

California Fish and Game Commission Meeting Binder



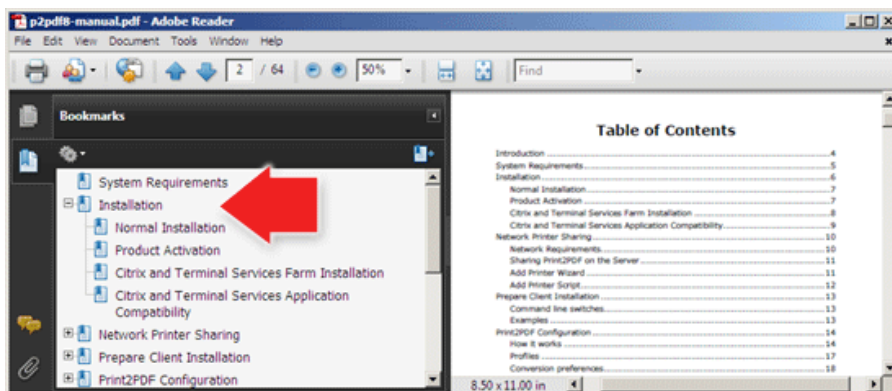
May 17, 2023
Teleconference/Monterey


EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It's helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line  located between the panels and using a long click /tap to move in either direction.
6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.
8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.
9. Do not hesitate to contact staff if you have any questions or would like assistance.

OVERVIEW OF CALIFORNIA FISH AND GAME COMMISSION TELECONFERENCE MEETING

- Welcome to a meeting of the California Fish and Game Commission. This is the 154th year of operation for the Commission, in partnership with the California Department of Fish and Wildlife. Both organizations originated from the Board of Fish Commissioners and we collectively celebrated our 150th anniversary four years ago.
- The Commission's goals include preserving our wildlife heritage and conserving our natural resources through informed decision making. These meetings are vital in achieving those goals and, in that spirit, we provide the following information to be as effective and efficient toward that end.
- We are operating under the Bagley-Keene Open Meeting Act and these proceedings are being recorded and broadcast.
- In the unlikely event of an emergency, please note the location of the nearest emergency exits at your location.
- Items may be heard in any order pursuant to the determination of the presiding commissioner.
- The amount of time for each agenda item may be adjusted based on time available and the number of speakers.
- We will ask how many speakers we have before taking public comment; please be prepared and listen closely for your name or phone number to be called.
- When you speak, please state your name and any affiliation. Please be respectful and note that disruptions will not be tolerated. Time is precious so please be concise.
- To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, www.fgc.ca.gov, and sign up for our electronic mailing lists.
- If you want the Commission to consider a regulation change, note that all petitions for regulation change must be submitted in writing on the authorized form, FGC 1, Petition to the California Fish and Game Commission for Regulation Change, available on the Commission's website or directly from staff.
- For members of the public, if you have access to the Internet and are not planning to make public comment, you may listen to the meeting via our regular webcast by visiting the commission website at www.fgc.ca.gov (link is on right side). We ask that only those who plan to make public comment or who do not have Internet access to listen the meeting, participate by phone.
- **Reminder!** Please silence your mobile devices and computers to avoid interruptions.

INTRODUCTIONS FOR FISH AND GAME COMMISSION MEETINGS

Fish and Game Commission

Eric Sklar	President (Saint Helena)
Erika Zavaleta	Vice President (Santa Cruz)
Jacque Hostler-Carmesin	Member (McKinleyville)
Samantha Murray	Member (La Jolla)
Anthony Williams	Member (Huntington Beach)

Commission Staff

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

California Department of Fish and Wildlife Staff

Chuck Bonham	Director
Wendy Bogdan	General Counsel
Chad Dibble	Deputy Director, Wildlife and Fisheries Division
David Bess	Deputy Director and Chief, Law Enforcement Division
Josh Grover	Deputy Director, Ecosystem Conservation
Jordan Traverso	Deputy Director, Office of Communication, Education and Outreach
Scott Gardner	Chief, Wildlife Branch
Jay Rowan	Chief, Fisheries Branch
Craig Shuman	Regional Manager, Marine Region

I would also like to acknowledge special guests who are present:
(i.e., elected officials, including tribal chairpersons, and other special guests)

Commissioners
Eric Sklar, President
Saint Helena

Erika Zavaleta, Vice President
Santa Cruz

Jacque Hostler-Carmesin, Member
McKinleyville

Samantha Murray, Member
La Jolla

Anthony Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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www.fgc.ca.gov

SECOND REVISED* MEETING AGENDA — TELECONFERENCE **May 17, 2023, 8:30 a.m.**

Commissioners are expected to participate via Zoom. Members of the public may participate in the teleconference via Zoom or phone, or at an optional in-person location.

[Click here](#) for instructions on how to join via Zoom or telephone.

Option to Participate in Person

Monterey County Fair and Event Center
2004 Fairground Road
Monterey, CA 93940

The meeting will be live streamed for those who do not plan to make comments; visit <http://www.fgc.ca.gov> the day of the meeting to watch or listen.

Pursuant to California Government Code Section 11133, the California Fish and Game Commission is conducting this meeting by teleconference with an optional in-person location. Commission members may participate remotely. The public may provide public comment during the public comment periods and otherwise observe remotely, consistent with the Bagley-Keene Open Meeting Act.

*** This agenda is revised to clarify that the meeting is a teleconference meeting via Zoom and phone, with an optional in-person location where the public may join several staff and Vice President Zavaleta. A Commission Wildlife Resources Committee meeting will begin 15 minutes after the end of the Commission teleconference meeting or at 10:00 a.m., whichever is later.**

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 5. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

- 1. Consider approving agenda and order of items**

GENERAL PUBLIC COMMENT

2. **General public comment for items not on the agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

DISCUSSION AND ACTION ITEMS

3. **California halibut emergency**

Discuss and consider adopting emergency regulations for California halibut to reduce daily bag and possession limits in anticipation of greater fishery pressure due to salmon fishing closures.

(Amend Section 28.15, Title 14, CCR)

4. **Klamath River Basin sport fishing (annual)**

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

(Amend Section 5.87 and subsection 7.40(b)(50), Title 14, CCR)

5. **Central Valley sport fishing (annual)**

Adopt proposed amendments to central valley sport fishing regulations and consider taking final action under CEQA.

(Amend subsections 7.40(b)(4), (43), (66) and (80), Title 14, CCR)

6. **Chinook salmon emergency closures in the Klamath, Trinity, Eel, and Smith rivers**

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

(Amend subsections 7.40(b)(40), (b)(50), and (b)(105), Title 14, CCR)

Adjourn

California Fish and Game Commission Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations. All Commission meetings will include a webinar/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

Meeting Date	Commission Meeting	Committee Meeting
June 14-15	California Natural Resources Agency Headquarters Building Auditorium, 1st Floor 715 P Street Sacramento, CA 95814	
July 20		Marine Resources Sonoma/San Francisco Bay area
August 21		Tribal River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540
August 22-23	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
September 21		Wildlife Resources Chico area
October 11-12	San Jose area	
November 16		Marine Resources San Diego area
December 12		Tribal San Diego area
December 13-14	San Diego area	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 23-27; 2023 – Calgary, Alberta, Canada

Pacific Fishery Management Council

- June 20-27, 2023 – Vancouver, WA
- September 7-14, 2023 – Spokane, WA
- October 31 – November 8. 2023 – Garden Grove, CA

Pacific Flyway Council

- August 25, 2023 – Winter Park, CO

Western Association of Fish and Wildlife Agencies

- July 9-14, 2023 – Santa Fe, NM

Wildlife Conservation Board

- May 25, 2023 – Sacramento, CA
- August 24, 2023 – Sacramento, CA
- November 16, 2023 – Sacramento, CA

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks the 154th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal and we provide this information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Equal Employment Opportunity (EEO) Office at EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814 (you must call at least one business day in advance to arrange delivery). Materials provided to the Commission may be made available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on May 4, 2023**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on May 12, 2023**. Comments received by this deadline will be made available to Commissioners at the meeting.

Written comments received after the supplemental comment deadline will not be included in the meeting materials.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (as required by Section 662, Title 14, CCR), available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must be delivered by the **Supplemental Comment Deadline** (or delivered in person at the meeting during the regulation change petitions agenda

item). Petitions received at this meeting will be scheduled for consideration at the next regularly scheduled business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

Non-Regulatory Requests

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Supplemental Comment Deadline** (or heard during general public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next regularly scheduled business meeting.

Speaking at the Meeting

To speak on an agenda item in-person, please complete a “speaker card” and provide it to the designated staff member before the agenda item is announced. Please complete one speaker card per item. Cards will be available near the entrance of the meeting room.

To speak on an agenda item by webinar/teleconference, please “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

1. In-person speakers will be identified in groups; please line up when your name is called. Speakers by webinar/teleconference will be identified by your Zoom display name or last three digits of your phone number; please pay attention to when your name or number is called.
2. When addressing the Commission, please give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
 - i. In-person participants ceding their time must complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time.
 - ii. Zoom participants ceding their time must notify the Commission at fgc@fgc.ca.gov prior to the start of the agenda item, including to whom they are ceding time, and must be present on Zoom during the agenda item.
 - b. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.

- c. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
- d. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Agenda items may be heard in any order pursuant to the discretion of the presiding commissioner.

Visual Presentations/Materials

All electronic presentations must be submitted by the ***Supplemental Comment Deadline*** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov. If the presentation file is too large to send via email, contact staff to identify an alternative method for submitting the file.
2. All electronic formats must be Windows PC compatible.
3. If presenting at the in-person meeting location, it is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.

STAFF SUMMARY FOR MAY 17, 2023

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

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

Summary of Previous/Future Actions

- **Today receive verbal requests and comments** **May 17, 2023**
- Consider granting, denying, or referring Jun 14-15, 2023

Background

Today's agenda item is to receive verbal public comments for items not on the agenda. Under the Bagley-Keene Open Meeting Act, the Commission cannot act on any matter not included on the agenda, except to schedule issues raised by the public for consideration at future meetings.

Comments submitted in writing, including regulation change petitions, are traditionally held for receipt at regularly-scheduled Commission meetings in February, April, June, August, October and December. All written comments submitted following the Apr 19-20, 2023 Commission meeting will be received at the Jun 14-15, 2023 meeting.

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

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

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

STAFF SUMMARY FOR MAY 17, 2023

3. CALIFORNIA HALIBUT EMERGENCY**Today's Item**Information ☐Action ☒

Discuss and consider adopting emergency regulations for California halibut to reduce daily bag and possession limits in anticipation of greater fishery pressure due to salmon fishing closures.

Summary of Previous/Future Actions (N/A)**Background**

Current recreational fishing regulations for California halibut specify a daily limit (encompassing both bag and possession) of three fish for the area north of Point Sur, Monterey County (subsection (a) of Section 28.15); the Department recommends emergency action to reduce the limit in this area from three to two fish (Exhibit 1).

Increased Effort and Emergency

The emergency action is proposed in response to the recently-announced closure of the 2023 ocean salmon fishing season, in conjunction with reductions in nearshore groundfish fishing opportunities. In response to these reduced fishing opportunities and access, recreational fishers are anticipated to shift their efforts to other species, notably California halibut. Such an effort shift to California halibut was documented in San Francisco Bay during the 2008 and 2009 salmon season closures and is anticipated to occur again this year. The recreational ocean salmon fishery typically begins in April and indications are that the effort shift towards halibut has begun already.

Additionally, in the course of recommending this emergency action, the Department provided data to the Commission showing a decrease in ocean temperatures over the past few years. California halibut egg and larval survival tends to be highest in warm-water periods, with lower survival as temperatures decrease, particularly if the cold-water period is prolonged.

The Department proposes emergency action by the Commission to reduce the halibut daily limit from three to two fish, in response to the greater anticipated fishery pressure resulting from the ocean salmon closure and groundfish sport fishing changes, coincident with a prolonged cold-water period in the region, as a necessary measure to safeguard California halibut stock. Modeling completed in March and provided to the Commission by the Department as part of the recommendation projects a significant reduction of California halibut take, offsetting the identified, upcoming impacts.

Significant Public Comments

1. The Department states that it has received several requests from commercial passenger fishing vessel operators and recreational anglers to proactively reduce the bag and possession limits for California halibut (Exhibit 2).
2. Several individuals and anglers call for the Commission to reduce California halibut bag and possession limit, as well as suggest other protective measures, in light of the salmon closure (exhibits 5 through 7); one shared a fishing magazine article reflecting broad support for the reduction (Exhibit 8).

STAFF SUMMARY FOR MAY 17, 2023

Recommendation

Commission staff: Adopt the proposed emergency action to reduce the bag and possession limit for California halibut as recommended by the Department.

Department: Reduce the bag and possession limit for California halibut from three fish to two in areas north of Point Sur, Monterey County, through emergency action for the reasons set forth in Exhibit 2.

Exhibits

1. [Department memo transmitting proposed emergency statement, received April 27, 2023](#)
2. [Draft emergency statement \(as amended by Commission staff\)](#)
3. [Draft emergency regulatory text](#)
4. [Draft Form 399](#)
5. [Email from Richard James, received March 10, 2023](#)
6. [Email from Stephen Tighe, received March 27, 2023](#)
7. [Email from Pasha Foroudi, received April 13, 2023](#)
8. [Email from David Hurley transmitting article from March edition of Western Outdoor News, received March 14, 2023](#)

Motion

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

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

Moved by _____ and seconded by _____ that the Commission adopts the emergency regulation to amend subsection 28.15(a) related to California halibut.

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.

STAFF SUMMARY FOR MAY 17, 2023

- 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.

STAFF SUMMARY FOR MAY 17, 2023

5. CENTRAL VALLEY SPORT FISHING (ANNUAL)**Today's Item****Information** ☐**Action** ☒

Adopt proposed amendments to Central Valley 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 generally adopts Central Valley sport fishing regulations on an annual basis, informed by Department recommendations intended to align state regulations with federal fishery management objectives set by the Pacific Fishery Management Council (PFMC). In February 2023, the Commission authorized publication of a notice of proposed changes to bag and possession limits for Sacramento River fall-run Chinook salmon (SRFC) in the American, Feather, Mokelumne and Sacramento rivers to reflect PFMC management objectives for SRFC stocks. The scope of options in the initial statement of reasons (Exhibit 1) was intentionally broad to allow flexibility in developing Central Valley salmon limits to target in-river harvest projections identified by PFMC.

In April 2023, PFMC adopted its recommendation for the upcoming ocean salmon seasons: a full closure of commercial and recreational ocean salmon fishing. At the Commission's April 2023 meeting, the Department recommended specific regulation changes (based in part on PFMC's final ocean salmon recommendations), namely:

- full closure of the 2023 SRFC recreational fishery in the Sacramento, Feather, American and Mokelumne rivers;
- full closure of the late-fall-run Chinook fishery in the Sacramento River (SRLFC); and
- adopting permanent boundary and split season changes.

At today's meeting, the Commission may adopt one or more of the following options, independently or in combination, which would apply in anadromous areas of and tributaries to the American, Feather, Mokelumne and/or Sacramento rivers:

- Option 1 – Allows take of any size Chinook salmon up to the daily bag limit [0-4] and possession limit [0-12].
- Option 2 – Allows take of a specified number of adult Chinook salmon, with grilse Chinook salmon making up the remainder of the daily bag limit [0-4] and possession limit [0-12].
- Option 3 – Allows take of only grilse Chinook salmon up to the daily bag limit [0-4] and possession limit [0-12]. Take of adult Chinook salmon would not be allowed.

STAFF SUMMARY FOR MAY 17, 2023

- Option 4 – Closed to take and possession of Chinook salmon. Prohibits all methods of targeting salmon including catch and release fishing. Unless otherwise noted, this option will allow take of other species.

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 2023040263, available at ceqanet.opr.ca.gov/2023040263); no public comments were received.

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

Commission staff: Adopt the negative declaration prepared pursuant to CEQA in Exhibit 4 and adopt Option 4 as provided in Exhibit 2.

Department: Adopt the regulatory changes as proposed.

Exhibits

1. [Central Valley sport fishing initial statement of reasons, dated January 18, 2023](#)
2. [Proposed regulatory language, dated March 2023](#)
3. [Department memo transmitting draft initial study and negative declaration, received March 30, 2023](#)
4. [Initial study and draft negative declaration, dated March 2023](#)
5. [Notice of completion and document transmittal form and summary form](#)
6. [PFMC report: Pre-Season Report I – Stock Abundance Analysis and Environmental Assessment Part 1 for 2023 Ocean Salmon Fishery Regulations, dated March 2023](#)
7. [Department presentation made at April 19-20, 2023 Commission meeting](#)
8. [Department e-mail in lieu of 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 subsections 7.40(b)(4), (43), (66) and (80) related to Central Valley sport fishing regulations for the 2023 season, as discussed today.

STAFF SUMMARY FOR MAY 17, 2023

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

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

Summary of Previous/Future Actions

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

Background

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

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

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

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

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

Significant Public Comments (N/A)

STAFF SUMMARY FOR MAY 17, 2023

Recommendation

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

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

Exhibits

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

Motion

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

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

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

Memorandum

Date: April 27, 2023

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

From: Charlton H. Bonham
Director

Subject: **Agenda item for May 2023 Fish and Game Commission teleconference.
Emergency Regulatory Action to Amend Subsection 28.15(a), Title 14, California
Code of Regulations; Re: California halibut recreational bag limit north of Point
Sur**

The California Department of Fish and Wildlife (Department) recommends that the Commission adopt an emergency amendment of subsection 28.15(a), Title 14, California Code of Regulations, to reduce the recreational daily bag and possession limit of California halibut (halibut) for areas north of Point Sur, Monterey County from three to two fish. The recent announcement of the 2023 salmon closure will limit fishing opportunities for this area, and an effort shift to halibut is expected. Urgent action is needed to lessen impacts to halibut population sustainability particularly because the anticipated effort shift is coupled with a cold-water period which limits halibut egg and larval survival.

The Department sees an immediate need for action, and requests the regulations become effective upon filing. The recreational salmon fishery typically begins in April and indications are that the effort shift towards halibut has begun.

If you have any questions on this item, please contact Dr. Craig Shuman, Marine Region Manager, at (805) 568-1246 or by email at R7RegionalMgr@wildlife.ca.gov.

Attachment: Finding of Emergency and Statement of Proposed Emergency
Regulatory Action

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env., Regional Manager
Marine Region

Kirsten Ramey, Environmental Program Manager
Marine Region

Paul Reilly, Senior Environmental Scientist Supervisor
Marine Region

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 27, 2023
Page 2

Travis Tanaka, Environmental Scientist
Marine Region

Kristine Lesyna, Environmental Scientist
Marine Region

Eric Kord, Assistant Chief
Law Enforcement Division

Brent Chase, Captain
Law Enforcement Division

Demitri Esquivel, Lt.
Law Enforcement Division

Nathan Goedde, Assistant Chief Counsel
Office of General Counsel

David Kiene, Attorney IV
Office of General Counsel

Ona Alminas, Env. Program Manager
Regulations Unit

Mike Randall, Analyst
Regulations Unit

David Thesell, Program Manager
Fish and Game Commission

David Haug, Analyst
Fish and Game Commission

State of California
Fish and Game Commission

Finding of Emergency and Statement of Proposed Emergency Regulatory Action

Emergency Action to Amend Section 28.15
Title 14, California Code of Regulations

Re: California halibut daily bag and possession limit reduction to two fish north of Point Sur

Date of Statement: April 14, 2023

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

Background

In order to protect the California halibut (halibut) resource, the California Department of Fish and Wildlife (Department) requests an emergency action that will reduce the recreational bag limit while not jeopardizing this popular recreational fishery. The current regulation §28.15, Title 14, California Code of Regulations (CCR), allows recreational anglers a daily bag and possession limit of three halibut for areas north of Point Sur, Monterey County. The Department proposes a daily bag and possession limit reduction from three to two fish for areas north of Point Sur, effective immediately.

This proposal is prompted by the recent announcement of the 2023 salmon fishery closure paired with additional changes to opportunity for groundfish fisheries. These changes limit fishing opportunities and change fishery accessibility. Recreational anglers will potentially shift their effort from the closed fisheries to halibut. This is particularly true in areas such as San Francisco Bay where some effort shift has already been documented this year.

There are two significant impacts to the halibut fishery anticipated in the 2023 season and subsequent years:

- With the change in concurrent fisheries, anglers will likely shift their attention to other available fishing opportunities, including halibut, particularly within San Francisco Bay. Based on the effort shift observed during the 2008 and 2009 salmon fishery closure, the Department anticipates the increase in recreational anglers targeting halibut will double compared to 2022.
- In the wild, halibut recruitment appears to be associated with warm water phases, while low recruitment is associated with cold water phases, particularly when these phases are prolonged. Over the past few years, the Department has noted a decrease in ocean temperatures.

Department staff have received requests from certain Commercial Passenger Fishing Vessel (CPFV) operators and recreational anglers to proactively consider a bag limit reduction to two fish to lessen the effect of the anticipated effort shift on the halibut resource and an anticipated decline in halibut fishing success in subsequent years. Recreational fishery participants expressed a decline in fishing success following the last salmon closure in 2008 and 2009.

During the 2008 and 2009 salmon closure, the estimated recreational take of halibut in northern

California surpassed 54,000 and 43,000 fish, respectively. In comparison, estimated recreational catch for halibut was 15,000 fish in 2007, prior to the salmon closure. In subsequent years following the closure, fishing success showed a steady decline and by 2013, catch dipped to just below 5,000 halibut. Average catch remained low for several years, but following warm-water periods that began in 2014, has steadily increased through 2022. Halibut egg and larval survival has shown high correlation with optimal environmental conditions associated with warm water. Unfortunately, the anticipated effort shift in 2023 will coincide with a cold-water period, which is correlated with lower halibut egg and larval survival and lower fishery recruitment.

Department staff monitor recreational fishery catch and effort estimates on a monthly basis as provided by the California Recreational Fisheries Survey. Based on fishing effort and total average annual catch estimates from recent years (2018, 2019, and 2021), reducing the daily bag and possession limit to two fish is estimated to result in a savings of 13% (approximately 7,450 fish) of the legal-sized halibut population in northern California for 2023 (Recreational Fisheries Information Network (RecFin) bag limit tool 2023).

The Department has considered a one-fish bag limit which is estimated to result in a greater decrease in halibut take compared to a two-fish limit. However, this was widely unsupported by CPFV operators who voiced concerns about economic impacts to their businesses, and recreational anglers who expressed opposition to the one-fish limit option. The bag limit reduction to two fish is supported by the recreational fishery and expected to support halibut population levels through this period of increased fishing pressure and coinciding cold-water, low recruitment cycle.

II. Proposed Emergency Regulations

Reduce the recreational fishery daily bag limit for halibut from three to two fish for areas north of Point Sur, Monterey County. This change would automatically trigger a reduction of the possession limit from three to two fish because no more than one daily bag limit may be possessed unless otherwise authorized (Title 14 CCR §1.17).

III. Findings for the Existence of an Emergency

The Commission considered the following factors in determining that an emergency does exist at this time.

The magnitude of potential harm:

Threats to stock stability will socioeconomically harm important recreational and commercial fisheries. Halibut is an important sport and commercial fish, and both fisheries positively contribute to California's economy. The recreational fishery comprises a significant CPFV and six-pack fleet in San Francisco Bay which primarily consists of small family-owned businesses. Halibut is also a popular target for many private boaters throughout northern California. If the sustainability of the halibut population is impacted, the viability of CPFV and six-pack operations that rely on halibut are threatened as well.

The repercussions of the magnitude of potential harm to stock stability also extend beyond just the recreational fishery. The halibut population supports a statewide commercial fishery with multiple socioeconomically important commercial sectors: open access commercial hook-and-line, restricted access commercial trawl, and restricted access commercial gill net (gill net only occurs

in southern California). The commercial fishery provides a fresh local source of seafood with most fish being sold within California at restaurants, grocery stores, farmers markets, and directly at the dock. The commercial fishery is also valuable, and in 2022, ex-vessel value totaled approximately \$5.5 million. If stock stability is threatened, the viability of these commercial fisheries that rely on halibut are threatened as well.

The existence of a crisis situation:

The sustainability of halibut is threatened by multiple factors, which cumulatively contribute to the existence of a crisis situation for 2023: anticipated commercial and recreational fishery effort shifts, environmental factors including cold-water conditions, and biological factors including area-based sex ratio bias.

Anticipated recreational fishery effort shifts

The sustainability of the halibut population is potentially threatened by a recreational effort shift as anglers turn to halibut to replace fishing opportunities for salmon, therefore increasing effort and ultimately take. This effort shift from salmon also occurred during the last closure in 2008 and 2009. Changes to other fishery regulations this year, which have reduced accessibility to nearshore fishery options, could also contribute to an even greater effort shift to halibut. Finally, with the increase in social media usage by the fishing community, there is a concern that effort shifts to halibut may result in greater successful take due to easier access of information regarding how and where to target halibut.

Anticipated commercial fishery effort shifts

Additionally, halibut sustainability is threatened by a potential shift in commercial fishing efforts. Displaced commercial salmon fishermen may participate in the open access commercial hook-and-line halibut fishery, which will also increase effort and ultimately take.

Environmental factors including cold-water conditions

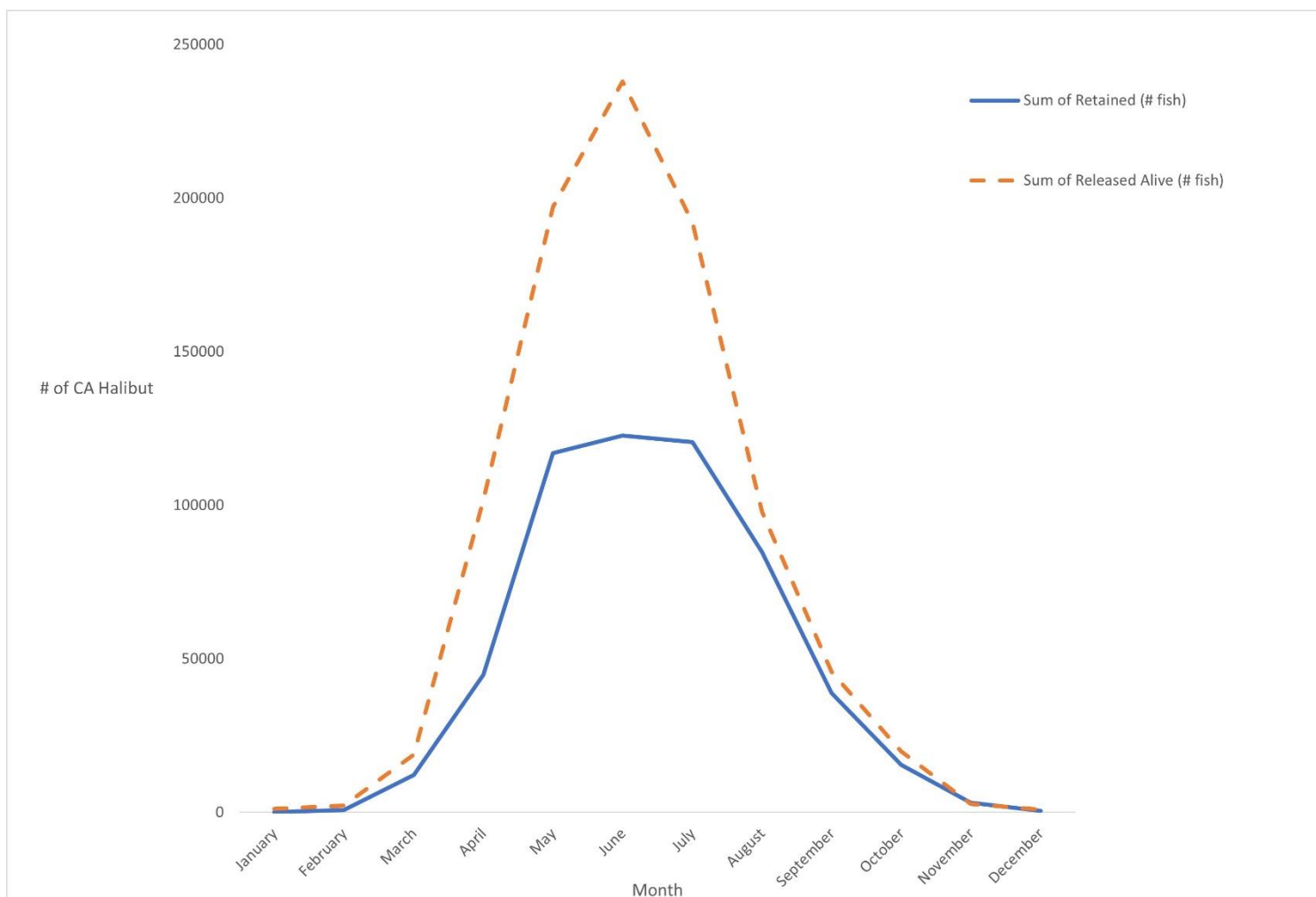
While halibut are regulated by a minimum size limit that protects immature individuals from take, cold-water periods limit the success of reproduction regardless of maturation status. Egg and larval survival diminish during cold water periods. According to the NOAA climate prediction center, the Oceanic Nino Index indicates that environmental conditions have primarily been classified as cold-water periods beginning halfway through 2020. This indicates that egg and larval survival for halibut have been low since that time, and the last warm-water period (which results in higher halibut egg and larval survival) was documented in 2019. Because there is a 3- to 4-year lag until halibut reach the minimum size limit, it is likely that the fishery will see limited recruitment with new individuals until 3 to 4 years after environmental conditions change and warm water periods are documented again. It is likely that many halibut (primarily females, due to sex specific growth rates) born in 2019 will be legal to take this year with fewer fish recruiting into the fishery in the coming years. With climate change, the prediction of environmental conditions has become increasingly difficult. The inability to forecast environmental conditions increases the magnitude of potential harm if cold-water conditions persist and regulations are not implemented to sustain the stock.

Biological factors including area-based sex ratio

Finally, there is a heavy sex ratio bias for the recreational fishery toward female fish. Most halibut caught by the recreational fishery are females (80% or more depending on the area) that are returning to nearshore areas to rest after a spawning event. Male halibut typically stay in deeper waters after they reach maturation, areas that are less frequently fished by recreational anglers. While halibut have high fecundity and are described as prolific spawners in optimal conditions, females are considered the limiting factor for reproduction over males.

The immediacy of the need:

There is an immediate need for action due to an anticipated increase in fishing pressure and take of halibut in 2023. The increase in fishing pressure on halibut is linked to reduction in fishing opportunities for other species, such as salmon. The closure of the recreational salmon fishery, which began in April, has already resulted in a shift towards halibut. Halibut are targeted by the recreational fishery in northern California during the spring through early fall with the majority of take documented during the summer (Figure 1). The San Francisco Bay area fishery is already underway, and the Monterey Bay area fishery typically begins in May. Therefore, the regular rulemaking process is inadequate to address the time-sensitive circumstances faced by California halibut. The requirements of the APA, the Commission's three separate bi-monthly public meetings required by Fish and Game Code Section 255, and OAL's 30 working day review period would implement the necessary regulatory changes, at the earliest, in approximately 8 months; well after intensified fishery pressure on California halibut.



*Figure 1. Estimated monthly **sum** (2005-2022) of retained recreationally caught halibut by number for all modes and gears for northern California (North of Point Conception) (RecFIN, March 2023).*

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

This is not the first time the halibut fishery has faced increased effort due to a salmon closure, paired with a cold-water period; however, this year there is an additional effort shift anticipated due to groundfish fishery changes. CPFV logbook data were used to graph the annual sum of the number of fishers (anglers) onboard CPFVs that retained halibut in northern California, from 2005-2022 (Figure 2). During the salmon closure in 2008, the number of fishers doubled compared to the previous year. The number of fishers retaining halibut in 2022 was slightly lower than the number retaining halibut in 2008; the 2023 effort could quite possibly double the already high effort experienced by the fishery in 2022 (Figure 2).

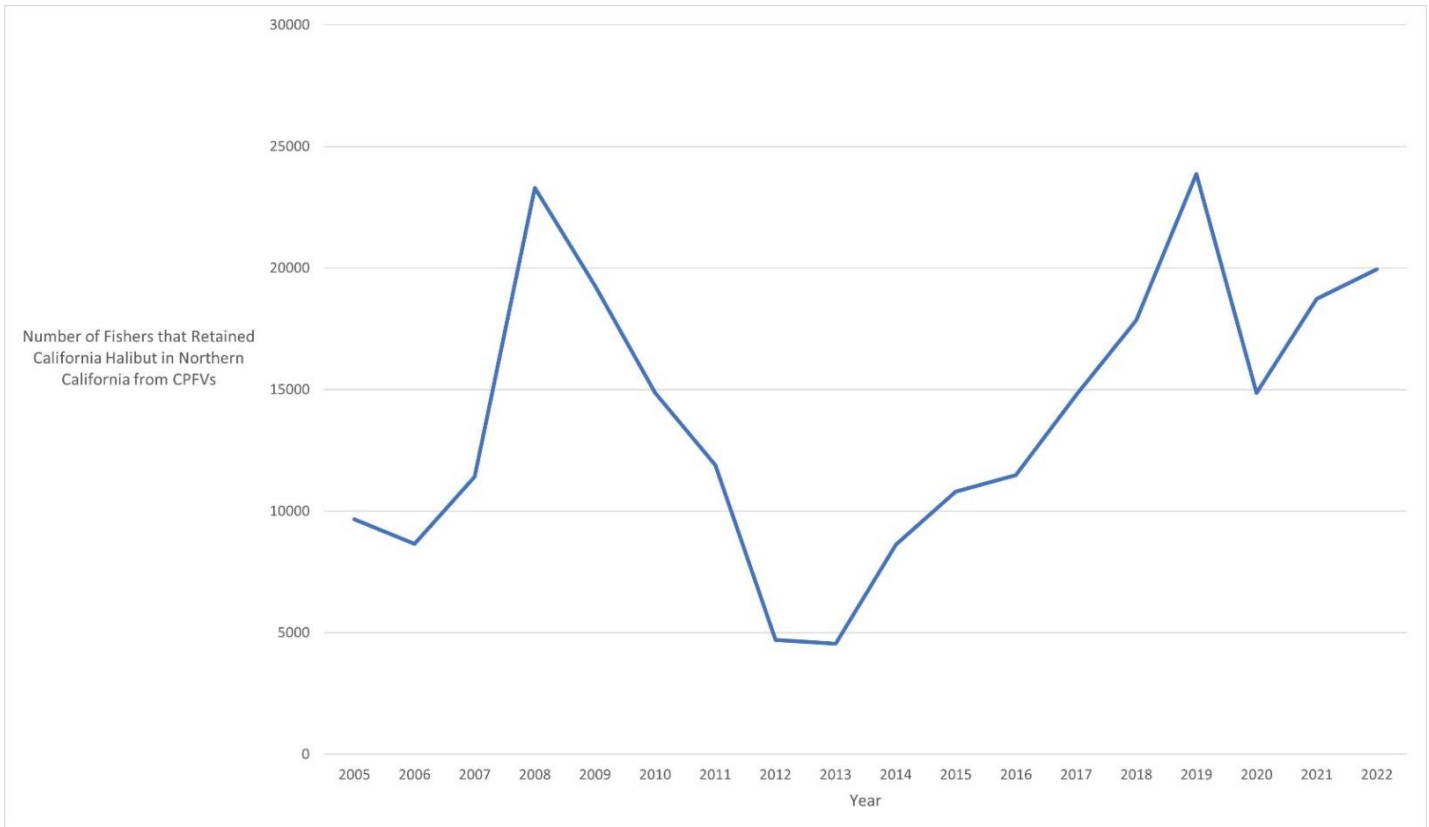


Figure 2. Number of fishers onboard CPFVs that retained halibut in northern California (North of Point Conception) (Marine Log System, April 2023).

During the salmon closure of 2008 and 2009, the recreational take estimates of California halibut in northern California surpassed 54,000 and 43,000 fish, respectively (Figure 3). In 2007, the year prior to the salmon closure, estimated catch for halibut was 15,000 fish. By 2013, four years after the closure, catch estimates dipped to just below 5,000 fish. Catch estimates remained low for six years (2011-2016) following the closure. Low fishing success during this time resulted in declines in fishing effort for halibut, and many CPFVs, six-packs, and commercial open access hook-and-line fishery participants withdrew from the fishery. The fishery began to rebound in 2017, due to warm water periods that began in 2014, which resulted in a recruitment pulse indicated by numbers of released (sublegal) halibut (Figure 4). While the fishery has shown the ability to rebound following similar events in the past, the viability of the recreational fishery was impacted during the following six-year low period due to stock instability. The goal with this regulation change is to lessen economic and environmental harm to the industry and halibut population

during the anticipated environmental conditions and increased fishing efforts. In 2022, the annual sum of the Oceanic Nino Index was the coldest since recreational catch estimates became available in 2005, and it is unknown when the next warm water period will occur. Climate change may be the driver behind more severe fishery cycles, and it is unknown what is necessary to ensure a rebound following a low period.

Reducing the daily bag and possession limit has been identified as a management tool to lessen the impacts of increased effort and take from displaced anglers and the magnitude of potential harm during this crisis situation. Based on preliminary modeling, a bag limit reduction from three fish to two fish could result in an estimated savings of 13% for northern California or 7,450 fish (RecFIN bag limit tool March 2023). This model estimate is based on total average annual catch and effort data collected by the California Recreational Fisheries Survey (CRFS) in 2018, 2019, and 2021.

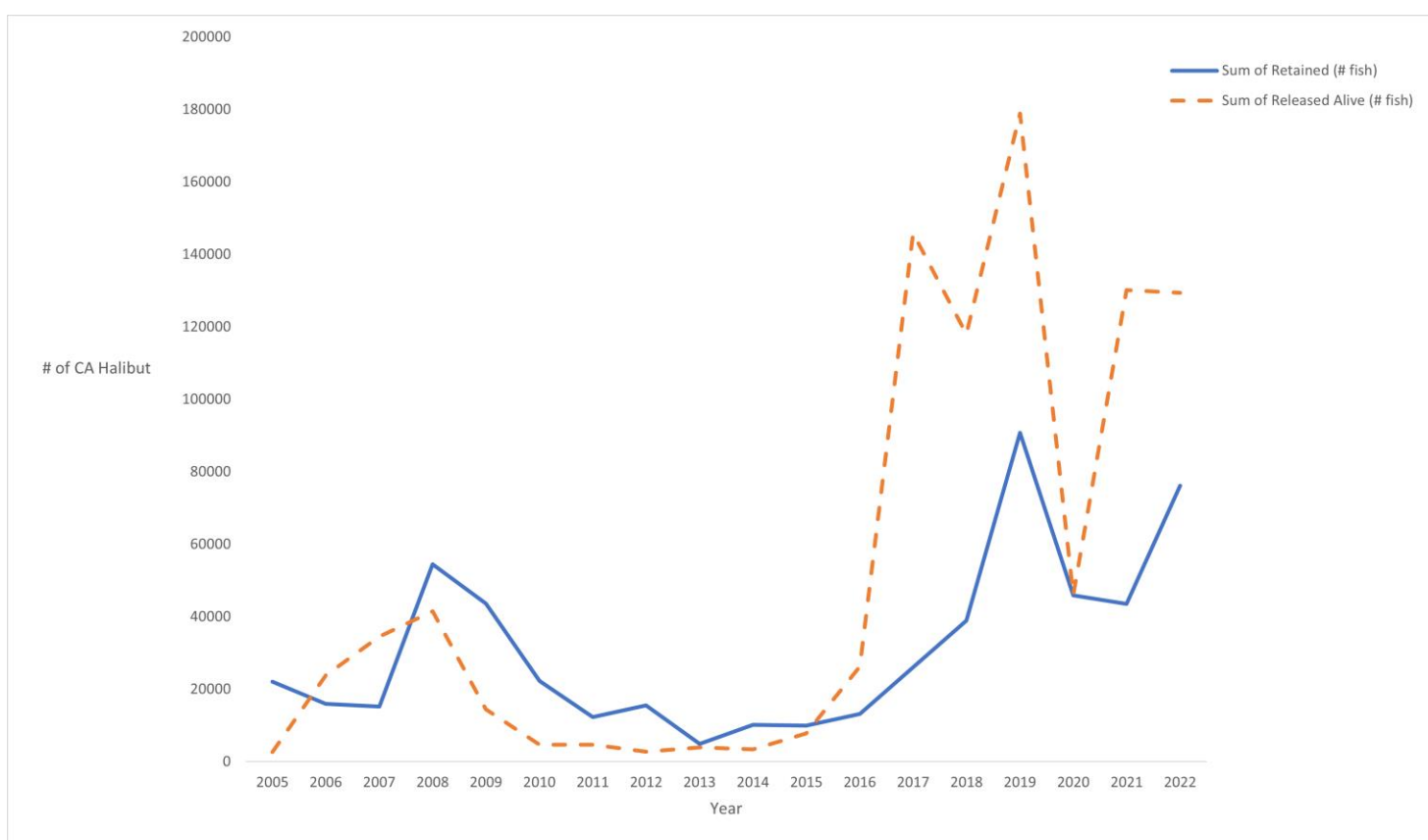


Figure 3. Annual CRFS estimates of kept (solid line) and released (dashed line) halibut by number of fish for all modes combined in northern California (North of Point Conception) (RecFIN, March 2023).

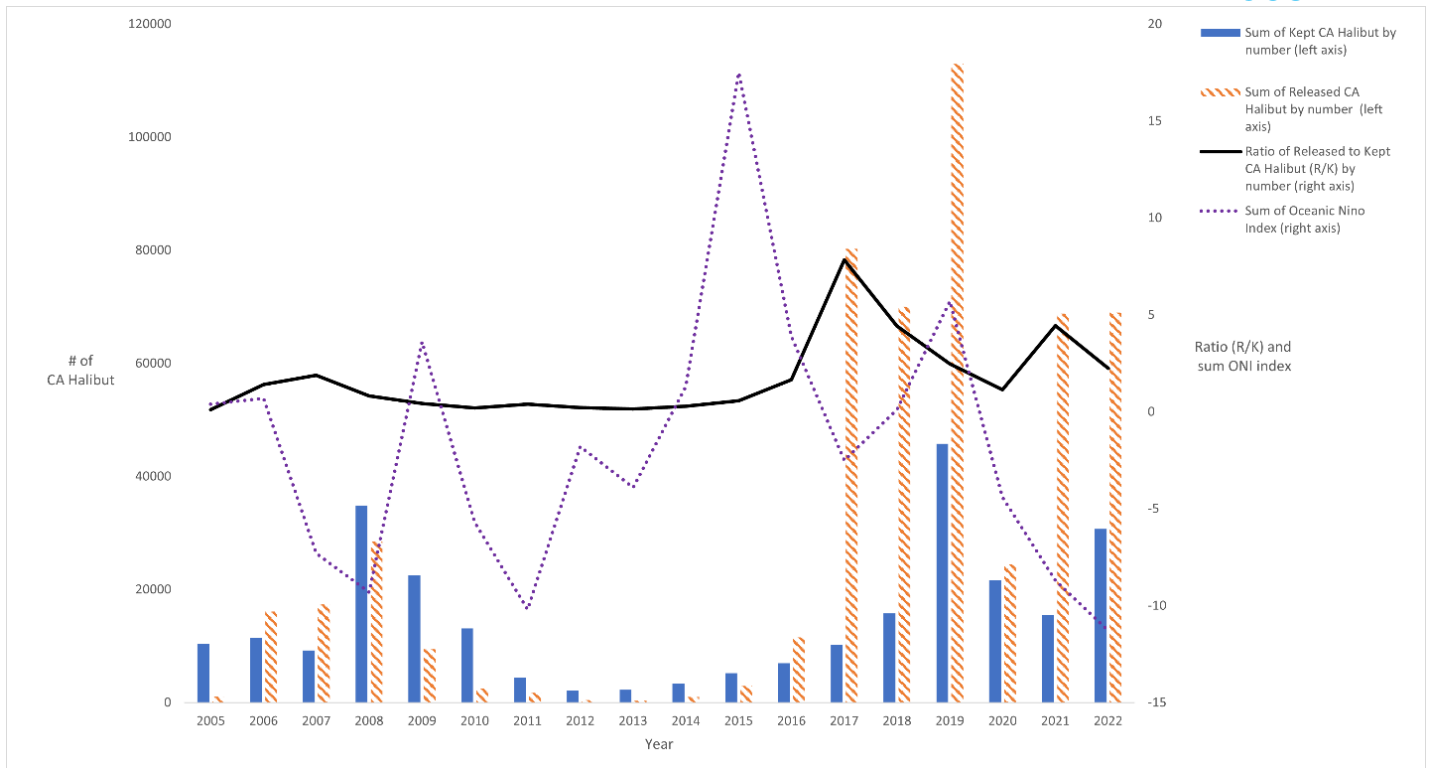


Figure 4. Bay Area (Sonoma, Marin, Solano, Napa, Contra Costa, Alameda, Santa Clara, San Mateo, San Francisco Counties) sum of the number of kept (K) and released alive (R) halibut by year for recreational private/rental boats are shown as solid and striped bars respectively (left axis). The ratio of released to kept halibut (released/kept) is shown as a solid black line and the sum of the Oceanic Niño Index is shown as a dotted purple line (right axis) (RecFIN, March 2023, [NOAA Climate Prediction Center](#)).

IV. Impact of Regulatory Action

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

(a) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

(b) Nondiscretionary Costs/Savings to Local Agencies: None.

(c) Programs Mandated on Local Agencies or School Districts: None.

(d) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(e) Effect on Housing Costs: None.

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

California Department of Fish and Wildlife. 2022. California halibut, *Paralichthys californicus*, Enhanced Status Report.

Marine Logs System. 2023. <https://apps.wildlife.ca.gov/marine/logs/cpfv>

NOAA National Weather Service. 2017. NOAA Center for Weather and Climate Prediction. Climate Prediction Center. Cold and warm episodes by season. https://origin.cpc.ncep.noaa.gov/products/analysis_monitoring/ensostuff/ONI_v5.php

RecFIN. 2023. Recreational Fisheries Information Network. Catch/Sample Data Reports. <https://www.recfin.org/>

VI. Authority cited: Sections 110, 200, 205, 265, 275, and 399 Fish and Game Code.
Reference: Sections 110, 200, 205, 265, 270 and 275, Fish and Game Code.

VII. Fish and Game Code Section 399 Finding

Delay in the amendments to bag and possession limits for halibut puts marine resources at risk. Emergency action is necessary to safeguard halibut stocks in a timely manner due to anticipated recreational fishery effort shifts from the 2023 salmon closure and additional restrictions to other fishery regulations; anticipated commercial fishery effort shifts from commercial salmon to open access commercial hook-and-line halibut; environmental factors including cold-water conditions; and biological factors including area-based sex ratio bias.

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

Informative Digest/Policy Statement Overview

In order to protect the California halibut (halibut) resource the California Department of Fish and Wildlife (Department) requests an emergency action that will reduce the legal recreational catch limit while not jeopardizing this popular recreational fishery. The current regulation §28.15, Title 14, California Code of Regulations (CCR), allows recreational anglers a daily bag and possession limit of three halibut for areas north of Point Sur, Monterey County. The Department proposes a daily bag and possession limit reduction from three to two fish for areas north of Point Sur effective immediately.

This proposal is prompted by the recent announcement of the 2023 salmon fishery closure paired with changes to groundfish fishery regulations. These changes limit fishing opportunities and change fishery accessibility. It is anticipated that recreational anglers will shift their effort from closed fisheries to halibut. This is particularly true in areas such as San Francisco Bay where the effort shift has already been documented this year.

There are two significant impacts to the halibut fishery anticipated in the 2023 season and subsequent years. Delay in the amendments to bag and possession limits for halibut puts marine resources at risk. Emergency action is necessary to safeguard halibut stocks in a timely manner due to:

- Anticipated recreational fishery effort shifts from salmon and groundfish fisheries;
- Anticipated commercial fishery effort shifts;
- Environmental factors including cold-water conditions; and
- Biological factors including area-based sex ratio bias.

The Department recommends that the California Fish and Game Commission (Commission) amend subsection 28.15(a), Title 14, CCR, through emergency action. The proposal is necessary to safeguard the halibut fishery from overfishing and the detrimental environmental effects of a cold-water trend.

The stability of the stock is threatened by multiple factors this year which all contribute to the existence of a crisis situation: anticipated effort shifts due to the 2023 salmon closure and additional restrictions to other fisheries, and environmental and biological factors including cold-water conditions and an area-based sex ratio bias.

Benefits of the Regulation:

The Commission anticipates benefits to the State's environment by sustainably managing California's ocean resources and reducing bycatch. The environmental risks arising from the proposed rule are not regarded as significant, as the rule manages the resource more conservatively than existing regulation.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated authority to the Commission to promulgate

sport fishing regulations (Fish and Game Code sections 200 and 205). Commission staff has searched the California Code of Regulations and has found no other state regulations that address the recreational take of California halibut. The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other recreational fishing regulations and marine protected area regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Emergency Regulatory Language

Section 28.15, Title 14 CCR, is amended to read:

§ 28.15. Halibut, California.

(a) Limit: Five in waters south of a line extending due west magnetic from Point Sur, Monterey County, and ~~three~~ two in waters north of a line extending due west magnetic from Point Sur, Monterey County.

(b) Minimum size: Twenty-two inches total length.

NOTE: Authority: Sections 110, 200, 205, 265, ~~and 275,~~ and 399, Fish and Game Code.

Reference: Sections 110, 200, 205, 265, 270 and 275, Fish and Game Code.

Emergency Regulatory Language

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Reference: Sections 110, 200, 205, 265, 270 and 275, Fish and Game Code.

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

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Emergency Action: Amend Section 28.15, Title 14, CCR, Re: California halibut daily bag and possession limit			NOTICE FILE NUMBER Z

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

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

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

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

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

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total
businesses impacted that are small businesses: _____

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

Explain: _____

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

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

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

If YES, explain briefly: _____

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

STD. 399 (Rev. 10/2019)

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

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements.
Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ _____4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

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

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

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

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

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

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

Explain: _____

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

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

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

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

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

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

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

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

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

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

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

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

STD. 399 (Rev. 10/2019)

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

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

\$ _____

- ☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

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

\$ _____

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

- ☐ a. Implements the Federal mandate contained in _____
- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

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

Date of Election: _____

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

Local entity(s) affected: _____

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

Authorized by Section: _____ of the _____ Code;

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

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

- ☐ 3. Annual Savings. (approximate)

\$ _____

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

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

- ☐ 6. Other. Explain _____

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

STD. 399 (Rev. 10/2019)

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

\$ _____

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

\$ _____

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

\$ _____

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

\$ _____

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

FISCAL OFFICER SIGNATURE

DATE

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

AGENCY SECRETARY

DATE

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



Comments for item 8, 14 March FGC-MRC meeting - recreational halibut emergency rules

Richard James [REDACTED]

Fri 03/10/2023 02:05 PM

To: FGC <FGC@fgc.ca.gov>

Cc: Ashcraft, Susan [REDACTED] Miller-Henson, Melissa [REDACTED]

[REDACTED] Lovell, Randy [REDACTED]

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hello all at FGC,

Please accept my comments below for the upcoming MRC meeting public comments.

I'd comment on item 6 (B) IV a, but there is nothing to comment on.

Given the likelihood of no, or severely limited recreational salmon fishing this year, I am asking the commission to put into effect the following emergency rules in order to protect the California Halibut from what will likely be a slaughter. Further, these rules should be adopted for the time. Perhaps, after populations are proven to have increased, the two fish limit might be raised back to three fish.

- 1 Reduce daily bag limit from three to two fish
- 2 Barbless hooks only may be used for halibut
- 3 Increase minimum size from 22" to 24"

With the increased halibut pressure, using barbed hooks, many salmon (both coho and chinook) will be caught in the process.

The past few years in Tomales Bay has seen many instances of very proficient halibut fishermen returning many times per week to take 3, 6, 9 fish each visit.

Thank you for your prompt. proactive adoption of these rules.

richard james

Halibut Season Temporary Daily Bag Limit Reduction Request - Waters of the SF Bay and Golden Gate

stighe [REDACTED]

Mon 03/27/2023 12:52 PM

To: FGC <FGC@fgc.ca.gov>

To the Commission,

As a retired State and Federal Fisheries Manager and recreational fisherman, I'd like to commend the Commission for temporarily suspending the 2023 salmon fishing season. To further protect our very unique and outstanding American fishery, I request that the Commission strongly consider temporarily reducing the current daily bag limit of three halibut over 22 inches to two halibut of the same 22 inch size in the waters of the SF Bay and Golden Gate areas as currently recommended by the Golden Gate Fishermen's Association.

Regards,
Stephen Tighe

Support for reducing NorCal California Halibut bag limit

Pasha Foroudi [REDACTED]

Thu 04/13/2023 04:16 PM

To: FGC <FGC@fgc.ca.gov>

Hello,

Concerned NorCal angler here.

I want to express my full support for the proposed bag limit reduction of California Halibut to two fish.

Some other ideas I'd like to see considered:


- increasing minimum size to 24 inches.
- requiring nets that are not likely to cause tail rot.
- allowing only single-point hooks.

Thank you for your consideration.

Best,

Pasha Foroudi
[REDACTED]

Halibut reduction

David Hurley 

Tue 03/14/2023 03:11 PM

To: FGC <FGC@fgc.ca.gov>



WHOPPERS

Freshwater

Angler	Location	Fish	Weight
Logan McDaniel	Lake Oroville	Largemouth Bass	12.86
Victor Hernandez	Hesperia Lake	Rainbow Trout	9
James Bogin	Lake Wohlford	Rainbow Trout	8.9
Ben Voight	Lake Amador	Amagold	8.08
Steven Latino	DVL	Smallmouth Bass	4

(Saltwater)

Angler	Location	Fish	Weight
"Darwin"	Baja Offshore	Yellowfin Tuna	330
Chris Hoehn	San Diego Bay	Halibut	15
Jason Prasad	Suisun Bay	Sturgeon	58in
Max Tholen	San Pablo Bay	Sturgeon	58in
Sallena Durrell	Suisun Bay	Sturgeon	55in

Caught a whopper?

Email editors@wonews.com with a photo and full catch details

Groundswell of angler support for two-fish halibut daily bag limit in light of salmon closure

BY DAVE HURLEY
WON Staff Writer

SAN FRANCISCO — As angling pressure is expected to increase exponentially on the California halibut population due to the closure of the salmon season, there is a groundswell of support for temporarily changing the current daily bag limit of three halibut over 22 inches to two fish. The Golden Gate Fishermen's Association (GGFA), a group of sport fishing professionals and concerned anglers dedicated to the preservation and enhancement of the marine fisheries in the San Francisco Bay/Golden Gate waters of the Central Pacific Coast, is taking the lead in advocating for the temporary change due to the anticipated pressure on the California halibut in San Francisco Bay and outside the Golden Gate. It will be necessary to convince the Department of Fish and Wildlife to take the proactive measures to

protect the species by changing the daily bag limit as soon as possible, and this will require anglers and fishing groups to petition the department to make the temporary change.

James Smith, owner/operator of the charter boats *California Dawn I* and *II* out of Berkeley Marina said, "We know there is going to be an effort shift from salmon to halibut, and the majority of charter boat and six-pack captains are in favor of a temporary change in the daily bag limit to two fish instead of three. We are taking somewhat of a financial risk since anglers are used to the opportunity for three legal halibut, but we all understand the importance of protecting the brood stock. The past few spring and summers of halibut fishing have been outstanding since the species are very good at survival when the water temperatures are over 50 degrees. Halibut are a warm-water species who thrive with the

☒ Committing to a Voluntary
2 Fish Limit for 2023



Pass it on!

GROUNDWELL OF SUPPORT GROWING — A coalition of charter boat operators are leading the charge to protect California halibut broodstock.

right conditions, and after a few years of warmer temperatures in the bay, three-fish limits were not uncommon. They made a huge comeback due to the early El Nino years, however, the water in the bay have been cold in the high 40's for most of this spring, and the juveniles could be affected. We attempted to broach this concern in the past north of Point Conception, but halibut were not considered a priority species, and the department's biologists did not take a stance. During the last salmon closure in 2009, there is data to demonstrate the abundance of the species prior and the effect of the effort shift during the closure. It took years for the halibut population to recover to the point where it has been the past few years. We are asking for a reduction in the bag limit, but not the 22-inch size limit. Male halibut can reproduce at 15 inches while females reach fecundity at 20 inches. A 22-inch female could have already had a successful spawn."

Captain Jerad Davis of the *Salty Lady*, a board member of the GGFA, added, "The temporary reduction was a topic at our last board meeting, and we are asking for an emergency order from the Department of Fish and Wildlife to reduce the recreational daily bag limit to 2 on a temporary basis. The effort shift is real, and although my clientele has been primarily focused on salmon, I will also have to target halibut, striped bass, or rockfish during the salmon closure."

In addition to the recreational party boat fleet, halibut populations are affected by commercial drag boats, the growing number of commercial hook-and-line anglers who are able to use six rods, and skiff owners including the burgeoning number of kayak fishermen.

IT TAKES ONLY ONE
SMALL CHANGE TO
CATCH MORE FISH.

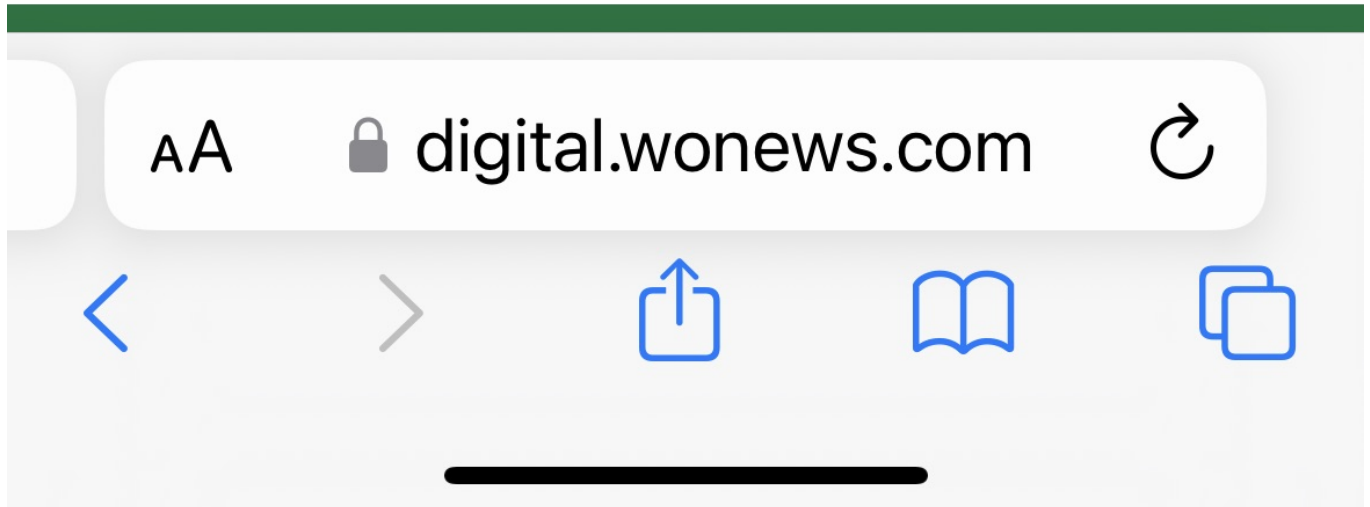
SO WE
ADDED
SIX.





This is another example of fishermen whose livelihood depends upon a species to take measures to protect the species. Anglers interested in voicing their perspective on this issue are advised to write the California Fish and Game Commission at fgc@fgc.ca.gov or participate in an upcoming commission meeting during the public comment for items not on the agenda. There is an agenda item regarding California halibut fishery bycatch evaluation in the California halibut set gillnet fishery scheduled during the March 14-16 Marine Resources Committee meeting.

The agenda is available at fgc.ca.gov/Meetings/2023



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

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

I. Date of Initial Statement of Reasons:

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: February 8, 2023

Location: Sacramento

(b) Discussion Hearing

Date: April 19, 2023

Location: Fresno/Bakersfield area

(c) Adoption Hearing

Date: May 17, 2023

Location: Teleconference

III. Description of Regulatory Action

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

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

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

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

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River Basin (in-river) sport fisheries which are consistent with federal fishery management goals.

Tribal entities within the Klamath River Basin maintain fishing rights for ceremonial, subsistence, and commercial fisheries that are managed consistent with federal fishery

management goals. Tribal fishing regulations are promulgated by individual tribal governments.

Klamath River Fall-Run Chinook Salmon

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

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

PPMC Overfishing Review

KRFC stocks have been designated as “overfished” by PPMC. This designation is the result of not meeting conservation objectives for these stocks. Management objectives and criteria for KRFC are defined in the PPMC Salmon Fishery Management Plan (FMP). The threshold for overfished status of KRFC is a three-year geometric mean less than or equal to 30,525 natural area adult spawners. This overfished-threshold was met for KRFC during the 2015-2017 period. The 30,525 KRFC natural area adult spawners is considered the minimum stock size threshold, per the FMP. The KRFC adult natural area spawning escapement for 2021 was 30,196 natural area adult spawners, which is below the one-year conservation threshold of 40,700 natural area adult spawners. The most recent three-year geometric mean of 29,908 is still less than the required 40,700 natural area adult spawners conservation threshold, therefore the KRFC are still considered as an “overfished” stock.

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

Klamath River Spring-Run Chinook Salmon

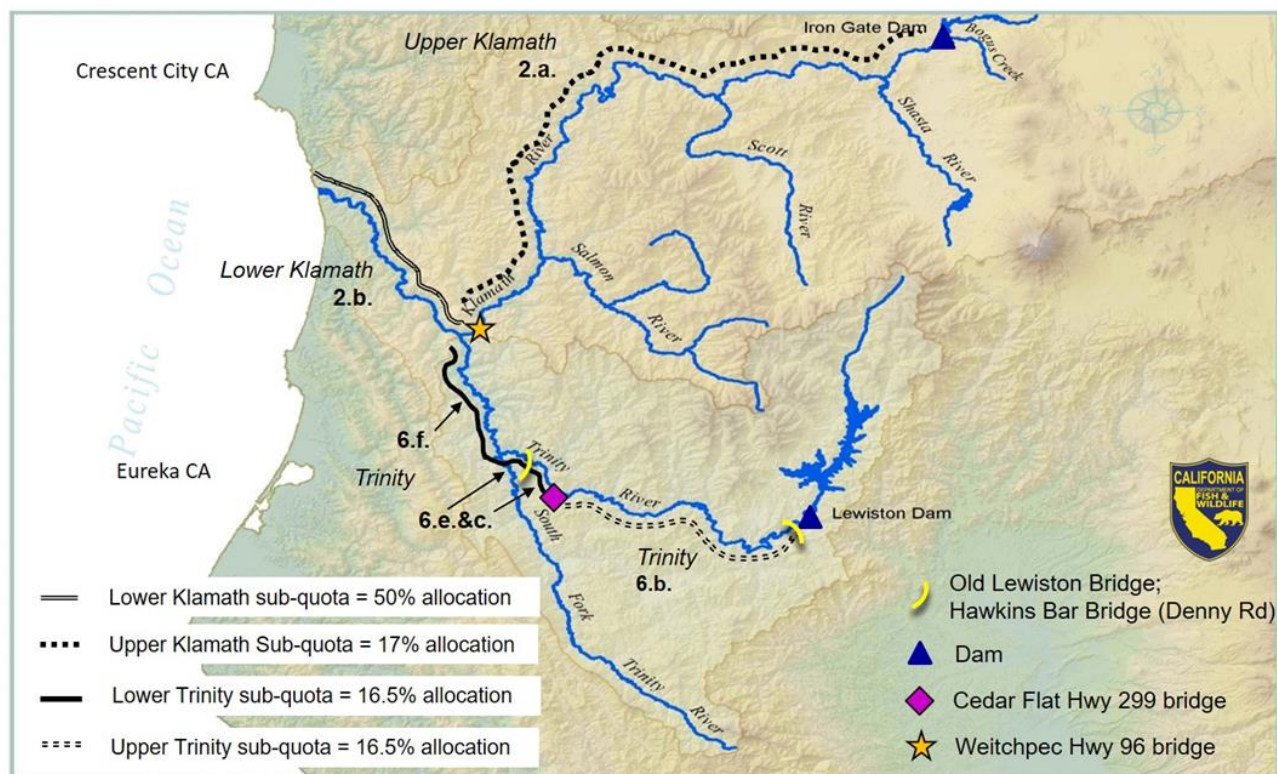
The Klamath River Basin also supports Klamath River spring-run Chinook Salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases. Presently, KRSC stocks are not managed or allocated by PPMC. This in-river sport fishery is managed by general basin seasons,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

KRFC Allocation Management

The PFMC 2022 allocation for the Klamath River Basin sport harvest was 2,119 adult KRFC. The PFMC allocation for the Klamath River Basin sport harvest is normally a minimum of 15 percent of the non-tribal PFMC harvest allocation of KRFC. Preseason stock projections of 2023 adult KRFC abundance will not be available from PFMC until March 2023. The 2023 basin allocation will be recommended by PFMC in April 2023. That allocation will inform the quota that the Department proposes to the Commission for adoption as a quota for the in-river sport harvest at the Commission's May 2023 teleconference meeting.

The Commission may adopt a KRFC in-river sport harvest quota that is different than the quota proposed by the Department or the PFMC 2023 allocation for that fishery. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the FMP.

The annual KRFC in-river sport harvest quota is specified in subsection 7.40(b)(50)(D)1. The quota is split among four geographic areas with a subquota for each area, expressed as a percentage of the total in-river quota, specified in subsection 7.40(b)(50)(D)2. For angler convenience, the subquotas, expressed as the number of fish, are listed for the affected river segments in subsection 7.40(b)(50)(E). The in-river sport subquota percentages are shown in Figure 1, and are as follows:



1. Main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the in-river sport quota;

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

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

The spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) closes to all fishing after 15 percent of the total Klamath River Basin quota has been taken downstream of the Highway 101 bridge.

3. Main stem Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the in-river sport quota; and

4. Main stem Trinity River downstream of the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the in-river sport fishery quota.

These geographic areas are based upon the historical distribution of angler effort to ensure equitable harvest of adult KRFC in the Klamath River and Trinity River. The subquota system requires the Department to monitor or assess angler harvest of adult KRFC in each geographic area. All areas are monitored on a real time basis, except for the Klamath River upstream of Weitchpec and in the Trinity River. Due to funding and personnel reductions, the Department does not currently conduct real time harvest monitoring in the Klamath River upstream of the Weitchpec and in the Trinity River.

The Department has developed Harvest Predictor Models (HPM), which incorporate historic creel survey data from the Klamath River downstream of Iron Gate Dam to the confluence with the Pacific Ocean, and the Trinity River downstream of Lewiston Dam to the confluence with the Klamath River. Each HPM is driven by the positive relationship between KRFC harvested in the respective lower and upper subquota areas of the Klamath River and the Trinity River. The HPMs will be used by the Department to implement fishing closures to ensure that anglers do not exceed established subquota targets. Using this method, the upper Klamath River subquota area generally closes between 28-30 days after the lower Klamath River subquota is reached. Similarly, the upper Trinity River subquota area generally closes 45 days after the lower Klamath River subquota has been met. The Department also takes into consideration several other factors when implementing closure dates for subquota areas, including angler effort, KRFC run timing, weir counts, and ongoing recreational creel surveys performed by the Hoopa Valley Tribe in the lower Trinity River below Willow Creek.

Sport Fishery Management

The KRFC in-river sport harvest quota is divided into geographic areas, and harvest is monitored under real time subquota management. The KRSC in-river sport harvest is managed by general season, daily bag limit, and possession limit regulations.

The Department presently differentiates the two stocks by the following sport fish season in each sub-area:

Klamath River

July 1 through August 14 – General Season KRSC.

For purposes of clarity, daily bag and possession limits apply to that section of the Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth.

August 15 to December 31 – KRFC quota management.

Trinity River

July 1 through August 31 – General Season KRSC.

For purposes of clarity, daily bag and possession limits apply to that section of the Trinity River downstream of the Old Lewiston Bridge to the confluence with the South Fork Trinity River.

September 1 through December 31 – KRFC quota management.

The daily bag and possession limits apply to both stocks within the same sub-area and time period. Current regulations in subsections 7.40(b)(50)(E)2.a. and b. specify bag limits for KRFC stocks in the Klamath River. Current regulations in subsections 7.40(b)(50)(E)6.b., e., and f. specify bag limits for KRFC stocks in the Trinity River. Current regulations in subsection 7.40(b)(50)(C)2.b. specify KRFC possession limits.

Proposed Changes

Key to Proposed Regulatory Changes:

Because the PFMC recommendations are not known at this time, ranges are shown in [brackets] in the proposed regulatory text below of bag and possession limits which encompass historical quotas. All are proposed for the 2023 KRFC fishery in the Klamath and Trinity rivers.

The final KRFC bag and possession limits will align with the final federal regulations to meet biological and fishery allocation goals specified in law or established in the FMP.

KRFC Adult Stocks (Sport Fishery Quota Management)

Quota: For public notice requirements, the Department recommends the Commission consider a quota range of 0–67,600 adult KRFC in the Klamath River Basin for the in-river sport fishery. This recommended range encompasses the historical range of the Klamath River Basin allocations and allows PFMC and Commission to make adjustments during the 2023 regulatory cycle.

Subquotas: The proposed subquotas for KRFC stocks are as follows:

1. Main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the total quota equates to [0-11,492];
2. Main stem Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth of the Pacific Ocean -- 50 percent of the total quota equates to [0-33,800];
3. Main stem Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the total quota equates to [0-11,154]; and
4. Main stem Trinity River downstream of the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the total quota equates to [0-11,154].

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

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

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

KRSC Sport Fishery

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

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

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

The Department is proposing a grilse salmon size limit cutoff range of less than or equal to 20 inches (50.8 cm) to 24 inches (58.4 cm) total length (TL) for discussion before the Commission before the Department makes a final recommendation. Considered in this context, the size limit cutoff discussion is a trade-off between restricting take of the available adult salmon and quota management versus increasing harvest of two-year-old grilse salmon. The range of proposed bag and possession limits for KRFC stocks are as follows:

- Bag Limit - [0-4] Chinook Salmon – of which no more than [0-4] fish over [20-24] inches total length may be retained until the subquota is met, then 0 fish over [20-24] inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0-4] fish over [20-24] inches total length may be retained when the take of salmon over [20-24] inches total length is allowed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Removal of Duplicate Size Limit (non-substantive)

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

Removal of Obsolete Form Number (non-substantive)

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

Correct Capitalization of Fish Names (non-substantive)

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

(b) Goals and Benefits of the Regulation

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

The benefits of the proposed regulations are conformance with federal fishery management goals, sustainable management of Klamath River Basic fish resources, health and welfare of California residents, and promotion of businesses that rely on salmon sport fishing in the Klamath River Basin.

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

Authority: Sections 200, 205, 265, 270, 315, 316.5, 399, and 2084, Fish and Game Code

Reference: Sections 200, 205, 265, 270, 316.5, and 2084, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

In-River Sport Fishing Economics Technical Report, National Oceanographic and Atmospheric Administration, National Marine Fisheries Service, September 2011. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=164441&inline>

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

The Department discussed the proposed amendments to the annual Klamath River Basin regulations at the Commission's Wildlife Resources Committee meeting on September 15, 2022.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

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

(b) No Change Alternative

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

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

None identified.

V. Mitigation Measures Required by Regulatory Action

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

VI. Impact of Regulatory Action

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

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

The proposed regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to range from minor to no impact on the net revenues to local businesses servicing sport fishermen. If the 2023 KRFC quota is reduced, visitor spending may correspondingly be reduced, and in the absence of alternative visitor activities, the drop in spending could induce some business contraction. If the 2023 KRFC quota remains similar to the KRFC quotas allocated in previous years, then local economic impacts are expected to be unchanged. Neither scenario is expected to directly affect the ability of California businesses to compete with businesses in other states.

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

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

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

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

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

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

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

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

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

None.

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

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

None.

(h) Effect on Housing Costs

None.

VII. Economic Impact Assessment

The proposed amendments under consideration will set the 2023 Klamath River Basin salmon sport fishing regulations to conform to the PFMC KRFC allocation. The Klamath River Basin is anticipated to be open for salmon sport fishing at levels similar to the levels in the 2022 sport fishing season; however, the possibility of marine fishery area closures still exists. Ocean closures may in turn result in PFMC recommendations for Klamath River Basin salmon sport fishery closures for the take of adult KRFC. Adverse or positive impacts to jobs and businesses will depend on the 2023 KRFC allocation ultimately adopted by the PFMC, and the specific regulations promulgated by the Commission, in conjunction with the Department.

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

KRFC Size Limit (Grilse Size Considerations)

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

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

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

A 2011 NMFS report (*In-River Sport Fishing Economics Technical Report*), reports that non-resident (outside the Eureka/Crescent City area) salmon or steelhead angler average expenditures are estimated to be \$125.51 (2022\$) per angler day (for lodging, food, gasoline, fishing gear, boat fuel, and guide fees). The projections do not distinguish between spring and fall runs, however, the report states that the in-river harvest is almost exclusively fall-run. The NMFS report also excluded the Trinity River, the largest tributary to the Klamath. Since the Trinity River is allocated 33 percent of the KRFC total quota, this share is used to expand salmon and steelhead angler effort, and thus impacts on associated businesses that support anglers.

In a normal year, the total non-resident angler contribution to the entire Klamath River Basin (including the Trinity River) is estimated to be about \$1,268,757 (2022\$) in direct expenditures, resulting in about \$2,258,387 (2022\$) in total economic output that supports an estimated 26 jobs throughout the state. This is a conservative estimate of total economic impact as it counts only non-resident angler expenditures. The total impact of non-resident angler direct expenditures on labor income, total economic output, and jobs are shown in Table 1.

Table 1. Klamath River Basin* Salmon and Steelhead Economic Impact 2022 (Non-resident anglers)

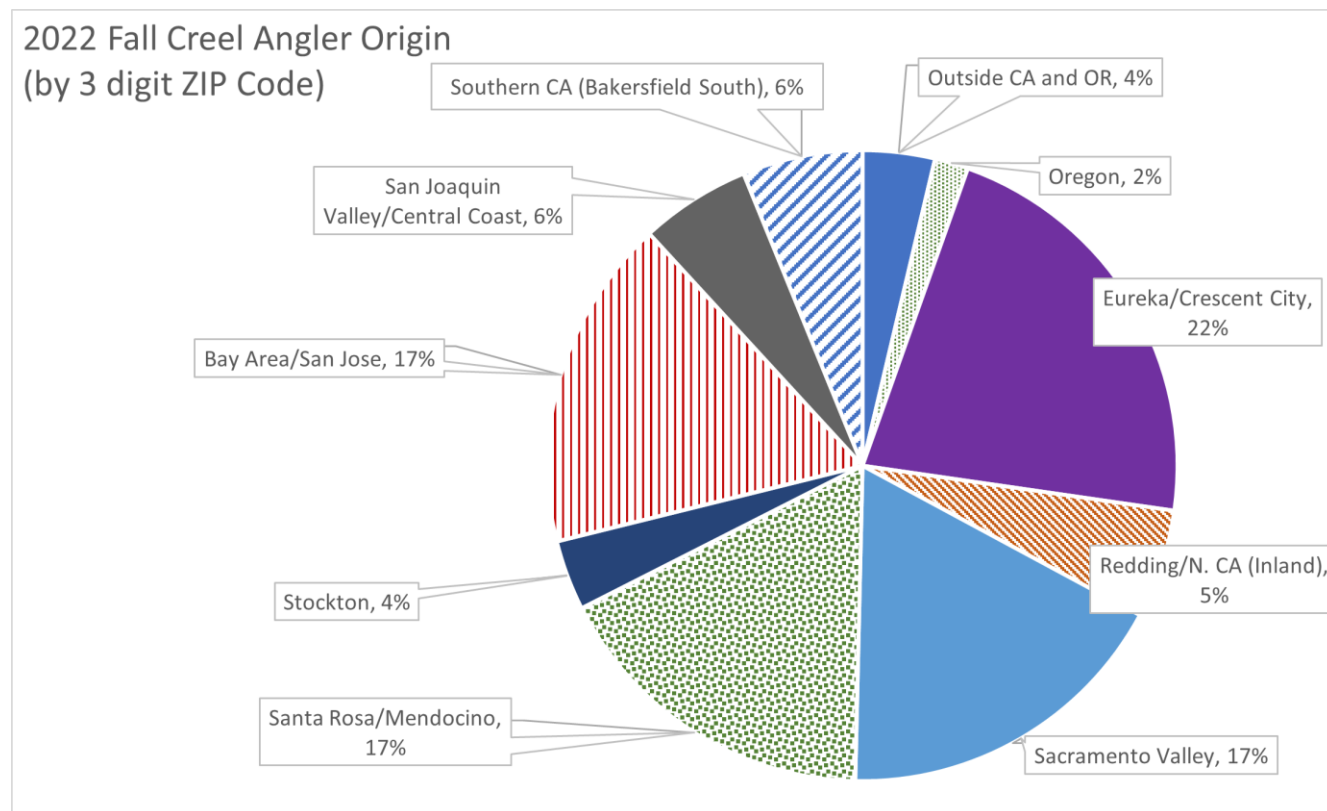
Klamath Sportfishing	Salmon	Steelhead	Total Impact
Expenditures	\$1,265,329	\$3,428	\$1,268,757
Labor Income	\$708,036	\$1,918	\$709,954
Total Economic Impact	\$2,252,286	\$6,101	\$2,258,387
Total Jobs Impact	26	0.1	26

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

Local resident average expenditures per angler day are estimated to be 60 percent less (markedly reduced lodging, gasoline, and food expenditures), which yields an estimate of \$50.25 per angler day. Local resident anglers comprise about 22 percent of Klamath River Basin anglers. Any decreases to expenditures by resident anglers associated with reduced fishing opportunities may be offset by increased expenditures on other locally purchased goods and services – with no net change in local economic activity. Thus, the economic impact analysis focuses on non-resident angler expenditures which represent new money whose injection serves to stimulate the local economy.

Creel surveys in the Department's Northern Region (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity counties) reveal that local resident (Eureka/Crescent City) anglers comprise about 22 percent of Klamath River Basin anglers, with a majority (78%) of anglers coming from outside the immediate locale, as shown in Figure 2.

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



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

Economic Impact Projections

To demonstrate the potential economic impacts that may result from a quota anywhere within the range of 0-67,600 KRFC, three adult salmon catch projections are as follows: 100 percent of the 2022 adult KRFC catch limit; 50 percent of the 2022 adult KRFC catch limit; and 0 percent of the 2022 adult KRFC catch limit.

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

Projection 1: 100 percent of the 2022 adult KRFC catch limit: The Commission does not anticipate any adverse impacts on the creation or elimination of jobs, as the quotas would not decrease effort nor curtail the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2: 50 percent of the 2022 adult KRFC catch limit: The Commission anticipates some impact on the creation or elimination of jobs, which may be partially offset by the potential for continued sport fishing allowed for other sportfish and grilse KRFC. A 50 percent salmon catch reduction will likely reduce visitor spending by slightly less than 50 percent, given price elasticities of demand for salmon fishing activity of less than one. As

the “price” of fishing per unit catch increases, the demand for fishing trips declines by a lesser extent, particularly in the short-run. While difficult to predict, job losses associated with a 50 percent reduction in the adult KRFC catch limit are expected to be less than half of the 26 estimated total jobs supported by salmon angler visits (i.e. fewer than 13 jobs).

Projection 3: 0 percent of the 2022 adult KRFC catch limit: In the event of fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission anticipates less than 50 percent reduction in fishery-related jobs. As mentioned above, sport fishing for other species and grilse KRFC may still be allowed, thus mitigating potential job losses. A closure on the take of all KRFC was instituted in 2017, and only steelhead could be legally harvested during the fall season. The 2017 closure resulted in nearly a 50 percent drop in angler days. However, job creation or elimination tends to lag in response to short-term changes in consumer demand. Thus, the potential impacts of a closure on the take of adult KRFC are estimated to result in the loss of less than 13 jobs due to adjustment lags, and the continued sport fishing allowed for other species and potentially for grilse KRFC.

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

Projection 1: 100 percent of the 2022 adult KRFC catch limit: The Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses, as the quotas would not decrease effort nor curtail the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2: 50 percent of the 2022 adult KRFC catch limit: The Commission anticipates a decline in visits to the fishery areas of less than 50 percent due to the continued sport fishing allowed for other species and grilse KRFC. This may result in some decline in business activity, but the Commission does not anticipate any impacts on the creation of new businesses or the elimination of existing businesses directly related to fishing activities. However, with less effort being expended on salmon fishing, the possibility of alternative sportfishing activities and the growth of businesses to serve those activities exists.

Projection 3: 0 percent of the 2022 adult KRFC catch limit: In the event of salmon fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission anticipates a decline in regional spending and thus reduced revenues to the approximately 30 to 50 businesses that directly and indirectly serve sport fishing activities with unknown impacts on the creation of new business or the elimination of existing businesses. However, adverse impacts may be mitigated by the continued opportunity to harvest other sportfish and the potential for take of grilse KRFC. Additionally, the long-term intent of the proposed regulatory action is to increase sustainability in fishable salmon stocks and, consequently, promote the long-term viability of these same small businesses.

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

Projection 1: 100 percent of the 2022 adult KRFC catch limit: The Commission does not anticipate any impacts on the expansion of businesses in California as the quotas would not increase effort nor increase the number of visitors and thus probable visitor expenditures in the fisheries areas.

Projection 2: 50 percent of the 2022 adult KRFC catch limit: The Commission does not anticipate any impacts on the expansion of businesses currently doing business within the State. Decreases in expenditures by resident anglers associated with reduced fishing opportunities may be offset by increased expenditures on other locally purchased goods and services – with no net change in local economic activity. For non-resident anglers, however, decreases in local expenditures associated with decreases in local fishing opportunities may result in increases in other expenditures outside the Klamath River Basin area.

Projection 3: 0 percent of the 2022 adult KRFC catch limit: In the event of salmon fisheries closures for adult KRFC in some or all Klamath River Basin areas, the Commission does not anticipate any expansion of businesses in California. Decreases in expenditures by anglers associated with reduced fishing opportunities may be partially offset by increased expenditures on other locally purchased goods and services as anglers pursue other sportfish, potentially including grilse KRFC, or the substitution of salmon fishing with other recreational activities.

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

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

(e) Benefits of the Regulation to Worker Safety

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

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

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

(g) Other Benefits of the Regulation

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

Informative Digest/Policy Statement Overview

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

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

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

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River Basin (in-river) sport fisheries which are consistent with federal fishery management goals.

Tribal entities within the Klamath River Basin maintain fishing rights for ceremonial, subsistence, and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations are promulgated by individual tribal governments.

Klamath River Fall-Run Chinook Salmon

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

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

PFMC Overfishing Review

KRFC stocks have been designated as “overfished” by PFMC. This designation is the result of not meeting conservation objectives for these stocks. Management objectives and criteria for KRFC are defined in the PFMC Salmon Fishery Management Plan (FMP). The threshold for overfished status of KRFC is a three-year geometric mean less than or equal to 30,525 natural area adult spawners. This overfished-threshold was met for KRFC during the 2015-2017 period. The 30,525 KRFC natural area adult spawners is considered the minimum stock size threshold, per the FMP. The KRFC adult natural area spawning

escapement for 2021 was 30,196 natural area adult spawners, which is below the one-year conservation threshold of 40,700 natural area adult spawners. The most recent three-year geometric mean of 29,908 is still less than the required 40,700 natural area adult spawners conservation threshold, therefore the KRFC are still considered as an “overfished” stock.

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

KRFC Allocation Management

The PFMC 2022 allocation for the Klamath River Basin sport harvest was 2,119 adult KRFC. The PFMC allocation for the Klamath River Basin sport harvest is normally a minimum of 15 percent of the non-tribal PFMC harvest allocation of KRFC. Preseason stock projections of 2023 adult KRFC abundance will not be available from PFMC until March 2023. The 2023 basin allocation will be recommended by PFMC in April 2023. That allocation will inform the quota that the Department proposes to the Commission for adoption as a quota for the in-river sport harvest at the Commission’s May 2023 teleconference meeting.

The annual KRFC in-river sport harvest quota is specified in subsection 7.40(b)(50)(D)1. The quota is split among four geographic areas with a subquota for each area, expressed as a percentage of the total in-river quota, specified in subsection 7.40(b)(50)(D)2. For angler convenience, the subquotas, expressed as the number of fish, are listed for the affected river segments in subsection 7.40(b)(50)(E). The in-river sport subquota percentages are shown in Figure 1, and are as follows:

1. for the main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the in-river sport quota;
2. for the main stem Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the in-river sport quota;
3. for the main stem Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the in-river sport quota; and
4. for the main stem Trinity River downstream of the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the in-river sport fishery quota.

Proposed Changes

Because the PFMC recommendations are not known at this time, ranges are shown in [brackets] in the proposed regulatory text below of bag and possession limits which

encompass historical quotas. All are proposed for the 2023 KRFC fishery in the Klamath and Trinity rivers.

The final KRFC bag and possession limits will align with the final federal regulations to meet biological and fishery allocation goals specified in law or established in the FMP.

KRFC Adult Stocks (Sport Fishery Quota Management)

Quota: For public notice requirements, the Department recommends the Commission consider a quota range of [0–67,600] adult KRFC in the Klamath River Basin for the in-river sport fishery. This recommended range encompasses the historical range of the Klamath River Basin allocations and allows PFMC and Commission to make adjustments during the 2023 regulatory cycle.

Subquotas: The proposed subquotas for KRFC stocks are as follows:

1. Main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec -- 17 percent of the total quota equates to [0-11,492];
2. Main stem Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the total quota equates to [0-33,800];
3. Main stem Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the total quota equates to [0-11,154]; and
4. Main stem Trinity River downstream of the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the total quota equates to [0-11,154].

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

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

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

KRSC Sport Fishery

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

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

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

The Department is proposing a grilse salmon size limit cutoff range of less than or equal to 20 inches (50.8 cm) to 24 inches (58.4 cm) total length (TL) for discussion before the Department makes a final recommendation. Considered in this context, the size limit cutoff discussion is a trade-off between restricting take of the available adult salmon and quota management versus increasing harvest of two-year-old grilse salmon. The range of proposed bag and possession limits for KRFC stocks are as follows:

- Bag Limit - [0-4] Chinook Salmon – of which no more than [0-4] fish over [20-24] inches total length may be retained until the subquota is met, then 0 fish over [20-24] inches total length.
- Possession limit - [0-12] Chinook Salmon of which no more than [0–4] fish over [20-24] inches total length may be retained when the take of salmon over [20-24] inches total length is allowed.

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

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

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

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

Removal of Duplicate Size Limit (non-substantive)

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

Removal of Obsolete Form Number (non-substantive)

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

Correct Capitalization of Fish Names (non-substantive)

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

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

Benefit of the Regulations

The benefits of the proposed regulations are conformance with federal fishery management goals, sustainable management of Klamath River Basic fish resources, health and welfare of California residents, and promotion of businesses that rely on salmon sport fishing in the Klamath River Basin.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (Fish and Game Code sections 200, 205, 315, and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. Commission staff has searched the California Code of Regulations and has found no other state regulations related to sport fishing in the Klamath River Basin.

Proposed Regulatory Language

Section 5.87, Title 14, CCR, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(50) Klamath River Basin Regulations.

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

(A) Restrictions and Requirements.

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

(B) General Area Closures.

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

(C) Klamath River Basin Possession Limits.

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

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

(D) Klamath River Basin Chinook Salmon Quotas.

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

1. Quota for Entire Basin.

The ~~2022~~²⁰²³ Klamath River Basin quota is ~~2,119~~^[0-67,600] Klamath River fall-run Chinook Salmon over ~~23~~^[20-24] inches total length. The department shall inform the commission, and the public via the news media, prior to any implementation of restrictions triggered by the quotas. (Note: A department status report on progress toward the quotas for the various river sections is updated weekly, and available by calling 1-800-564-6479.)

2. Subquota Percentages.

- a. The subquota for the Klamath River upstream of the Highway 96 bridge at Weitchpec and the Trinity River is 50% of the total Klamath River Basin quota.
 - (i) The subquota for the Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec is 17% of the total Klamath River Basin quota.
 - (ii) The subquota for the Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat is 16.5% of the total Klamath River Basin quota.
 - (iii) The subquota for the Trinity River main stem downstream of the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River is 16.5% of the total Klamath River Basin quota.
- b. The subquota for the lower Klamath River downstream of the Highway 96 bridge at Weitchpec is 50% of the total Klamath River Basin quota.
 - (i) The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) will close when 15% of the total Klamath River Basin quota is taken downstream of the Highway 101 bridge.

(E) Klamath River Basin Open Seasons and Bag Limits.

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

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
1. Bogus Creek and tributaries.	Fourth Sat. in May through Aug. 31. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead.**
2. Klamath River main stem from 3,500 feet downstream of Iron Gate Dam to the mouth.		
a. Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec.	Jan. 1 through Aug. 14.	2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 360 <u>[0-11,492]</u> Chinook Salmon Aug. 15 through Dec. 31, 2022 <u>2023</u> .	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> inches total length. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota Exception: Chinook Salmon over 23 inches total length may be retained from 3,500 feet downstream of Iron Gate Dam to the Interstate 5 bridge when the department determines that the adult fall-run Chinook Salmon spawning escapement at Iron Gate Hatchery exceeds 8,000 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.	

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
b. Klamath River downstream of the Highway 96 bridge at Weitchpec.	Jan. 1 through Jun. 30.	2 hatchery trout or hatchery steelhead**.
	Jul. 1 through Aug. 14.	1 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 1,060 <u>[0-33,800]</u> Chinook Salmon Aug. 15 to <u>through</u> Dec. 31, 2022 <u>2023</u> .	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> inches total length. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota Exception: Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth). This area will be closed to all fishing after 15% of the Total Klamath River Basin Quota has been taken below Highway 101 bridge. All legally caught Chinook Salmon must be retained. Once the adult (greater than 23 <u>[20-24]</u> inches) component of the total daily bag limit has been retained anglers must cease fishing in the spit area.	
3. Salmon River main stem, main stem of North Fork downstream of Sawyer's Bar bridge, and main stem of South Fork downstream of the confluence of the East Fork of the South Fork.	Nov. 1 through Feb. 28.	2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
4. Scott River main stem downstream of the Fort Jones-Greenville bridge to the confluence with the Klamath River.	Fourth Sat. in May through Feb. 28.	2 hatchery trout or hatchery steelhead**.
5. Shasta River main stem downstream of the Interstate 5 bridge north of Yreka to the confluence with the Klamath River.	Fourth Sat. in May through Aug. 31 and Nov. 16 through Feb. 28.	2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
6. Trinity River and tributaries.		
a. Trinity River main stem from 250 feet downstream of Lewiston Dam to the Old Lewiston Bridge.	Apr. 1 through Sep. 15. Only artificial flies with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**.
b. Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat.	Jan. 1 through Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 through Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 350 <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, 2022 <u>2023</u> .	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota Exception: Chinook Salmon over 23 inches total length may be retained downstream of the Old Lewiston Bridge to the mouth of Indian Creek when the department determines that the adult fall-run Chinook Salmon spawning escapement at Trinity River Hatchery exceeds 4,800 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.	

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
c. Trinity River main stem downstream of the Highway 299 West bridge at Cedar Flat to the Denny Road bridge at Hawkins Bar.	Jan. 1 through Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 through Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Sep. 1 through Dec. 31.	Closed to all fishing.
d. New River main stem downstream of the confluence of the East Fork to the confluence with the Trinity River.	Sep. 15 through Nov. 15. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**.
e. Trinity River main stem downstream of the Denny Road bridge at Hawkins Bar to the mouth of the South Fork Trinity River.	Jan. 1 through Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 through Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 349 <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, 2022 <u>2023</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table.	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
f. Trinity River main stem downstream of the mouth of the South Fork Trinity River to the confluence with the Klamath River.	Jan. 1 through Aug. 31.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 349 <u>[0-11,154]</u> Chinook Salmon Sep. 1 through Dec. 31, 2022 <u>2023</u> . This is the cumulative quota for subsections 6.e. and 6.f. of this table.	2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> inches total length. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
g. Hayfork Creek main stem downstream of the Highway 3 bridge in Hayfork to the confluence with the South Fork Trinity River.	Nov. 1 through Mar. 31. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**.
h. South Fork Trinity River downstream of the confluence with the East Fork of the South Fork Trinity River to the South Fork Trinity River bridge at Hyampom.	Nov. 1 through Mar. 31. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**.
i. South Fork Trinity River downstream of the South Fork Trinity River bridge at Hyampom to the confluence with the Trinity River.	Nov. 1 through Dec. 31.	0 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Jan. 1 through Mar. 31.	2 hatchery trout or hatchery steelhead**.

. . . [No changes to subsections (b)(51) through (b)(123)] . . .

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

Note: Authority cited: Sections 200, 205, 265, 270, 315, 316.5, 399 and 2084, Fish and Game Code.
Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game Code.

Memorandum

Date: April 10, 2023

Original on file,
Received April 13, 2023

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

From: Charlton H. Bonham
Director

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

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

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

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

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

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 10, 2023
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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
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Revised Proposed Regulatory Language

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

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

*. . . [No changes to subsections (a) through (b)(49)] . . . [options shown as noted in **bold**, highlighted header in grey]*

(50) Klamath River Basin Regulations.

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

(A) Restrictions and Requirements.

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

(B) General Area Closures.

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

(C) Klamath River Basin Possession Limits.

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

and the Trinity River downstream of the Old Lewiston Bridge to the confluence of the South Fork Trinity River from Jul. 1 to Aug. 31: 2 Chinook Salmon.

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

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

(D) Klamath River Basin Chinook Salmon Quotas.

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

1. Quota for Entire Basin.

The ~~2022~~2023 Klamath River Basin quota is ~~2,119~~[0-67,600] Klamath River fall-run Chinook Salmon over 23[20-24] inches total length. The department shall inform the commission, and the public via the news media, prior to any implementation of restrictions triggered by the quotas. (Note: A department status report on progress toward the quotas for the various river sections is updated weekly, and available by calling 1-800-564-6479.)

2. Subquota Percentages.

- a. The subquota for the Klamath River upstream of the Highway 96 bridge at Weitchpec and the Trinity River is 50% of the total Klamath River Basin quota.
- (i) The subquota for the Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec is 17% of the total Klamath River Basin quota.
- (ii) The subquota for the Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat is 16.5% of the total Klamath River Basin quota.
- (iii) The subquota for the Trinity River main stem downstream of the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River is 16.5% of the total Klamath River Basin quota.
- b. The subquota for the lower Klamath River downstream of the Highway 96 bridge at Weitchpec is 50% of the total Klamath River Basin quota.
- (i) The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) will close when 15% of the total Klamath River Basin quota is taken downstream of the Highway 101 bridge.

(E) Klamath River Basin Open Seasons and Bag Limits.

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

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
1. Bogus Creek and tributaries.	Fourth Sat. in May through Aug. 31. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead.**
2. Klamath River main stem from 3,500 feet downstream of Iron Gate Dam to the mouth.		
a. Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec.	Jan. 1 through Aug. 14.	2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 360 <u>[0-11,492]</u> Chinook Salmon Aug. 15 through Dec. 31, 2022 <u>2023</u> .	<p>Option 1: 2<u>[0-4]</u> Chinook Salmon - no more than 4<u>[0-4]</u> fish over 23<u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23<u>[20-24]</u> inches total length.</p> <p>2 hatchery trout or hatchery steelhead**.</p> <p>Option 2: <u>Closed to the take and possession of Chinook Salmon.</u></p> <p>2 hatchery trout or hatchery steelhead**.</p>
	Fall Run Quota Exception: Chinook Salmon over 23 inches total length may be retained from 3,500 feet downstream of Iron Gate Dam to the Interstate 5 bridge when the department determines that the adult fall-run Chinook Salmon spawning escapement at Iron Gate Hatchery exceeds 8,000 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.	
b. Klamath River downstream of the Highway 96 bridge at	Jan. 1 through Jun. 30.	2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
Weitchpec.		
	Jul. 1 through Aug. 14.	1 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 1,060 <u>[0-33,800]</u> Chinook Salmon Aug. 15 to <u>through</u> Dec. 31, 2022 <u>2023</u> .	Option 1: 2 <u>[0-4]</u> Chinook Salmon - no more than 4 <u>[0-4]</u> fish over 23 <u>[20-24]</u> inches total length until subquota is met, then 0 fish over 23 <u>[20-24]</u> inches total length. 2 hatchery trout or hatchery steelhead**. Option 2: <u>Closed to the take and possession of Chinook Salmon.</u> 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota Exception: Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth). This area will be closed to all fishing after 15% of the Total Klamath River Basin Quota has been taken below Highway 101 bridge. All legally caught Chinook Salmon must be retained. Once the adult (greater than 23 <u>[20-24]</u> inches) component of the total daily bag limit has been retained anglers must cease fishing in the spit area.	
3. Salmon River main stem, main stem of North Fork downstream of Sawyer's Bar bridge, and main stem of South Fork downstream of the confluence of the East Fork of the South Fork.	Nov. 1 through Feb. 28.	2 hatchery trout or hatchery steelhead**.

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
4. Scott River main stem downstream of the Fort Jones-Greenview bridge to the confluence with the Klamath River.	Fourth Sat. in May through Feb. 28.	2 hatchery trout or hatchery steelhead**.
5. Shasta River main stem downstream of the Interstate 5 bridge north of Yreka to the confluence with the Klamath River.	Fourth Sat. in May through Aug. 31 and Nov. 16 through Feb. 28.	2 hatchery trout or hatchery steelhead**.
6. Trinity River and tributaries.		
a. Trinity River main stem from 250 feet downstream of Lewiston Dam to the Old Lewiston Bridge.	Apr. 1 through Sep. 15. Only artificial flies with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**.
b. Trinity River main stem downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat.	Jan. 1 through Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 through Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Fall Run Quota 350[0-11,154] Chinook Salmon Sep. 1 through Dec. 31, 20222023.	<p>Option 1: 2[0-4] Chinook Salmon - no more than 4[0-4] fish over 23[20-24] inches total length until subquota is met, then 0 fish over 23[20-24] inches total length.</p> <p>10 Brown Trout.</p> <p>2 hatchery trout or hatchery steelhead**.</p> <p>Option 2: <u>Closed to the take and possession of Chinook Salmon.</u></p> <p>10 Brown Trout</p>

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
		2 hatchery trout or hatchery steelhead**.
	Fall Run Quota Exception: Chinook Salmon over 23 inches total length may be retained downstream of the Old Lewiston Bridge to the mouth of Indian Creek when the department determines that the adult fall-run Chinook Salmon spawning escapement at Trinity River Hatchery exceeds 4,800 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.	
c. Trinity River main stem downstream of the Highway 299 West bridge at Cedar Flat to the Denny Road bridge at Hawkins Bar.	Jan. 1 through Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 through Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Sep. 1 through Dec. 31.	Closed to all fishing.
d. New River main stem downstream of the confluence of the East Fork to the confluence with the Trinity River.	Sep. 15 through Nov. 15. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**.
e. Trinity River main stem downstream of the Denny Road bridge at Hawkins Bar to the mouth of the South Fork Trinity River.	Jan. 1 through Jun. 30.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**.
	Jul. 1 through Aug. 31.	1 Chinook Salmon. 10 Brown Trout. 2 hatchery trout or hatchery

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

Body of Water	Open Season and Special Restrictions	Daily Bag Limit
bridge in Hayfork to the confluence with the South Fork Trinity River.	hooks may be used.	steelhead**.
h. South Fork Trinity River downstream of the confluence with the East Fork of the South Fork Trinity River to the South Fork Trinity River bridge at Hyampom.	Nov. 1 through Mar. 31. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**.
i. South Fork Trinity River downstream of the South Fork Trinity River bridge at Hyampom to the confluence with the Trinity River.	Nov. 1 through Dec. 31.	0 Chinook Salmon. 2 hatchery trout or hatchery steelhead**.
	Jan. 1 through Mar. 31.	2 hatchery trout or hatchery steelhead**.

. . . [No changes to subsections (b)(51) through (b)(123)] . . .

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

Note: Authority cited: Sections 200, 205, 265, 270, 315, 316.5, 399 and 2084, Fish and Game Code. Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game Code.

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.

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Page 2

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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].

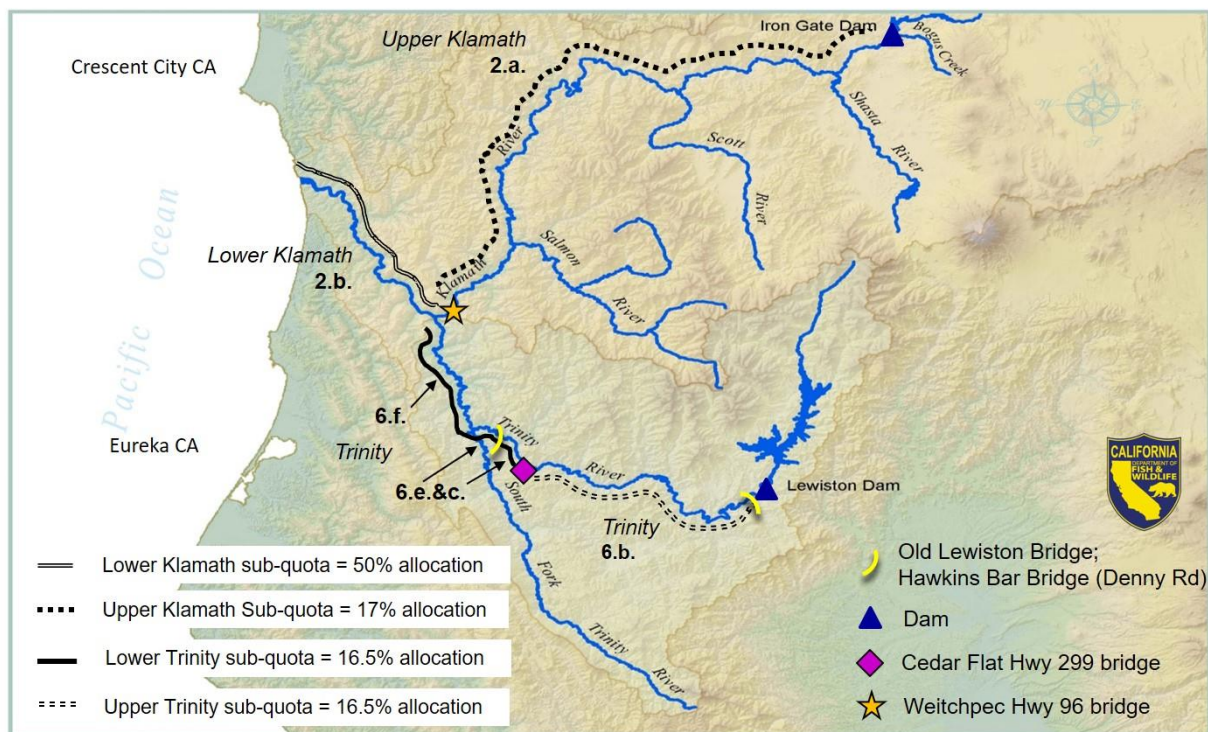


Figure 1. Map of the Klamath River Basin, showing the subquotas by reach of Trinity and Klamath rivers, and the associated subsections of 7.40(b)(50)(E).

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.

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

☐ 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NI

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

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

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

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

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

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

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

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

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

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

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

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

Explanation of Responses to Initial Study Environmental Checklist

I. Aesthetics

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

II. Agriculture and Forestry Resources

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

III. Air Quality

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

IV. Biological Resources

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the 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**

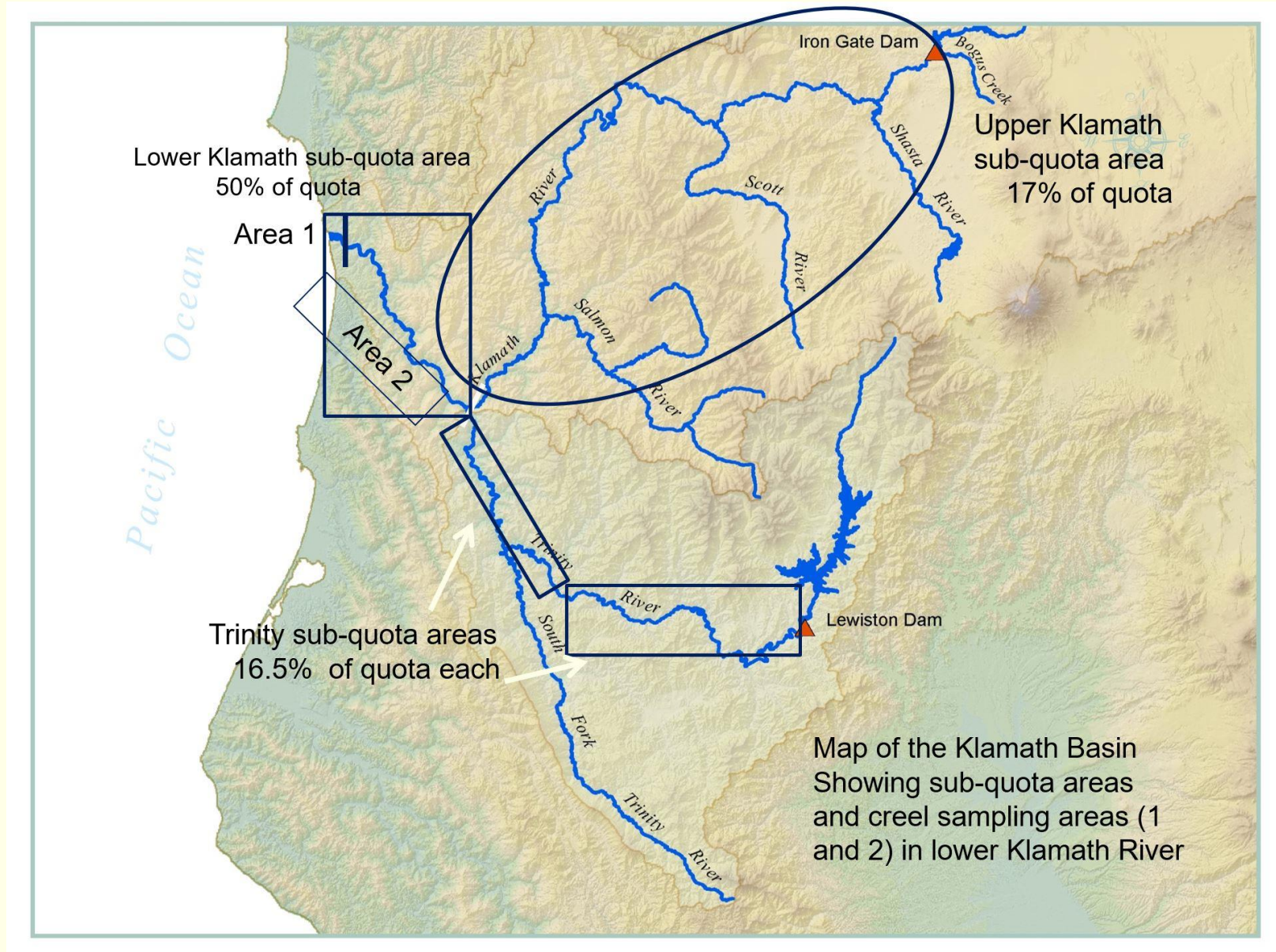
Presentation Overview

- 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
CDFW Fisheries Branch
Jonathan.Nelson@wildlife.ca.gov

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

Karen Mitchell
Senior Environmental Scientist (Specialist)
California Department of Fish & Wildlife
Fisheries Branch
[1010 Riverside Pkwy](#)
[West Sacramento, CA 95605](#)
Cell:

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action
Amend Subsections (b)(4), (b)(43), (b)(66),
and (b)(80) of Section 7.40
Title 14, California Code of Regulations
Re: Central Valley Sport Fishing Regulations

I. Date of Initial Statement of Reasons: January 18, 2023

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: Webinar/Teleconference

III. Description of Regulatory Action

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

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

Current regulations in subsections (b)(4), (b)(43), (b)(66), and (b)(80) of Section 7.40 prescribe the 2022 seasons and daily bag and possession limits for Sacramento River fall-run Chinook Salmon (*Oncorhynchus tshawytscha*; SRFC) sport fishing in the American, Feather, Mokelumne, and Sacramento rivers, respectively. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC for purposes of this document (Figure 1). Each year, the Department of Fish and Wildlife (Department) recommends new Chinook Salmon daily bag and possession limits for consideration by the Fish and Game Commission (Commission) to align with up-to-date management goals, as set forth below.

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

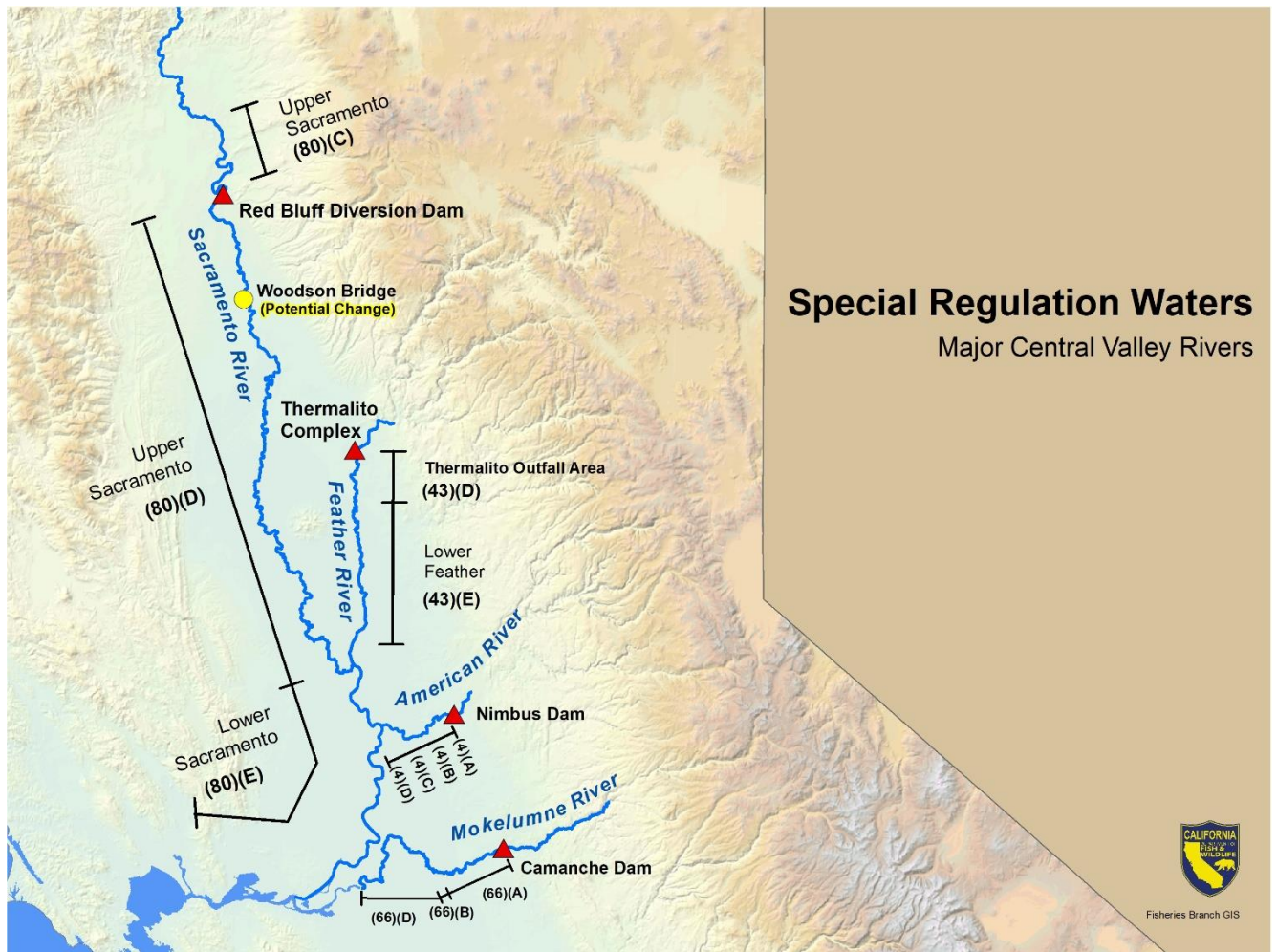


Figure 1. Map of the 2023 “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.40: American (b)(4), Feather (b)(43), Mokelumne (b)(66), and Sacramento (b)(80).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2023 meeting and will adopt its final regulatory recommendations at its April 2023 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2023 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations for the Central Valley fishery to the Commission at its April 19, 2023 meeting. The Commission will then consider adoption of the Central Valley sport fishing regulations at its May 17, 2023 meeting.

(b) Proposed Regulations

SACRAMENTO RIVER FISHING BOUNDARY REVISION

On the Sacramento River between the Deschutes Road Bridge and the Highway 113 bridge (i.e., subsections 7.40(b)(80)(C) and (D)), the Department is proposing to move the geographic fishing boundary from Red Bluff Diversion Dam (river mile 244) to **Woodson Bridge** (river mile 220). All of the SRFC spawning tributaries and the vast majority of the mainstem SRFC spawning habitat is located upstream of Woodson Bridge. Moving the fishing boundary to Woodson Bridge is necessary to allow adults escaping the fishery to stage unmolested below

their natal tributaries, reducing overall harvest rates but still providing recreational opportunity within productive historic fishing grounds below Woodson Bridge.

SACRAMENTO RIVER LATE-FALL RUN FISHERY OPPORTUNITY

On the Sacramento River between Deschutes Road Bridge and Woodson Bridge, as proposed, (i.e., amended subsection 7.40(b)(80)(C), the Department is proposing to split the current fishing season of August 1 through December 31 into two separate seasons from August 1 through October 31 and November 1 through December 31. . This split season will allow for better management options for SRFC and Sacramento River late-fall-run Chinook Salmon (SRLFC) populations. Fall-run spawner escapement surveys conducted by the Department indicate that SRFC spawn in the Sacramento River, and its tributaries, above Woodson Bridge at least through November. Spawning by SRLFC follows shortly thereafter. This change is necessary to provide protection to SRFC that are holding, migrating, and spawning in the Sacramento River above Woodson Bridge in years of low SRFC stock abundance, while providing anglers access to SRLFC during November and December.

CHINOOK SALMON BAG AND POSSESSION LIMITS

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2023 Central Valley fishery, the Department is presenting four regulatory options for the Commission's consideration to tailor 2023 Central Valley fishery management to target 2023 in-river fisheries harvest projections. The Commission may adopt these options for each river section independently, or in combination to meet PFMC SRFC management objectives and maximize recreational salmon fishing opportunities in the Central Valley.

- Option 1 is the most liberal of the options, and allows take of any size Chinook Salmon up to the daily bag and possession limits.
- Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon (two-year old salmon) making up the remainder of the daily bag and possession limits.
- Option 3 is a more conservative option, and allows for a grilse-only Chinook Salmon fishery.
- Option 4 is the most conservative option, and prohibits the take and possession of Chinook Salmon in all anadromous areas of and tributaries to the American, Feather, Mokelumne, and Sacramento rivers.

Key to Proposed Regulatory Changes:

Because the PFMC recommendations are not known at this time, a range shown in [brackets] in the text below of bag and possession limits is indicated where it is desirable to continue Chinook Salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers.

The following options are provided for Commission consideration:

Option 1 – Any Size Chinook Salmon Fishery

This option would allow anglers to take up to [0-4] Chinook Salmon of any size per day and have [0-12] Chinook Salmon in possession. This option is the Department's preferred option if the 2023 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-

river SRFC harvest.

American River, subsection 7.40(b)(4):

- (B) From the United States Geological Survey (USGS) gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

Feather River, subsection 7.40(b)(43):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Mokelumne River, subsection 7.40(b)(66):

- (A) From Camanche Dam to Elliott Road.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

(C) From Deschutes Road bridge to Woodson Bridge.

August 1 through October 31, and November 1 through December 31, with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

(D) From Woodson Bridge to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

(E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

This option would allow the take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon (two-year old salmon) making up the remainder of the daily bag and possession limits. This option would allow anglers to take up to [0-4] Chinook Salmon per day, with no more than [0-4] of those salmon over 27 inches total length, and have [0-12] Chinook Salmon in possession, of which no more than [0-12] salmon may be over 27 inches total length. Should a reduction in the adult component of the stock be indicated by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size, grilse are typically outcompeted by larger adults, and contribute significantly less to the spawning population, and so they would be available for harvest with minimal impact to juvenile recruitment for the current season. Take of adult salmon would be limited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

The Department recommends a grilse salmon size limit of less than or equal to 27 inches total length based on an analysis of grilse data conducted by Department staff in 2018 (refer to Section III(g) below). A 27-inch total length grilse salmon cutoff is the best balance between angling harvest opportunity of possibly abundant smaller, two-year old male salmon and preserving the limited number of females available to spawn.

American River, subsection 7.40(b)(4):

(B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0–12] fish may be over 27 inches total length.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0–12] fish may be over 27 inches total length.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0–12] fish may be over 27 inches total length.

Feather River, subsection 7.40(b)(43):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0–12] fish may be over 27 inches total length.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

Mokelumne River, subsection 7.40(b)(66)

- (A) From Camanche Dam to Elliott Road.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

- (C) From Deschutes Road bridge to Woodson Bridge.

August 1 through October 31, and November 1 through December 31, with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

- (D) From Woodson Bridge to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

Option 3 – Grilse-only Salmon Fishery

This option would allow for a grilse-only salmon fishery. This option would allow anglers to take [0-4] Chinook Salmon with a maximum size of 27 inches total length and have [0-12] Chinook Salmon in possession, with a maximum size of 27 inches total length. Should a reduction in the adult component of the stock be indicated by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size, grilse are typically outcompeted by larger adults, and contribute significantly less to the spawning population, and so they would be available for harvest with minimal impact to juvenile recruitment for the current season. Take of adult salmon would be prohibited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

The Department recommends a grilse salmon size limit of less than or equal to 27 inches total length based on an analysis of grilse data conducted by Department staff in 2018 (refer to Section III(g) below). A 27-inch total length grilse salmon cutoff is the best balance between angling harvest opportunity of possibly abundant smaller, two-year old male salmon and preserving the limited number of female salmon available to spawn.

American River, subsection 7.40(b)(4):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

Feather River, subsection 7.40(b)(43):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

Mokelumne River, subsection 7.40(b)(66):

- (A) From Camanche Dam to Elliott Road.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including lake Lodi.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

- (C) From Deschutes Road bridge to Woodson Bridge.

August 1 through October 31, and November 1 through December 31, with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (D) From Woodson Bridge to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

Option 4 – No Salmon Fishing in all Central Valley Rivers, Streams, and Tributaries

This option would close salmon fishing in the American, Feather, Mokelumne, and/or Sacramento rivers, and all associated tributaries, or specific areas/bodies of water, as specified by river reach(es) in subsection 7.40(b) to provide protection to SRFC should a reduction in the stock be indicated by PFMC abundance projections. In any year, should the PFMC recommend a complete or near complete closure to ocean recreational salmon fishing, this option will give the Department flexibility to respond to and support any federal action in the ocean. This option prohibits 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) (See Section VII below).

American River, subsection 7.40(b)(4):

- (B) From the United States Geological Survey (USGS) gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31. No take or possession of Chinook Salmon.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31. No take or possession of Chinook Salmon.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16. No take or possession of Chinook Salmon.

Feather River, subsection 7.40(b)(43):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through October 31. No take or possession of Chinook Salmon.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16. No take or possession of Chinook Salmon.

Mokelumne River, subsection 7.40(b)(66):

- (A) From Camanche Dam to Elliott Road.

July 16 through October 15. No take or possession of Chinook Salmon.

- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31. No take or possession of Chinook Salmon.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16. No take or possession of Chinook Salmon.

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

- (C) From Deschutes Road bridge to Woodson Bridge.

August 1 through October 31, and November 1 through December 31. No take or possession of Chinook Salmon.

- (D) From Woodson Bridge to the Highway 113 bridge.

July 16 through December 16. No take or possession of Chinook Salmon.

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16. No take or possession of Chinook Salmon

(c) Necessity of the Proposed Regulation Changes

The proposed regulations are necessary to adjust Chinook Salmon bag and possession limits, size limits, and open seasons for the American, Feather, Mokelumne, and Sacramento rivers for consistency with PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season.

(d) Goals and Benefits of the Regulation

As stated in Fish and Game Code Section 1700, Conservation of Aquatic Resources: It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use.

Adoption of scientifically-based SRFC bag and possession limits provides for the maintenance of sufficient populations of Chinook Salmon to ensure their continued existence.

The benefits of the proposed regulations are consistency with federal fishery management goals, sustainable management of the SRFC fishery, general health and welfare of California residents, and promotion of businesses that rely on sport fishing in the Central Valley.

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

Authority: Sections 200, 205, 265, 270, 315, 316.5, 399 and 2084, Fish and Game Code.

Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game Code.

(f) Specific Technology or Equipment Required by Regulatory Change

None.

(g) Identification of Reports or Documents Supporting Regulation Change

Fish and Game Commission, 2018. *Initial Statement of Reasons for Regulatory Action. Amendments to Section 7.50, Title 14, California Code of Regulations, Re: Central Valley Salmon Sport Fishing*. November 2018. Available from:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=164433&inline>

Pahlke, K, 1988. *Length Conversion Equations for Sockeye, Chinook, and Coho salmon in southeast Alaska. Regional Information Report No. Ij88-03*. Alaska Department of Fish and Game Division of Commercial Fisheries, Southeast Region. Available from:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=164436&inline>

U.S. Fish and Wildlife Service, 2016 *National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*, available from
<https://www.census.gov/content/dam/Census/library/publications/2018/demo/fhw16-nat.pdf>

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

The Department presented the proposed amendments to the SRFC bag and possession limits at the Commission's Wildlife Resources Committee meeting on September 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 that would have the same desired regulatory effect.

(b) No Change Alternative

SRFC Adult Stocks

The no change alternative would leave existing 2022 regulations in place. The no change alternative would not allow for appropriate harvest rates, while the proposed regulations will allow the state to harmonize its bag and possession limits with NMFS' regulations.

Other Changes for Clarity

Additionally, the No Change Alternative would cause the language within subsections (b)(43), and (b)(80) of 7.40 to be continue to be inconsistent with the rest of Section 7.40.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource, while providing inland sport fishing opportunities and thus, the prevention of adverse economic impacts.

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

The Commission does not anticipate significant adverse economic impacts but acknowledges the potential for short-term negative impacts on the creation or elimination of jobs within the state. The Commission anticipates no adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The management of an ongoing Chinook Salmon sport fishery with annual variations in the bag

and possession limits and/or the implementation of a size limit is not anticipated to significantly impact the volume of business activity.

The loss of up to 22 jobs with Option 2, 43 jobs for Option 3, and 108 jobs for Option 4 is not expected to eliminate businesses because projected reduction in fishing days is expected to be partially offset by opportunities to fish for grilse Chinook Salmon and other species for Option 2 and 3 and continued opportunities for other non-salmonid species for Option 4.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a Chinook Salmon sport fishery encourages consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of Chinook Salmon resources in the Central Valley.

The Commission does not anticipate any benefits to worker safety.

Other benefits of the proposed regulations are concurrence with federal fishery management goals and promotion of businesses that rely on Central Valley sport fishing.

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

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

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

VII. Economic Impact Assessment

This action is expected to sustain fishery activity within the range of historically typical seasons. Lower PFMC harvest forecasts can result in a smaller bag and possession limit, (more conservative), whereas larger PFMC harvest forecasts can result in a higher bag and possession limit (more liberal), both of which can skew the average fishing activity over seasons. The potential difference in total economic impact between a typical season and the options under consideration range from \$0 to -\$13.2 M as shown in Table 1 below. However, the anticipated total economic impacts may vary a bit more or less than the estimates of any one single option, as the proposed options may be adopted as a combination of bag and possession limits by body of water so as to minimize adverse impacts to fishing opportunity and economic activity.

A five-year average over the 2017-2021 seasons for the Central Valley fishery experiences about 174,192 sport salmon angler days in which anglers spend an average of \$108 per day contributing a total of \$18.8 M (2022\$) in direct expenditures to California businesses. This expenditure is received by area businesses that spend a share on inputs and payroll. As employees receive income, their household spending again circulates in the local economy

and statewide. These multiplier effects have historically resulted in an estimated total economic impact of \$26.4 M (2022\$), that supports up to 216 jobs throughout the state.

The regional and statewide economic impacts factor into the effort to balance the maintenance of the recreational fishery with resource preservation, while complying with PFMC allocations. The potential economic impacts that may result from each in-river harvest projection as specified in Option 1, Option 2, Option 3, and Option 4 are evaluated in terms of each scenario's probable impact on the number of Chinook Salmon and other species' angler days, and thus angler expenditures that circulate within the area and throughout the state.

Table 1. Central Valley Fishery Projected Economic Impacts 2023

Regulation	Angler Days	Angler Expenditures	Total Econ Impact	Jobs
Option 1	174,192 ¹	\$ 18,812,736	\$ 26,453,598	216
Option 2	156,773	\$ 16,931,462	\$ 23,808,238	194
Option 3	139,354	\$ 15,050,189	\$ 21,162,878	173
Option 4	87,096	\$ 9,406,368	\$ 13,226,799	108

Difference	Angler Day Loss	Expenditure Loss	Total Impact Loss	Job Loss
Option 1	0	\$ -	\$ -	0
Option 2	-17,419	- \$1,881,274	- \$ 2,645,360	(22)
Option 3	-34,838	- \$3,762,547	- \$ 5,290,720	(43)
Option 4	-87,096 ²	-\$9,406,368	-\$13,226,799	(108)

¹The base year for angler days is the five-year average of 2017–2021 derived from Department creel survey data. ²Projected angler days with a salmon closure assumes that 50% of effort will persist as anglers shift or continue to pursue opportunities for other fish species. Sources: California Department of Fish and Wildlife, Fisheries Branch economic analysis; U.S. Fish and Wildlife Service, 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; expenditure figures are in (2022\$), adjusted for inflation with Implicit Price Deflator for Personal Consumption Expenditures, Bureau of Economic Analysis.

Historical correlations between catch limits and fishery participation levels suggest that Option 1 could enable a historically typical (5-year average) number of angler days for the 2023 Chinook Salmon season on the American, Feather, Mokelumne, and Sacramento rivers. Option 2 may result in declines in angler days of 17,419 below a typical year. Option 3 may result in larger declines, or an estimated 34,838 fewer angler days. Option 4 may result in an estimated 50 percent reduction or 87,096 fewer angler days throughout the Central Valley fishery.

A share (approximately 50% for Option 4) of anglers are assumed to continue to pursue other in-river sport fish aside from Chinook Salmon, such as steelhead (*Oncorhynchus mykiss*), Striped Bass (*Morone saxatilis*), Largemouth Bass (*Micropterus salmoides*), White Sturgeon (*Acipenser transmontanus*) and catfish (*Ictalurus spp.*), that may mitigate any adverse impacts from any reductions in salmon fishing. In sum, the options presented to the Commission were conceived with the goal of enabling levels of recreational SRFC fishing in the range of historical averages, and thus should not be a source of significant adverse economic impacts.

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

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation or elimination of jobs. For Option 1, no change in job creation or

elimination is anticipated. Option 2, Option 3, and Option 4 have the potential to result in fewer angler visits, and absent substitution toward other sportfish and/or activities in the affected areas, the reduction in angler spending could reduce the support for 0-108 jobs statewide.

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

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the creation of new business or the elimination of existing businesses, because the proposed economic impacts of the regulations are unlikely to be substantial enough to stimulate the creation of new businesses or cause the elimination of existing businesses.

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

The Commission does not anticipate that any of the proposed options would induce substantial impacts on the expansion of businesses currently doing business within the state. The proposed regulations are not anticipated to increase demand for services or products from the existing businesses that serve inland sport fishermen. The number of fishing trips and angler economic contributions are expected to remain within the range of historical averages.

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

The Commission anticipates benefits to the health and welfare of California residents. Chinook Salmon is a nutritious food source and providing inland sport fishery opportunities encourages consumption of this nutritious food. Sport fishing also contributes to increased mental health of its practitioners, as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety from the proposed regulations because inland sport fishing does not impact working conditions.

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

Under all options the Commission anticipates benefits to the environment in the sustainable management of SRFC. It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law, respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use.

In accordance with this policy, adoption of scientifically-based inland Chinook Salmon bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence and thus continued economic stimulus.

(g) Other Benefits of the Regulation

Other benefits of the regulation include consistency with federal fishery management goals, and support for businesses that rely on Central Valley sport fishing.

Informative Digest/Policy Statement Overview

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

Current regulations in subsections (b)(4), (b)(43), (b)(66), and (b)(80) of Section 7.40 prescribe the 2022 seasons and daily bag and possession limits for Sacramento River fall-run Chinook Salmon (*Oncorhynchus tshawytscha*; SRFC) sport fishing in the American, Feather, Mokelumne, and Sacramento rivers, respectively. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC for purposes of this document. Each year, the Department of Fish and Wildlife (Department) recommends new Chinook Salmon bag and possession limits for consideration by the Fish and Game Commission (Commission) to align the fishing limits with up-to-date management goals, as set forth below.

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

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2023 meeting and will adopt its final regulatory recommendations at its April 2023 meeting based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season. Based on the April 2023 recommendation by PFMC, the Department will recommend specific bag and possession limit regulations to the Commission at its April 19, 2023 meeting. The Commission will then consider adoption of the Central Valley sport fishing regulations at its May 17, 2023 meeting.

Proposed Regulations

Sacramento River Fishing Boundary Revision

On the Sacramento River between the Dechutes Road Bridge and the Highway 113 bridge (i.e., subsections 7.40(b)(80)(C) and (D)), the Department is proposing to move the geographic fishing boundary from Red Bluff Diversion Dam (river mile 244) to Woodson Bridge (river mile 220). All of the SRFC spawning tributaries and the vast majority of the mainstem SRFC spawning habitat is located upstream of Woodson Bridge. Moving the fishing boundary to Woodson Bridge is necessary to allow adults escaping the fishery to stage unmolested below their natal tributaries, reducing overall harvest rates but still providing recreational opportunity within productive historic fishing grounds below Woodson Bridge.

Sacramento River Late-Fall Run Fishery Opportunity

On the Sacramento River between Dechutes Road Bridge and Woodson Bridge (i.e., subsection 7.40(b)(80)(C)), the Department is proposing to split the current fishing season of August 1 through December 31 into two separate seasons from August 1 through October 31 and November 1 through December 31. The majority of SRFC spawning occurs above Woodson Bridge from August through October. This split season will allow for better management options for SRFC and Sacramento River late-fall-run Chinook Salmon (SRLFC) populations. Fall-run spawner escapement surveys conducted by the Department indicate that SRFC spawn in the Sacramento River, and its tributaries, above Woodson Bridge at least through November. Spawning by late-fall-run Chinook Salmon follows shortly

thereafter.

Chinook Salmon Bag and Possession Limits

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2023 Central Valley fishery, the Department is presenting four regulatory options for the Commission's consideration to tailor 2023 Central Valley fishery management to target 2023 in-river fisheries harvest projections. The Commission may adopt these options for each river section independently, or in combination to meet PFMC SRFC management objectives and maximize recreational salmon fishing opportunities in the Central Valley

- Option 1 is the most liberal of the options, and allows take of any size Chinook Salmon up to the daily bag and possession limits.
- Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon (two-year old salmon) making up the remainder of the daily bag and possession limits.
- Option 3 is the more conservative option, and allows for a grilse-only Chinook Salmon fishery.
- Option 4 is the most conservative option, and prohibits the take and possession of Chinook Salmon in all anadromous areas of and tributaries to the American, Feather, Mokelumne, and Sacramento rivers.

All options would be applicable to the following river segments and time periods:

American River, subsection 7.40(b)(4):

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park, July 16 through October 31
- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge, July 16 through December 31
- (D) From the Jibboom Street bridge to the mouth, July 16 through December 16

Feather River, subsection 7.40(b)(43):

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp, July 16 through October 31
- (E) From 200 yards above the Live Oak boat ramp to the mouth, July 16 through December 16

Mokelumne River, subsection 7.40(b)(66):

- (A) From Comanche Dam to Elliott Road, July 16 through October 15
- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake, July 16 through December 31
- (D) From the Lower Sacramento Road bridge to the mouth, July 16 through December 16

Sacramento River below Keswick Dam, subsection 7.40(b)(80):

- (C) From Deschutes Road bridge to Woodson Bridge, August 1 through October 31, and November 1 through December 31.
- (D) From Woodson Bridge to the Highway 113 bridge, July 16 through December 16.
- (E) From the Highway 113 bridge to the Carquinez Bridge, July 16 through December 16.

The following options are provided for Commission consideration:

Option 1 – Any Size Chinook Salmon Fishery

This option is the Department’s preferred option if the 2023 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-river SRFC harvest.

Bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

Bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0–12] fish may be over 27 inches total length.

Option 3 – Grilse Salmon Fishery Only

Bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

Option 4– No Salmon Fishing in all Central Valley Rivers, Streams, and Tributaries

No take or possession of Chinook Salmon.

All Options

Under all options, non-substantive edits are proposed for consistency with other subsections of Section 7.40.

Benefits of the Proposed Regulations

The Commission anticipates benefits to the environment in the sustainable management of Central Valley Chinook Salmon resources. Other benefits of the proposed regulations are consistency with federal fishery management goals, health and welfare of California residents, and promotion of businesses that rely on Central Valley Chinook Salmon sport fishing.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate sport fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to Chinook Salmon sport fishing seasons, bag, and possession limits for Central Valley sport fishing.

Proposed Regulatory Language – Options 1 through 4

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

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

. . . [No changes to subsections (a) through (b)(3)] . . . [options shown as noted in **bolded**, highlighted header in grey]

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
(4) American River (Sacramento Co.).		
(A) From Nimbus Dam to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site.	Closed to all fishing all year.	

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
(B) From the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site to the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park.	Jan. 1 through Jul. 15. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Jul. 16 through Oct. 31. Only barbless hooks may be used.	<p>2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon 4 Chinook Salmon in possession.</p> <p>Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u></p> <p>Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u></p> <p>Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u></p> <p>Option 4: <u>Closed to the take and possession of Chinook Salmon.</u></p>

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
(C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park downstream to the Jibboom Street bridge.	Jan. 1 through Jul. 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Jul. 16 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u> Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u> Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> Option 4: <u>Closed to the take and possession of Chinook Salmon.</u>

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
(D) From the Jibboom Street bridge to the mouth	Jan. 1 through Jul. 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Jul. 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u> Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u> Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> Option 4: <u>Closed to the take and possession of Chinook Salmon.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes to subsections (b)(5) through (b)(42)] . . .

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(43) Feather River below Fish Barrier Dam (Butte, Sutter and Yuba cos.).		
(A) From Fish Barrier Dam to Table Mountain bicycle bridge in Oroville.	Closed to all fishing all year.	
(B) From Table Mountain bicycle bridge to Highway 70 bridge.	Jan. 1 through Jul. 15. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(C) From Highway 70 bridge to the unimproved boat ramp above the Thermalito Afterbay Outfall.	All year.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.	Jan. 1 through Jul. 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Jul. 16 through Oct. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u> Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u> Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> Option 4: <u>Closed to the take and possession of Chinook Salmon.</u>
	Nov. 1 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(E) From 200 yards above Live Oak boat ramp to the mouth. For purposes of this subsection, the lower boundary is defined as a straight line drawn from the peninsula point on the west bank to the Verona Marine boat ramp.	Jan. 1 through Jul. 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Jul. 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u> Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u> Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> Option 4: <u>Closed to the take and possession of Chinook Salmon.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes to subsections (b)(44) through (b)(65)] . . .

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(66) Mokelumne River (San Joaquin Co.).		
(A) From Camanche Dam to Elliot Road.	Jan. 1 through Mar. 31.	1 hatchery trout or hatchery steelhead**.
	Fourth Sat. in May through Jul. 15.	1 hatchery trout or hatchery steelhead**.
	Jul. 16 through Oct. 15.	<p>1 hatchery trout or hatchery steelhead**.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p>Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u></p> <p>Option 2: <u>[0-4] Chinook Salmon – no more than</u> <u>[0-4] salmon over 27 inches total</u> <u>length.</u> <u>[0-12] Chinook Salmon in possession</u> <u>of which no more than [0-12] salmon</u> <u>may be over 27 inches total length.</u></p> <p>Option 3: <u>[0-4] Chinook Salmon. Maximum size</u> <u>27 inches total length.</u> <u>[0-12] Chinook Salmon in possession.</u> <u>Maximum size 27 inches total length.</u></p> <p>Option 4: <u>Closed to the take and possession of</u> <u>Chinook Salmon.</u></p>

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(B) From Elliot Road to the Woodbridge Irrigation District Dam including Lodi Lake.	Jan. 1 through Jul. 15.	1 hatchery trout or hatchery steelhead**.
	Jul. 16 through Dec. 31.	<p>1 hatchery trout or hatchery steelhead**.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p>Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u></p> <p>Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u></p> <p>Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u></p> <p>Option 4: <u>Closed to the take and possession of Chinook Salmon.</u></p>
(C) Between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge.	Closed to all fishing all year.	

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(D) From the Lower Sacramento Road bridge to the mouth. For purposes of this subsection, this river segment is defined as Mokelumne River and its tributary sloughs downstream of the Lower Sacramento Road bridge and east of Highway 160 and north of Highway 12.	Jan. 1 through Jul. 15.	1 hatchery trout or hatchery steelhead**.
	Jul. 16 through Dec. 16.	<p>1 hatchery trout or hatchery steelhead**.</p> <p>2 Chinook Salmon.</p> <p>4 Chinook Salmon in possession.</p> <p>Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u></p> <p>Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u></p> <p>Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u></p> <p>Option 4: <u>Closed to the take and possession of Chinook Salmon.</u></p>
	Dec. 17 through Dec. 31.	1 hatchery trout or hatchery steelhead**.

. . . [No changes to subsections (b)(67) through (b)(79)] . . .

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(80) Sacramento River and tributaries below Keswick Dam (Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Solano, Sutter, Tehama, and Yolo cos.).		
(A) Sacramento River from Keswick Dam to 650 feet below Keswick Dam.	Closed to all fishing all year.	
(B) Sacramento River from 650 feet below Keswick Dam to the Highway 44 bridge.		
1. Sacramento River from 650 feet below Keswick Dam to the Highway 44 bridge.	Closed to all fishing from Apr. 1 through Jul. 31.	
	Jan 1. through Mar. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Aug 1. through Dec. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
2. Sacramento River from the Highway 44 bridge to the Deschutes Road bridge.	All year. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(C) Sacramento River from the Deschutes Road bridge to the Red Bluff Diversion Dam <u>Woodson Bridge</u> .	Jan. 1 through Jul. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Aug. 1 through Dec. 31 <u>October 31</u> .	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u> Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u> Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> Option 4: <u>Closed to the take and possession of Chinook Salmon.</u>

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
	<u>November 1 through December 31.</u>	<p><u>2 hatchery trout or hatchery steelhead**.</u> <u>4 hatchery trout or hatchery steelhead** in possession.</u></p> <p>Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u></p> <p>Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u></p> <p>Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u></p> <p>Option 4: <u>Closed to the take and possession of Chinook Salmon.</u></p>

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(D) Sacramento River from the Red Bluff Diversion Dam <u>Woodson Bridge</u> to the Highway 113 bridge near Knights Landing.	Jan. 1 through Jul. 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Jul. 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u> Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u> Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> Option 4: <u>Closed to the take and possession of Chinook Salmon.</u>
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag and Possession Limit</i>
(E) Sacramento River from the Highway 113 bridge near Knights Landing to the Carquinez Bridge (includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160).	Jan. 1 through Jul. 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	Jul. 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession. Option 1: <u>[0-4] Chinook Salmon</u> <u>[0-12] Chinook Salmon in possession.</u> Option 2: <u>[0-4] Chinook Salmon – no more than [0-4] salmon over 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession of which no more than [0-12] salmon may be over 27 inches total length.</u> Option 3: <u>[0-4] Chinook Salmon. Maximum size 27 inches total length.</u> <u>[0-12] Chinook Salmon in possession. Maximum size 27 inches total length.</u> Option 4: Closed to the take and possession of Chinook Salmon.
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

. . . [No changes to subsections (b)(81) through (b)(123)] . . .

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

** Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately

released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

Note: Authority cited: Sections 200, 205, 265, 270, 315, 316.5, 399 and 2084, Fish and Game Code.
Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game Code.

State of California
Department of Fish and Wildlife

M e m o r a n d u m

Date: March 23, 2023

Original on file,
received March 30, 2023

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

From: Charlton H. Bonham
Director

Subject: **Initial Study and Negative Declaration for Proposed Amendments to Central Valley Sport Fishing Regulations, Section 7.40, Title 14, California Code of Regulations**

In compliance with the California Environmental Quality Act, the Department of Fish and Wildlife (Department) has prepared the enclosed *Initial Study and Negative Declaration for Proposed Amendments to the 2023-2024 Central Valley Sport Fishing Regulations, Title 14, California Code of Regulations (CCR)*. The California Fish and Game Commission (Commission) proposes to amend the “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.40, Title 14, CCR: American (b)(4), Feather (b)(43), Mokelumne (b)(66), and Sacramento (b)(80) based on federal fisheries management goals and to make additional changes for clarity. Based on the initial study, the Department does not think that the proposed amendments to the Central Valley sport fishing regulations will have any significant or potentially significant effects on the environment. The Department recommends the Commission adopt the proposed negative declaration.

If you have any questions regarding the enclosed documents, please contact Karen Mitchell, Senior Environmental Scientist, at [REDACTED].

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STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
CALIFORNIA FISH AND GAME COMMISSION
DRAFT NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
2023-2024 CENTRAL VALLEY SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS

Prepared by:

California Department of Fish and Wildlife
Fisheries Branch

MARCH 2023

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

State Clearinghouse #

Project Summary and Findings

The Project

The California Fish and Game Commission (Commission) proposes to amend the Central Valley sport fishing regulations as set forth in Title 14 of the California Code of Regulations. The current 2022 sport fishing regulations in Section 7.40, Title 14, California Code of Regulations, allow for salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers. Each year the California Department of Fish and Wildlife (Department) evaluates the potential need to amend the existing Chinook Salmon bag and possession limits to align with management goals. Any proposed changes to the salmon fishing regulations are presented to the Commission for consideration.

The Findings

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

Basis of the Findings

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

This proposed negative declaration consists of:

- Project Description and Background Information on the Proposed Amendments to Central Valley Sport Fishing Regulations
- 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
CENTRAL VALLEY SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

Annually, the Department recommends Central Valley sport fishing salmon regulations to the Commission. The Commission then makes the final determination on what amendments to the regulations should be implemented and is the lead agency for the purposes of CEQA. Under Fish and Game Code Section 200, the Commission has the authority to regulate the taking or possession of fish for the purpose of sport fishing.

Project Goals and Objectives

The goal of this project is to amend the Central Valley sport fishing salmon regulations in furtherance of the state's policy on conservation, maintenance, and utilization of California's aquatic resources stated in Fish and Game Code Section 1700; this section includes three objectives:

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

Background

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the 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).

PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2023 meeting and develop the final regulatory recommendations at its April 2023 meeting for adoption by NMFS. Based on the regulations adopted by NMFS, the Department will recommend specific bag and possession limits to the Commission in April 2023. The Commission will consider the proposed regulations for adoption during a teleconference meeting scheduled for May 17, 2023.

Project Location

Central Valley sport fishing addressed by this environmental document occurs in the waters of the American, Feather, Mokelumne, and Sacramento rivers in northern and

central California in the counties of Siskiyou, Shasta, Tehama, Colusa, Butte, Yuba, Sutter, Placer, El Dorado, Sacramento, Yolo, Solano, Contra Costa, and San Joaquin.

Project Description

Current regulations in subsections (b)(4), (b)(43), (b)(66), and (b)(80) of Section 7.40 prescribe the 2022 seasons and daily bag and possession limits for Sacramento River fall-run Chinook Salmon (*Oncorhynchus tshawytscha*; SRFC) sport fishing in the American, Feather, Mokelumne, and Sacramento rivers, respectively. Collectively, these four rivers constitute the “Central Valley fishery” for SRFC for purposes of this document (Figure 1). Each year, the Department recommends new Chinook Salmon bag and possession limits for consideration by the Commission to align the fishing limits with up-to-date management goals, as set forth below.

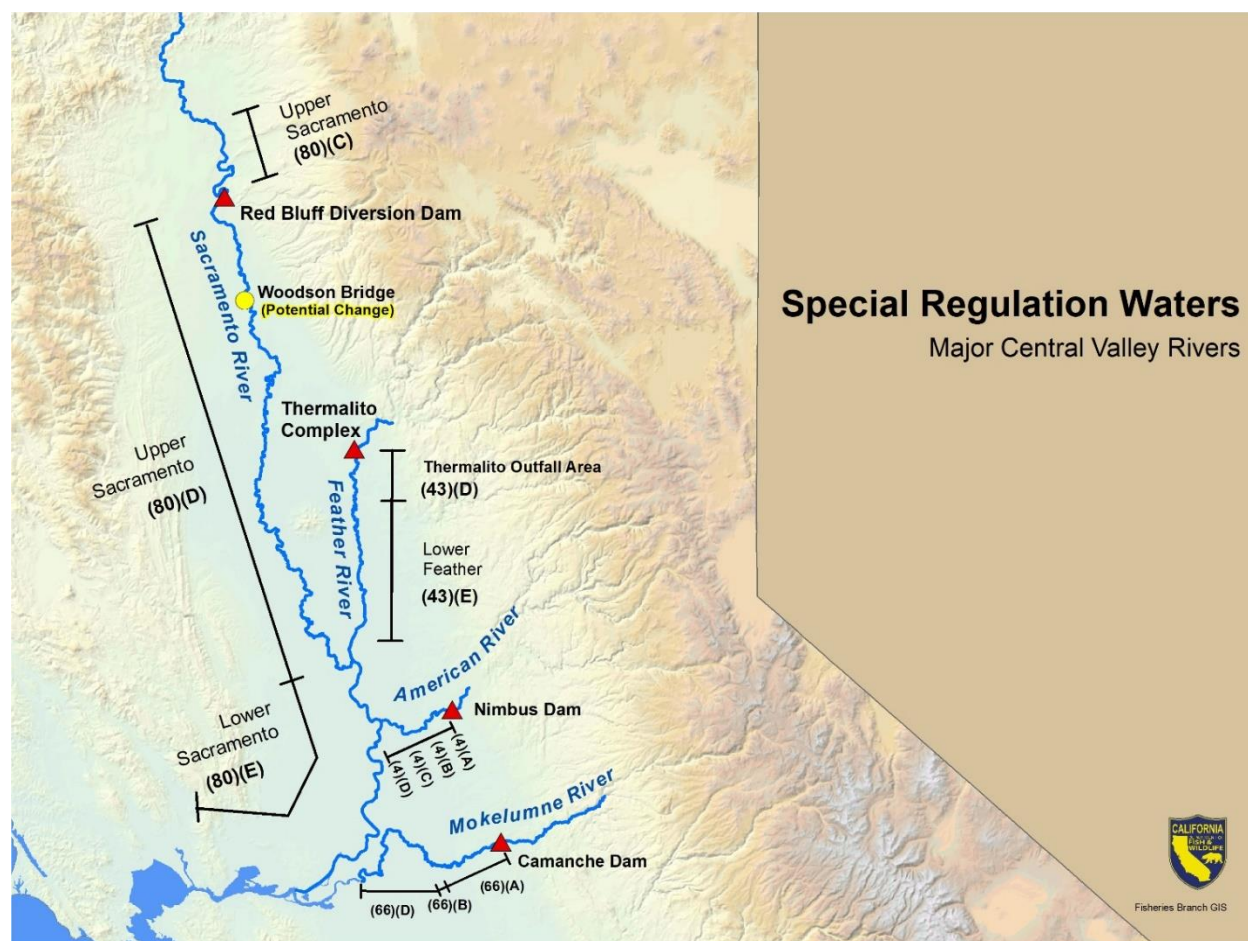


Figure 1. Map of the “Central Valley fishery” for Sacramento River fall-run Chinook Salmon, encompassing the following rivers and their respective subsections of Section 7.40: American (b)(4), Feather (b)(43), Mokelumne (b)(66), and Sacramento (b)(80).

Schedule

If adopted by the Commission and approved by the Office of Administrative Law, the proposed regulatory amendments described below will become effective on or around July 15, 2023.

Proposed Regulations

SACRAMENTO RIVER FISHING BOUNDARY REVISION

On the Sacramento River between the Deschutes Road Bridge and the Highway 113 bridge (i.e., subsections 7.40(b)(80)(C) and (D)), the Department is proposing to move the geographic fishing boundary from Red Bluff Diversion Dam (river mile 244) to **Woodson Bridge** (river mile 220). All of the SRFC spawning tributaries and the vast majority of the mainstem SRFC spawning habitat is located upstream of Woodson Bridge. Moving the fishing boundary to Woodson Bridge is necessary to allow adults escaping the fishery to stage unmolested below their natal tributaries, reducing overall harvest rates but still providing recreational opportunity within productive historic fishing grounds below Woodson Bridge.

SACRAMENTO RIVER LATE-FALL RUN FISHERY OPPORTUNITY

On the Sacramento River between Deschutes Road Bridge and Woodson Bridge, as proposed, (i.e., amended subsection 7.40(b)(80)(C)), the Department is proposing to split the current fishing season of August 1 through December 31 into two separate seasons from August 1 through October 31 and November 1 through December 31. This split season will allow for better management options for SRFC and Sacramento River late-fall-run Chinook Salmon (SRLFC) populations. Fall-run spawner escapement surveys conducted by the Department indicate that SRFC spawn in the Sacramento River, and its tributaries, above Woodson Bridge at least through November. Spawning by SRLFC follows shortly thereafter. This change is necessary to provide protection to SRFC that are holding, migrating, and spawning in the Sacramento River above Woodson Bridge in years of low SRFC stock abundance, while providing anglers access to SRLFC during November and December.

CHINOOK SALMON BAG AND POSSESSION LIMITS

The Department recognizes the uncertainty of SRFC in-river harvest projections. Therefore, for the 2023 Central Valley fishery, the Department is presenting four regulatory options for the Commission's consideration to tailor 2023 Central Valley fishery management to target 2023 in-river fisheries harvest projections. The Commission may adopt these options for each river section independently, or in combination to meet PPMC SRFC management objectives and maximize recreational salmon fishing opportunities in the Central Valley.

1. Option 1 is the most liberal of the options, and allows take of any size Chinook Salmon up to the daily bag and possession limits.

2. Option 2 allows for take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon (two-year old salmon) making up the remainder of the daily bag and possession limits.
3. Option 3 is a more conservative option, and allows for a grilse-only Chinook Salmon fishery.
4. Option 4 is the most conservative option, and prohibits the take and possession of Chinook Salmon in all anadromous areas of and tributaries to the American, Feather, Mokelumne, and Sacramento rivers.

Key to Proposed Regulatory Changes

Because the PFMC recommendations are not known at this time, a range shown in [brackets] in the text below of bag and possession limits is indicated where it is desirable to continue Chinook Salmon fishing in the American, Feather, Mokelumne, and Sacramento rivers.

Option 1 – Any Size Chinook Salmon Fishery

This option would allow anglers to take up to [0-4] Chinook Salmon of any size per day and have [0-12] Chinook Salmon in possession. This option is the Department's preferred option if the 2023 SRFC stock abundance forecast is sufficiently high to avoid the need to constrain in-river SRFC harvest.

American River, Subsection 7.40(b)(4)

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.
July 16 through October 31 with a bag limit of [0-4] Chinook Salmon.
Possession limit - [0-12] Chinook Salmon.
- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.
July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.
Possession limit - [0-12] Chinook Salmon.
- (D) From the Jibboom Street bridge to the mouth.
July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.
Possession limit - [0-12] Chinook Salmon.

Feather River, Subsection 7.40(b)(43)

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon.

Possession limit - [0-12] Chinook Salmon.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Mokelumne River, Subsection 7.40(b)(66)

- (A) From Camanche Dam to Elliott Road.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Sacramento River below Keswick Dam, Subsection 7.40(b)(80)

- (C) From Deschutes Road bridge to Woodson Bridge.

August 1 through October 21, and November 1 through December 31, with a bag limit of [0-4] Chinook Salmon

Possession limit – [0-12] Chinook Salmon.

- (D) From Woodson Bridge to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon.

Possession limit – [0-12] Chinook Salmon.

Option 2 – Limited Adult and Grilse Salmon Fishery

This option would allow the take of a limited number of adult Chinook Salmon, with grilse Chinook Salmon making up the remainder of the daily bag and possession limits. This option would allow anglers to take up to [0-4] Chinook Salmon per day, with no more than [0-4] of those salmon over 27 inches total length, and have [0-12] Chinook Salmon in possession, of which no more than [0-12] salmon may be over 27 inches total length. Should a reduction in the adult component of the stock be indicated by PFMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size, grilse are typically outcompeted by larger adults, and contribute significantly less to the spawning population, and so they would be available for harvest with minimal impact to juvenile recruitment for the current season. Take of adult salmon would be limited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

The Department recommends a grilse salmon size limit of less than or equal to 27 inches total length based on an analysis of grilse data conducted by Department staff in 2018 (refer to Section III(e) of the Initial Statement of Reasons). A 27-inch total length grilse salmon cutoff is the best balance between angling harvest opportunity of possibly abundant smaller, two-year old male salmon and preserving the limited number of females available to spawn.

American River, subsection 7.40(b)(4)

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

Feather River, subsection 7.40(b)(43)

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit - [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

Mokelumne River, subsection 7.40(b)(66)

- (A) From Camanche Dam to Elliott Road.

July 16 through October 15 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

Sacramento River below Keswick Dam, subsection 7.40(b)(80)

(C) From Deschutes Road bridge to Woodson Bridge.

August 1 through October 31, and November 1 through December 31, with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

(D) From Woodson Bridge to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

(E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon of which no more than [0-4] fish over 27 inches total length may be retained.

Possession limit – [0-12] Chinook Salmon of which no more than [0-12] fish may be over 27 inches total length.

Option 3 – Grilse-only Salmon Fishery

This option would allow for a grilse-only salmon fishery. This option would allow anglers to take [0-4] Chinook Salmon with a maximum size of 27 inches total length and have [0-12] Chinook Salmon in possession, with a maximum size of 27 inches total length. Should a reduction in the adult component of the stock be indicated by PPMC harvest projections, the Department is recommending specifying angling opportunities on the smaller, and possibly more numerous grilse salmon to increase angling harvest opportunities. Grilse returns from the previous season are included in pre-season stock abundance forecasts, but are not included in the current season adult returns used for evaluating conservation targets for SRFC. Due to their smaller size, grilse are typically outcompeted by larger adults, and contribute significantly less to the spawning population, and so they would be available for harvest with minimal impact to juvenile recruitment for the current season. Take of adult salmon would be prohibited under regulation, and the subsequent juvenile production would help rebuild the depressed stock size at a time when there is the need to restrict harvest of adult salmon.

The Department recommends a grilse salmon size limit of less than or equal to 27 inches total length based on an analysis of grilse data conducted by Department staff in 2018 (refer to Section III(e) of the Initial Statement of Reasons). A 27-inch-total length grilse salmon cutoff is the best balance between angling harvest opportunity of possibly abundant smaller, two-year old male salmon and preserving the limited number of female salmon available to spawn.

American River, subsection 7.40(b)(4)

- (B) From the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.
July 16 through October 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.
Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.
- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.
July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.
Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.
- (D) From the Jibboom Street bridge to the mouth.
July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.
Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

Feather River, subsection 7.0(b)(43)

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to the Live Oak boat ramp.
July 16 through October 31 with a daily bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.
Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.
- (E) From 200 yards above the Live Oak boat ramp to the mouth.
July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.
Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

Mokelumne River, subsection 7.40(b)(66)

- (A) From Camanche Dam to Elliott Road.
July 16 through October 15 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including lake Lodi.

From July 16 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

Sacramento River below Keswick Dam, subsection 7.40(b)(80)

- (C) From Deschutes Road bridge to Woodson Bridge.

August 1 through October 31, and November 1 through December 31 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (D) From Woodson Bridge to the Highway 113 bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16 with a bag limit of [0-4] Chinook Salmon less than or equal to 27 inches total length.

Possession limit - [0-12] Chinook Salmon less than or equal to 27 inches total length.

Option 4 – No Salmon Fishing in all Central Valley Rivers, Streams, and Tributaries

This option would close salmon fishing in the American, Feather, Mokelumne, and/or Sacramento rivers, and all associated tributaries, or specific areas/bodies of water, as specified by river reach(es) in subsection 7.40(b) to provide protection to SRFC should a reduction in the stock be indicated by PFMC abundance projections. In any year,

should the PFMCM recommend a complete or near complete closure to ocean recreational salmon fishing, this option will give the Department flexibility to respond to and support any federal action in the ocean. This option prohibits 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) (See Section VII below).

American River, subsection 7.40(b)(4)

- (B) From the United States Geological Survey (USGS) gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.

July 16 through October 31. No take or possession of Chinook Salmon.

- (C) From the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street bridge.

July 16 through December 31. No take or possession of Chinook Salmon.

- (D) From the Jibboom Street bridge to the mouth.

July 16 through December 16. No take or possession of Chinook Salmon.

Feather River, subsection 7.40(b)(43)

- (D) From the unimproved boat ramp above the Thermalito Afterbay Outfall to 200 yards above the Live Oak boat ramp.

July 16 through October 31. No take or possession of Chinook Salmon.

- (E) From 200 yards above the Live Oak boat ramp to the mouth.

July 16 through December 16. No take or possession of Chinook Salmon.

Mokelumne River, subsection 7.40(b)(66)

- (A) From Camanche Dam to Elliott Road.

July 16 through October 15. No take or possession of Chinook Salmon.

- (B) From Elliott Road to the Woodbridge Irrigation District Dam and including Lodi Lake.

From July 16 through December 31. No take or possession of Chinook Salmon.

- (D) From the Lower Sacramento Road bridge to the mouth.

From July 16 through December 16. No take or possession of Chinook Salmon.

Sacramento River below Keswick Dam, subsection 7.40(b)(80)

- (C) From Deschutes Road bridge to Woodson Bridge.

August 1 through October 31, and November 1 through December 31. No take or possession of Chinook Salmon.

- (D) From Woodson Bridge to the Highway 113 bridge.

July 16 through December 16. No take or possession of Chinook Salmon.

- (E) From the Highway 113 bridge to the Carquinez Bridge.

July 16 through December 16. No take or possession of Chinook Salmon

Initial Study Environmental Checklist Form

1. Project Title:
Proposed Amendments to 2023-2024 Central Valley Sport Fishing Regulations, Title 14, California Code of Regulations
2. Lead Agency Name and Address:
California Fish and Game Commission
715 P Street, 16th floor
Sacramento, CA 95814
3. Contact Person and Phone Number: Melissa Miller-Henson, (916) 653-7229
4. Project Location: The American, Feather, Sacramento, and Mokelumne rivers.
5. Project Sponsor's Name and Address:
California Department of Fish and Wildlife
Fisheries Branch
1010 Riverside Parkway
West Sacramento, CA 95605
6. General Plan designation: N/A (statewide)
7. Zoning: N/A (statewide)
8. Description of Project: Potentially amend the daily bag and possession limits for the Central Valley Chinook Salmon sport fishery to maintain consistency with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.
9. Surrounding land uses and setting: N/A
10. Other Public Agencies Whose Approval Is Required: None.
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31?
No.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |

- | | | |
|---|--|--|
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | |
| <input type="checkbox"/> Hazards and Hazardous Materials | | |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | |
| <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

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

DETERMINATION

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Melissa Miller-Henson, Executive Director

Date

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

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

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

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

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

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

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

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

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

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

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

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

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

Explanation of Responses to Initial Study Environmental Checklist

I. Aesthetics

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

II. Agriculture and Forestry Resources

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

III. Air Quality

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

IV. Biological Resources

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

Option 1 could result in a potential increase in bag and possession limits for Sacramento River fall-run Chinook Salmon (SRFC) in the American, Feather, Mokelumne, and Sacramento rivers. Federally and state listed fish species including Central Valley steelhead, Central Valley spring-run Chinook Salmon, and Sacramento River winter-run Chinook Salmon co-occur in these waters. Existing regulations prohibit take of these species and current sport fishing regulations, including seasonal and area closures, minimize angler contact with these species. Therefore, the proposed project will have no significant impacts to these species. Option 2 limits the number of adult SRFC, with younger grilse making up the remainder of the daily bag and possession limits; Option 3 is a more conservative option, and allows for a grilse-only Chinook Salmon fishery; and Option 4 is the most conservative option, and prohibits the take and possession of SRFC. The last three options would also have no significant impact to these species.

In addition, an increase in the daily bag and possession limits for SRFC would not result in a significant impact to SRFC. Daily bag and possession limits are established consistent with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment. These limits are designed to avoid adverse effects to the target species. Therefore, the proposed project will have no significant impacts to SRFC.

- b) The project will not have an adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations, or

by the Department or USFWS. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

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

V. Cultural Resources

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

VI. Energy

- a) The project would not result in a potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations. Such an impact will not occur because the project will not use energy resources.

- b) The project will not affect nor obstruct any state or local plan for renewable energy or energy efficiency.

VII. Geology and Soils

- a i) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area, or based on other substantial evidence of a known fault. Such an impact will not occur because the project will not create any structures for human habitation.
- a ii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Such an impact will not occur because the project will not create any structures for human habitation.
- a iii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Such an impact will not occur because the project will not create any structures for human habitation.
- a iv) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Such an impact will not occur because the project will not create any structures for human habitation.
- b) The project will not result in substantial soil erosion or the loss of topsoil. Such an impact will not occur because the project will not involve ground disturbing work.
- c) The project will not be located on a geologic unit or soil that is unstable, or that would become unstable and potentially result in on- or off- site landslides, lateral spreading, subsidence, liquefaction, or collapse. Such an impact will not occur because the project will not involve ground disturbing work.
- d) The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Such an impact will not occur because the project will not involve ground disturbing work.
- e) The project will not create any sources of waste water requiring a septic system.
- f) The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

VIII. Greenhouse Gas (GHG) Emissions

- a) The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will not involve

construction, land alteration, or land use changes.

- b) The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. The project is not anticipated to result in any change of GHG emissions.

IX. Hazards and Hazardous Materials

- a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project will not involve the transport, use, or disposal of hazardous materials.
- b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project will not involve the transport, use, or disposal of hazardous materials.
- c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project will not involve the transport, use, or emission of any hazardous materials.
- d) The project will not be located on any site that is included on a list of hazardous materials sites compiled pursuant to California Government Code Section 65962.5.
- e) The project will not be located within an airport land use plan area.
- f) The project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The project will not involve any construction, land alteration, or land use changes.
- g) The project will not expose people or structures to a significant risk of loss, injury, or death involving wild land fires. The project will not involve any construction, land alteration, or land use changes.

X. Hydrology and Water Quality

- a) The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The project will not involve any construction, land alteration, water use, or water discharge.
- b) The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The project will not involve any construction, land alteration, or groundwater use.

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

XI. Land Use and Planning

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

XII. Mineral Resources

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

XIII. Noise

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

XIV. Population and Housing

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

XV. Public Services

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

XVI. Recreation

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

XVII. Transportation

- a) The project will not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project involves no land use or transportation system modifications.
- b) The project will not conflict or be inconsistent with CEQA guidelines, Title 14, CCR, Section 15064.3, subsection (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 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, subsection (k). There is no ground disturbing work and no potential to affect tribal cultural resources.
- b) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. There is no ground disturbing work and no potential to affect tribal cultural resources.

XIX. Utilities and Service Systems

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

XX. Wildfire

- a) The project will not impair an adopted emergency response plan or emergency evacuation plan.

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

XXI. Mandatory Findings of Significance

- a) The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The project is consistent with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.
- b) The project does not have adverse impacts that are individually limited, but cumulatively considerable. Cumulative adverse impacts will not occur because there are no potential adverse impacts that are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- c) The project does not have environmental effects that will cause substantial adverse effects on humans, either directly or indirectly. The project will not involve any construction, land alteration, or the creation of new infrastructure.

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 Central Valley Chinook Salmon Sport Fishing Regulations



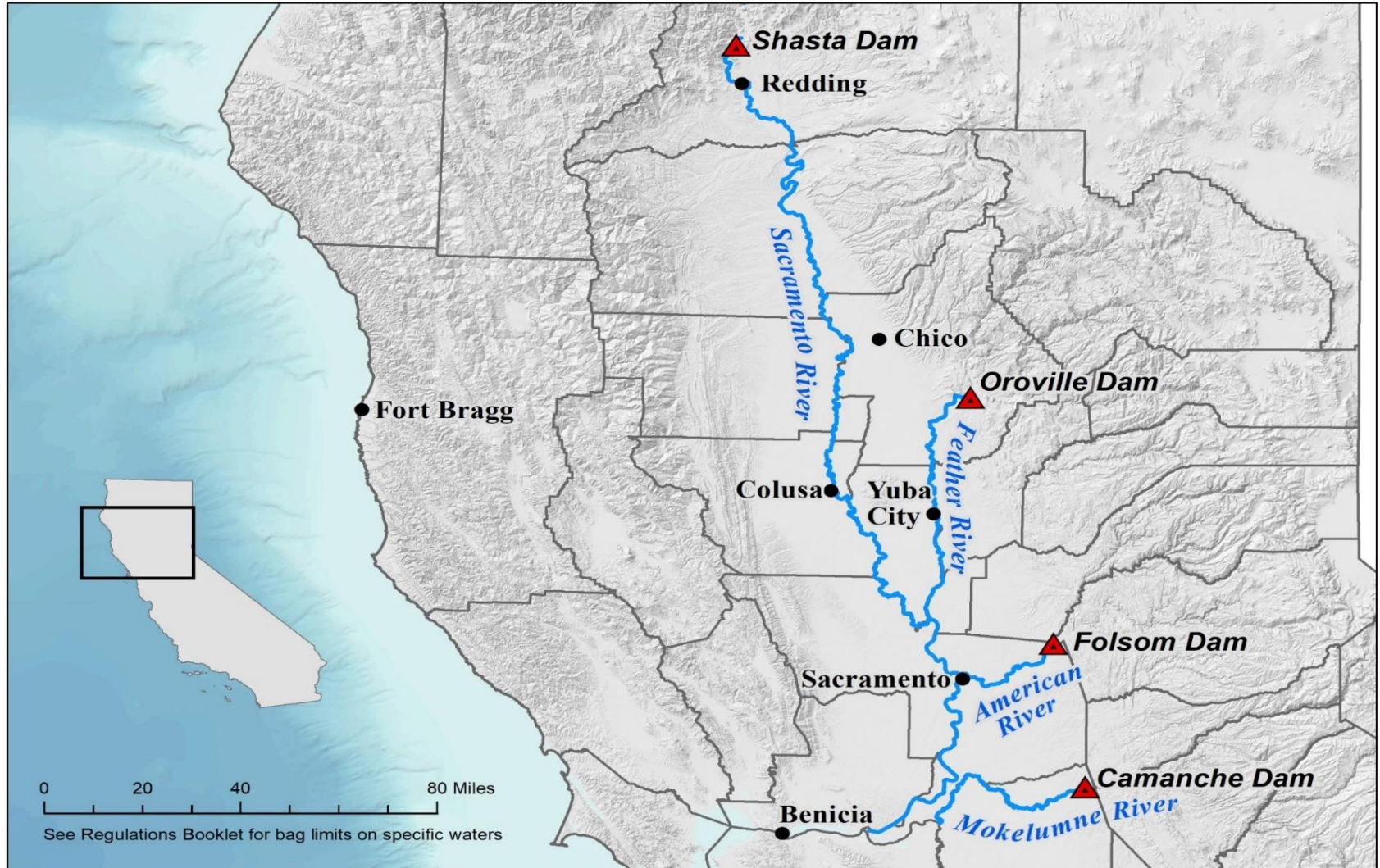
**Presentation to the Fish and Game Commission
April 19, 2023
Jonathan Nelson - Program Manager
CDFW Fisheries Branch**

Presentation Overview

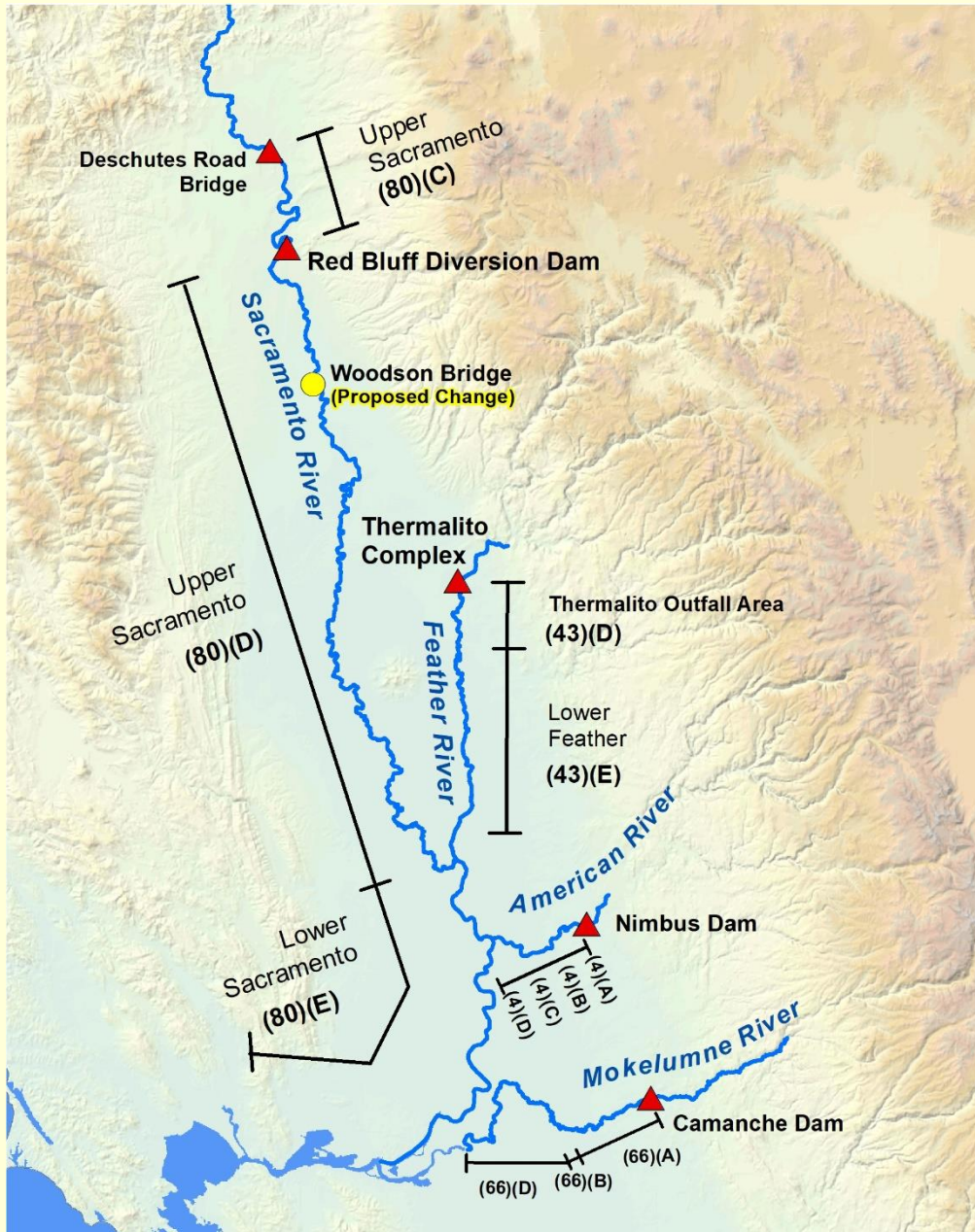
- Maps of Central Valley rivers open to Sacramento River Fall Chinook Salmon (SRFC) sport fishing
- 2022 SRFC sport fishing regulations
- 2023 SRFC regulatory options
- Proposed new regulations for Sacramento River
- Status and decline of SRFC fishery
- Federal action for 2023 ocean salmon fisheries
- DFW recommendation for 2023 SRFC season

Central Valley Waters Open to SRFC Angling

California Central Valley Waters Open to Chinook Salmon Angling, 2019



Special Regulation Waters - Central Valley Rivers



Special Regulation Waters

Major Central Valley Rivers



Fisheries Branch GIS

2022 SRFC

Sport Fishing Regulations

- Sacramento River
 - 2 fish daily bag / 4 fish possession limit
- Feather River
 - 2 fish daily bag / 4 fish possession limit
- American River
 - 2 fish daily bag / 4 fish possession limit
- Mokelumne River
 - 2 fish daily bag / 4 fish possession limit

2023 SRFC Regulatory Options

- Option 1 – Any size Chinook Salmon fishery
 - [0-4] salmon per day, [0-12] salmon in possession
- Option 2 – Adult and grilse fishery
 - limited number of adults, with grilse making up the remainder of the daily bag and possession limits
- Option 3 – Grilse-only fishery
- Option 4 – Closed to salmon fishing
- Options 1-4 are intended to be used independently or in combination
- Different options may be applied to the same water body, as specified by river reach(es) in subsection 7.40(b)

Sacramento River Fishing Regulation Boundary Change

- Title 14: subsections 7.40(b)(80)(C) and (D)
- Move fishing boundary from Red Bluff Diversion Dam (river mile 244) downstream to Woodson Bridge (river mile 220)
- All SRFC spawning tributaries and most mainstem spawning habitat is upstream of Woodson Bridge
- Maximizes protection of spawning adults holding below their natal tributaries in years of low SRFC abundance
- Provides ability to be protective of spawning adults and provide recreational opportunity in non-spawning sections of the river.

Split Season for Salmon Management Objectives

- Sacramento River between Deschutes Road Bridge and (proposed) Woodson Bridge
 - Title 14: subsection 7.40(b)(80)(C)
 - Current season: August 1 – December 31
 - Proposed split seasons:
 - August 1 – October 31
 - Primary spawning season for SRFC
 - Provides ability to be protective of SRFC in years of low stock abundance
 - November 1 – December 31
 - Primary run-timing for Late-fall-run Chinook (SRLFC)
 - Provides opportunity to allow for a SRLFC fishery in years the SRFC season may be closed

Status of SRFC Fishery

- Recent escapement and pre-fishery abundance forecasts are at historically low levels
 - 2023 SRFC pre-fishery forecast of 169,800 adults is third lowest since implementation of the Sacramento River Index in 2008
 - 2022 jack escapement of 6,996 and adult escapement of 61,850 are third lowest on record
 - Forecasts of 54,600 and 122,200 adult SRFC led to historic fishery closures in 2008 and 2009, respectively

Factors for Decline of SRFC

- Over-forecasted abundance prior to fishery planning
- Under-forecasted harvest
- 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 Recommendation

- April 6, 2023 - PFMC adopted final ocean salmon season recommendations:
 1. Complete closure of commercial ocean salmon fisheries off the California Coast
 2. Complete closure of recreational ocean salmon fisheries off the California Coast

CDFW 2023 Recommendations

- CDFW recommends full closure of the 2023 SRFC recreational fishery in the Sacramento, Feather, American, and Mokelumne rivers
- CDFW recommends full closure of the SRLFC fishery in the Sacramento River
 - Includes closure to fishing for adults *and* grilse in-river
 - Management objective is to maximize spawner escapement for the purpose of rebuilding the stocks
- CDFW recommends adopting permanent boundary and split season changes proposed for 7.40(b)(80)(C) and (D)
 - These changes will provide improved management and protection of chinook salmon stocks in years of low abundance

Questions ♦ Thank You



Jonathan Nelson

Anadromous Fisheries Program Manager

CDFW Fisheries Branch

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

Karen Mitchell
Senior Environmental Scientist (Specialist)
California Department of Fish & Wildlife
Fisheries Branch
[1010 Riverside Pkwy](#)
[West Sacramento, CA 95605](#)
Cell:

Memorandum

Date: April 27, 2023

Original on file,
Received May 3, 2023

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

From: Charlton H. Bonham
Director

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

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

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

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

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

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

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 27, 2023
Page 2

Nelson. He can be reached at [REDACTED].

Attachment

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Jay Rowan, Branch Chief
Fisheries Branch
Wildlife and Fisheries Division

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

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

Ona Alminas, Env. Program Manager
Regulations Unit
Wildlife and Fisheries Division

Chelle Temple-King, Sr. Environmental Scientist
Regulations Unit
Wildlife and Fisheries Division

David Thesell, Program Manager
Fish and Game Commission

Ari Cornman, Wildlife Advisor
Fish and Game Commission

Maurene Trotter, Analyst
Fish and Game Commission

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

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

Date of Statement: April 12, 2023

Statement of Facts Constituting the Need for Emergency Regulatory Action

Background

I. Chinook Salmon Sport Fishing

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

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

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

II. Proposed Emergency Regulations

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

Subsection 7.40(b)(40), Eel River

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

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

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

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

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

Subsection 7.40(b)(105), Smith River

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

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

III. Findings for the Existence of an Emergency

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

The magnitude of potential harm:

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

The existence of a crisis situation:

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

The immediacy of the need:

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

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

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

IV. Impact of Regulatory Action

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

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

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

(b) Nondiscretionary Costs/Savings to Local Agencies

None.

(c) Programs Mandated on Local Agencies or School Districts

None.

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

None.

(e) Effect on Housing Costs

None.

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

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

https://www.pcouncil.org/managed_fishery/salmon/

VI. Authority and Reference

Authority cited: Sections 200, 205, 265, 270, 315, 316.5, 399 and 2084, Fish and Game Code.

Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game Code.

VII. Fish and Game Code Section 399 Finding

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

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

Informative Digest/Policy Statement Overview

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

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

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

Benefits of the Regulation:

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

Consistency and Compatibility with Existing Regulations

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

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

Proposed Regulatory Language

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

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

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

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

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

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

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

(50) Klamath River Basin Regulations.

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

(A) Restrictions and Requirements.

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

(B) General Area Closures.

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

(C) Klamath River Basin Possession Limits.

1. Trout Possession Limits.

- a. The Brown Trout possession limit is 20.
- b. The hatchery trout or hatchery steelhead possession limits are as follows:
 - (i) Klamath River: 4 hatchery trout or hatchery steelhead.
 - (ii) Trinity River: 4 hatchery trout or hatchery steelhead.

2. Chinook Salmon Possession Limits.

a. Klamath River downstream of the Highway 96 bridge at Weitchpec from Jul. 1 to Aug. 14 and the Trinity River downstream of the Old Lewiston Bridge to the confluence of the South Fork Trinity River from Jul. 1 to Aug. 31: ~~2 Chinook Salmon~~ Closed to all salmon fishing.

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

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

1. Quota for Entire Basin.

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

2. Subquota Percentages.

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

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

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

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

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

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

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

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

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

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

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag Limit</i>
	Chinook Salmon over 23 inches total length may be retained downstream of the Old Lewiston Bridge to the mouth of Indian Creek when the department determines that the adult fall-run Chinook Salmon spawning escapement at Trinity River Hatchery exceeds 4,800 fish. Daily bag limits specified for fall-run Chinook Salmon apply during this exception.	
c. Trinity River main stem downstream of the Highway 299 West bridge at Cedar Flat to the Denny Road bridge at Hawkins Bar.	<p>Jan. 1 through Jun. 30.</p> <p>Jul. 1 through Aug. 31.</p> <p>Sep. 1 through Dec. 31.</p>	<p>10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p> <p>1 Chinook Salmon. <u>Closed to all salmon fishing.</u> 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p> <p>Closed to all fishing.</p>
d. New River main stem downstream of the confluence of the East Fork to the confluence with the Trinity River.	Sep. 15 through Nov. 15. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**.
e. Trinity River main stem downstream of the Denny Road bridge at Hawkins Bar to the mouth of the South Fork Trinity River.	<p>Jan. 1 to Jun. 30.</p> <p>Jul. 1 to Aug. 31.</p> <p>Fall-run Quota: 349 Chinook Salmon Sep. 1</p>	<p>10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p> <p>1 Chinook Salmon. <u>Closed to all salmon fishing.</u> 10 Brown Trout. 2 hatchery trout or hatchery steelhead**.</p> <p>2 Chinook Salmon – no more than 1 fish over 23</p>

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

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

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

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

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

...[No changes to subsections (b)(106) through (b)(123)]

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

NOTE: Authority cited: Sections 200, 205, 265, 270, 315, 316.5, 399 and 2084, Fish and Game Code.


Reference: Sections 200, 205, 265, 270, 316.5 and 2084, Fish and Game Code.

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

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

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

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

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

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

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

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

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

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

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

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

Explain: _____

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

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

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

If YES, explain briefly: _____

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

STD. 399 (Rev. 10/2019)

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

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____
 - a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____
 - d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements.
Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ _____
4. Will this regulation directly impact housing costs? ☐ YES ☐ NO -
If YES, enter the annual dollar cost per housing unit: \$ - _____
Number of units: _____
5. Are there comparable Federal regulations? ☐ YES ☐ NO -
Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

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

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?
Explain: _____
3. What are the total statewide benefits from this regulation over its lifetime? \$ _____
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

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

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

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

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

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

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

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

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

Explain: - _____

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

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

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

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

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

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

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

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

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

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

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

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

STD. 399 (Rev. 10/2019)

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

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

\$ _____

- ☐ a. Funding provided in _____

Budget Act of - _____ or Chapter _____, Statutes of _____

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

Fiscal Year: _____

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

\$ _____

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

- ☐ a. Implements the Federal mandate contained in _____

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

Case of: - _____ vs. _____

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

Date of Election: _____

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

Local entity(s) affected: _____

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

Authorized by Section: _____ of the - _____ Code;

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

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

- ☐ 3. Annual Savings. (approximate)

\$ _____

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

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

- ☐ 6. Other. Explain _____

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

STD. 399 (Rev. 10/2019)

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

\$ _____

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

\$ _____

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

\$ _____

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

\$ _____

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

FISCAL OFFICER SIGNATURE

DocuSigned by:
 Dan Reagan

DATE

5/8/2023

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

AGENCY SECRETARY

DATE



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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD399 ADDENDUM

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

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

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

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

Fiscal Impact Statement details are provided below.

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

Answer: 5. No fiscal impact.

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

B. FISCAL EFFECT ON STATE GOVERNMENT

Answer: 3. No fiscal impact.

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

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

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS

Answer: 3. No fiscal impact.

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



Proposed Emergency Salmon Fishing Closures for 2023-2024



Klamath River

Presentation to the Fish and Game Commission

May 17, 2023

Jay Rowan

Chief, Fisheries Branch

Presentation Overview

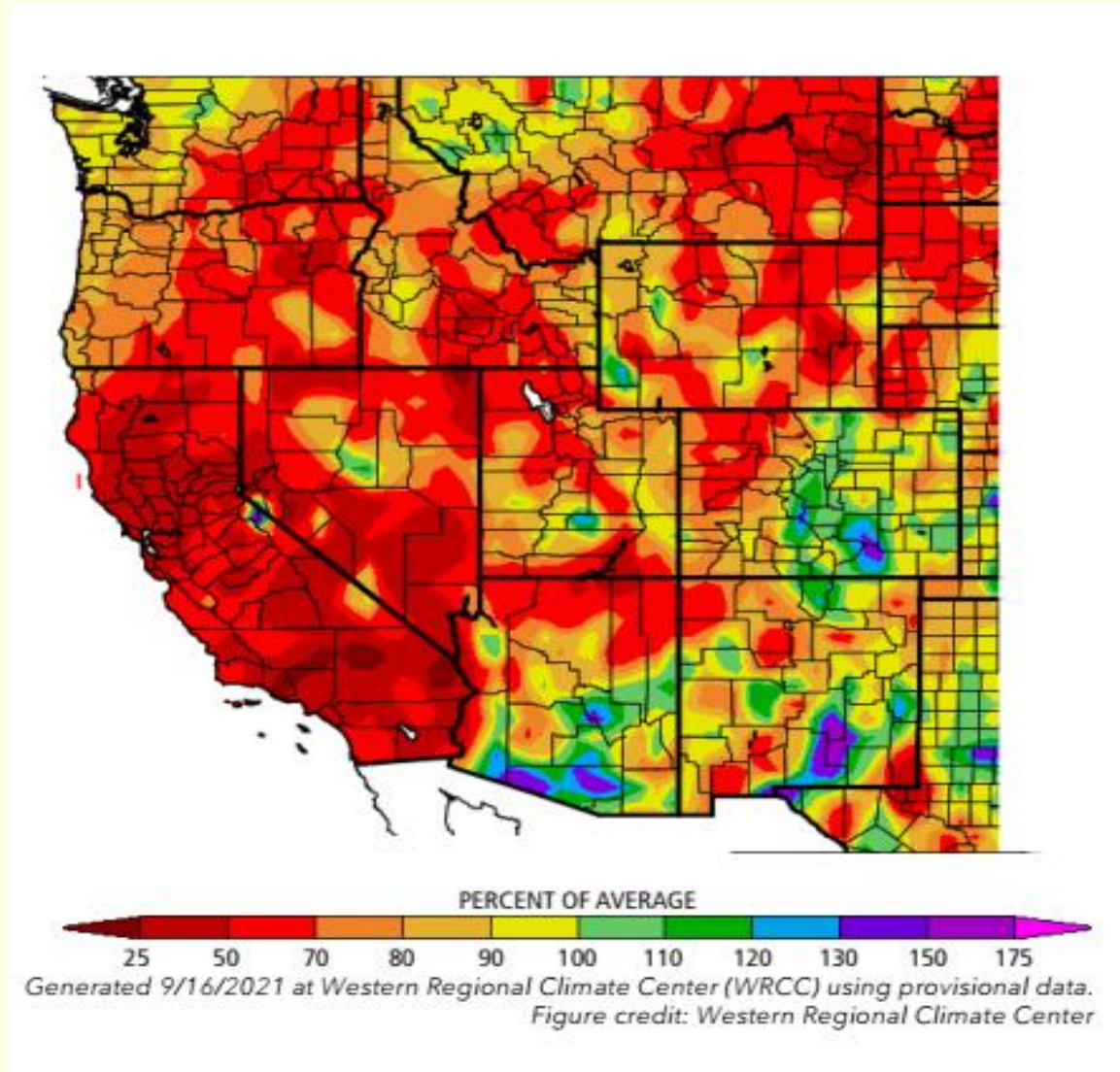
- Background
- Drought and low flow conditions
- Status of salmon fisheries
- PFMC and CDFW recommendations
- Need for emergency regulation
- Proposed temporary emergency salmon fishing closures

Background

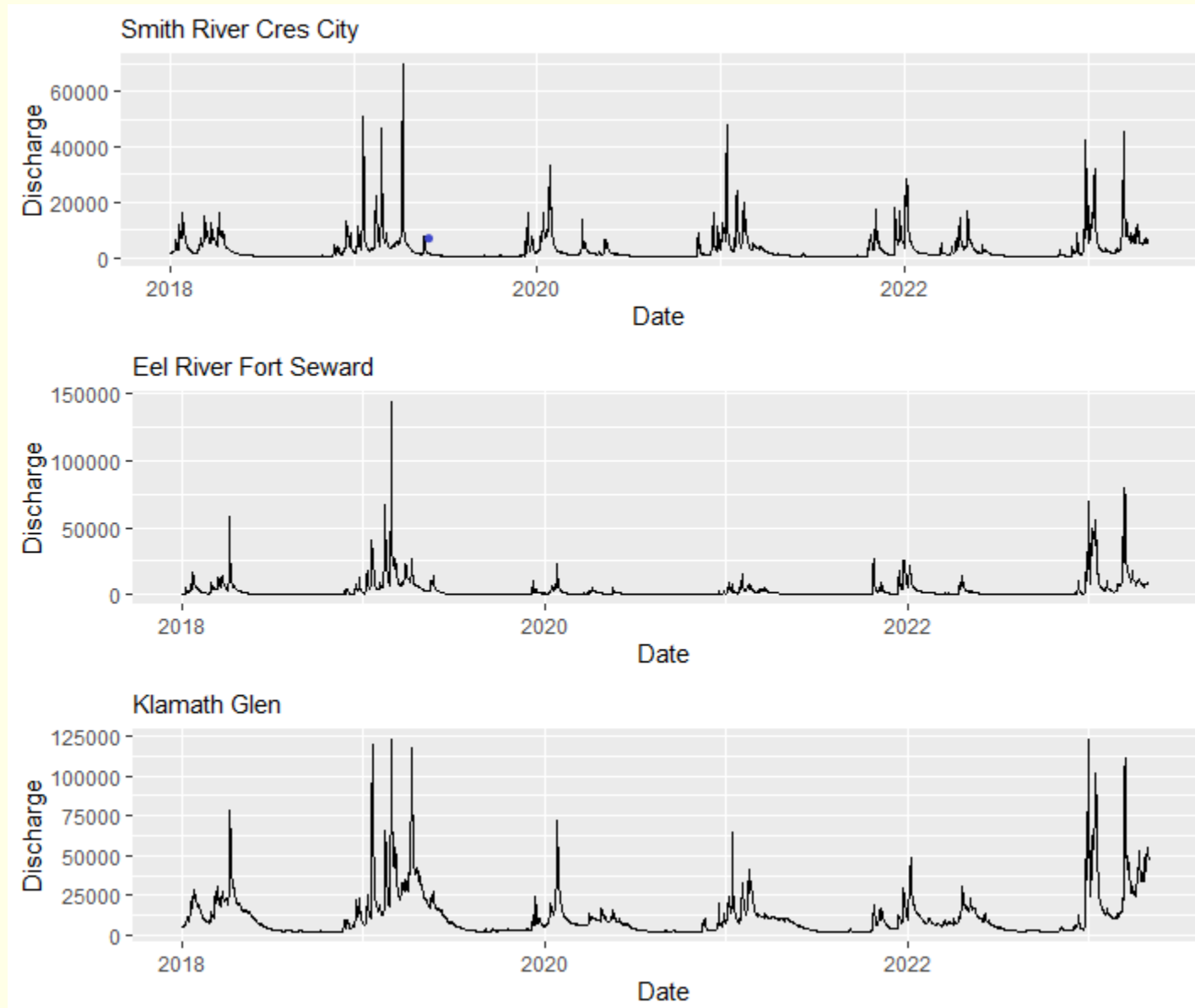
- Drought, low flows, and ocean conditions have led to a significant decline of California Chinook Salmon stocks
- Pacific Fishery Management Council has recommended closure of California fisheries in 2023
- Yurok tribe announced the cancellation of their commercial fishery for 2023
- Additional Klamath-Trinity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

2020-2021 Drought

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



Stream Flow 2018 to Present



Status of Salmon Fisheries

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

Recent PFMF and CDFW Recommendations

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

Need for Emergency Regulation Change

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

Proposed Temporary Emergency Fishing Closure

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

Questions ♦ Thank You



Smith River

Jay Rowan

Chief, Fisheries Branch

Jay.Rowan@wildlife.ca.gov