

Proposed Regulatory Language

Subsections (a), (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.

(a) General Provisions:

... [No changes to subsections (a)(1) through (a)(5)]

(6) For purposes of Section 7.40, "federally recognized tribe" means any tribe on the List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, published annually in the Federal Register. Any member of a federally recognized tribe, when engaging in take of Chinook salmon on the Klamath River, Trinity River, Eel River and Smith River shall possess on his person, in his immediate possession, or where otherwise specifically required by law to be kept, any valid license, report card, tag, stamp, validation, permit, or any other entitlement that is required in the Fish and Game Code, or required by other state, federal, or local entities, in order to take Chinook salmon. Members shall possess a valid photo identification card issued by a federally recognized tribe that contains an expiration date and name of the tribe, and the tribal member's number, name, signature, date of birth, height, color of eyes, color of hair, weight, and sex; the member shall display any of the items listed in this subsection, upon demand, to any peace officer. No member, while taking Chinook salmon pursuant to this section, may be assisted by any person who does not possess a valid tribal identification card and is not properly licensed to take chinook salmon.

... [No changes to subsections (b)(1) 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.		

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
<p>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</p>	<p>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.</p>	<p><u>Closed to all salmon fishing except for catch and release of Chinook Salmon by federally recognized tribes.</u></p> <p>2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.</p>
<p>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.</p>	<p>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.</p>	<p><u>Closed to all salmon fishing except for catch and release of Chinook Salmon by federally recognized tribes.</u></p> <p>2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.</p>
<p>3. From South Fork Eel River to Cape Horn Dam.</p>	<p>Jan. 1 through Mar. 31 and fourth Sat. in May through Sep. 30. Only artificial lures with barbless hooks may be used.</p> <p>Apr. 1 through the fourth Fri. in May and Oct. 1 through Dec. 31.</p>	<p><u>Closed to all salmon fishing except for catch and release of Chinook Salmon by federally recognized tribes.</u></p> <p>2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.</p> <p>Closed to all fishing.</p>
<p>(B) Van Duzen River.</p>		

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
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.	<u>Closed to all salmon fishing except for</u> <u>Catch and release of Chinook Salmon by federally recognized tribes.</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.	Closed to all fishing. <u>Closed to all salmon fishing except for</u> <u>Catch and release of Chinook Salmon by federally recognized tribes.</u> 2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
(D) Middle Fork Eel River.	Apr. 1 to Fourth Fri. in May.	Closed to all fishing.
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 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, 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: Closed to all salmon fishing except for 2 Chinook Salmon by federally recognized tribes.

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 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.	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**.
b. Klamath River downstream of the Highway 96 bridge at Weitchpec.	Jan. 1 to Jun. 30. Jul. 1 to Aug. 14.	2 hatchery trout or hatchery steelhead**. <u>Closed to all salmon fishing except for 1</u>

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag Limit</i>
	<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>Chinook Salmon <u>by federally recognized tribes</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>
<p>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.</p>	<p>Nov. 1 through Feb. 28.</p>	<p>2 hatchery trout or hatchery steelhead**.</p>
<p>4. Scott River main stem downstream of the Fort Jones-Greenview bridge to</p>	<p>Fourth Sat. in May through Feb. 28.</p>	<p>2 hatchery trout or hatchery steelhead**.</p>

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag Limit</i>
the confluence with the Klamath River.		
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.	Jan. 1 to Jun. 30. Jul. 1 to Aug. 31. Fall-run Quota: 350 Chinook Salmon Sep. 1 to Dec. 31, 2022. 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	10 Brown Trout. 2 hatchery trout or hatchery steelhead**. <u>Closed to all salmon fishing except for 1 Chinook Salmon by federally recognized tribes.</u> 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**.

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag Limit</i>
	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.	Jan. 1 through Jun. 30. Jul. 1 through Aug. 31. Sep. 1 through Dec. 31.	10 Brown Trout. 2 hatchery trout or hatchery steelhead**. <u>Closed to all salmon fishing except for 1 Chinook Salmon by federally recognized tribes.</u> 10 Brown Trout. 2 hatchery trout or hatchery steelhead**. 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 to Jun. 30. Jul. 1 to Aug. 31. Fall-run Quota: 349 Chinook Salmon Sep. 1 through Dec. 31, 2022. This is the cumulative	10 Brown Trout. 2 hatchery trout or hatchery steelhead**. <u>Closed to all salmon fishing except for 1 Chinook Salmon by federally recognized tribes.</u> 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

<i>Body of Water</i>	<i>Open Season and Special Restrictions</i>	<i>Daily Bag Limit</i>
	quota for subsections 6.e. and 6.f. of this table.	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.	<u>Closed to all salmon fishing except for 0 Chinook Salmon by federally recognized tribes.</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. <u>Closed to all salmon fishing except for 1 Chinook Salmon and no more than 5 wild Chinook Salmon* over 22 inches per year by federally recognized tribes.</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. <u>Closed to all salmon fishing except for 1 Chinook Salmon and no more than 5 wild Chinook Salmon* over 22 inches per year by federally recognized tribes.</u>

Body of Water	Open Season and Special Restrictions	Daily Bag and Possession Limit
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.
(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. <u>Closed to all salmon fishing except for 1 Chinook Salmon and no more than 5 wild Chinook Salmon* over 22 inches per year by federally recognized tribes.</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. <u>Closed to all salmon fishing except for 1 Chinook Salmon and no more than 5 wild Chinook Salmon* over 22 inches per year by federally recognized tribes.</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.

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