

STAFF SUMMARY FOR MAY 17, 2023

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

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

Summary of Previous/Future Actions

- | | |
|-----------------------------------|-------------------|
| • WRC vetting | Sep 15, 2022; WRC |
| • Notice hearing | Feb 8-9, 2023 |
| • Discussion hearing | Apr 19-20, 2023 |
| • Today's adoption hearing | May 17, 2023 |

Background

The Commission annually adopts Klamath River Basin sport fishing regulations for consistency with federal fishery management goals. 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 sections 5.87 and 7.40 related to Klamath River Basin sport fishing regulations. The initial statement of reasons (ISOR, Exhibit 1) includes proposed changes to Section 7.40 for bag, possession and size limits. Additionally, non-substantive changes are proposed to Section 5.87 to provide cross-reference to Section 7.40 for grilse size limits, remove obsolete form FG 684, and capitalize common names of fish species consistent with rules applicable to the names of fish species adopted by the American Fisheries Society in 2013 and used by the Department.

On April 6, 2023, PFMC adopted its final ocean and in-river KRFC fishery season recommendation: a full closure of commercial and recreational ocean salmon fishing. At the Commission's April meeting, the Department recommended full closure of the 2023 KRFC in-river recreational fishery, consistent with PFMC's recommendation (Exhibit 9).

In response to the Department's recommendation, the Commission approved a 15-day public notice of amendments to Section 7.40 to add a "no fishing" option to this rulemaking that would close all KRFC fishing in the Klamath and Trinity rivers and associated tributaries, or specific areas/bodies of water (exhibits 3 and 4); no revisions were proposed to Section 5.87. The Commission published the 15-day notice on April 27.

Based on the ISOR and subsequent amendments, the options for consideration affecting Section 7.40 are:

- Option 1 (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.

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- 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.
- Option 2 (proposed via public notice)
 - Closed to the take and possession of Chinook salmon.

At today's meeting, the Commission is expected to adopt specific quota, size, bag and possession limits, and season dates, for KRFC based on PFMC's final recommendation.

California Environmental Quality Act (CEQA)

The Department drafted an initial study and negative declaration as a proposed mechanism for complying with CEQA, and provided the draft to the Commission at the April meeting. Commission staff has reviewed and analyzed the negative declaration and determined that it reflects the independent judgment of the Commission. The Commission submitted the draft negative declaration for public comment (State Clearinghouse Number 2023040374, available at ceqanet.opr.ca.gov/2023040374); no public comments were received.

Significant Public Comments (N/A)

Recommendation

Commission staff: Adopt the negative declaration prepared pursuant to CEQA in Exhibit 7, amend Section 5.87 as presented in Exhibit 2, and adopt Option 2 in Exhibit 4.

Department: Adopt the regulatory changes as proposed.

Exhibits

1. [Klamath River Basin sport fishing ISOR, dated February 8, 2023](#)
2. [Originally-proposed regulatory language](#)
3. [Department memo transmitting revised regulatory language, received April 13, 2023](#)
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. [DFW memo transmitting draft initial study and negative declaration, received April 13](#)
7. [Initial study and draft negative declaration, dated April 2023](#)
8. [Notice of completion and document transmittal form and summary form](#)
9. [Department presentation made at the April 19-20, 2023 Commission meeting](#)
10. [E-mail in lieu of a pre-adoption statement of reasons](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the negative declaration prepared pursuant to the California Environmental Quality Act, approves the proposed project, and adopts proposed changes to Section 5.87 and subsection 7.40(b)(50) related to Klamath River Basin sport fishing regulations for the 2023 season, as discussed today.

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 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.

Klamath River Spring-Run Chinook Salmon

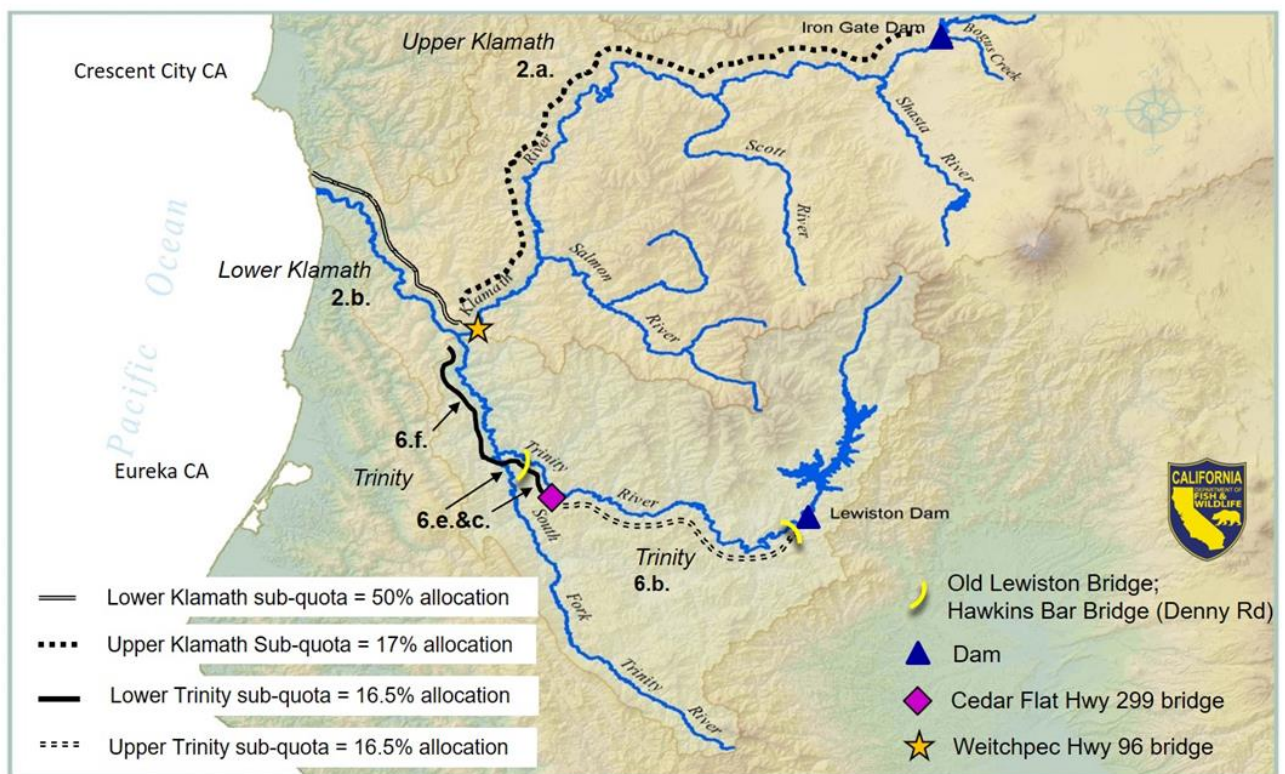
The Klamath River Basin also supports Klamath River spring-run Chinook Salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases. Presently, KRSC stocks are not managed or allocated by PFMC. This in-river sport fishery is managed by general basin seasons,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

KRFC Allocation Management

The PFMC 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)

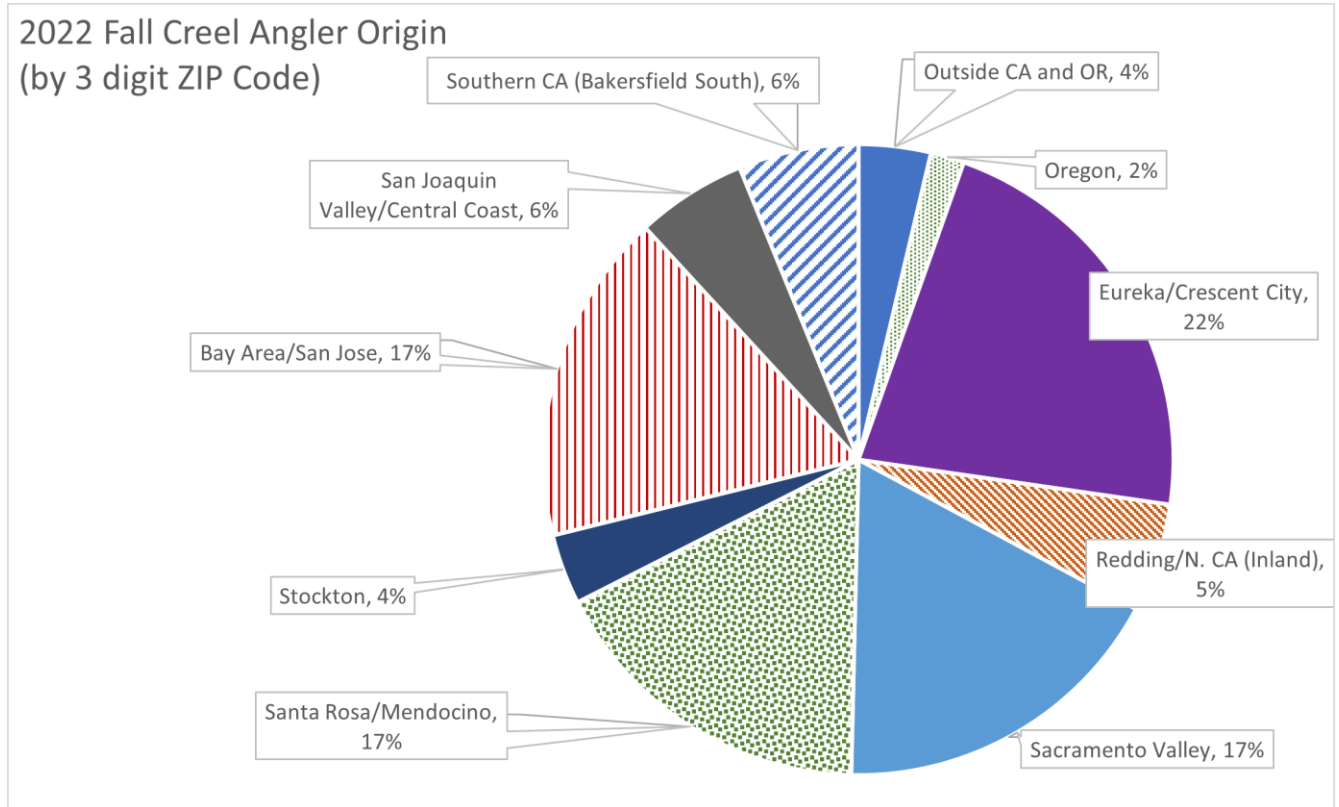
Klamath Sportfishing	Salmon	Steelhead	Total Impact
Expenditures	\$1,265,329	\$3,428	\$1,268,757
Labor Income	\$708,036	\$1,918	\$709,954
Total Economic Impact	\$2,252,286	\$6,101	\$2,258,387
Total Jobs Impact	26	0.1	26

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 1 <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 1 <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 1 <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 1 <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 1 <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
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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
Wildlife and Fisheries Division

Tina Bartlett, Regional Manager
Northern Region (Region 1)

Brett Kormos, Env. Program Manager
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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> .	Option 1: 2<u>[0-4]</u> Chinook Salmon - no more than 1<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: 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 1 <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, 2022 2023.	Option 1: 2 0-4 Chinook Salmon - no more than 1 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

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 <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.	Option 1: 2<u>[0-4]</u> Chinook Salmon - no more than 1<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**. 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 <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.	Option 1: 2<u>[0-4]</u> Chinook Salmon - no more than 1<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**. 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.

Memorandum

Date: April 14, 2023

Original on file,
Received April 13, 2023

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

From: Charlton H. Bonham
Director

Subject: **Initial Study and Negative Declaration for Proposed Amendments to 2023-2024 Klamath River Basin Sport Fishing Regulations, Subsection (b)(50) of Section 7.40, Title 14, California Code of Regulations**

In compliance with the California Environmental Quality Act, the Department of Fish and Wildlife (Department) has prepared the enclosed *Initial Study/Negative Declaration for Proposed Amendments to the Klamath River Basin Sport Fishing Regulations, Title 14, California Code of Regulations* for 2023-2024. The Fish and Game Commission (Commission) proposes to amend the Klamath River Basin sport fishing regulations as set forth in Title 14, subsection 7.40(b)(50) of the California Code of Regulations for Klamath River fall-run Chinook Salmon based on federal fisheries management goals and to make additional changes for clarity. Based on the initial study, the Department does not think that the proposed amendments to the Klamath River Basin sport fishing regulations will have any significant or potentially significant effects on the environment. The Department recommends the Commission adopt the proposed negative declaration.

If you have any questions regarding the enclosed documents, please contact Karen Mitchell, Senior Environmental Scientist, at (916) 205-0250.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Tina Bartlett, Regional Manager
Northern Region (Region 1)

Jay Rowan, Branch Chief
Fisheries Branch
Wildlife and Fisheries Division

Brett Kormos, Env. Program Manager
Northern Region (Region 1)

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 14, 2023
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STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
CALIFORNIA FISH AND GAME COMMISSION
DRAFT INITIAL STUDY/NEGATIVE DECLARATION

FOR

PROPOSED AMENDMENTS
TO
2023-2024 KLAMATH RIVER BASIN SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS

Prepared by:

California Department of Fish and Wildlife
Fisheries Branch

APRIL 2023

This report has been prepared pursuant to the
California Environmental Quality Act of 1970

Project Summary and Findings

The Project

The California Fish and Game Commission (Commission) proposes to amend the Klamath River Basin sport fishing regulations as set forth in Title 14, subsection 7.40(b)(50) of the California Code of Regulations for Klamath River fall-run Chinook Salmon (KRFC) based on federal fisheries management goals and to make additional changes for clarity (project). The current Klamath River Basin sport fishing regulations allow sport fishing for KRFC in the Klamath River and Trinity River systems, subject to specific limitations. Each year the California Department of Fish and Wildlife (Department) evaluates the potential need to update the Klamath River Basin sport fishing regulations for KRFC to align with federal fisheries management goals and presents any proposed amendments to the Commission for consideration.

The Findings

The initial study and the Commission's review of the project showed that the project will not have any significant or potentially significant effects on the environment, and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. The project will not have a significant effect on aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

Basis of the Findings

Based on the initial study, implementing the project will not have any significant or potentially significant effects on the environment. Therefore, the Commission is filing this negative declaration pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21080, subdivision (c).

This proposed negative declaration consists of:

- Project Description and Background Information on the Proposed Amendments to Klamath River Basin Sport Fishing Regulations for KRFC
- Initial Study Environmental Checklist Form
- Explanation of the Responses to the Initial Study Environmental Checklist Form

**PROJECT DESCRIPTION AND BACKGROUND INFORMATION FOR
PROPOSED AMENDMENTS
TO
KLAMATH RIVER BASIN SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

Each year the Department evaluates the potential need to update the Klamath River Basin sport fishing regulations for KRFC to align with management goals and presents any proposed amendments to the Commission for consideration. The Department is proposing amendments to the bag and possession limits and the adult quota based on Pacific Fishery Management Council (PFMC) recommendations for federal fishery management goals. In addition, the Department is proposing a range of size limits to determine between grilse and adult Chinook Salmon. The Commission makes the final determination on what, if any, amendments to the regulations will be implemented and is the lead agency for the purposes of CEQA. Under Fish and Game Code Section 200, the Commission has the authority to regulate the taking or possession of fish for the purpose of sport fishing.

Project Goals and Objectives

The goal of this project is to amend the Klamath River Basin sport fishing regulations in furtherance of the state's policy on conservation, maintenance, and utilization of California's aquatic resources stated in Fish and Game Code Section 1700. This Section includes the following objectives:

1. Maintain sufficient populations of all aquatic species to ensure their continued existence.
2. Maintain sufficient resources to support a reasonable sport use.
3. Management of fisheries using best available science and public input.

Background

The Klamath River Basin, which consists of the Klamath River and Trinity River systems is managed for fall-run Chinook Salmon (*Oncorhynchus tshawytscha*) through a cooperative system of state, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean sport, ocean commercial, river sport, and tribal fisheries.

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

The Commission adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River Basin (in-river) sport fisheries which are consistent with federal fishery management goals. Tribal entities within the Klamath River Basin maintain fishing rights for ceremonial, subsistence, and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations are promulgated by individual tribal governments.

The Klamath River Basin in-river KRFC sport fishery is managed using adult quotas. A quota range of 0–67,600 adult KRFC in the Klamath River Basin is utilized for public notice purposes for the in-river sport fishery. This recommended range encompasses the historical range of the Klamath River Basin allocations and allows PFMC and the Commission to make adjustments during the 2023 regulatory cycle. The annual KRFC in-river harvest quota specified in subsection 7.40(b)(50)(D)1 is split between four geographic areas between the Klamath and Trinity rivers with a subquota for each area, expressed as a percentage of the total in-river quota. These geographic areas are based upon the historical distribution of angler effort to ensure equitable harvest of adult KRFC in the Klamath River and Trinity River.

The PFMC 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. 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 proposed sport fishing regulations for the Klamath and Trinity rivers *may*:

- (1) increase or decrease the current salmon bag and possession limits;
- (2) increase or decrease the size limit for adult salmon; or
- (3) 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.

The proposed sport fishing regulations for the Klamath and Trinity rivers *will*:

- (1) set a Klamath River Basin quota between 0 and 67,600 adult KRFC and subquotas based on that quota.

Project Location

The sport fishing addressed by this environmental document occurs in the waters of the Klamath River Basin, which consists of the Klamath River and Trinity River systems.

The Klamath River Basin is in the northern California counties of Del Norte, Humboldt, Siskiyou, and Trinity.

Schedule

If adopted by the Commission and approved by the Office of Administrative Law, the proposed regulatory amendments described below will go into effect around August 15, 2023.

Current Regulations

At its May 19, 2022, teleconference, the Commission adopted Klamath River Basin bag and possession limits and an adult quota for KRFC in alignment with federal regulations. These regulatory amendments went into effect on August 15, 2022, after they were approved by the Office of Administrative Law. A summary of the 2022 Klamath River Basin bag and possession limits and the KRFC adult quota is:

1. A daily bag limit of 2 Chinook Salmon, of which no more than 1 Chinook Salmon over 23 inches total length may be retained when the take of salmon over 23 inches total length is allowed.
2. A possession limit of 6 Chinook Salmon, of which no more than 3 Chinook Salmon over 23 inches total length may be retained when the take of salmon over 23 inches total length is allowed.
3. A Klamath River Basin quota of 2,119 adult KRFC (greater than 23 inches total length).

The 2022 Klamath River Basin quota of 2,119 adult KRFC aligned with the 2022 federal regulations, which provided guidance on allocations between ocean sport and commercial fisheries, inland sport fisheries, and recognized tribal fisheries.

Sport fishing seasons for KRFC were not changed and remained as follows:

1. Klamath River - August 15 through December 31
2. Trinity River - September 1 through December 31

Proposed Changes

Key to Proposed Regulatory Changes

Because the PFMC recommendations are not known at this time, ranges are shown in [brackets] in the proposed regulatory text below of 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 Fishery Closure Option

The Department is proposing a “no fishing” option for the 2023 KRFC in-river sport fishery. Based on recent information related to the status and trend for the KRFC encountered in PFMC managed ocean fisheries, the Department expects that a full KRFC fishery closure is likely warranted for all California 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 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).

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 the Commission to make adjustments during the 2023 regulatory cycle.

Subquotas: The proposed subquotas for KRFC 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 total quota equates to [0-11,492];
2. Main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the total quota equates to [0-33,800];
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 from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the total quota equates to [0-11,154].

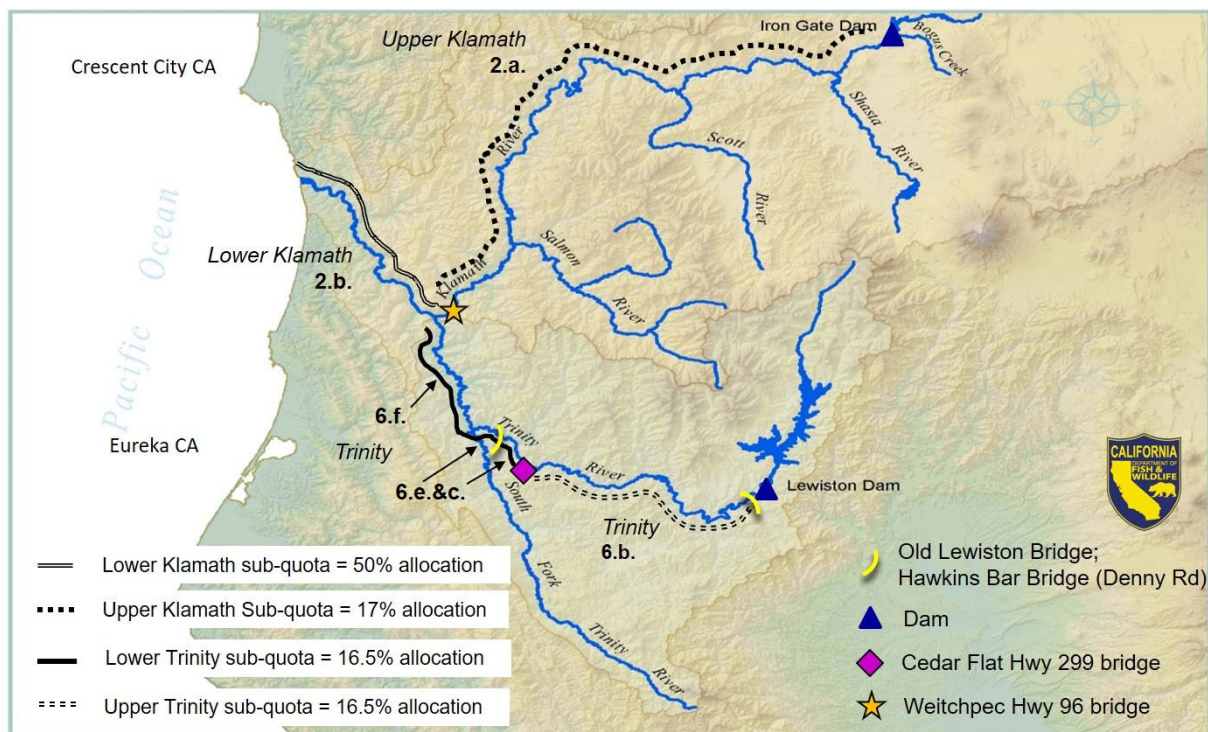


Figure 1. Map of the Klamath River Basin, showing the subquotas by reach of Trinity and Klamath rivers, and the associated subsections of 7.40(b)(50)(E).

Seasons: No changes are proposed for the Klamath River and Trinity River KRFC seasons:

- Klamath River - August 15 to December 31
- Trinity River - September 1 to December 31

Bag and Possession Limits: As in previous years, no retention of adult KRFC is proposed once the subquota has been met.

The range of proposed bag and possession limits for KRFC stocks are:

- Bag Limit - [0-4] Chinook Salmon – of which no more than [0-4] fish over [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.

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

Size Limits: the proposed regulations 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 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.

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. In-season estimates for real-time quota management are derived using a preliminary length cut-off (55 centimeter FL), while post-season assessment utilizes data from coded wire tag recoveries and scale aging methods to apportion age classes to the entire harvest estimate. 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 1990s. 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.

ENVIRONMENTAL CHECKLIST FORM

1. Project Title:
Proposed 2023-2024 Amendments to Klamath River Basin Sport Fishing Regulations, Title 14, California Code of Regulations
2. Lead Agency Name and Address:
California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814
3. Contact Person and Phone Number:
Melissa Miller-Henson, (916) 653-4899
4. Project Location:
The Klamath River and Trinity River systems.

5. Project Sponsor's Name and Address:
California Department of Fish and Wildlife
Fisheries Branch
1010 Riverside Parkway
West Sacramento, CA 95605
6. General Plan designation: N/A (statewide)
7. Zoning: N/A (statewide)
8. Description of Project:
Potentially amend the daily bag and possession limits and adult quota for Klamath River fall-run Chinook Salmon for the Klamath River Basin sport fishery based on PFMC recommendations; adjust the adult/grisle cutoff length to more effectively manage the harvest of the adult KRFC quota; or 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.
9. Surrounding land uses and setting: N/A
10. Other Public Agencies Whose Approval Is Required: None
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31?
No.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| ☐ Aesthetics | ☐ Agriculture and Forestry | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Energy |
| ☐ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards and Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population/Housing | ☐ Public Services |

☐ Recreation

☐ Transportation

☐ Tribal Cultural
Resources

☐ Utilities/Service
Systems

☐ Wildfire

☐ Mandatory
Findings of
Significance

This project will not have a "Potential Significant Impact" on any of the environmental factors listed above; therefore, no boxes are checked.

DETERMINATION

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Melissa Miller-Henson, Executive Director

April 14, 2023

Date

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:	☐	☐	☐	NI
a) Have a substantial adverse effect on a scenic vista	☐	☐	☐	NI
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☐	NI
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.	☐	☐	☐	NI
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	☐	☐	☐	NI
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	NI
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	NI
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	NI
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	NI
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	NI
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	NI
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	NI
d) Result in any other emissions (such as those leading to odors) affecting a substantial number of people?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	LTS	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	NI
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	NI
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	NI
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	NI
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	NI
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	NI
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	NI
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations?	☐	☐	☐	NI
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	NI
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	NI
ii) Strong seismic ground shaking?	☐	☐	☐	NI
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	NI
iv) Landslides?	☐	☐	☐	NI
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	NI
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	NI
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	NI
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	NI
VIII. GREENHOUSE GAS EMISSIONS.				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	NI
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	NI
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	NI
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	NI
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	NI
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	NI
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	NI
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	NI
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☐	NI
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	NI
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☐	NI
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	NI
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of pollution runoff; or	☐	☐	☐	NI
iv) impede or redirect flood flows?	☐	☐	☐	NI
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	NI
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	NI
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	NI
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	NI
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
value to the region and the residents of the state?				
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	NI
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	NI
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	NI
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	NI
XIV. POPULATION AND HOUSING.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	NI
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
XV. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	NI
Police protection?	☐	☐	☐	NI
Schools?	☐	☐	☐	NI
Parks?	☐	☐	☐	NI
Other public facilities?	☐	☐	☐	NI
XVI. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	LTS	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	NI
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	NI
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	NI
d) Result in inadequate emergency access?	☐	☐	☐	NI
XVIII. TRIBAL CULTURAL RESOURCES.	☐	☐	☐	NI
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	NI
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	NI
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
construction or relocation of which could cause significant environmental effects?				
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	NI
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	NI
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	NI
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	NI
XX WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	NI
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	NI
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	NI
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	NI
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	NI
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	NI

Explanation of Responses to Initial Study Environmental Checklist

I. Aesthetics

- a) The project will not have an adverse effect on a scenic vista. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade, in nonurbanized areas, the existing visual character or quality of public views of the site and its surroundings. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. Agriculture and Forestry Resources

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

III. Air Quality

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

IV. Biological Resources

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the Department, NMFS or U. S. Fish and Wildlife Service (USFWS).

The proposed sport fishing regulations for the Klamath and Trinity rivers *may*:

- (1) increase or decrease the current salmon bag and possession limits;
- (2) increase or decrease the size limit for adult salmon from greater than 23 inches total length to greater than 20 to 24 inches total length; or
- (3) 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.

The proposed sport fishing regulations for the Klamath and Trinity rivers *will*:

- (1) set a Klamath River Basin quota between 0 and 67,000 adult KRFC and subquotas based on that quota.

Any changes to the Klamath River Basin sport fishing regulations will be based on the 2023 PFMC recommendations for the management of sport and commercial ocean salmon fisheries in the exclusive economic zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California and 2023 NMFS ocean salmon fishing regulations and aligned with KRFC biological and fishery allocation goals. The PFMC recommendation process includes the consolidation and consideration of the best scientific information available from California, Oregon, and Washington on the status of various salmon stocks.

The Department conducts annual creel surveys to monitor harvest of KRFC and closes the fishery to the harvest of adult KRFC when it is anticipated that the adult KRFC quota will be met. Typically, grilse KRFC fisheries continue after the adult KRFC quota has been met. 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. 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). 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. Coho Salmon are currently protected by harvest prohibitions and the proposed change will have no significant impacts to this species.

Coho Salmon, which is federally- and state-listed, and spring Chinook Salmon, which is state-listed as a candidate species, co-occur in the project area. Existing regulations prohibit take of Coho Salmon; spring Chinook Salmon are currently protected by regulations which have a reduced bag limit and season length. Spring Chinook Salmon will not incur significant impacts as a result of the proposed project because the proposed change is limited to KRFC and the overlap of the two ecotypes in run and spawn timing is minimal.

- b) The project will not have an adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies and regulations, or by the Department or the USFWS. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- c) The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- d) The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Such an impact will not occur because the project will not result in any construction, land alteration, or land use changes.
- f) The project will not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

V. Cultural Resources

- a) The project will not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. There is no ground disturbing work or work permanently modifying any existing structure or resource and thus no potential to affect historical resources.
- b) The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. There is no ground disturbing work and thus no potential to affect archaeological resources.
- c) The project will not disturb any human remains, including those interred outside of formal cemeteries. There is no ground disturbing work and thus no potential to affect human remains.

VI. Energy

- a) The project would not result in a potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations. Such an impact will not occur because the project will not use energy resources.
- b) The project will not affect nor obstruct any state or local plan for renewable energy or energy efficiency.

VII. Geology and Soils

- a i) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area, or based on other substantial evidence of a known fault. Such an impact will not occur because the project will not create any structures for human habitation.
- a ii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Such an impact will not occur because the project will not create any structures for human habitation.
- a iii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Such an impact will not occur because the project will not create any structures for human habitation.
- a iv) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Such an impact will not occur because the project will not create any structures for human habitation.

- b) The project will not result in substantial soil erosion or the loss of topsoil. Such an impact will not occur because the project will not involve ground disturbing work.
- c) The project will not be located on a geologic unit or soil that is unstable, or that would become unstable and potentially result in on- or off- site landslides, lateral spreading, subsidence, liquefaction, or collapse. Such an impact will not occur because the project will not involve ground disturbing work.
- d) The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Such an impact will not occur because the project will not involve ground disturbing work.
- e) The project will not create any sources of waste water requiring a septic system.
- f) The project will not indirectly destroy a unique paleontological resource or site or unique geologic feature.

VIII. Greenhouse Gas Emissions

- a) The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will not involve construction, land alternation, or land use changes.
- b) The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. The project would result in the production of very low GHG emissions.

IX. Hazards and Hazardous Materials

- a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project will not involve the transport, use, or disposal of hazardous materials.
- b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project will not involve the transport, use, or disposal of hazardous materials.
- c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project will not involve the transport, use, or emission of any hazardous materials.
- d) The project will not be located on any site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) The project will not be located within an airport land use plan area.

- f) The project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The project will not involve any construction, land alteration, or land use changes.
- g) The project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The project will not involve any construction, land alteration, or land use changes.

X. Hydrology and Water Quality

- a) The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The project will not involve any construction, land alteration, water use, or water discharge.
- b) The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The project will not involve any construction, land alteration, or groundwater use.
- c i) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in substantial erosion or siltation on- or off-site because the project will not involve any construction or land alteration.
- c ii) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in flooding on- or off-site because the project will not involve any construction or land alteration.
- c iii) The project will not create or contribute runoff water that would exceed the capacity of existing or planned storm-water drainage systems, or provide substantial additional sources of polluted runoff because the project will not involve any construction or land alteration.
- c iv) The project will not impede or redirect flood flows because the project will not involve any construction or land alteration.
- d) In flood hazard, tsunami, or seiche zones, the project would not risk release of pollutants due to project inundation because the project would not involve any construction or land alteration.
- e) The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project will not involve any construction, land alteration, or groundwater use.

XI. Land Use and Planning

- a) The project will not physically divide an established community. The project will not involve any construction, land alteration, or land use changes.
- b) The project will not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The project will not involve any construction, land alteration, or land use changes.

XII. Mineral Resources

- a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- b) The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

XIII. Noise

- a) The project will not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The project will not involve construction or physical alteration of land, and its implementation will not generate noise levels in excess of agency standards.
- b) The project will not result in generation of excessive ground-borne vibration or ground-borne noise levels. The project will not involve construction or physical alteration of land.
- c) The project will not be located within the vicinity of a private airstrip or an airport use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

XIV. Population and Housing

- a) The project will not induce substantial unplanned population growth in an area, either directly or indirectly. Such an impact will not occur because the project will not construct any new homes, businesses, roads, or other human infrastructure.
- b) The project will not displace any existing people or housing and will not necessitate the construction of replacement housing elsewhere.

XV. Public Services

- a) The project will not have any significant environmental impacts associated with new or physically altered governmental facilities. The project will not involve any construction, land alteration, or land use changes.

XVI. Recreation

- a) The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The proposed changes to the Klamath River Basin sport fishing regulations for KRFC will have minimal to no impact on recreational facilities. Based on the PFMC process for the 2022 salmon fishing season, the Commission may adopt a quota for adult KRFC that is lower or higher than that quota for the 2021 season. Also, the Commission is not considering changing the length of the season for KRFC in the Klamath River Basin sport fishing regulations.

- b) The project does not require construction or expansion of recreational facilities.

XVII. Transportation

- a) The project will not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project involves no land use or transportation system modifications.
- b) The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b), which pertains to vehicle miles traveled. The amount and distance of vehicle miles traveled by recreational anglers should not change substantially under the proposed regulations.
- c) The project will not increase hazards due to a geometric design feature or incompatible uses with equipment. There will be no land use or transportation system modifications.
- d) The project will not result in inadequate emergency access. The project involves no land use or transportation system modifications.

XVIII. Tribal and Cultural Resources

- a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Further,

- a i) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). There is no ground disturbing work and thus no potential to affect tribal cultural resources.
- a ii) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. There is no ground disturbing work and thus no potential to affect tribal cultural resources.

XIX. Utilities and Service Systems

- a) The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities. There will be no construction or land alteration.
- b) The project requires no new water supplies.
- c) The project will not produce wastewater.
- d) The project will not generate solid waste. Thus, the project will be in compliance with state and local standards for solid waste.
- e) The project will not create solid waste. Thus, the project will be in compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

XX. Wildfire

- a) The project will not impair an adopted emergency response plan or emergency evacuation plan.
- b) The project will not exacerbate wildfire risks due to slope, prevailing winds, and other factors.
- c) The project will not require the installation or maintenance of any infrastructure.
- d) The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.

XXI. Mandatory Findings and Significance

- a) The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a

fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The project is consistent with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.

- b) The project does not have adverse impacts that are individually limited, but cumulatively considerable. Cumulative adverse impacts will not occur because there are no potential adverse impacts due to project implementation.
- c) The project does not have environmental effects that will cause substantial adverse effects on humans, either directly or indirectly. The project will not involve any construction, land alteration, or the creation of new infrastructure.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

N/A

Provide a list of the responsible or trustee agencies for the project.

California Department of Fish and Wildlife



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**

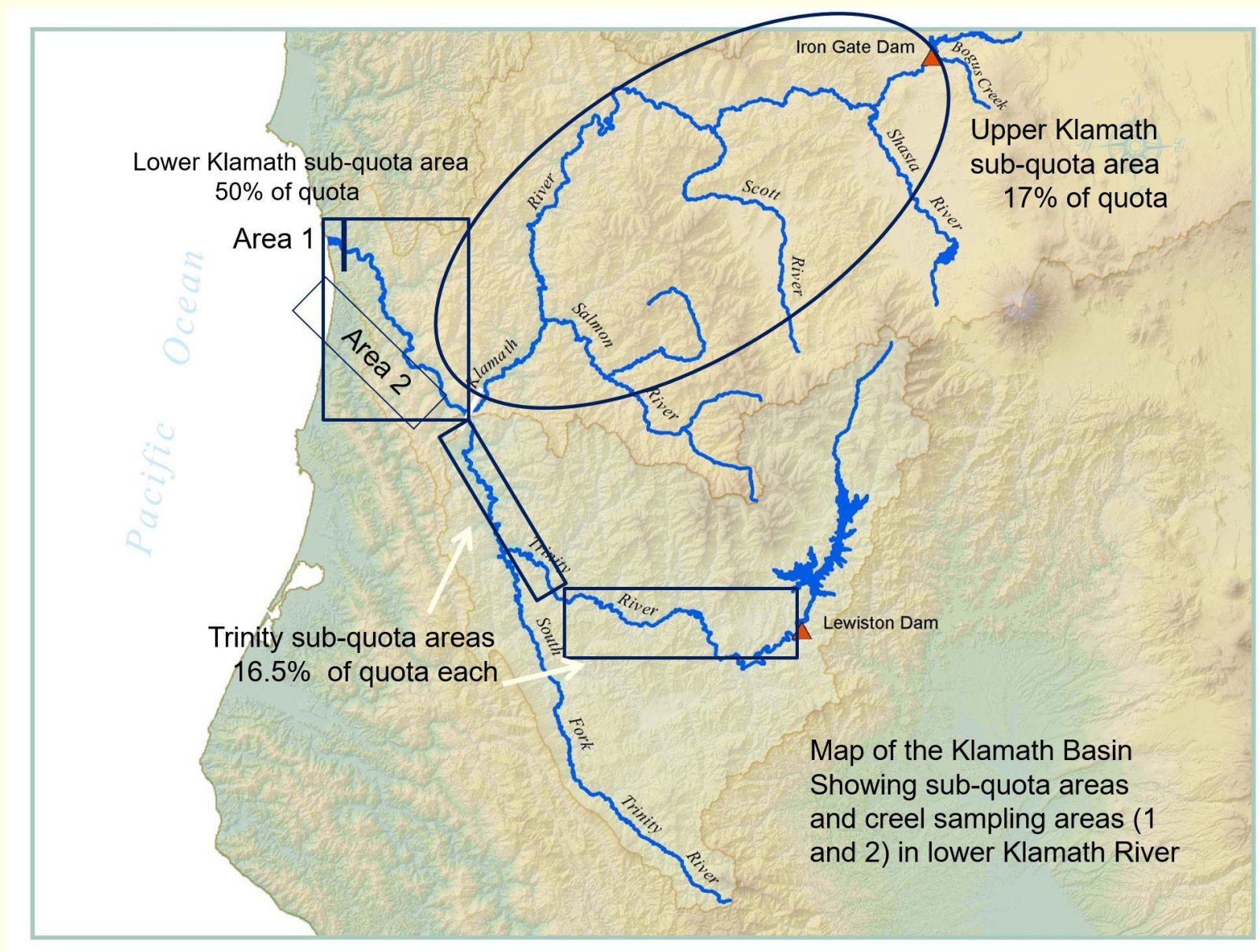
Presentation Overview

- 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



Jonathan Nelson
Anadromous Fisheries Program Manager
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From: Mitchell, Karen@Wildlife
Sent: Monday, May 8, 2023 10:39 AM
To: Miller-Henson, Melissa@FGC
Cc: Thesell, Harold(David)@FGC; Alminas, Ona@Wildlife; Trotter, Maurene@FGC
Subject: Rulemakings - Central Valley Sport Fish Regulations Update and Klamath River Basin Sport Fish Regulations

Dear Melissa,

In regards to the Central Valley Sport Fishing Regulations Update and the Klamath River Basin Sport Fishing Regulations rulemakings, there were no substantive comments received, no amendments to the regulatory text, and no additional information gathered for these two rulemakings. Therefore, a pre-Adoption Statement of Reasons is not necessary.

Please contact me if you have any questions.

Best regards,
Karen

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