

## STAFF SUMMARY FOR MAY 17, 2023

**6. CHINOOK SALMON EMERGENCY CLOSURES IN THE KLAMATH, TRINITY, EEL, AND SMITH RIVERS****Today's Item****Information** ☐**Action** ☒

Discuss and consider adopting emergency regulations for Chinook salmon recreational fishing closures for the Klamath River, Trinity River, Eel River and Smith River due to federal salmon closure recommendations.

**Summary of Previous/Future Actions**

- Pacific Fishery Management Council action April 6, 2023
- **Today's discussion and adoption hearing May 17, 2023**

**Background**

Consecutive years of drought, habitat compression in the ocean, and associated changes in ocean forage assemblages have created substantially difficult conditions for Chinook salmon in the southern range of its distribution. In particular, California stocks have recently experienced such significant decline that the two primary target stocks of Sacramento and Klamath River fall Chinook (SRFC and KRFC) have reached historical lows in abundance.

On April 6, 2023 the Pacific Fishery Management Council (PFMC) adopted recommendations to close all ocean salmon fisheries in California for 2023 these recommendations, and the underlying significant decline of SRFC and KRFC, has led federal fishery agencies and tribes to completely close California ocean and river fisheries for 2023 under their respective jurisdictions.

Chinook salmon originating from the Smith, Klamath, Trinity and Eel rivers all share similar ocean distribution and in-river habitat challenges to those of SRFC and KRFC. Given that the environmental factors that have reduced the two primary target stocks in California to historical lows are shared among all California salmon stocks, the Department is proposing emergency closure for the remaining Chinook salmon fisheries in the state.

Based on current PFMC recommendations (see agenda items 4 and 5 for this meeting), it is anticipated that the Klamath, Trinity, Eel and Smith rivers are the only waters in California open or scheduled to be open to recreational salmon fishing in 2023. Under this crisis situation, it is critical that all California Chinook salmon stocks be protected from fishery impacts. Therefore, the Department recommends amending the bag and possession limit language to "Closed to salmon fishing" for three subsections of Section 7.40:

- Subsection (b)(40): Eel River
- Subsection (b)(50): Klamath and Trinity Rivers
- Subsection (b)(105): Smith

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

## STAFF SUMMARY FOR MAY 17, 2023

**Recommendation**

**Commission staff:** Adopt the proposed emergency action to close Chinook salmon sport fishing in the Klamath, Trinity, Eel and Smith rivers as presented in Exhibit 2.

**Department:** Close Chinook salmon sport fishing in the Klamath, Trinity, Eel and Smith rivers as presented in Exhibit 2.

**Exhibits**

1. [Department memo transmitting emergency statement, received May 3, 2023](#)
2. [Draft emergency statement and proposed regulatory language, dated April 12, 2023 \(as amended by Commission staff\)](#)
3. [Draft economic and fiscal impact statement \(STD 399\)](#)
4. [Department presentation](#)

**Motion**

The Commission determines, pursuant to Section 399 of the California Fish and Game Code, that adopting this regulation is necessary for the immediate conservation, preservation, and protection of birds, mammals, fish, amphibians, or reptiles, including, but not limited to, their nests or eggs, and for the immediate preservation of the public peace, health and safety, or general welfare.

The Commission further determines, pursuant to Section 11346.1 of the California Government Code, that an emergency situation exists and finds this proposed regulation is necessary to address the emergency.

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission adopts the emergency regulation to amend subsections (b)(40), (b)(50) and (b)(105) of Section 7.40, related to Chinook salmon emergency closures in the Klamath, Trinity, Eel and Smith rivers.

## Memorandum

Date: April 27, 2023

Original on file,  
Received May 3, 2023

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

From: Charlton H. Bonham  
Director

Subject: **Item for the May 2023 Teleconference: Submittal of Emergency Statement to Amend Subsections (b)(40), (b)(50), and (b)(105) of Section 7.40, Title 14, California Code of Regulations (CCR) to Close Remaining Chinook Salmon Fisheries in 2023**

Please find attached the Finding of Emergency Statement of Proposed Emergency Regulatory Action to Amend subsections (b)(40), (b)(50), and (b)(105), of Section 7.40, of Title 14, CCR. The proposed regulations would close recreational salmon fishing on the Eel River, Klamath and Trinity rivers, and Smith River effective immediately.

Chinook Salmon stocks in California have recently experienced a significant decline. In particular, Sacramento and Klamath River fall Chinook (SRFC and KRFC), have reached historical lows in abundance. This significant decline for SRFC and KRFC has led federal fishery agencies and tribes to completely close California ocean and river fisheries for 2023. In addition, the California Department of Fish and Wildlife (Department) has recommended to the California Fish and Game Commission (Commission) that all KRFC and SRFC in-river sport fishing be closed in 2023.

The Eel River, Klamath and Trinity rivers, and Smith River are the only waters in California currently open or scheduled to be open to recreational salmon fishing in 2023. At this time, it is critical that all California Chinook Salmon stocks be protected from fishery impacts. Any additional take of Chinook Salmon in the Eel, Klamath and Trinity, and Smith rivers will have detrimental effects on these important recreational fisheries.

Transmittal of the attached Findings of Emergency and Statement of Proposed Emergency Regulatory Action to the Commission will allow the Commission to consider adopting the emergency rulemaking at its May 17, 2023 teleconference meeting. The emergency regulation, if adopted, will continue for a period of 180 days with the possibility of two 90-day extensions.

If you have any questions or need additional information, please contact Jay Rowan Chief, Fisheries Branch, at [REDACTED]. The Department point of contact for this emergency rulemaking should identify Environmental Program Manager, Jonathan

Melissa Miller-Henson, Executive Director  
Fish and Game Commission  
April 27, 2023  
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Nelson. He can be reached at [REDACTED].

Attachment

cc: Chad Dibble, Deputy Director  
Wildlife and Fisheries Division

Jay Rowan, Branch Chief  
Fisheries Branch  
Wildlife and Fisheries Division

Brett Kormos, Env. Program Manager  
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David Thesell, Program Manager  
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Maurene Trotter, Analyst  
Fish and Game Commission

State of California  
Fish and Game Commission  
Finding of Emergency and Statement of Proposed Emergency Regulatory Action

Emergency Action to Amend subsections (b)(40), (b)(50), and (b)(105) of Section 7.40,  
Title 14, California Code of Regulations  
Re: Chinook Salmon Sport Fishing Closures

Date of Statement: April 12, 2023

Statement of Facts Constituting the Need for Emergency Regulatory Action

**Background**

I. Chinook Salmon Sport Fishing

Consecutive years of drought, habitat compression in the ocean, and associated changes in ocean forage assemblages have created substantially difficult conditions for Chinook Salmon in the southern range of their distribution. In particular, California stocks have recently experienced such significant decline that the two pillars of this west coast fishery, Sacramento and Klamath River fall Chinook (SRFC and KRFC), have reached historical lows in abundance. This significant decline for SRFC and KRFC has led fishery agencies and tribes to completely close California ocean and river fisheries for 2023. In addition, the state of Oregon has severely constrained their ocean fisheries until the fall when contact with California stocks is effectively reduced. Chinook Salmon originating from the Smith River, the Klamath and Trinity rivers, and the Eel River all share similar ocean distribution and in-river habitat challenges to those of SRFC and KRFC. Given that the environmental factors that have reduced these two primary target stocks in California to historical lows are shared among all California salmon stocks, the California Department of Fish and Wildlife (Department) is recommending emergency closure for the remaining Chinook Salmon fisheries in the state. For the purposes of responsible stewardship and conservation, the Department supports exercising an abundance of caution when planning salmon fisheries in California statewide in 2023.

The Department recognizes that Chinook Salmon fishery closures in 2023 will result in socioeconomic and cultural losses for the communities and tribes of our state; however, it is necessary to provide every advantage possible to this valuable and cherished resource at this time. Recent and dramatic shifts in climate have led to vastly improved river habitat conditions early in 2023 as a result of above average accumulations of rain and snow. This shift in precipitation has resulted in vastly improved river habitat with higher flow, cooler temperatures, and reduced disease. These improvements are expected to persist, especially as compared to summer and fall conditions experienced over the last few years of extreme drought. The Department expects that putting as many spawning salmon as possible on improved river habitat this spring and fall will be advantageous in efforts to rebound these stocks and rebuild abundances. It is hoped that leveraging this opportunity now will pay dividends in future population recovery and sustainable fishing opportunity.

The proposed emergency regulations will align inland Chinook Salmon sport fishing in the Smith River, Klamath and Trinity rivers, and the Eel River with recent federal regulatory action to close all ocean salmon fisheries along the California coast for 2023.

## II. Proposed Emergency Regulations

This proposed regulatory action amends subsections (b)(40), (b)(50), and (b)(105) for Section 7.40, Title 14, CCR, which describes 2023 opening dates for recreational salmon fishing in the Eel, Klamath and Trinity, and Smith rivers, respectively.

### Subsection 7.40(b)(40), Eel River

The emergency regulations will amend Eel River sport fishing Chinook Salmon bag and possession limit language to read “Closed to salmon fishing” in the following subsections:

- (b)(40)(A)1. From the mouth to Fulmor Road, at its paved junction with the south bank of Eel River. From the effective date through March 31, 2024.
- (b)(40)(A)2. From Fulmor Road, at its paved junction with the south bank of the Eel River, to South Fork Eel River. From the effective date through March 31, 2024.
- (b)(40)(A)3. From South Fork Eel River to Cape Horn Dam. From the effective date through March 31, 2024.
- (b)(40)(B)1. Main stem from its junction with the Eel River to the end of Golden Gate Drive near Bridgeville (approximately 4,000 feet upstream from the Little Golden Gate Bridge). From the effective date through March 31, 2024.
- (b)(40)(C). South Fork Eel River from mouth to Rattlesnake Creek. From the effective date through March 31, 2024.

### Subsection 7.40(b)(50), Klamath and Trinity Rivers

The emergency regulations will amend Klamath River sport fishing Chinook Salmon bag limit and possession language to read “Closed to salmon fishing” in the following subsections:

- (b)(50)2.b. Klamath River downstream of the Highway 96 bridge at Weitchpec. From the effective date through August 14, 2023.
- (b)(50)6.b. Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat. From the effective date through August 31, 2023.
- (b)(50)6.c. Trinity River main stem downstream of the Highway 299 West bridge at Cedar Flat to the Denny Road bridge at Hawkins Bar. From the effective date through August 31, 2023.
- (b)(50)6.e. Trinity River main stem downstream of the Denny Road bridge at Hawkins Bar to the mouth of the South Fork Trinity River. From the effective date through August 31, 2023; and
- (b)(50)6.i. South Fork Trinity River downstream of the South Fork Trinity River bridge at Hyampom to the confluence with the Trinity River. From the effective date through December 31, 2023.

Subsection 7.40(b)(105), Smith River

The emergency regulations will amend Smith River sport fishing Chinook Salmon bag and possession limit language to read “Closed to salmon fishing” in the following subsections:

- (b)(105)(A). Main stem from the mouth to confluence of Middle and South forks. From the effective date through April 30, 2024;
- (b)(105)(B)1. From mouth to Patrick Creek. From the effective date through April 30, 2024;
- (b)(105)(C)1. From the mouth upstream approximately 1,000 feet to the County Road (George Tryon) bridge and Craigs Creek to Jones Creek. From the effective date through April 30, 2024; and
- (b)(105) (D)1. From the mouth to Stony Creek. From the effective date through March 31, 2024.

### III. Findings for the Existence of an Emergency

The California Fish and Game Commission (Commission) considered the following factors in determining that an emergency does exist at this time.

***The magnitude of potential harm:***

The number of Chinook Salmon forecasted to return to California rivers this year is near record low. In response to the critically low abundance forecasts for California Chinook Salmon stocks, federal fishery agencies and tribes have completely closed California ocean and river fisheries for 2023. Currently, the Eel River, Klamath and Trinity rivers, and Smith River are the only waters in California open or scheduled to be open to recreational salmon fishing in 2023. At this time, it is critical that all California Chinook Salmon stocks be protected from fishery impacts. Any additional take of Chinook Salmon in the Eel, Klamath and Trinity, and Smith rivers will harm these important recreational fisheries.

***The existence of a crisis situation:***

Consecutive years of drought, habitat compression in the ocean, and associated changes in ocean forage assemblages have created substantially difficult conditions for Chinook Salmon in the southern range of their distribution. California stocks have recently experienced a significant decline. SRFC and KRFC, in particular, have reached historical lows in abundance. This significant decline for SRFC and KRFC has led federal fishery agencies and tribes to completely close California ocean and river fisheries for 2023. In addition, the Department has recommended to the Commission that all KRFC and SRFC in-river sport fishing be closed in 2023. Chinook Salmon originating from the Smith River, Klamath and Trinity rivers, and Eel River share similar ocean distribution and fishery impacts to KRFC and SRFC. Given that the environmental factors that have reduced these two primary target stocks in California to historical lows are shared among all California salmon stocks, it is necessary to protect all Chinook Salmon stocks from fishery impacts in 2023.

***The immediacy of the need:***

There is an immediate need for action due to the low abundance forecasts for Chinook Salmon stocks in California and anticipated effort shifts to salmon fisheries on the Eel, Klamath and Trinity, and Smith rivers. On April 6, the Pacific Fisheries Management Council adopted recommendations to close all ocean salmon fisheries in California for 2023. On April 19, the Department recommended to the Commission that all KRFC and SRFC in-river sport fishing be closed in 2023. The recreational salmon fisheries on the Smith and Eel rivers are currently open and the Klamath and Trinity fishery will begin July 1. The Department recognizes that Chinook Salmon stocks in the Eel, Klamath and Trinity, and Smith rivers are threatened by recreational effort shifts as recreational anglers turn to the few remaining fishing opportunities for salmon in California, therefore increasing effort and ultimately take. The regular rulemaking process is inadequate to address the time-sensitive circumstances faced by Chinook Salmon in the Eel, Klamath and Trinity, and Smith rivers. The requirements of the Administrative Procedure Act, the Commission's three separate bi-monthly public meetings required by Fish and Game Code Section 255, and the Office of Administrative Law's 30 working day review period would implement the necessary regulatory changes, at the earliest, in approximately 8 months; well after intensified fishery pressure on Chinook Salmon stock.

***Whether the anticipation of harm has a basis firmer than simple speculation:***

The 2023 KRFC forecast of 103,800 adults is the third lowest on record. Similarly, the 2023 SRFC forecast of 169,800 adults is the third lowest since the implementation of the Sacramento Index in 2008. KRFC have met the status determination criteria as an overfished stock since 2018, and SRFC are currently at risk of approaching overfished status. Chinook Salmon originating from the Smith River, the Klamath and Trinity rivers, and the Eel River all share similar ocean distribution and in-river habitat challenges to those of SRFC and KRFC. Given that the environmental factors that have reduced these two primary target stocks in California to historical lows are shared among all California salmon stocks, an abundance of caution around fishery planning is necessary for the remaining Chinook Salmon fisheries in the state. The proposed fishing closures on the Eel, Klamath and Trinity, and Smith rivers will minimize fishing impacts and the magnitude of potential harm during this crisis situation.

**IV. 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) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State**

None. The proposed emergency regulations will make Chinook Salmon fishing in the Eel, Klamath and Trinity, and Smith rivers consistent among the current proposed closures of both the KRFC and SRFC fisheries in the Klamath River Basin and Central Valley rivers, respectively.

**(b) Nondiscretionary Costs/Savings to Local Agencies**

None.



(c) Programs Mandated on Local Agencies or School Districts

None.

(d) 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.

(e) Effect on Housing Costs

None.

V. Technical, Theoretical, and/or Empirical Studies, Reports, or Documents Relied Upon:

Pacific Fishery Management Council. April 2023. *Preseason Report III, Council Adopted Management Measures and Environmental Assessment Part 3 for 2023 Ocean Salmon Fishery Regulations*.

[https://www.pcouncil.org/managed\\_fishery/salmon/](https://www.pcouncil.org/managed_fishery/salmon/)

VI. Authority and Reference

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.

VII. Fish and Game Code Section 399 Finding

Delay in the amendments to bag and possession limits for Chinook Salmon puts marine resources at risk. Emergency action is necessary to safeguard Chinook Salmon stocks in a timely manner in conjunction with the 2023 ocean salmon closure.

Pursuant to Section 399 of the Fish and Game Code, the Commission finds that adopting this regulation is necessary for the immediate conservation, preservation, or protection of California Chinook Salmon.

## Informative Digest/Policy Statement Overview

Consecutive years of drought, habitat compression in the ocean, and associated changes in ocean forage assemblages have created substantially difficult conditions for Chinook Salmon in the southern range of their distribution. In particular, California stocks have recently experienced such significant decline that the two pillars of this west coast fishery, Sacramento and Klamath River fall Chinook (SRFC and KRFC), have reached historical lows in abundance. This significant decline for SRFC and KRFC has led fishery agencies and tribes to completely close California ocean and river fisheries for 2023. In addition, the state of Oregon has severely constrained their ocean fisheries until the fall when contact with California stocks is effectively reduced. Chinook Salmon originating from the Smith River, the Klamath and Trinity rivers, and the Eel River all share similar ocean distribution and in-river habitat challenges to those of SRFC and KRFC. Given that the environmental factors that have reduced these two primary target stocks in California to historical lows are shared among all California salmon stocks, the Department is recommending emergency closure for the remaining Chinook Salmon fisheries in the state. For the purposes of responsible stewardship and conservation the Department supports exercising an abundance of caution when planning salmon fisheries in California statewide in 2023.

The Department recognizes that Chinook Salmon fishery closures in 2023 will result in socioeconomic and cultural losses for the communities and tribes of our state, however it is necessary to provide every advantage possible to this valuable and cherished resource at this time. Recent and dramatic shifts in climate have led to vastly improved river habitat conditions early in 2023 as a result of above average accumulations of rain and snow. This shift in precipitation has resulted in vastly improved river habitat with higher flow, cooler temperatures, and reduced disease. These improvements are expected to persist, especially as compared to summer and fall conditions experienced over the last few years of extreme drought. The Department expects that putting as many spawning salmon as possible on improved river habitat this spring and fall will be advantageous in efforts to rebound these stocks and rebuild abundances. It is hoped that leveraging this opportunity now will pay dividends in future population recovery and sustainable fishing opportunity.

The proposed emergency regulations will align Chinook Salmon sport fishing in the Smith River, Klamath and Trinity rivers, and the Eel River with recent federal regulatory action to close all ocean salmon fisheries along the California coast for 2023.

### ***Benefits of the Regulation:***

The Commission anticipates benefits to the State's environment by sustainably managing California's Chinook Salmon resources. Other benefits of the proposed regulations are consistency with fishery management goals, and preservation of salmon stocks to help ensure future resource availability past the current low population estimate. The environmental risks arising from the proposed rule more conservatively preserve salmon than existing regulation.

### ***Consistency and Compatibility with Existing Regulations***

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate sport fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The

Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other recreational fishing regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to potentially closing Chinook Salmon sport fishing seasons due to environmental considerations.

### Proposed Regulatory Language

Subsections (b)(40), (b)(50), and (b)(105) of Section 7.40, Title 14, CCR, is amended to read as follows:

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

... [No changes to subsections (a) through (b)(39)]

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
(40) Eel River (Humboldt, Lake, Mendocino, and Trinity Cos.).  All waters of the Eel River Drainage except those listed below are closed to all fishing.	Section 8.00 Low-Flow Restrictions also apply.	
(A) Main stem.		
1. From mouth to Fulmor Road, at its paved junction with the south bank of the Eel River. Also see Section 8.00(a)(1)(A). Low-Flow Restrictions	All year. Only artificial lures with barbless hooks may be used from Apr. 1 through the Fri. preceding the fourth Sat. in May. Only barbless hooks may be used from fourth Sat. in May through Mar. 31.	<del>Catch and release of Chinook Salmon.</del> <u>Closed to all salmon fishing.</u>  2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
2. From Fulmor Road, at its paved junction with the south bank of the Eel River, to South Fork Eel River. Also see Section 8.00(a)(1)(B), Low-Flow Restrictions.	All year. Only artificial lures with barbless hooks may be used from Apr. 1 through Sep. 30. Only barbless hooks may be used from Oct. 1 through Mar. 31.	<del>Catch and release of Chinook Salmon.</del> <u>Closed to all salmon fishing.</u>  2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
3. From South Fork Eel River to Cape Horn Dam.	Jan. 1 through Mar. 31 and fourth Sat. in May through Sep. 30. Only artificial lures with barbless hooks may be used.  Apr. 1 through the fourth Fri. in May and Oct. 1 through Dec. 31.	<del>Catch and release of Chinook Salmon.</del> <u>Closed to all salmon fishing.</u>  2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.  Closed to all fishing.
(B) Van Duzen River.		
1. Main stem from its junction with the Eel River to the end of Golden Gate Drive near Bridgeville (approximately 4,000 feet upstream from the Little Golden Gate Bridge). Also see Section 8.00(a)(3) Low-Flow Restrictions.	Fourth Sat. in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Sat. in May through Sep. 30. Only barbless hooks may be used from Oct. 1 through Mar. 31.	<del>Catch and release of Chinook Salmon.</del> <u>Closed to all salmon fishing.</u>  2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(C) South Fork Eel River from mouth to Rattlesnake Creek. Also see Low-Flow Restrictions, Section 8.00(a)(2).	Apr. 1 to fourth Fri. in May.  Fourth Sat. in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Sat. in May through Sep. 30. Only barbless hooks may be used from Oct. 1 through Mar. 31.  Apr. 1 to Fourth Fri. in May.	Closed to all fishing.  <del>Catch and release of Chinook Salmon.</del> <u>Closed to all salmon fishing.</u>  2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.  Closed to all fishing.
(D) Middle Fork Eel River.		

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
1. Middle Fork main stem from mouth to Bar Creek. Also see Section 8.00(a)(2) Low-flow Restrictions.	Jan. 1 through May 31 and Jul. 16 through Sep. 30. At all times, only artificial lures with barbless hooks may be used.  Jun. 1 through Jul. 15 and Oct. through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.  Closed to all fishing.

...[No changes to subsections (b)(41) through (b)(49)]

#### (50) Klamath River Basin Regulations.

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

##### (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, Shasta and 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~~ Closed to all salmon fishing.

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

(D) Klamath River Basin Chinook Salmon Quotas. Klamath River fall-run Chinook Salmon take is regulated using quotas. Accounting of the tribal and non-tribal harvest is closely monitored from Aug. 15 through Dec. 31 each year. Quota areas are noted in subsection (b)(50)(E) with "Fall-run Quota" in the *Open Season and Special Restrictions column*.

1. Quota for Entire Basin.

The 2022 Klamath River Basin quota is 2,119 Klamath River fall-run Chinook Salmon over 23 inches total length. The department shall inform the commission, and the public via the news media, prior to any implementation of restrictions triggered by the quotas. (Note: A department status report on progress toward the quotas for the various river sections is updated weekly, and available by calling 1-800-564-6479.)

2. Subquota Percentages.

a. The subquota for the Klamath River upstream of the Highway 96 bridge at Weitchpec and the Trinity River is 50% of the total Klamath River Basin quota.

(i) The subquota for the Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec is 17% of the total Klamath River Basin quota.

(ii) The subquota for the Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat is 16.5% of the total Klamath River Basin quota.

(iii) The subquota for the Trinity River main stem downstream of the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River is 16.5% of the total Klamath River Basin quota.

b. The subquota for the lower Klamath River downstream of the Highway 96 bridge at Weitchpec is 50% of the total Klamath River Basin quota.

(i) The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) will close when 15% of the total Klamath River Basin quota is taken downstream of the Highway 101 bridge.

(E) Klamath River Basin Open Seasons and Bag Limits. All anadromous waters of the Klamath River Basin are closed to all fishing all year except those areas listed in the following table. Bag limits are for trout and Chinook Salmon in combination unless otherwise specified.

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag Limit</i>
1. Bogus Creek and tributaries	Fourth Sat. in May through Aug. 31. Only artificial lures with barbless hooks may be used	2 hatchery trout or hatchery steelhead**.
2. Klamath River main stem from 3,500 feet downstream of Iron Gate Dam to the mouth.		
a. Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec.	Jan. 1 to Aug. 14  Fall-run Quota: 360 Chinook Salmon Aug. 15 to Dec. 31, 2022.  Fall-run Quota Exception: Chinook Salmon over 23 inches total length may be retained from 3,500 feet downstream of Iron Gate Dam to the Interstate Highway 5 bridge when the department determines that the adult fall-run Chinook Salmon spawning escapement at Iron Gate Hatchery exceeds 8,000	2 hatchery trout or hatchery steelhead**.  2 Chinook Salmon – no more than 1 fish over 23 inches total length until subquota is met, then 0 fish over 23 inches total length. 2 hatchery trout or hatchery steelhead**.



<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag Limit</i>
	fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.	
b. Klamath River downstream of the Highway 96 bridge at Weitchpec.	<p>Jan. 1 to Jun. 30.</p> <p>Jul. 1 to Aug. 14.</p> <p>Fall-run Quota: 1,060 Chinook Salmon Aug. 15 to Dec. 31, 2022.</p> <p>Fall-run Quota Exception: Spit Area (within 100 yards of the channel through the sand pit 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.</p> <p>All legally caught Chinook Salmon must be retained. Once the adult (greater than 23 inches) component of the total daily bag limit has been retained, anglers must cease fishing in the spit area.</p>	<p>2 hatchery trout or hatchery steelhead**.</p> <p><del>1 Chinook Salmon.</del> <u>Closed to all salmon fishing.</u> 2 hatchery trout or hatchery steelhead**.</p> <p>2 Chinook Salmon – no more than 1 fish over 23 inches total length until subquota is met, then 0 fish over 23 inches total length. 2 hatchery trout or hatchery steelhead**.</p>
3. Salmon River main stem, main stem of North Fork downstream of	Nov. 1 through Feb. 28.	2 hatchery trout or hatchery steelhead**.

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag Limit</i>
Sawyer's Bar bridge, and main stem of South Fork downstream of the confluence of the East Fork of the South Fork.		
4. Scott River main stem downstream of the Fort Jones-Greenview bridge to the confluence with the Klamath River.	Fourth Sat. in May through Feb. 28.	2 hatchery trout or hatchery steelhead**.
5. Shasta River main stem downstream of the Interstate Highway 5 bridge north of Yreka to the confluence with the Klamath River.	Fourth Sat. in May through Aug. 31 and Nov. 16 through Feb. 28.	2 hatchery trout or hatchery steelhead**.
6. Trinity River and tributaries.		
a. Trinity River main stem from 250 feet downstream of Lewiston Dam to the Old Lewiston bridge.	Apr. 1 through Sep. 15. Only artificial flies with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**.
b. Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat.	<p>Jan. 1 to Jun. 30.</p> <p>Jul. 1 to Aug. 31.</p> <p>Fall-run Quota: 350 Chinook Salmon Sep. 1 to Dec. 31, 2022.</p> <p>Fall-run Quota Exception:</p>	<p>10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p> <p><del>1 Chinook Salmon.</del> <u>Closed to all salmon fishing.</u> 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p> <p>2 Chinook Salmon – no more than 1 fish over 23 inches total length until subquota is met, then 0 fish over 23 inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p>

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag Limit</i>
	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 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.	<p>Jan. 1 through Jun. 30.</p> <p>Jul. 1 through Aug. 31.</p> <p>Sep. 1 through Dec. 31.</p>	<p>10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p> <p><del>1 Chinook Salmon.</del> <u>Closed to all salmon fishing.</u> 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p> <p>Closed to all fishing.</p>
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.	<p>Jan. 1 to Jun. 30.</p> <p>Jul. 1 to Aug. 31.</p> <p>Fall-run Quota: 349 Chinook Salmon Sep. 1</p>	<p>10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p> <p><del>1 Chinook Salmon.</del> <u>Closed to all salmon fishing.</u> 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p> <p>2 Chinook Salmon – no more than 1 fish over 23</p>

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag Limit</i>
	through Dec. 31, 2022. This is the cumulative quota for subsections 6.e. and 6.f. of this table.	inches total length until subquota is met, then 0 fish over 23 inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
f. Trinity River main stem downstream of the mouth of the South Fork Trinity River to the confluence with the Klamath River.	Jan. 1 to Aug. 31.  Fall-run Quota: 349 Chinook Salmon Sep. 1 through Dec. 31, 2022. This is the cumulative quota for subsections 6.e. and 6.f. of this table.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.  2 Chinook Salmon – no more than 1 fish over 23 inches total length until subquota is met, then 0 fish over 23 inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
g. Hayfork Creek main stem downstream of the Highway 3 bridge in Hayfork to the confluence with the South Fork Trinity River.	Nov. 1 through Mar. 31. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**.
h. South Fork Trinity River downstream of the confluence with the East Fork of the South Fork Trinity River to the South Fork Trinity River bridge by 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.  Jan. 1 through Mar. 31.	<del>0 Chinook Salmon.</del> <u>Close to all salmon fishing.</u> 2 hatchery trout or hatchery steelhead**.  2 hatchery trout or hatchery steelhead**.

...No changes to subsections (b)(51) through (b)(104)]

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
(105) Smith River (Del Norte Co.). Yearly limits apply for the entire river.	Section 8.00 Low-Flow Restrictions also apply.	
(A) Main stem from the mouth to confluence of Middle and South forks. Also see Section 8.00(a)(7) Low-Flow Restrictions.	Fourth Sat. in May through <del>Apr. 40</del> <u>Apr. 30</u> . Only artificial lures with barbless hooks may be used from the fourth Sat. in May through Aug. 31. Only barbless hooks may be used from Sep. 1 through Apr. 30.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Cutthroat Trout, minimum size limit: 10 inches total length. <del>1 Chinook Salmon and no more than 5 wild Chinook Salmon* over 22 inches per year.</del> <u>Closed to all salmon fishing.</u>
(B) Middle Fork Smith River		
1. From mouth to Patrick Creek. Also see Section 8.00(a)(7) Low-Flow Restrictions.	Fourth Sat. in May through Apr. 30. Only artificial lures with barbless hooks may be used from the fourth Sat. in May through Aug. 31. Only barbless hooks may be used from Sep. 1 through Apr. 30.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Cutthroat Trout, minimum size limit: 10 inches total length. <del>1 Chinook Salmon and no more than 5 wild Chinook Salmon* over 22 inches per year.</del> <u>Closed to all salmon fishing.</u>
2. Above the mouth of Patrick Creek. Also see Section 8.00(a)(7) Low-Flow Restrictions.	Fourth Sat. in May through Oct. 31. Only artificial lures with barbless hooks may be used.	2 Cutthroat Trout, minimum size limit: 10 inches total length. 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
(C) South Fork Smith River.		
1. From the mouth upstream approximately 1,000 feet to the County Road (George Tyron) bridge and Craigs Creek to Jones Creek. Also see Section 8.00(a)(7) Low-Flow Restrictions.	Fourth Sat. in May through Apr. 30. Only artificial lures with barbless hooks may be used from the fourth Sat. in May through Aug. 31. Only barbless hooks may be used from Sep. 1 through Apr. 30.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Cutthroat Trout, minimum size limit: 10 inches total length. <del>1 Chinook Salmon and no more than 5 wild Chinook Salmon* over 22 inches per year.</del> <u>Closed to all salmon fishing.</u>
2. From the George Tyron bridge upstream to the mouth of Craigs Creek. Also see Section 8.00(a)(7) Low-Flow Restrictions.	Closed to all fishing all year.	
3. Above the mouth of Jones Creek. Also see Section 8.00(a)(7) Low-Flow Restrictions.	Fourth Sat. in May through Oct. 31. Only artificial lures with barbless hooks may be used.	2 Cutthroat Trout, minimum size limit: 10 inches total length. 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(D) North Fork Smith River.		

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
1. From the mouth to Stony Creek. Also see Section 8.00(a)(7) Low-Flow Restrictions.	Fourth Sat. in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Sat. in May through Aug. 31. Only barbless hooks may be used from Sep. 1 through Mar. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Cutthroat Trout, minimum size limit: 10 inches total length. <del>1 Chinook Salmon and no more than 5 wild Chinook Salmon* over 22 inches per year.</del> <u>Closed to all salmon fishing.</u>
2. Above the mouth of Stony Creek.	Fourth Sat. in May through Oct. 31. Only artificial lures with barbless hooks may be used.	2 Cutthroat Trout, minimum size limit: 10 inches total length. 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

...[No changes to subsections (b)(106) 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.

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

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

STD. 399 (Rev. 10/2019)

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME <b>Fish and Game Commission</b>	CONTACT PERSON <b>David Thesell</b>	EMAIL ADDRESS <b>fgc@fgc.ca.gov</b>	TELEPHONE NUMBER 
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 <b>Emergency Action to Amend Section 7.40(b), Title 14, CCR, Re: Salmon Fishing Emergency Closure</b>			NOTICE FILE NUMBER <b>Z</b>

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

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

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

**Emergency action: no economic assessment only fiscal impact assessment*****If any box in Items 1 a through g is checked, complete this Economic Impact Statement.******If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***2. The \_\_\_\_\_ estimates that the economic impact of this regulation (which includes the fiscal impact) is:  
(Agency/Department)

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

3. Enter the total number of businesses impacted: \_\_\_\_\_

Describe the types of businesses (Include nonprofits): \_\_\_\_\_

Enter the number or percentage of total -  
businesses impacted that are small businesses: \_\_\_\_\_

4. Enter the number of businesses that will be created: \_\_\_\_\_ eliminated: \_\_\_\_\_

Explain: \_\_\_\_\_

5. Indicate the geographic extent of impacts: ☐ Statewide  
☐ Local or regional (List areas): \_\_\_\_\_

6. Enter the number of jobs created: \_\_\_\_\_ and eliminated: \_\_\_\_\_

Describe the types of jobs or occupations impacted: \_\_\_\_\_

7. Will the regulation affect the ability of California businesses to compete with  
other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: \_\_\_\_\_



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

STD. 399 (Rev. 10/2019)

**ECONOMIC IMPACT STATEMENT (CONTINUED)****B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ \_\_\_\_\_
  - a. Initial costs for a small business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
  - b. Initial costs for a typical business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
  - c. Initial costs for an individual: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
  - d. Describe other economic costs that may occur: \_\_\_\_\_  
\_\_\_\_\_
2. If multiple industries are impacted, enter the share of total costs for each industry: \_\_\_\_\_  
\_\_\_\_\_
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements.  
*Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ \_\_\_\_\_
4. Will this regulation directly impact housing costs? ☐ YES ☐ NO -  
If YES, enter the annual dollar cost per housing unit: \$ - \_\_\_\_\_  
Number of units: \_\_\_\_\_
5. Are there comparable Federal regulations? ☐ YES ☐ NO -  
Explain the need for State regulation given the existence or absence of Federal regulations: \_\_\_\_\_  
\_\_\_\_\_
- Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ \_\_\_\_\_

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?  
Explain: \_\_\_\_\_
3. What are the total statewide benefits from this regulation over its lifetime? \$ \_\_\_\_\_
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

STD. 399 (Rev. 10/2019)

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

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

Regulation: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 1: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 2: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: \_\_\_\_\_

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

Explain: - \_\_\_\_\_

**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☐ NO***If YES, complete E2. and E3******If NO, skip to E4***

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

Alternative 1: \_\_\_\_\_

Alternative 2: \_\_\_\_\_

*(Attach additional pages for other alternatives)*

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

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

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

Alternative 2: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: \_\_\_\_\_

The incentive for innovation in products, materials or processes: \_\_\_\_\_

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: \_\_\_\_\_

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

STD. 399 (Rev. 10/2019)

**FISCAL IMPACT STATEMENT****A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

- ☐ a. Funding provided in \_\_\_\_\_

Budget Act of - \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

- ☐ b. Funding will be requested in the Governor's Budget Act of \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

*Check reason(s) this regulation is not reimbursable and provide the appropriate information:*

- ☐ a. Implements the Federal mandate contained in \_\_\_\_\_

- ☐ b. Implements the court mandate set forth by the \_\_\_\_\_ Court.

Case of: - \_\_\_\_\_ vs. \_\_\_\_\_

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_

Date of Election: \_\_\_\_\_

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: \_\_\_\_\_  
\_\_\_\_\_

- ☐ e. Will be fully financed from the fees, revenue, etc. from: \_\_\_\_\_

Authorized by Section: \_\_\_\_\_ of the - \_\_\_\_\_ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in \_\_\_\_\_

- ☐ 3. Annual Savings. (approximate)

\$ \_\_\_\_\_

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain \_\_\_\_\_  
\_\_\_\_\_

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

STD. 399 (Rev. 10/2019)

**FISCAL IMPACT STATEMENT (CONTINUED)****B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

*It is anticipated that State agencies will:*☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the \_\_\_\_\_ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain \_\_\_\_\_  
\_\_\_\_\_**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

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

\$ \_\_\_\_\_

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

FISCAL OFFICER SIGNATURE

DocuSigned by:  
 Dan Reagan

85508701E2D347D...

DATE

5/8/2023

*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY

DATE

*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



**STD399 ADDENDUM**

Emergency Action -  
to Amend subsections (b)(40), (b)(50), and (b)(105) of Section 7.40, -  
Title 14, California Code of Regulations -  
Re: Chinook Salmon Fishing Closures -

**Economic Impact Statement****A. ESTIMATED PRIVATE SECTOR COST IMPACTS**

1. Answer: h. None of the above. (Explain below):

Emergency regulations do not require an economic impact statement; only fiscal impacts must be evaluated (California Government Code Section 11346.1).

Fiscal Impact Statement details are provided below.

**Fiscal Impact Statement****A. FISCAL EFFECT ON LOCAL GOVERNMENT**

Answer: 5. No fiscal impact.

The proposed amendment to Section 7.40, Title 14, CCR will not have the potential for a fiscal effect on local governments.

**B. FISCAL EFFECT ON STATE GOVERNMENT**

Answer: 3. No fiscal impact.

The Commission anticipates that the proposed emergency action will have no fiscal effect on State government. The California Department of Fish and Wildlife has determined that the proposed salmon emergency will not affect the already existing level of monitoring and enforcement activities. North Coast Salmon Report card sales revenue to the Department is anticipated to vary within historic levels.

Additionally, no other state agencies would be affected by this regulatory action.

**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS**

Answer: 3. No fiscal impact.

The proposed emergency action will not have the potential for a fiscal effect on the federal funding of state programs.



# Proposed Emergency Salmon Fishing Closures for 2023-2024



Klamath River

Presentation to the Fish and Game Commission

May 17, 2023

Jay Rowan

Chief, Fisheries Branch

# Presentation Overview

- Background
- Drought and low flow conditions
- Status of salmon fisheries
- PFMC and CDFW recommendations
- Need for emergency regulation
- Proposed temporary emergency salmon fishing closures

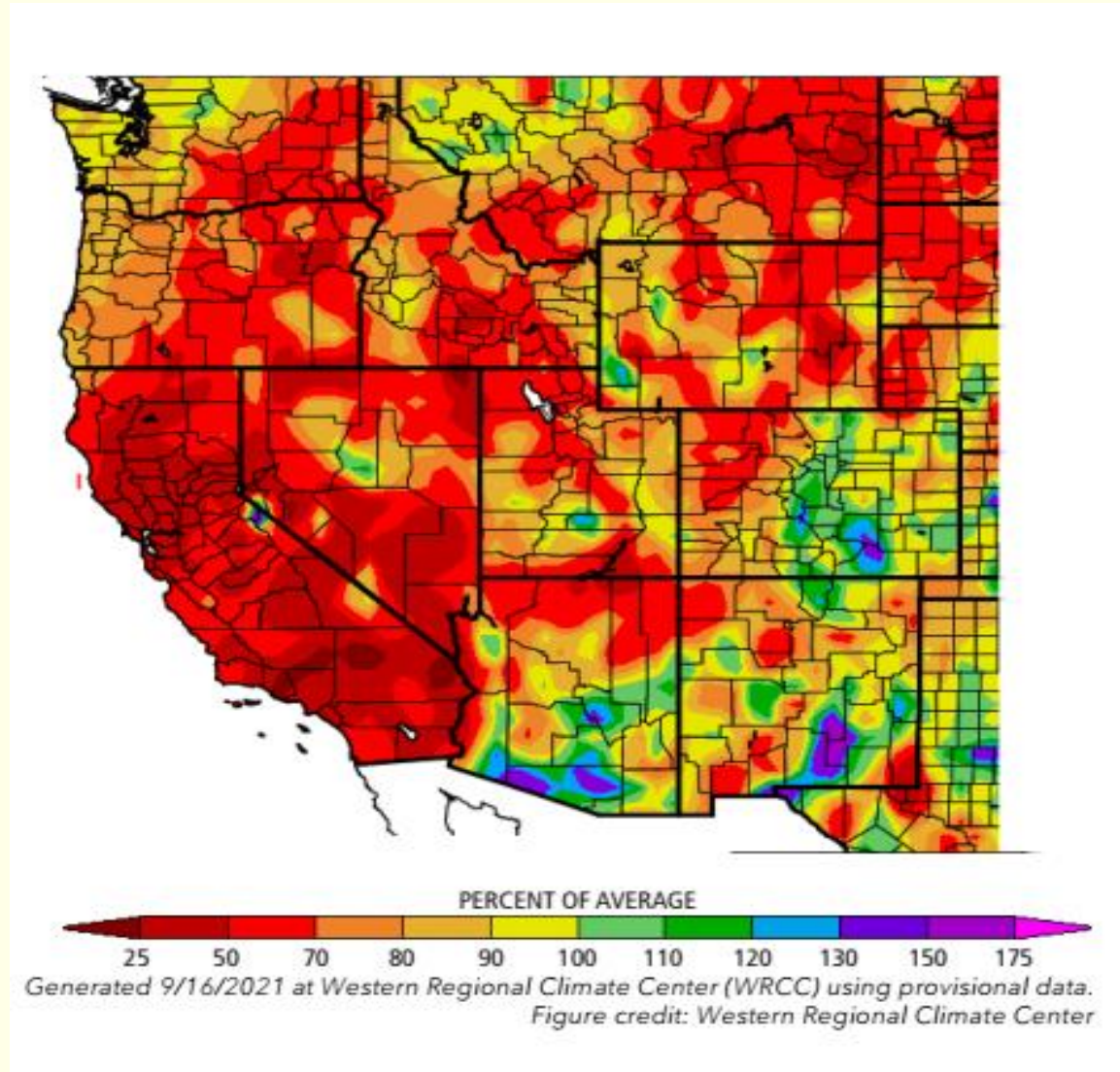
# Background

- Drought, low flows, and ocean conditions have led to a significant decline of California Chinook Salmon stocks
- Pacific Fishery Management Council has recommended closure of California fisheries in 2023
- Yurok tribe announced the cancellation of their commercial fishery for 2023
- Additional Klamath-Trinity River, Smith River, and Eel River fisheries are open or scheduled to be open to salmon fishing in 2023 in California

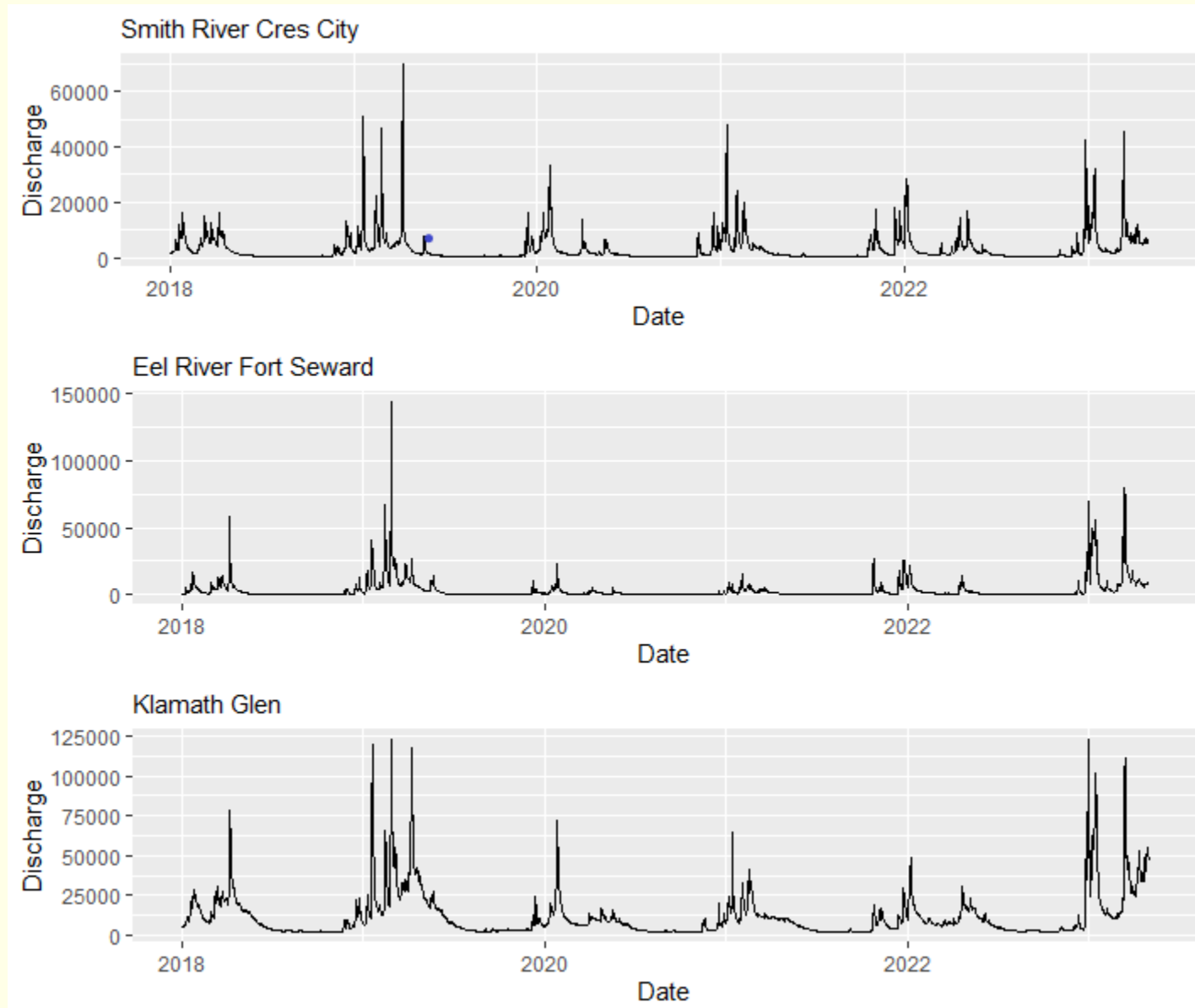


# 2020-2021 Drought

- Second consecutive year of far below average rainfall
- Second warmest year on record
- Emergency drought proclamations declared throughout California



# Stream Flow 2018 to Present



# Status of Salmon Fisheries

- Salmon stocks in the west are in decline:
  - Klamath-Trinity River spring Chinook Salmon CESA listed
  - 2023 SRFC and KRFC ocean abundance forecasts are 3rd lowest on record
  - Early adult return data from spring Chinook in Mill, Deer and Butte creeks are extremely low
  - Ocean habitat compression and shifts in ocean forage have created difficult conditions for Chinook Salmon in the southern range of their distribution

# Recent PPMC and CDFW Recommendations

- April 6, 2023 - PPMC adopted final ocean salmon season recommendations:
  - Complete closure of recreational and commercial ocean salmon fisheries off the California Coast, severely constrained off Oregon Coast
- May 17, 2023 – CDFW recommendations to the Fish and Game Commission:
  - Complete closure of the recreational KRFC fishery in the Klamath River Basin
  - Complete closure of the recreational SRFC fishery in the Sacramento, American, Feather, and Mokelumne rivers

# Need for Emergency Regulation Change

- Salmon experienced severe drought conditions, habitat compression, and changes in ocean forage
- Projections and early return data suggests historic low adult salmon returning throughout California this year
- Shift in salmon fishing effort has the potential to cause significant impacts to these smaller fisheries
- Opportunity to maximize rebuilding this year

# **Proposed Temporary Emergency Fishing Closure**

- Amend Title 14, Section 7.40(b) to close all remaining in-river recreational salmon fishing in California:
  - 7.40(b)(40) Eel River
  - 7.40(b)(50) Klamath and Trinity rivers
  - 7.40(b)(105) Smith River



# Questions ♦ Thank You



**Smith River**

Jay Rowan

Chief, Fisheries Branch

[Jay.Rowan@wildlife.ca.gov](mailto:Jay.Rowan@wildlife.ca.gov)