

STAFF SUMMARY FOR APRIL 19-20, 2023

8. KLAMATH RIVER BASIN SPORT FISHING (ANNUAL)**Today's Item**Information ☐Action ☒

Discuss proposed amendments to Klamath River Basin sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|-------------------------------------|--------------------------|
| • WRC vetting | September 15, 2022; WRC |
| • Notice hearing | February 8-9, 2023 |
| • Today's discussion hearing | April 19-20, 2023 |
| • Adoption hearing | May 17, 2023 |

Background

The Commission annually adopts Klamath River Basin sport fishing regulations for consistency with federal fishery management objectives. As part of the annual process, specific bag, possession and size limits for Klamath River fall-run Chinook salmon (KRFC) are scheduled for adoption by the Commission after the Pacific Fishery Management Council (PFMC) reviews the status of West Coast salmon stocks and recommends fishery allocations.

At its February meeting, the Commission authorized publication of notice of its intent to amend Klamath River Basin sport fishing regulations; the initial statement of reasons (ISOR, Exhibit 1) includes ranges for proposed bag possession and size limits.

At its March 15, 2023 meeting, PFMC adopted three management measure alternatives for the 2023 commercial and recreational ocean salmon fisheries beginning May 16 (see Exhibit 8 for additional context); all three alternatives had zero allocation. PFMC adopted its recommendation for the upcoming ocean salmon seasons in April 2023: a full closure.

Due to the PFMC closure recommendation, the Department proposes the Commission amend this rulemaking by adding a "no fishing" option that would close all KRFC fishing in the Klamath and Trinity rivers and associated tributaries, or specific areas/bodies of water (Exhibit 4). The no fishing option would prohibit all methods of targeting salmon, including catch and release fishing. Unless otherwise indicated, this option would allow take of other species in specific areas/bodies of water, as specified by river reach in subsection 7.40(b)(50).

In sum, the options proposed to the Commission for consideration are:

- Option 1 (previously proposed in ISOR)
 - Bag limit of [0-4] Chinook salmon – of which no more than [0-4] fish over [20-24] inches total length may be retained until the subquota is met, then 0 fish over [20-24] inches total length.
 - Possession limit of [0-12] Chinook salmon – of which no more than [0-4] fish over [20-24] inches total length may be retained when take of salmon over [20-24] inches total length is allowed.

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- Option 2 (presented for consideration today)
 - Closed to the take and possession of Chinook salmon.

If the Commission approves incorporating the no fishing option in this rulemaking today, a 15-day continuation notice of the revisions to the proposed regulatory language will be provided to the public. The Commission is scheduled to consider adopting the final regulation changes on May 17, 2023 after the final fishery allocation recommendations have been made by PFMC.

California Environmental Quality Act (CEQA)

A draft negative declaration has been prepared and will be submitted to the State Clearinghouse, along with a notice of completion, consistent with CEQA and Section 15205(e), Title 14 (Exhibit 6). The State Clearinghouse will make the documents available at [CEQAnet](#) and they will be included in the Commission's supplemental handouts for this meeting.

Significant Public Comments

One commenter supports a full closure of ocean and river salmon fisheries (see Exhibit 7 under Item 2, General Public Comment, this meeting).

Recommendation

Commission staff: Approve the modifications to text of the proposed regulation changes as reflected in Exhibit 4.

Exhibits

1. [Klamath River Basin sport fishing ISOR](#)
2. [Proposed regulatory language](#)
3. [Department memo transmitting revised regulatory language](#)
4. [Revised proposed regulatory language](#)
5. [PFMC report: Pre-Season Report I – Stock Abundance Analysis and Environmental Assessment Part 1 for 2023 Ocean Salmon Fishery Regulations, dated March 2023](#)
6. [Department presentation](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a 15-day notice of amendments to add a “no fishing” option to a publicly-noticed regulatory change proposal related to Klamath River Basin sport fishing regulations.

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

Amend Sections 5.87 and 7.40,
Title 14, California Code of Regulations
Re: Klamath River Basin Sport Fishing 2023

I. Date of Initial Statement of Reasons:

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: February 8, 2023

Location: Sacramento

(b) Discussion Hearing

Date: April 19, 2023

Location: Fresno/Bakersfield area

(c) Adoption Hearing

Date: May 17, 2023

Location: Teleconference

III. Description of Regulatory Action

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

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

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 individual tribal governments.

Klamath River Fall-Run Chinook Salmon

Adult Klamath River fall-run Chinook Salmon (KRFC) harvest allocations and natural spawning escapement goals are established by PPMC. The KRFC harvest allocation between tribal and non-tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The Klamath River Basin in-river sport salmon fishery is managed using adult quotas. For the purpose of implementing the California Department of Fish and Wildlife (Department) salmon fishery harvest assessment, within the Klamath River Basin, the Department currently considers 23 inches total length as a provisional cutoff. Salmon greater than 23 inches total length are defined as adult salmon (ages three through five), and salmon less than or equal to 23 inches total length are defined as grilse salmon (age two).

PPMC Overfishing Review

KRFC stocks have been designated as “overfished” by PPMC. This designation is the result of not meeting conservation objectives for these stocks. Management objectives and criteria for KRFC are defined in the PPMC Salmon Fishery Management Plan (FMP). The threshold for overfished status of KRFC is a three-year geometric mean less than or equal to 30,525 natural area adult spawners. This overfished-threshold was met for KRFC during the 2015-2017 period. The 30,525 KRFC natural area adult spawners is considered the minimum stock size threshold, per the FMP. The KRFC adult natural area spawning escapement for 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 29,908 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 National Marine Fisheries Service (NMFS), PPMC, U.S. Fish and Wildlife Service, the Department, and tribal entities, was submitted to PPMC in February 2019, adopted by PPMC in June 2019, and submitted to NMFS in August 2019. Forthcoming recommendations from the rebuilding plan may alter how KRFC are managed in the future, including changing the in-river allocation number, and/or allocating less than the normal target number.

Klamath River Spring-Run Chinook Salmon

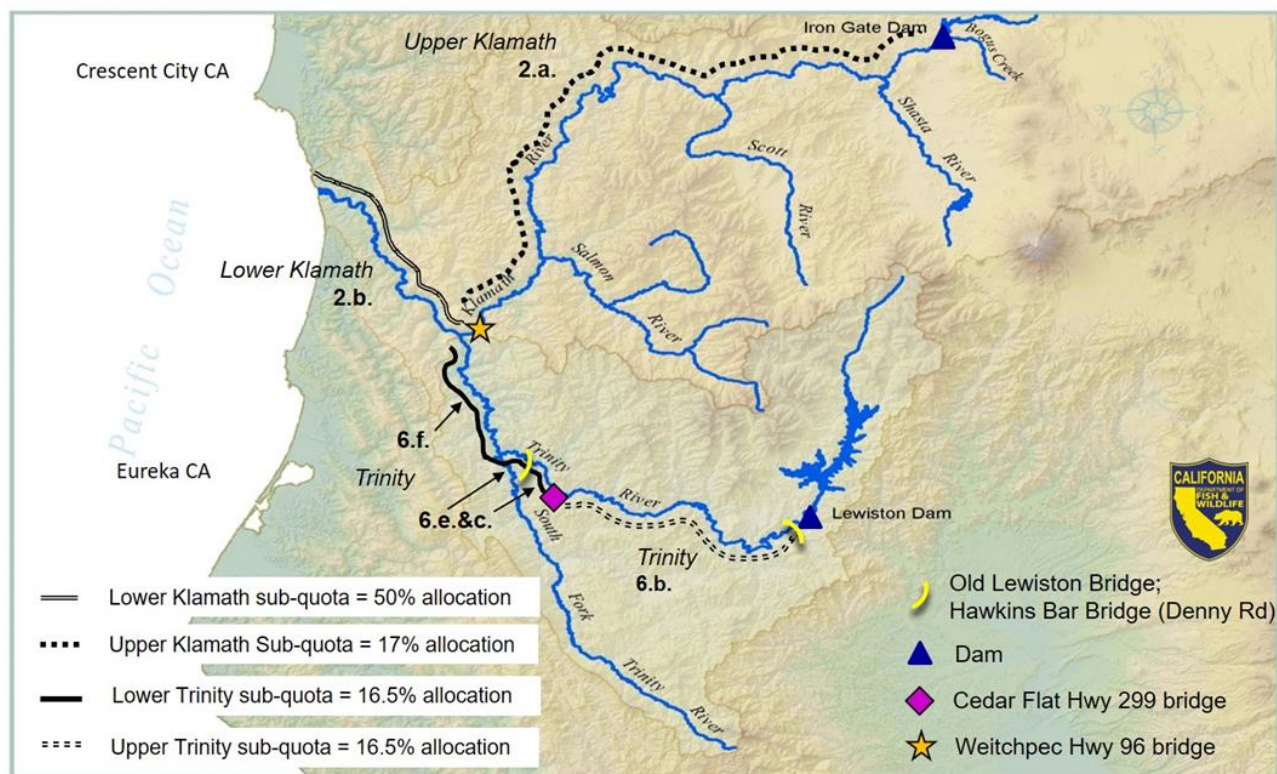
The Klamath River Basin also supports Klamath River spring-run Chinook Salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases. Presently, KRSC stocks are not managed or allocated by PPMC. This in-river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations. KRSC harvest is monitored on the Klamath River below the Highway 96 bridge at Weitchpec to the mouth of the Klamath River by creel survey. The upper Trinity River, upstream of Junction City, is monitored using tag returns from anglers. When needed, KRSC regulations are amended in a separate rulemaking.

KRFC Allocation Management

The PFMC 2022 allocation for the Klamath River Basin sport harvest was 2,119 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 2023 adult KRFC abundance will not be available from PFMC until March 2023. The 2023 basin allocation will be recommended by PFMC in April 2023. 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 2023 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 2023 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 among 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;

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).

2. Main stem Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth of the Pacific Ocean -- 50 percent of the in-river sport quota;

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.

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.

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 Klamath River upstream of Weitchpec and in 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 the 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

July 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

July 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 2023 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 2023 regulatory cycle.

Subquotas: The proposed subquotas for KRFC stocks 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 total quota equates to [0-11,492];
2. Main stem Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth of the Pacific Ocean -- 50 percent of the total quota equates to [0-33,800];
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 total quota equates to [0-11,154]; 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 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.

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.

Implementing a range of lengths for determination of grilse/adult KRFC

Size Limits: the proposed regulations includes a range of size limits shown in [brackets] to determine between grilse and adult Chinook Salmon. This allows for annual variation in size cutoffs, as informed by previous year(s) data to more effectively manage the harvest of the adult KRFC quota.

The Department is proposing a grilse salmon size limit cutoff range of less than or equal to 20 inches (50.8 cm) to 24 inches (58.4 cm) total length (TL) for discussion before the Commission before the Department makes a final recommendation. Considered in this context, the size limit cutoff discussion is a trade-off between restricting take of the available adult salmon and quota management versus increasing harvest of two-year-old grilse salmon. 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 [20-24] inches total length may be retained until the subquota is met, then 0 fish over [20-24] inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish over [20-24] inches total length may be retained when the take of salmon over [20-24] inches total length is allowed.

KRFC are managed based on adult quotas which is the maximum number of adult fish (age three and older) that can be harvested, meaning that once the area quota has been attained, the fishery for adult-sized KRFC is closed. The Klamath basin is divided into four subquota zones – two each in the Klamath and Trinity rivers – to provide equitable harvest opportunities to recreational anglers throughout the basin. Each subquota area has its own adult allocation and can be closed independently based on near real-time adult KRFC harvest estimates. In most years, regulations allow for a grilse (age two) fishery to continue if or when an adult closure has occurred, which affords extended recreational harvest opportunity when adult quotas are attained. Department data has demonstrated that the sizes of grilse and adults overlap in all years to some degree. Consequently, the fishery in general, and the grilse fishery in particular, need to be structured to minimize impacts to adult KRFC conservation objectives as a result of exceeding adult harvest quotas.

Current management in the Klamath River assumes an adult size limit of greater than 23 inches (58.4 cm) total length (TL) for recreational harvest. Typically, the preliminary adult size cutoff for research and monitoring is 21.7 inches (55 cm) fork length (FL). Total length is used for recreational harvest because it is consistent with fishing regulations for all species statewide. Fork length is used for scientific data collection because it is less variable than total length with regards to salmon approaching the end of their life (physical degradation), as fin erosion can drastically affect total length measurements. These size limits are used independently to separate grilse from adults during the season because the true age of individual fish cannot be determined until well after the time of harvest.

Until recently, a fixed length of 22 inch TL had effectively served as a preliminary length cutoff. Historically, the 22 inch TL recreational size cutoff proved effective overall in

managing the adult quota (excluding 2006 and 2017 when adult KRFC harvest was closed) and protecting against substantial harvest overages. In 2020, the size cutoff was increased to 23 inch TL in response to requests from fishing guide and sportsman groups seeking parity in length measurements between regulatory and scientific cutoff lengths. This coincided with the return of an age three cohort of KRFC that presumably experienced suboptimal ocean growth conditions in the year(s) leading up to spawning escapement, resulting in a large proportion of the adult run being smaller than the regulatory cutoff length for adults. A large number of adults harvested were initially classified as grilse during creel data collection, but were correctly classified as adult fish during post-season assessment. Although the change in regulatory length only accounted for approximately 10% of the harvest overage, it exacerbated the conditions that led to the highest harvest overage (5,117 adults harvested from the 1,296 allocation) since the quota managed/creel survey monitored fishery began in the late 1990's. Further, the data suggest that the prior regulatory cutoff was also too large in this year, given 90% of the adult fish harvested beyond the quota were smaller than the historic cutoff. This observation is consistent with a continued decline in the size of KRFC adults over the last decade and what is being documented along the West Coast of North America. This change in size at age can be problematic and should be avoided in the future to the degree practical.

Ohlberger et. al. (2018), shows long-term trends of decreasing size of adult Chinook ranging from Alaska to California. Additionally, the proportions of older year classes (age four to age six) are also in decline. In many cases the age two and age three component of the populations are increasing relative to older age classes, resulting in a smaller range of size in adult fish. With age three fish being the first year class of adult Chinook, when presented with poor ocean forage or other suboptimal growth conditions, the likelihood of a significant proportion of returning adults being of a smaller size (i.e., below a fixed regulatory size cutoff) increases. The Department is actively exploring predictive tools to forecast the length cutoff for the upcoming year. These tools are still being analyzed for relative performance, but if improved management performance can be demonstrated in retrospect then one will be selected and used to determine the appropriate length recommendation prior to the Commission's adoption hearing for this proposed regulation in Spring 2023.

The Department is actively exploring predictive tools to forecast the length cutoff for the upcoming year. These tools are still being analyzed for relative performance, but if improved management performance can be demonstrated in retrospect, then one will be selected and used to determine the appropriate length recommendation prior to the adoption hearing in Spring 2023.

All methods currently under consideration use the complete set of length and age data collected from coded wire tag recoveries across the Klamath and Trinity River basins, including harvest, natural spawning grounds, and hatchery recoveries from return years 2003 to 2022. Within each year, the mean and standard deviation of lengths for age-two and age-three fish were estimated. These statistics were then used in combination with estimated total returns to the Klamath basin for each age class to simulate age-specific length distributions from which the nadir was numerically identified. This process was repeated for 1000 iterations and the mean of the resulting 1000 nadirs was used as an empirically estimated nadir for each year. Three year geometric means were also

calculated from these data (e.g., the three year geometric mean for 2022 was calculated using nadirs from 2020-2022). In addition, linear regression models were fit to each of the resulting data sets using the nadir (or geometric mean) in a given year to predict the nadir of the following year. These methods result in the following four potential models to forecast the length cutoff for an upcoming season:

1. Empirically estimated nadirs between age two and age three: used directly to forecast the following year.
2. Three-year geometric means of age two and age three empirically estimated nadirs: used directly to forecast following year.
3. Regression model fit to empirically estimated nadirs between age two and age three: input value into regression equation from previous year to forecast following year.
4. Regression model fit to three-year geometric means of age two and age three empirically estimated nadirs: input value into regression equation from previous year to forecast following year.

Notably, using the nadir separating age two and age three fish to forecast the nadir for the following year, regardless of which model is used, is intended to strike a balance between minimizing the potential for exceeding adult quotas and providing angling opportunity on age two fish after the adult quota has been met. One alternative is to select a length cutoff intended primarily to minimize the potential for exceeding adult quotas, which would presumably result in a lower size cutoff and reduce angling opportunities following closure of the adult fishery. Another alternative would be to close the fishery entirely once the adult quota has been met.

The overlap in size between grilse and adults in 2020 exemplifies the need for an annually variable size cutoff for adult KRFC. The Department is investigating predictive tools that will provide for a cutoff that better ensures adult quota attainment without significant overages. The Department anticipates that this will be a useful regulatory tool to more effectively manage quotas, particularly when relatively small in-river allocations are afforded in response to depressed populations, and on a stock that remains in an “overfished” designation. Future objectives related to repopulation of new habitat on the mainstem Klamath River following the removal of the Iron Gate Dam amplify the need for more accurate and adaptive management of adult quotas moving forward.

Removal of Quota Exceptions for re-opening sections after hatchery production goals have been met.

The regulations currently include Fall Run Quota Exceptions that apply to both the Upper Klamath and Upper Trinity River sub-areas. These exemptions allow for the reopening of adult KRFC harvest in sub-areas that had previously been closed due to sub-area quota attainment. Reopening is triggered independently for each river when Iron Gate Hatchery and Trinity River Hatchery reach adult KRFC returns of 8,000 and 4,800, respectively.

The Fall Run Quota Exceptions were originally developed to allow for the recreational harvest of “surplus hatchery-origin fish.” The sections that re-open are immediately downstream of the hatcheries and the fish present have historically been comprised of a large fraction of hatchery-origin KRFC. The specific areas of the Klamath and Trinity rivers affected by the quota exception are: 3,500 feet below Iron Gate Hatchery downstream to

the Interstate 5 bridge on the Klamath River, and from 3,500 below Trinity River Hatchery downstream to the mouth of Indian Creek on the Trinity River.

The validity of the quota exceptions has been frequently challenged by basin partners and is no longer meeting the needs of the Department. The Department is committed to equal sharing of KRFC and allowing for over harvest of this stock is not consistent with the goals of the Department. In addition, the quota exception impacts the hatcheries' ability to meet production goals and is not consistent with current hatchery management of operating the facilities as integrated programs. The removal of Iron Gate Hatchery in 2024 will make the quota exception on the Klamath River obsolete. As a result, the Department proposes the Commission remove these two quota exceptions, described in sections 7.40(b)50 2a and 7.40(b)50 6b, for the Upper Klamath and Upper Trinity River sectors, respectively.

Removal of Duplicate Size Limit (non-substantive)

Chinook Salmon grilse/jack size limits are currently specified in sections 7.40 and 5.87. The size limits that appear in Section 5.87 shall be replaced with cross-reference to the subsection of 7.40 in which size limits are described. This will minimize the potential for conflicting information that would prove confusing to anglers.

Removal of Obsolete Form Number (non-substantive)

The North Coast Salmon Report Card was previously a numbered form (FG 684) that is specified in Section 5.87, but is not incorporated by reference. The North Coast Salmon Report Card is now issued through the Department's Automated License and Data System (ALDS) and is not associated with a form number. The form number shall be removed from this section.

Correct Capitalization of Fish Names (non-substantive)

Current regulations in Section 5.87 use an outdated rule for the capitalization of fish species names, in which the common names of fish species are not capitalized. Following the adoption of new rules applicable to the names of fish species by the American Fisheries Society in 2013, common names shall be capitalized.

(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 provide for the maintenance of sufficient populations of salmon to ensure their continued existence.

The benefits of the proposed regulations are conformance with federal fishery management goals, sustainable management of Klamath River Basic 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 15, 2022.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

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

(b) No Change Alternative

The No Change Alternative for including amendments for clarity would leave the existing 2020 regulations in place. This may mean that anglers not fully understand the size limit cutoff that distinguishes a grilse salmon from an adult salmon in the Klamath River Basin.

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

None identified.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no significant adverse effect on the environment, and therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

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

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

The proposed regulation 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 2023 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 2023 KRFC quota remains similar to the KRFC quotas allocated in previous years, then local economic impacts are expected to be unchanged. Neither scenario is expected to directly affect the ability of California businesses to compete with businesses in other states.

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

An estimated 30-50 businesses that serve sport fishing activities are expected to be directly and/or indirectly affected depending on the final KRFC quota. The impacts range from no impact (Projection 1 under the Economic Impact Assessment (EIA), below) to small adverse impacts (Projection 3, EIA, below).

Depending on the final KRFC quota, the Commission anticipates the potential for some impact on the creation or elimination of jobs in California. The potential adverse employment impacts range from no impact to the loss of 13 jobs. Under all alternatives, due to the limited time period of this regulation's impact, the Commission anticipates no impact on the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California.

For all of the proposed scenarios, the possibility of growth of businesses to serve alternative recreational activities exists. Adverse impacts to jobs and/or businesses would be less if fishing of other species and grilse KRFC is permitted, than under a complete closure to all fishing. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulatory action is to increase sustainability in fishable salmon stocks and, consequently, promote the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages a healthy outdoor activity and the consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's salmonid resources. The Commission does not anticipate any benefits to worker safety because the proposed action does not affect working conditions.

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

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

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

None.

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

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

None.

(h) Effect on Housing Costs

None.

VII. Economic Impact Assessment

The proposed amendments under consideration will set the 2023 Klamath River Basin salmon sport fishing regulations to conform to the PFMC KRFC allocation. The Klamath River Basin is anticipated to be open for salmon sport fishing at levels similar to the levels in the 2022 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 2023 KRFC allocation ultimately adopted by the PFMC, and the specific regulations promulgated by the Commission, in conjunction with the Department.

The proposed quota of 0 to 67,600 adult KRFC in 2023 represents a range from 0 percent or no salmon fishing on adult KRFC to greater than 100 percent of the 2022 Klamath River Basin KRFC quota. Under all scenarios, sport fishing may be allowed for other sport fish species and most likely for grilse KRFC, regardless of PFMC allocation. Thus, any adverse impacts to businesses could be less severe than under a complete closure of fishing.

KRFC Size Limit (Grilse Size Considerations)

Grilse salmon are salmon that spend two years in the ocean before returning to their natal streams to spawn. These fish are generally smaller in size and contribute less to the overall salmon population than adult salmon, which typically spend three to five years in the ocean before returning to freshwater to spawn. KRFC recreational fishery bag and possession limits generally contain an adult and grilse component. When considering a grilse fishery, determining a size cutoff that balances angling harvest opportunity for grilse versus protecting adult spawners and not exceeding adult quotas is important. If the size cutoff is too short (conservative), fewer grilse will be caught by anglers, and they will be underutilized because grilse are infrequently used as hatchery brood stock, or because jacks are out-competed by larger males in-river. If the cutoff is too large (liberal), then angling catch of the smaller adults will increase, reducing the hatchery and in-river spawners and potentially causing exceedance of the adult quota.

In years when the adult quota is met, angling is still allowed for KRFC less than or equal to 23 inches TL under the current regulations. The Department is proposing a size limit cutoff range of 20 to 24 inches TL. Changing the size specification for grilse is not anticipated to impact the number or length of angler trips and thus expenditures in the fishery areas as supported by creel surveys over seasons in which grilse size had been changed.

The preservation of Klamath River salmon stocks is vital for the ongoing success of Klamath River Basin businesses that provide goods and services related to sportfishing. Scientifically-based KRFC allocations are necessary for the continued preservation of the resource, and therefore the prevention of adverse economic impacts.

A 2011 NMFS report (*In-River Sport Fishing Economics Technical Report*), reports that non-resident (outside the Eureka/Crescent City area) salmon or steelhead angler average expenditures are estimated to be \$125.51 (2022\$) 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 \$1,268,757 (2022\$) in direct expenditures, resulting in about \$2,258,387 (2022\$) in total economic output that supports an estimated 26 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 River Basin* Salmon and Steelhead Economic Impact 2022 (Non-resident anglers)

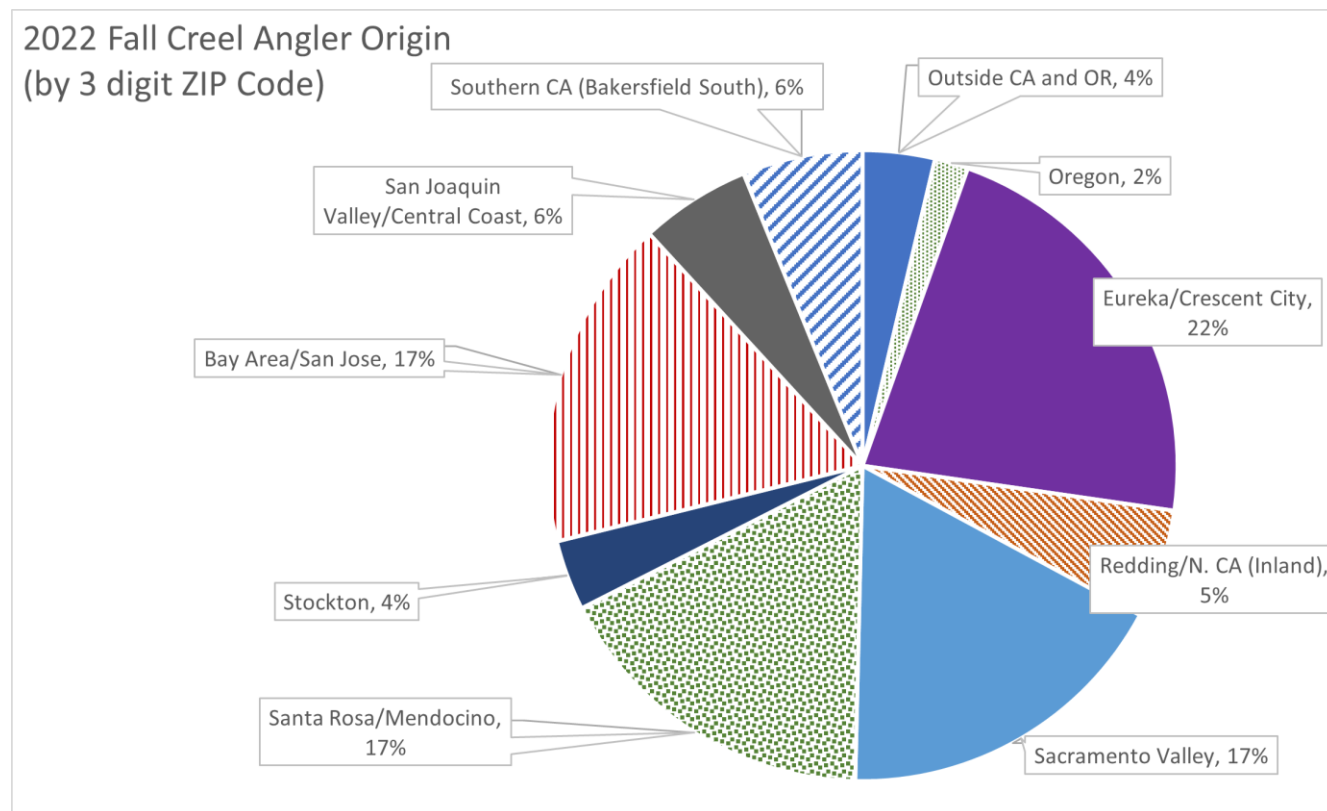
Klamath Sportfishing	Salmon	Steelhead	Total Impact
Expenditures	\$1,265,329	\$3,428	\$1,268,757
Labor Income	\$708,036	\$1,918	\$709,954
Total Economic Impact	\$2,252,286	\$6,101	\$2,258,387
Total Jobs Impact	26	0.1	26

Sources: Department Northern Region Creel 2022 surveys, *In-River Sport Fishing Economics Technical Report*, National Oceanographic and Atmospheric Administration, National Marine Fisheries Service, September 2011. * Lower Klamath and Trinity Rivers.

Local resident average expenditures per angler day are estimated to be 60 percent less (markedly reduced lodging, gasoline, and food expenditures), which yields an estimate of \$50.25 per angler day. Local resident anglers comprise about 22 percent of Klamath River Basin anglers. Any decreases to expenditures by resident anglers associated with reduced fishing opportunities may be offset by increased expenditures on other locally purchased goods and services – with no net change in local economic activity. Thus, the economic impact analysis focuses on non-resident 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 22 percent of Klamath River Basin anglers, with a majority (78%) of anglers coming from outside the immediate locale, as shown in Figure 2.

Figure 2. Klamath Basin Anglers Area of Origin: 2022.



Source: Department, Fisheries Branch, Northern Region creel survey 2022.

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 2022 adult KRFC catch limit; 50 percent of the 2022 adult KRFC catch limit; and 0 percent of the 2022 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 2022 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 2022 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 26 estimated total jobs supported by salmon angler visits (i.e. fewer than 13 jobs).

Projection 3: 0 percent of the 2022 adult KRFC catch limit: In the event of fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission anticipates less than 50 percent reduction in fishery-related jobs. As mentioned above, sport fishing for other species and grilse KRFC may still be allowed, thus mitigating potential job losses. A closure on the take of all KRFC was instituted in 2017, and only steelhead could be legally harvested during the fall season. The 2017 closure resulted in nearly a 50 percent drop in angler days. However, job creation or elimination tends to lag in response to short-term changes in consumer demand. Thus, the potential impacts of a closure on the take of adult KRFC are estimated to result in the loss of less than 13 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 2022 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 2022 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 2022 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 2022 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 2022 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 2022 adult KRFC catch limit: In the event of salmon fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission does not anticipate any expansion of businesses in California. Decreases in expenditures by anglers associated with reduced fishing opportunities may be partially offset by increased expenditures on other locally purchased goods and services as anglers pursue other sportfish, potentially including grilse KRFC, or the substitution of salmon fishing with other recreational activities.

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

Under all projections, the Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a Klamath River Basin salmon sport fishery and other sport fisheries encourages a healthy outdoor activity and the consumption of a nutritious food. Sport fishing also contributes to increased mental health of its practitioners, as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety

Under all projections, the Commission does not anticipate benefits to worker safety because the proposed regulations will not impact working conditions.

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

Under all projections, the Commission anticipates benefits to the environment in the sustainable management of Klamath River Basin salmonid resources. It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based Klamath River Basin salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence.

(g) Other Benefits of the Regulation

Consistency with Federal Fishery Management Goals: California's salmon sport fishing regulations need to align with the new Federal regulations to achieve optimum yield in California. The PFMC annually reviews the status of west coast salmon populations. As part of that process, it recommends west coast adult salmon fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the FMP. These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries off the coasts of Washington, Oregon, and California, and California inland salmon sport fisheries. These recommendations are subsequently implemented as ocean fishing regulations by the NMFS, and as salmon sport regulations for State marine and inland waters by the Commission.

Informative Digest/Policy Statement Overview

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

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 individual tribal governments.

Klamath River Fall-Run Chinook Salmon

Adult Klamath River fall-run Chinook (KRFC) Salmon 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 three through five), 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 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 29,908 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 National Marine Fisheries Service (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.

KRFC Allocation Management

The PFMC 2022 allocation for the Klamath River Basin sport harvest was 2,119 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 2023 adult KRFC abundance will not be available from PFMC until March 2023. The 2023 basin allocation will be recommended by PFMC in April 2023. 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 2023 teleconference meeting.

The annual KRFC in-river sport harvest quota is specified in subsection 7.40(b)(50)(D)1. The quota is split among 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. 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 2023 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 2023 regulatory cycle.

Subquotas: The proposed subquotas for KRFC stocks 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 total quota equates to [0-11,492];
2. 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];
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 total quota equates to [0-11,154]; 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 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.

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.

Implementing a range of lengths for determination of grilse/adult KRFC

Size Limits: the proposed regulations shall now include a range of size limits shown in [brackets] to determine between grilse and adult Chinook Salmon. This allows for annual variation in size cutoffs, as informed by previous year(s) data to more effectively manage the harvest of the adult KRFC quota.

The Department is proposing a grilse salmon size limit cutoff range of less than or equal to 20 inches (50.8 cm) to 24 inches (58.4 cm) total length (TL) for discussion before the Department makes a final recommendation. Considered in this context, the size limit cutoff discussion is a trade-off between restricting take of the available adult salmon and quota management versus increasing harvest of two-year-old grilse salmon. 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 [20-24] inches total length may be retained until the subquota is met, then 0 fish over [20-24] inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish over [20-24] inches total length may be retained when the take of salmon over [20-24] inches total length is allowed.

Removal of Quota Exceptions for re-opening sections after hatchery production goals have been met.

The regulations currently include Fall Run Quota Exceptions that apply to both the Upper Klamath and Upper Trinity River sub-areas. These exemptions allow for the reopening of adult KRFC harvest in sub-areas that had previously been closed due to sub-area quota attainment. Reopening is triggered independently for each river when Iron Gate Hatchery and Trinity River Hatchery reach adult KRFC returns of 8,000 and 4,800 respectively.

The Fall Run Quota Exceptions were originally developed to allow for the recreational harvest of “surplus hatchery-origin fish.” The sections that re-open are immediately downstream of the hatcheries and the fish present have historically been comprised of a large fraction of hatchery-origin KRFC. The specific areas of the Klamath and Trinity rivers affected by the quota exception are: 3,500 feet below Iron Gate Hatchery downstream to the Interstate 5 bridge on the Klamath River, and from 3,500 below Trinity River Hatchery downstream to the mouth of Indian Creek on the Trinity River.

The validity of the quota exceptions has been frequently challenged by basin partners and is no longer meeting the needs of the Department. The Department is committed to equal sharing of KRFC and allowing for over harvest of this stock is not consistent with the goals of the Department. In addition, the quota exception impacts the hatcheries’ ability to meet production goals and is not consistent with current hatchery management of operating the facilities as integrated programs. The removal of Iron Gate Hatchery in 2024 will make the quota exception on the Klamath River obsolete. As a result, the Department proposes the Commission remove these two quota exceptions, described in 7.40(b)50 2a and 7.40(b)50 6b, for the Upper Klamath and Upper Trinity River sectors, respectively.

Removal of Duplicate Size Limit (non-substantive)

Grilse/jack size limits are currently specified in sections 7.40 and 5.87. The size limits that appear in Section 5.87 shall be replaced with cross-reference to the subsection of 7.40 in which size limits are described. This will minimize the potential for conflicting information that would prove confusing to anglers.

Removal of Obsolete Form Number (non-substantive)

The North Coast Salmon Report Card was previously a numbered form (FG 684) that is specified in Section 5.87, but is not incorporated by reference. The North Coast Salmon Report Card is now issued through the Department’s Automated License and Data System (ALDS) and is not associated with a form number. The form number shall be removed from this section.

Correct Capitalization of Fish Names (non-substantive)

Current regulations in Section 5.87 use an outdated rule for the capitalization of fish species names, in which the common names of fish species are not capitalized. Following

the adoption of new rules applicable to the names of fish species by the American Fisheries Society in 2013, common names shall be capitalized.

Benefit of the Regulations

The benefits of the proposed regulations are conformance with federal fishery management goals, sustainable management of Klamath River Basic fish resources, 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 5.87, Title 14, CCR, is amended to read:

§ 5.87. North Coast Salmon Report Card Requirement (~~FG 684~~, See Section 701).

(a) Report Card Required in Waters of the Klamath-Trinity River System and the Smith River. All anglers must have a North Coast Salmon Report Card in their possession while fishing for or taking salmon in waters of the Klamath-Trinity River System and the Smith River, and must complete and return the card pursuant to regulations in this Section and in Section 1.74.

(b) Prior to beginning fishing activity, the cardholder shall record the month, day, and fishing location on the first available line on the report card.

(c) For the Klamath-Trinity River System: Whenever the cardholder lands (either retains or releases) a Chinook ~~salmon~~Salmon, the angler shall immediately record whether the fish was an adult or a jack, and whether the fish has an adipose fin present. Whenever the cardholder releases a Coho ~~salmon~~Salmon, the angler shall immediately record whether the maxillary is present or absent.

(d) For the Smith River: Whenever the cardholder lands (either retains or releases) a Chinook ~~salmon~~Salmon, the angler shall immediately record whether the fish was an adult or a jack, and whether the fish has an adipose fin or left ventral fin present.

(e) Whenever the cardholder moves to another fishing location, the angler shall record the month, day, and location on the next line on the report card.

(f) In the Klamath-Trinity River System, a jack Chinook ~~salmon~~Salmon is defined ~~as any Chinook salmon that is less than or equal to 23 inches total length in Section 7.40(b)(50)~~. In the Smith River, a jack Chinook ~~salmon~~Salmon is defined ~~as any Chinook salmon that is less than 22 inches total length in Section 7.40(b)(105)~~.

(g) In the event an angler fills in all lines and returns a North Coast Salmon Report Card, an additional card may be purchased. See Section 1.74.

(h) The annual fee for the North Coast Salmon Report Card is specified in Section 701, Title 14, CCR.

Note: Authority cited: Sections 200, 205 and 265, Fish and Game Code. Reference: Sections 200, 205 and 265, Fish and Game Code.

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

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

. . . *[No changes to subsections (a) through (b)(49)]* . . .

(50) Klamath River Basin Regulations.

Anadromous Waters of the Klamath River Basin Downstream of Iron Gate and Lewiston dams. This subsection applies only to waters of the Klamath River Basin that are accessible to anadromous salmonids. This section does not apply to waters of the Klamath River Basin that are inaccessible to anadromous salmon and trout, portions of the Klamath River system upstream of Iron Gate Dam, portions of the Trinity River system upstream of Lewiston Dam, and the Shasta River and tributaries upstream of Dwinnel Dam.

(A) Restrictions and Requirements.

1. Only barbless hooks may be used. (For definitions regarding legal hook types, hook gaps and rigging see Chapter 2, Article 1, Section 2.10.)
2. During closures to the take of adult salmon, it shall be unlawful to remove any adult Chinook Salmon from the water by any means.
3. See Section 1.74 for sport fish report card requirements.

(B) General Area Closures.

1. No fishing is allowed within 750 feet of any department fish-counting weir.
2. No fishing is allowed from the Ishi Pishi Road bridge upstream to and including Ishi Pishi Falls from Aug. 15 through Dec. 31. Exception: members of the Karuk Tribe listed on the current Karuk Tribal Roll may fish at Ishi Pishi Falls using hand-held dip nets.
3. No fishing is allowed from Sep. 15 through Dec. 31 in the Klamath River within 500 feet of the mouths of the Salmon, the Shasta and the Scott rivers and Blue Creek.
4. No fishing is allowed from Jun. 15 through Sep. 14 in the Klamath River from 500 feet above the mouth of Blue Creek to 500 feet downstream of the mouth of Blue Creek.

(C) Klamath River Basin Possession Limits.

1. Trout Possession Limits.
 - a. The Brown Trout possession limit is 20.
 - b. The hatchery trout or hatchery steelhead possession limits are as follows:
 - (i) Klamath River - 4 hatchery trout or hatchery steelhead.
 - (ii) Trinity River - 4 hatchery trout or hatchery steelhead.
2. Chinook Salmon Possession Limits.
 - a. Klamath River downstream of the Highway 96 bridge at Weitchpec from Jul. 1 to Aug. 14 and the Trinity River downstream of the Old Lewiston Bridge to the confluence of the South Fork Trinity River from Jul. 1 to Aug. 31: 2 Chinook Salmon.

- b. Klamath River from Aug. 15 to Dec. 31 and Trinity River from Sep. 1 to Dec. 31: ~~6~~^[0-12] Chinook Salmon. No more than ~~3~~^[0-4] Chinook Salmon over [20-24] inches total length may be retained when the take of salmon over ~~23~~ ^[20-24] 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 ~~2022~~²⁰²³ Klamath River Basin quota is ~~2,119~~^[0-67,600] Klamath River fall-run Chinook Salmon over ~~23~~^[20-24] 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 through Aug. 14.	2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 360 <u>[0-11,492]</u> Chinook Salmon Aug. 15 through Dec. 31, 2022 <u>2023</u> .	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> 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 through Jun. 30.	2 hatchery trout or hatchery steelhead**.
	Jul. 1 through Aug. 14.	1 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 1,060 <u>[0-33,800]</u> Chinook Salmon Aug. 15 to <u>through</u> Dec. 31, 2022 <u>2023</u> .	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> 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 below Highway 101 bridge. All legally caught Chinook Salmon must be retained. Once the adult (greater than 23 <u>[20-24]</u> 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-Greenville 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**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
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 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**.
	Fall Run Quota 350 <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, 2022 <u>2023</u> .	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> 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.	

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
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.
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 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**.
	Fall Run Quota 349 <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, 2022 <u>2023</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table.	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
f. Trinity River main stem downstream of the mouth of the South Fork Trinity River to the confluence with the Klamath River.	Jan. 1 through Aug. 31.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 349 <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, 2022 <u>2023</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table.	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> 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: April 10, 2023

Original on file,
Received April 13, 2023

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

From: Charlton H. Bonham
Director

Subject: **Request to Revise the 2023 Klamath River Basin Sport Fishing Regulations Proposed in the Initial Statement of Reasons to Include a “No Fishing” Option**

The Department of Fish and Wildlife (Department) recommends that a “no fishing” option be added to the 2023 Klamath River Basin sport fishing regulations proposed in the Initial Statement of Reasons (ISOR). Based on recent information related to the status and trend for the Klamath River fall Chinook Salmon (KRFC) encountered in Pacific Fishery Management Council (PFMC) managed ocean fisheries, the Department expects that a full fishery KRFC closure is likely warranted for all California KRFC management areas in 2023. At its March 15, 2023, meeting, the PFMC adopted three management measure alternatives for the 2023 ocean commercial and recreational salmon fisheries beginning May 16. All three alternatives have zero allocation for recreational and commercial ocean salmon fisheries.

The 2023 KRFC forecast of 103,800 adults is the third lowest on record. KRFC have met the status determination criteria as an overfished stock since 2018. The 2022 KRFC jack escapement of 7,581, upon which the bulk of the adult abundance forecast is predicated, is the tenth lowest on record since the period of record began in 1978, and the adult escapement of 46,690 is the ninth lowest on record over that same period. Both totals fall well below the long-term averages for KRFC of 17,156 jacks and 101,268 adults. Implementation of the de minimis provisions of the Harvest Control Rule (HCR) over this period has yet to achieve rebuilt status. Decisions made for 2023 KRFC fishery may have lasting effects on future fishing opportunity. As such, a more conservative management approach may be warranted at this time.

The proposed “no fishing” option would close all KRFC fishing in the Klamath and Trinity rivers and all associated tributaries, or specific areas/bodies of water, as specified by river reach(es) in subsection 7.40(b)(50) to provide protection to KRFC. This option would prohibit all methods of targeting salmon including catch and release fishing. Unless otherwise noted, this option would still allow take of other species in specific areas/bodies of water, as specified by river reach(es) in subsection 7.40(b)(50).

In addition, to address the uncertainty of this severely depressed stock in the future, the Department will recommend including a “no fishing” option in all future Klamath River Basin Sport Fishing Regulation ISORs. As a result, in any year should the PFMC recommend a complete or near complete closure to ocean or Klamath River

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 10, 2023
Page 2

recreational salmon fishing, the California Fish and Game Commission (Commission) with the support of the Department, will have flexibility to respond to and support any federal action in the ocean and/or Klamath and Trinity rivers.

For the reasons described above, the Department recommends that a "no fishing" option for the KRFC fishery be included in the 2023 Klamath River Basin sport fishing regulations for consideration by the Commission at its April and May 2023 meetings.

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

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Jay Rowan, Branch Chief
Fisheries Branch
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David Thesell, Program Manager
Fish and Game Commission

Ari Cornman, Wildlife Advisor
Fish and Game Commission

Maurene Trotter, Analyst
Fish and Game Commission

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)] . . . [options shown as noted in **bold**, highlighted header in grey]*

(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.

Option 1: b. Klamath River from Aug. 15 to Dec. 31 and Trinity River from Sep. 1 to Dec. 31: 6[0-12] Chinook Salmon. No more than 3[0-4] Chinook Salmon over [20-24] inches total length may be retained when the take of salmon over 23 [20-24] inches total length is allowed.

Option 2: b. Closed to the take and possession of Chinook Salmon.

(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 ~~2022~~2023 Klamath River Basin quota is ~~2,119~~[0-67,600] Klamath River fall-run Chinook Salmon over 23[20-24] 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 through Aug. 14.	2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 360 <u>[0-11,492]</u> Chinook Salmon Aug. 15 through Dec. 31, 2022 <u>2023</u> .	<p>Option 1: 2<u>[0-4]</u> Chinook Salmon - no more than 4<u>[0-4]</u> fish over 23<u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23<u>[20-24]</u> inches total length.</p> <p>2 hatchery trout or hatchery steelhead**.</p> <p>Option 2: <u>Closed to the take and possession of Chinook Salmon.</u></p> <p>2 hatchery trout or hatchery steelhead**.</p>
	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	Jan. 1 through Jun. 30.	2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
Weitchpec.		
	Jul. 1 through Aug. 14.	1 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 1,060 <u>[0-33,800]</u> Chinook Salmon Aug. 15 to <u>through</u> Dec. 31, 2022 <u>2023</u> .	Option 1: 2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> inches total length. 2 hatchery trout or hatchery steelhead**. Option 2: <u>Closed to the take and possession of Chinook Salmon.</u> 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 below Highway 101 bridge. All legally caught Chinook Salmon must be retained. Once the adult (greater than 23 <u>[20-24]</u> 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 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**.
	Fall Run Quota 350[0-11,154] Chinook Salmon Sep. 1 through Dec. 31, 20222023.	<p>Option 1: 2[0-4] Chinook Salmon - no more than 4[0-4] fish over 23[20-24] inches total length until subquota is met, then 0 fish over 23[20-24] inches total length.</p> <p>10 Brown Trout.</p> <p>2 hatchery trout or hatchery steelhead**.</p> <p>Option 2: <u>Closed to the take and possession of Chinook Salmon.</u></p> <p>10 Brown Trout</p>

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

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
		steelhead**.
	Fall Run Quota 349[0-11,154] Chinook Salmon Sep. 1 through Dec. 31, 20222023. This is the cumulative quota for subsections 6.e. and 6.f. of this table.	Option 1: 2[0-4] Chinook Salmon - no more than 4[0-4] fish over 23[20-24] inches total length until subquota is met, then 0 fish over 23[20-24] inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**. Option 2: <u>Closed to the take and possession of Chinook Salmon.</u> 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 through Aug. 31.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 349 [0-11,154] Chinook Salmon Sep. 1 through Dec. 31, 20222023. This is the cumulative quota for subsections 6.e. and 6.f. of this table.	Option 1: 2[0-4] Chinook Salmon - no more than 4[0-4] fish over 23[20-24] inches total length until subquota is met, then 0 fish over 23[20-24] inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**. Option 2: <u>Closed to the take and possession of Chinook Salmon.</u> 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
g. Hayfork Creek main stem downstream of the Highway 3	Nov. 1 through Mar. 31. Only artificial lures with barbless	2 hatchery trout or hatchery

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
bridge in Hayfork to the confluence with the South Fork Trinity River.	hooks may be used.	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.



2023 Klamath River Basin Chinook Salmon Sport Fishing Regulations



**Presentation to the Fish and Game Commission
April 19, 2023
Jonathan Nelson - Program Manager
CDFW Fisheries Branch**

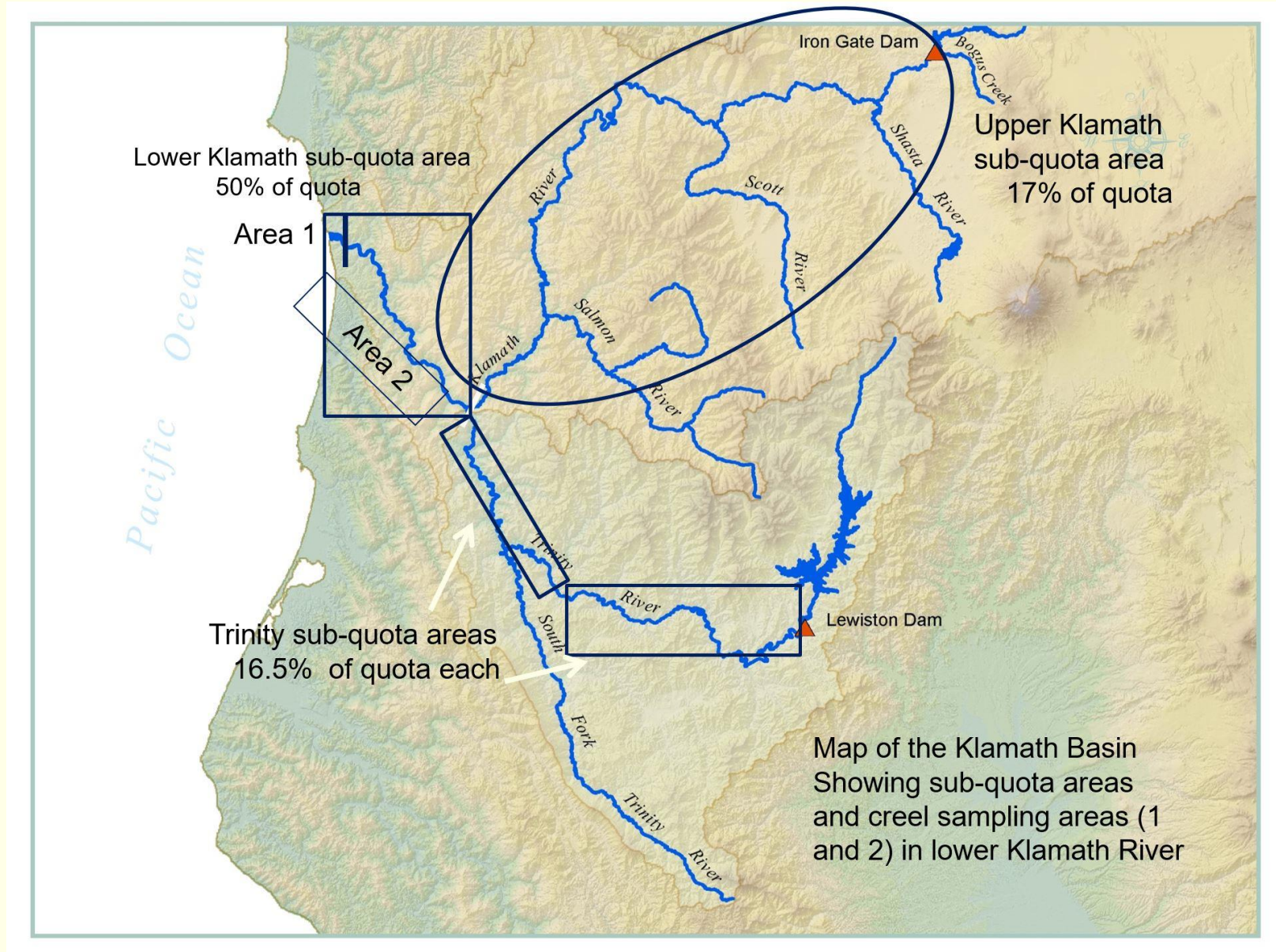
Presentation Overview

- Management of Klamath River Fall Chinook Salmon (KRFC) in the Klamath River Basin
- Map of Klamath River Basin sub-quota areas
- 2022 KRFC sport fishing regulations
- Proposed 2023 KRFC regulatory options
- Proposed range for annual grilse/adult size cutoff
- Status and decline of KRFC fishery
- Federal action for 2023 KFRC season
- CDFW recommendations for 2023 KFRC season

KRFC Management

- The Pacific Fishery Management Council (PFMC) establishes annual harvest allocations and natural spawning escapement goals for adult KRFC
- The PFMC makes an annual recommendation for the KRFC recreational fishery allocation in April
- KRFC quota allocation typically conforms to PFMC recommendations (minimum of 15% of non-tribal allocation)
- CDFW makes annual recommendations for KRFC season, bag, and possession limits based on status of stock and/or quota

Klamath Basin Sub-Quota Areas



2022 KFRC

Sport Fishing Regulations

- Klamath River Basin quota: 2,119 adult KRFC > 23 inches
- Daily bag limit: 2 fish, no more than 1 adult > 23 inches
- Possession limit: 6 fish, no more than 3 adults > 23 inches
- Season: Aug. 15 – Dec. 31 (Klamath River)
- Season: Sept. 1 – Dec. 31 (Trinity River)

2023 KFRC Regulatory Options

- Klamath River Basin quota range: 0-67,600 fish > 20-24 inches
- Bag limit range: 0-4 fish > 20-24 inches
- Possession limit range: 0-12 fish > 20-24 inches
- Season: Aug. 15 – Dec. 31 (Klamath River)
- Season: Sept. 1 – Dec. 31 (Trinity River)

KRFC Fishing Closure Option

- CDFW requests Commission consider adding an option to the 2023 KRFC in-river recreational fishery that allows for a complete closure
- This option addresses consistency among regulatory approaches to allow for closures for both the KRFC and Sacramento River Fall Chinook sport fisheries
- Makes KRFC opportunity equitable across ocean and river fisheries
- Explicitly prevents a catch-and-release fishery in the Klamath for KRFC

Grilse/Adult Size Cutoff Background

- CDFW currently has a fixed standing cutoff of 23 inches
- Determined using a long-term data set and was last updated in 2019
- In 2020, smaller adults resulted in overharvest of adult salmon (5,227 adults harvested from 1,296 allocation)
- Emerging Pacific coast-wide trend of Chinook being smaller at adult age
- CDFW proposes a range between 20 to 24 inches total length as an annual option for cutoff size
 - Allows for annual variation in adult size
 - Supports KRFC conservation objectives to minimize overharvest

Grilse/Adult Size Cutoff Evaluation

CDFW evaluated four additional methods to determine the best size cutoff criteria to use on an annual basis:

1. Estimated cutoff between grilse and adults from previous year.
2. Geometric mean of cutoffs between grilse and adults from previous three years.
3. Model that uses estimated cutoffs between grilse and adults over last 10 years.
4. Model that uses geometric mean of cutoffs between grilse and adults over last 10 years.

Grilse/Adult Size Cutoff Determination

CDFW determined that method three provided the most accurate length cutoff estimate:

- *Model that uses estimated cutoff between jacks and adults over last 10 years*
 - Improved accuracy of attaining annual quota while reducing likelihood of overages
 - More protective as adult size reaches the maximums seen in the range of data
 - More protective year over year as adult size is decreasing
- *Based on this method, the 2023 proposed adult cutoff is 21 inches total length*

Status of KRFC Fishery

- Recent escapement and pre-fishery abundance forecasts are at historically low levels
 - 2023 KRFC ocean abundance forecast of 103,800 adults is third lowest on record
 - 2022 jack escapement of 7,581 is historically low
 - 2022 adult escapement of 46,690 is historically low
 - Overfished stock since 2018
 - Repeated failure to meet conservation spawner objective and de minimis objectives
 - Implementation of de minimis provisions of PFMC Harvest Control Rule has yet to achieve rebuilt status

Factors for Decline of KRFC

- Ocean harvest exceeding projections
- Failure to achieve escapement targets
- Environmental factors
 - Consecutive years of drought
 - Freshwater stressors
 - Habitat compression and impact to forage assemblages in the ocean

PFMC 2023 KFRC Recommendations

April 6, 2023, PFMC adopted final ocean and in-river KRFC fishery season recommendations:

1. Complete closure of recreational and commercial ocean salmon fisheries off California Coast
2. Klamath River Basin recreational fishery allocation: 1,804 adult KRFC
 - Federal regulatory process requires all non-tribal harvest not utilized in ocean fisheries be allocated to the freshwater sport fishery to maximize tribal access to their full share of the harvestable surplus.

CDFW Considerations for 2023 KRFC Season

- Status and trend for KRFC stock necessitates a conservative management approach
- Conservative measures are necessary to maximize projected escapement and rebuild the stock
- PFMC has taken action to close commercial and recreational ocean salmon fisheries

CDFW 2023 KRFC Recommendations

- CDFW recommends adopting option to include a complete closure to the in-river KRFC fishery
 - Maximums protection, equability between ocean and in-river fisheries, does not require emergency action, addresses consistency among regulatory approaches
- CDFW recommends adopting proposed annual grilse/adult size cutoff range of 20-24 inches total length using estimated cutoff between jacks and adults over last 10 years
 - Improves ability to manage KRFC stock and supports conservation objectives to minimize overharvest

CDFW 2023 KRFC Recommendations

- CDFW recommends full closure of the 2023 KRFC in-river recreational fishery
 - Klamath and Trinity rivers August 15 through December 31
 - Allocate the sport fishery quota to spawner escapement
 - Consistent and equitable with federal action to close KRFC commercial and recreational ocean salmon fisheries
 - Includes closure to fishing for adults *and* grilse in-river

Questions ♦ Thank You



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