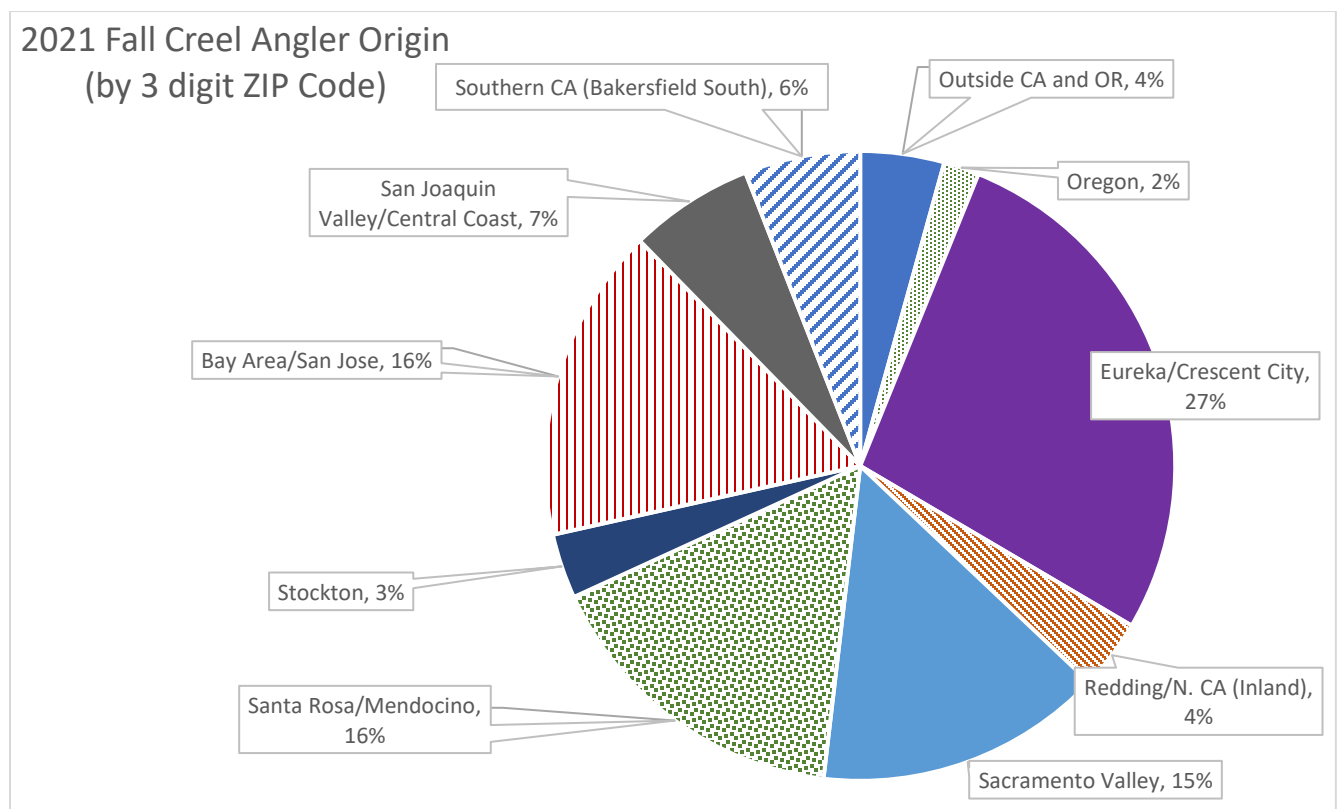


Figure 2. Klamath Basin Anglers Area of Origin: 2021.  
Source: Department Fisheries Branch, Northern Region creel survey 2021.

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 

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Page 2

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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 <del>to</del> <u>through</u> Aug. 14.	2 hatchery trout or hatchery steelhead**.
	Fall Run Quota <del>208</del> <u>360</u> Chinook Salmon Aug. 15 <del>to</del> <u>through</u> Dec. 31, <del>2021</del> <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 <del>to</del> <u>through</u> Jun. 30.	2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
	Jul. 1 <del>to</del> <u>through</u> Aug. 14.	1 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota <del>6441,060</del> Chinook Salmon Aug. 15 <del>to</del> <u>through</u> Dec. 31, <del>2021</del> <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 <del>to</del> <u>through</u> Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 <del>to</del> <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 <del>2013</del> <u>50</u> Chinook Salmon Sep. 1 to <u>through</u> Dec. 31, <del>2021</del> <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 <del>to</del> <u>through</u> Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 <del>to</del> <u>through</u> Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota <del>2013</del> <u>49</u> Chinook Salmon Sep. 1 through Dec. 31, <del>2021</del> <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 <del>to</del> <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 <del>2013</del> <sup>49</sup> Chinook Salmon Sep. 1 through Dec. 31, <del>2021</del> <sup>2022</sup> . 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.**