

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-adoption Statement of Reasons)

Amend Subsection (b)(91.1) of Section 7.50  
Title 14, California Code of Regulations  
Re: Klamath River Sport Fishing Regulations

- I. Date of Initial Statement of Reasons: December 20, 2011
- II. Date of Pre-Adoption Statement of Reasons: March 21, 2012
- III. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: February 2, 2012  
Location: Sacramento, CA
  - (b) Discussion Hearing: Date: March 7, 2012  
Location: Riverside, CA
  - (c) Discussion Hearing: Date: April 11, 2012  
Location: Eureka, CA
  - (d) Adoption Hearing: Date: April 18, 2012  
Location: Teleconference
- IV. Description of Modification of Originally Proposed Language of the Initial Statement of Reasons:

The Proposed changes from the Initial Statement of Reasons (ISOR) in response to the Pacific Fishery Management Council's (PFMC) 2012 salmon regulatory recommendations are:

- 1. The Klamath River Fall Chinook (KRFC) harvest quota range has been revised from [0 – 40,000] to [0 - 71,200] adult KRFC for the recreational fishery in the Klamath River System.
- 2. Sub-quotas for the four geographic sub-quota areas have been adjusted to reflect the appropriate percentage of the quota for the entire basin.
- 3. A daily bag limit range for adult KRFC was inadvertently omitted in the original proposed regulatory language for subsections 7.50(b)(91.1)(E)2.a. and 7.50(b)(91.1)(E)2.b. The revised proposed regulations for these subsections include a daily bag limit range of [0 – 4] KRFC over 22 inches when the take of salmon over 22 inches is permitted.
- 4. The daily bag limit range has been revised from [0 – 3] to [0 – 4] for KRFC over 22 inches when the take of salmon over 22 inches is permitted.
- 5. The possession limit range has been revised from [0 – 6] to [0 – 8] KRFC over 22 inches when the take of salmon over 22 inches is permitted.

6. In subsection 7.50(b)(91.1)(E)6.e., 2102 is changed to 2012 to reflect the current year.

V. Reasons for Modification of Originally Proposed Language of the Initial Statement of Reasons:

Based on the 2012 KRFC stock forecast, the PFMC presented three season alternatives for 2012 Salmon Recreational Management Measures during their March 2012 meeting. The PFMC recommended a harvest allocation (quota) range of 66,400 to 71,200 adult KRFC for the recreational fishery in the Klamath River System.

Based on the unprecedented range of KRFC harvest opportunity in 2012, the California Department of Fish and Game (Department) is proposing a daily bag limit of 4 KRFC, of which no more than 4 salmon over 22 inches may be taken when the take of salmon over 22 inches is allowed; and a possession limit of 8 KRFC, of which no more than 8 salmon over 22 inches may be possessed when the take of salmon over 22 inches is allowed.

The Department believes that the increased bag and possession limits for the take of adult KRFC will not significantly harm the resource for the following reasons:

1. The largest number of adult KRFC estimated taken in the Klamath basin in-river recreational fishery was a 22,203 in 1988.
2. The in-river recreational fishery is based on a quota system that includes sub area quotas. Attainment of quotas in any sub area triggers a closure to the take of adult KRFC in the sub-area.
3. The projected KRFC natural adult spawner escapement under the range of alternatives is more than double the Klamath basin conservation floor escapement level of 40,700 fish.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

No oral or written comments were received from the public in opposition to or in support of the proposed regulatory action.

## Updated Informative Digest (Policy Statement Overview)

The Klamath River System, which consists of the Klamath River and Trinity River basins, is managed 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 recreational, ocean commercial, river recreational and Tribal fisheries.

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 California Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational (inside three miles) and the Klamath River System recreational fisheries which are consistent with federal fishery management goals.

### **Klamath River Fall-Run Chinook**

Klamath River fall-run Chinook salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the 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 2012 KRFC in-river recreational fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath basin and equitably distribute harvest while operating within annual allocations.

### **Klamath River Spring-Run Chinook**

The Klamath River System 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 the PFMC. The in-river recreational fishery is managed by general basin seasons; daily bag limit and possession limit regulations.

### **KRFC Allocation Management**

The 2011 allocation for the Klamath River System recreational harvest was 7,900 adult KRFC. Preseason stock projections of 2012 adult KRFC abundance will not be available from the PFMC until March 2012. The 2012 basin allocation will be recommended by the PFMC in April 2012 and presented to the Commission for adoption prior to its April 2012 meeting.

For public notice requirements, the Department recommends the Commission consider an allocation range of 0 – 40,000 adult KRFC in the Klamath River basin for the river recreational fishery.

### **Current Recreational Fishery Management**

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

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

### **Proposed Changes**

The Department is proposing the following changes to current regulations:

No changes are proposed for the general (KRSC) opening and closing season dates.

#### KRFC Season, Bag Limit, and Possession Limit

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2012 basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the sub quota has been met.

The proposed open seasons and range of bag limits for KRFC salmon stocks are as follows:

1. Klamath River - August 15 to December 31
2. Trinity River - September 1 to December 31
3. Bag Limit - [0 - 4] Chinook salmon - only [0 - 3] fish over 22 inches total length until sub quota is met, then 0 fish over 22 inches total length.

The possession limit is proposed as a range of [0 - 9] Chinook salmon of which [0 – 6] over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

The benefits of the proposed regulations are in concurrence with Federal law, sustainable management of Klamath River basin salmon resources, and promotion of businesses that rely on recreational salmon fishing in the Klamath River basin.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing regulations.

**The Pacific Fishery Management Council (PFMC) presented Recreational Salmon Management Alternatives and adopted a recommended harvest allocation range of 66,400 to 71,200 adult Klamath River Fall Chinook (KRFC) for the recreational fishery in the Klamath River System (Preseason Report II). The Department concurs with this allocation range and recommends that the Commission adopt the PFMC'S KRFC recreational harvest quota range and use 71,200 as the maximum adult KRFC for the basin quota, and based on this allocation maximum, adjust the sub quotas for the four geographic sub quota areas according to the percentages outlined in the original ISOR, adopt a daily bag limit of 4 salmon over 22 inches when the take of salmon over 22 inches is allowed, and adopt a possession limit of 8 salmon over 22 inches when the take of salmon over 22 inches is allowed.**

**In subsection 7.50(b)(91.1)(E)6.e., 2102 is changed to 2012 to reflect the current year.**

**No other changes to the orginally proposed language are proposed.**