

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
**AMENDED INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION**  
(Pre-publication of Notice Statement)

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

- I. Date of Initial Statement of Reasons: September 7, 2016
- II. **Date of Amended Initial Statement of Reasons: April 17, 2017**
- III. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: December 8, 2016  
Location: San Diego
  - (b) Discussion Hearing: Date: February 8, 2017  
Location: Santa Rosa
  - (c) Adoption Hearing: Date: April 13, 2017  
Location: Teleconference
- IV. Description of Regulatory Action:
  - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The Klamath River Basin, which consists of the Klamath River and Trinity River systems, 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 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 sport fisheries which are consistent with federal fishery management goals.

Two tribal entities within the Klamath River Basin, the Hoopa Valley Tribe and the Yurok Tribe, maintain fishing rights for ceremonial, subsistence and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations for the river are promulgated by the Hoopa and Yurok tribes.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, salmon greater than 22 inches are defined as adult salmon (ages 3-5) and salmon less than or equal to 22 inches are defined as grilse salmon (age 2).

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

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.

**All proposed closures for KRFC are designed to ensure sufficient spawning escapement in the Klamath River Basin.**

### **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 the PFMC. The in-river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations. KRSC harvest will be monitored on the lower Klamath River in 2017 and ensuing years by creel survey.

### **PFMC Update from April 2017 Meeting:**

**The final 2017 KRFC stock projections developed by the PFMC are the lowest on record. The normal PFMC escapement goal for the Klamath River Basin (Basin) is 40,700 natural area adult KRFC spawners. This year's projected return to the Basin, absent any fishing, is only 12,383 natural area adult KRFC spawners.**

**As a result, the KRFC stock is now classified under the PFMC Salmon Fishery Management Plan as "approaching an overfished condition." Given the poor return of KRFC adults to the Basin the**

past two years, coupled with projected KRFC returns that are expected to remain critically low, the KRFC stock is expected to be classified as “overfished” in 2018.

**Department April 2017 Recommendation:**

In the Initial Statement of Reasons dated September 7, 2016, the Department of Fish and Wildlife (Department) recommended the Commission consider an allocation range of 0 – 67,600 adult KRFC in the Basin for the river sport fishery.

In view of the PFMC’s historically low stock projections, the Department, at the Commission’s April 13, 2017 teleconference meeting, recommended a full closure of the 2017 KRFC fishery in the Klamath and Trinity rivers as follows:

- 1) Reduce the adult KRFC quota to zero which closes the adult KRFC fishery (salmon 22 inches or greater),
- 2) Close the KRFC grilse fishery (salmon less than 22 inches),
- 3) Eliminate all catch and release fishing on salmon during the KRFC quota management period, and
- 4) Keep open the KRSC and steelhead fisheries under normal seasons and bag and possession limits.

The PFMC approved a historically low 129 adult KRFC quota for in-river sport harvest allocation for 2017. The Department’s recommendation applied this minimal adult KRFC quota to escapement as the low adult quota allocation likely would have resulted in just a 1 day season in the lower Klamath River.

**KRFC Allocation Management:**

The Commission may modify the KRFC in-river sport salmon harvest allocation which is normally 15 percent of the non-tribal PFMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan.

The annual KRFC in-river harvest allocation is split into four geographic areas with subquotas assigned to each. They 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 sport fishery allocation;
2. for the main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth -- 50 percent of the sport fishery allocation;

3. for the Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat -- 16.5 percent of the sport fishery allocation; and
4. for the Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River -- 16.5 percent of the sport fishery allocation.

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.

These geographic areas are based upon the historical distribution of angler effort and ensure equitable harvest of adult KRFC in the upper Klamath River and Trinity River. **Despite the closure of the KRFC fishery**, the Department **plans** to monitor angler **effort and harvest** in each geographic area. All areas will be monitored on a real time basis except for the following:

Klamath River upstream of Weitchpec and the Trinity River: Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to **conduct monitoring** in the Klamath River upstream of Weitchpec and in the Trinity River for the 2017 season. The Department has reviewed salmon harvest and run-timing data for these areas.

### **Current Sport Fishery Management**

The KRFC in-river sport harvest allocation is divided into geographic areas and harvest is monitored under real time subquota management. 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 dates:

#### Klamath River

1. January 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.
2. August 15 to December 31 - KRFC quota management.

#### Trinity River

1. January 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.

2. 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.

### **Proposed Changes**

No changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

### **No changes are proposed for steelhead fishing.**

No changes are proposed for the Blue Creek area.

The following changes to current regulations are proposed:

KRFC QUOTA MANAGEMENT: Seasons, Bag and Possession Limits  
**The Commission adopted the Department recommendations on April 13, 2017, as follows:**

1. **The 2017 KRFC Quota was set at zero (0) and all KRFC Management Areas are closed to salmon fishing with no take of Chinook Salmon allowed for the following dates:**

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

**Necessity: The full closure of the KRFC fishery was necessary to maximize the KRFC stock escapement projected in the final federal regulations to increase biological goals specified in law or established in the PFMC Salmon Fishery Management Plan.**

2. **The spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth), subsection (D)2.b.(i), will close to all fishing from August 15, 2017, to December 31, 2017.**

**Necessity: This change eliminates all fishing and potential catch and release impacts in this known area of high hook and release mortality to maximize KRFC survival and escapement.**

3. **Additional Changes**

- a. **The reference to adult fish was removed from subsection**

- (A)2. to make it clear that this regulation applies to all salmon when the area is closed.**
- b. Subsection (C)2.b. was revised to remove the KRFC possession limit and clarify the KRFC fishing closure.**
- c. Subsection (D)1. was revised to set the KRFC quota at zero and clarify the KRFC fishing closure.**
- d. The “Fall Run Quota Exceptions” in subsections (E)2.a., (E)2.b. and (E)6.b., were removed because they no longer apply under the KRFC fishing closure.**
- e. Subsection (E)2.i. was split into two rows to separate the KRFC and KRSC fishery seasons in order to close the area to KRFC fishing prior to January 1 because salmon taken prior to this date would be KRFC.**

**Necessity: These regulatory changes are necessary to reduce public confusion and improve public understanding of the regulatory changes. These changes will help facilitate enforcement.**

#### OTHER

Other changes are proposed for clarity and consistency. The capitalization of common species names is being done for consistency with American Fisheries Society standards. Since the proposed regulations apply to all anadromous waters within the Klamath River Basin located in California, the term “Lower” in reference to the Klamath River Basin is proposed to be deleted from the regulations. The Upper Klamath River Basin contains no anadromous waters and is located in Oregon.

#### **Benefits of the Proposed Regulations**

It is the objective of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State. In addition, it is the objective of this State to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this practice 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.

The benefits of the proposed regulations are conformance with federal law, sustainable management of Klamath River Basin fish resources, and

**the long-term viability** of businesses that rely on sport salmon fishing in the Klamath River Basin.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 205, **265, 270, 275**, 315 and 316.5, Fish and Game Code.

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

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) 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.

***Preseason III Report; Council Adopted Management Measures and Environmental Assessment Part 3 For 2017 Ocean Salmon Fishery Regulations, Pacific Fishery Management Council, April 2017.***

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

V. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

The use of more liberal regulations for bag limits, possession limits and fishing methods. For **KRFC**, more liberal regulations would be less desirable than those proposed because they could create risk of an intense fishery reaching or exceeding the quota in a very short time. Reaching the quota in a very short time could be damaging to the local economy. Exceeding the allowable harvest could be damaging to the **KRFC** stocks.

- (b) No Change Alternative:

The No Change Alternative would leave the current 2016 daily bag and

possession limit regulations in place and would not conform to the PFMC Klamath River Basin quota for 2017. The change is necessary to continue appropriate harvest rates.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the preferred practice of conformance to the PFMC Klamath River Basin quota for 2017.

(d) **Description of Alternatives That Would Lessen Adverse Impact on Small Business:**

**No alternatives were identified by or brought to the attention of Commission staff that would lessen the adverse impact on small businesses and be equally effective in implementing the preferred practice of conformance to the PFMC Klamath River Basin quota for 2017.**

VI. Mitigation Measures Required by Regulatory Action:

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

VII. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from **this 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:

**This regulatory action is not anticipated to 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 have **temporary** impact on the net revenues to local businesses servicing sport fishermen. **With the reduction of the KRFC quota to zero**, visitor spending **may be** reduced and in the absence of the emergence of alternative visitor activities, the

drop in spending could induce business contraction. However, this will not likely affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of **long-term** 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 proposed regulations will close all fishing for KRFC during the Klamath River Basin fall salmon season.** The Commission anticipates some impact on the creation or elimination of jobs in California. **The potential employment impacts may be a loss of up to 42 jobs within the State. While locally important, this loss is insufficient to induce the creation, elimination or expansion of the businesses in California.** However, the possibility of growth of businesses to serve substitute activities exists. Adverse impacts to jobs and/or businesses would be **lessened with the continued allowance of steelhead and KRSC fishing as compared to 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 action is to increase sustainability in fishable salmon stocks and, consequently promoting the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. **Closure of this year's KRFC fishery to ensure the long-term viability of the fishery promotes respect for California's environment by the future stewards of California's natural resources.**

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 agency 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.

VIII. Economic Impact Assessment:

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

The regulatory amendments of subsections of Section 7.50 under consideration will set the 2017 Klamath River Basin salmon sport fishing regulations. **The Commission adopted the Department's recommendation for a complete closure of the take of KRFC in 2017. The pursuit of steelhead and KRSC may be substituted for KRFC, which could minimize adverse impacts to businesses resulting from the closure of KRFC fishing.**

Based on a 2011 NMFS report on In-River Sport Fishing Economics of the Klamath River, under a normal **salmon and steelhead** season non-resident Klamath River Basin sport salmon and steelhead anglers contribute about \$3,432,424 in direct expenditures, resulting in about \$4,108,977 (2016\$) in total economic output to California businesses. This economic output supports about 70 jobs in the State.

Table 1. Klamath Salmon and Steelhead Total Economic Output

Klamath Sport Fishing	Salmon	Steelhead	Total
Total Output	\$ 2,659,983	\$ 1,448,993	\$ 4,108,977
Labor Income	\$ 1,230,739	\$ 670,430	\$ 1,901,168
Jobs	45.3	24.7	69.9

**The Commission’s action is for a full closure of KRFC fishing. This could result in a loss of angler trips and spending in and enroute to many Klamath River Basin areas. The total economic output induced by angler spending is shown in Table 2 along with the jobs and labor income supported by angler spending.**

Table 2. Klamath Fall Chinook Salmon Regional Economic Impact

Total Output	\$	2,451,593
Labor Income	\$	1,134,319
Jobs		41.7

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

**The KRFC closure could result in a loss of an estimated \$2.5 million in total economic output along with the loss of an estimated 42 jobs. However, job creation or elimination tends to lag in adjustment to changes in demand.**

An assumption of the NMFS report is that increases in expenditures by resident anglers associated with expanded fishing opportunities would be accommodated by reduced expenditures on other locally purchased goods and services – with no net change in local economic activity. For non-resident anglers, however, increases in local expenditures associated with increases in local fishing opportunities would be accomplished by diverting money that they would otherwise spend outside the local area. Thus the economic impact analysis focuses on non-resident angler expenditures, which represent ‘new money’ whose injection serves to stimulate the local economy.

The NMFS study excluded the Trinity River, the largest tributary to the Klamath. The Trinity River is allocated 33 percent of the Klamath River Basin fall-run Chinook Salmon total allocation. Using the Trinity allocation as a measure of salmon angler effort, and thus impacts on associated businesses that support anglers, the total non-resident angler contribution to the entire Klamath River Basin (including the Trinity River) is estimated to be \$4,108,977(2016\$) in total economic output. This revenue, again using a 33 percent increase to account for the Trinity River, provides an

estimated total of 70 jobs in the State (assuming that personnel costs also rise with inflation). This is a conservative estimate of total economic impact as it counts only non-resident angler expenditures. Non-resident salmon or steelhead angler average expenditures are estimated to be \$108.52 (2016\$) per angler day (for lodging, food, gasoline, fishing gear, boat fuel, and guide fees) based on a NMFS sponsored survey. 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 \$43.40 per angler day. Resident anglers comprise about 36 percent of Klamath River Basin anglers.

- (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 any impacts on the creation of new business or the elimination of existing businesses, as the closure is anticipated to be temporary. Continued access to steelhead fishing may limit the reduction in the number of visitors and visitor expenditures in the fishery's area.**

**With a KRFC fishery closure in all Klamath River Basin areas, the Commission anticipates a decline in regional spending and thus reduced revenues to the approximately 30 businesses that serve sport fishing activities with the potential for some adverse 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 steelhead and KRSC. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, consequently, 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:

Salmon fisheries closures 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 visitors fish for steelhead or **KRSC**, or substitute salmon fishing with other recreational pursuits.

- (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 sport salmon and steelhead 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 **and** also provides opportunities for multi-generational family activities. **Closure of this year's KRFC fishery to ensure the long-term viability of the fishery** 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 objective of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State. In addition, it is the objective of this State to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this approach 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 seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon and steelhead to ensure their continued existence.

(g) Other Benefits of the Regulation:

Concurrence with Federal Law: California's salmon sport fishing regulations need to **be consistent 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 Salmon Fishery Management Plan. These

recommendations coordinate west coast management of sport and commercial ocean salmon fisheries off the coasts of Washington, Oregon, and California and California inland sport salmon fisheries. These recommendations are subsequently implemented as ocean fishing regulations by the NMFS and as sport salmon regulations for State marine and inland waters by the Commission.

## **Informative Digest/Policy Statement Overview**

The Klamath River Basin, which consists of the Klamath River and Trinity River systems, 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 sport, ocean commercial, river sport and tribal fisheries.

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

Two tribal entities within the Klamath River Basin, the Hoopa Valley Tribe and the Yurok Tribe, maintain fishing rights for ceremonial, subsistence and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations for the river are promulgated by the Hoopa and Yurok tribes.

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**All proposed closures for KRFC are designed to ensure sufficient spawning escapement in the Klamath River Basin.**

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

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Presently, KRSC stocks are not managed or allocated by the PFMC. The in-river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations. KRSC harvest will be monitored on the Lower Klamath River in 2017 and ensuing years by creel survey.

**PFMC Update from April 2017 Meeting:**

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As a result, the KRFC stock is now classified under the PFMC Salmon Fishery Management Plan as "approaching an overfished condition." Given the poor return of KRFC adults to the Basin the past two years, coupled with projected KRFC returns that are expected to be remain critically low, the KRFC stock is expected to be classified as "overfished" in 2018.

**Department April 2017 Recommendation:**

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- 1) Reduce the adult KRFC quota to zero which closes the adult KRFC fishery (salmon 22 inches or greater),
- 2) Close the KRFC grilse fishery (salmon less than 22 inches),
- 3) Eliminate all catch and release fishing on salmon during the KRFC quota management period, and
- 4) Keep open the KRSC and steelhead fisheries under normal seasons and bag and possession limits.

The PFMC approved a historically low 129 adult KRFC quota for in-river sport harvest allocation for 2017. The Department's recommendation applied this minimal adult KRFC quota to escapement as the low adult quota allocation likely would have resulted in just a 1 day season in the lower Klamath River.

### **KRFC Allocation Management**

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Commission modifications need to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan.

The annual KRFC in-river harvest allocation is split into four geographic areas with subquotas assigned to each. They 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 sport fishery allocation;
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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.

These geographic areas are based upon the historical distribution of angler effort and ensure equitable harvest of adult KRFC in the upper Klamath River and Trinity River. **Despite the closure of the KRFC fishery**, the Department **plans** to monitor angler **effort and harvest** in each geographic area. All areas will be monitored on a real time basis except for the following:

Klamath River upstream of Weitchpec and the Trinity River: Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to **conduct monitoring** in the Klamath River upstream of Weitchpec and in the Trinity River for the 2017 season. The Department has reviewed salmon harvest and run-timing data for these areas.

### **Current Sport Fishery Management**

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The Department presently differentiates the two stocks by the following dates:

Klamath River

1. January 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.
2. August 15 to December 31 - KRFC quota management.

Trinity River

1. January 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.
2. 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.

**Proposed Changes**

No changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

No changes are proposed for the Blue Creek area.

The following changes to current regulations are proposed:

KRFC QUOTA MANAGEMENT: Seasons, Bag and Possession Limits

**The Commission adopted the Department recommendations on April 13, 2017, as follows:**

1. **The 2017 KRFC Quota was set at zero (0) and all KRFC Management Areas are closed to salmon fishing with no take of Chinook Salmon allowed for the following dates:**

**Klamath River - August 15 to December 31**

**Trinity River - September 1 to December 31**

2. **The spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth), subsection (D)2.b.(i), will close to all fishing from August 15, 2017, to December 31, 2017.**

3. **Additional Changes**

- a. **The reference to adult fish was removed from subsection (A)2. to**

make it clear that this regulation applies to all salmon when the area is closed.

- b. Subsection (C)2.b. was revised to remove the KRFC possession limit and clarify the KRFC fishing closure.
- c. Subsection (D)1. was revised to set the KRFC quota at zero and clarify the KRFC fishing closure.
- d. The “Fall Run Quota Exceptions” in subsections (E)2.a., (E)2.b. and (E)6.b., were removed because they no longer apply under the KRFC fishing closure.
- e. Subsection (E)2.i. was split into two rows to separate the KRFC and KRSC fishery seasons in order to close the area to KRFC fishing prior to January 1 because salmon taken prior to this date would be KRFC.

#### OTHER

Other changes are proposed for clarity and consistency.

#### **Benefits of the Proposed Regulations**

It is the objective of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State. In addition, it is the objective of this State to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this practice 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.

The benefits of the proposed regulations are conformance with federal law, sustainable management of Klamath River Basin fish resources, and **the long-term viability** of businesses that rely on sport salmon fishing in the Klamath River Basin.

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

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (Sections 200, **205**, **265**, 315, and 316.5, Fish and Game Code). 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.