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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

15-Day Continuation Notice of California Notice Register 2016, No. 53Z Re: Klamath River Basin Sport Fishing

April 24, 2017

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a 15-day continuation notice of the notice of proposed regulatory action to amend subsection 7.50(b)(91.1), Title 14, California Code of Regulations, regarding Klamath River Basin sport fishing, which was published in the California Regulatory Notice Register December 30, 2016. Notice #Z2016-1220-06. The proposed changes to the originally noticed language are shown in double underline/double strikeout format and are sufficiently related to the originally proposed text.

This also notifies you of documents added to the rulemaking file:

- Pacific Fishery Management Council, Preseason III Report; Council Adopted Management Measures and Environmental Assessment Part 3 For 2017 Ocean Salmon Fishery Regulations. April 2017.
- Amended Initial Statement of Reasons for Regulatory Action (ISOR)

These documents are available for inspection at the Fish and Game Commission (Commission) office at 1416 Ninth Street, Suite 1320, Sacramento, California, 95814, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., and on Commission's website www.fgc.ca.gov.

Written comments on the revised proposed regulatory language and on the added documents will be accepted from **April 24, 2017, through 5:00 p.m. on May 9, 2017**. Written comments must be emailed to FGC@fgc.ca.gov or mailed to Valerie Termini, Executive Director, California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, California 95814. Additional information and all associated documents may be found on the Commission website at www.fgc.ca.gov.

Please direct inquiries regarding the regulatory process to Sherrie Fonbuena at Sherrie.Fonbuena@fgc.ca.gov or (916) 653-4899. **Wade Sinnen, Senior Environmental Scientist, Department of Fish and Wildlife, phone (707) 822-5119, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

Regulatory Language

KEY:

Text originally proposed to be added is shown in underline format

Text originally proposed to be deleted is shown in ~~strikeout format~~

Text newly proposed to be added is shown in **bold double-underline format**

Text newly proposed to be deleted is shown in ~~**bold double-strikeout format**~~

Text originally proposed to be added and now proposed to be deleted is shown in ~~**bold underline double-strikeout format**~~

Subsection (b)(91.1) of Section 7.50. Alphabetical List of Waters with Special Fishing Regulations.

(b)

| <i>Body of Water</i> | <i>Open Season and Special Regulations</i> | <i>Daily Bag Limit</i> |
|----------------------|--|------------------------|
| | <p>(91.1) Anadromous Waters of the Klamath River basin<u>Basin</u> Downstream of Iron Gate Dam <u>and Lewiston dams</u>(Lower Klamath River Basin). The regulations in this subsection apply only to waters of the Klamath River system<u>Basin</u> which are accessible to anadromous salmonids. They do not apply to waters of the Klamath River <u>Basin</u> which are inaccessible to anadromous salmon and trout, for example, 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. Fishing in these waters is governed by the General Regulations for non-anadromous waters of the North Coast District (see Section 7.00(a)(4)).</p> <p>(A) Hook and Weight Restrictions.</p> <ol style="list-style-type: none"> 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 <u>Salmon</u> from the water by any means. <p>(B) General Area Closures.</p> <ol style="list-style-type: none"> 1. No fishing is allowed within 750 feet of any Department of Fish and Wildlife fish-counting weir. 2. No fishing is allowed from the Ishi Pishi Road bridge upstream to and including Ishi Pishi Falls from August 15 through December 31. EXCEPTION: members of the Karuk Indian 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 September 15 through December 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 June 15 through September 14 in the Klamath River from 500 feet above the mouth of Blue Creek to 500 feet downstream of the mouth of Blue Creek. | |

| <i>Body of Water</i> | <i>Open Season and Special Regulations</i> | <i>Daily Bag Limit</i> |
|----------------------|--|------------------------|
| | <p>(C) Klamath River Basin Possession Limits.</p> <p>1. Trout Possession Limits.</p> <p>a. The brown trout<u>Brown Trout</u> possession limit is 10 brown trout.</p> <p>b. The hatchery trout or hatchery steelhead possession limits are as follows:</p> <p>(i) Klamath River - 4 hatchery trout or hatchery steelhead.</p> <p>(ii) Trinity River - 4 hatchery trout or hatchery steelhead.</p> <p>2. Chinook Salmon Possession Limits.</p> <p>a. Klamath River downstream of the Highway 96 bridge at Weitchpec from January 1 to August 14 and the Trinity River downstream of the Old Lewiston Bridge to the confluence of the South Fork Trinity River from January 1 to August 31: 2 Chinook salmon<u>Salmon</u>.</p> <p>b. Klamath River from August 15 to December 31 and Trinity River from September 1 to December 31: 6[0-12] Chinook salmon<u>Salmon. No more than 3[0-4] Chinook salmon</u><u>Salmon over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed</u><u>Closed to salmon fishing. No take or possession of Chinook Salmon.</u></p> <p>(D) Klamath River Basin Chinook Salmon Quotas.</p> <p>The Klamath River fall-<u>run</u> Chinook salmon<u>Salmon</u> take is regulated using quotas. Accounting of the tribal and non-tribal harvest is closely monitored from August 15 through December 31 each year. These quota areas are noted in subsection (b)(91.1)(E) with "Fall Run Quota" in the <i>Open Season and Special Regulations</i> column.</p> <p>1. Quota for Entire Basin.</p> <p>The 2016<u>2017</u> Klamath River Basin quota is 1,110[0-67,600]<u>10</u> Klamath River fall-<u>run</u> Chinook salmon<u>Salmon</u> over 22 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<u>All fishing for Klamath River fall-run Chinook Salmon is prohibited.</u> (NOTE: A department status report on progress toward the quotas for the various river sections is updated weekly, and available at 1-800-564-6479.)</p> <p>2. Subquota Percentages.</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> | |

| <i>Body of Water</i> | <i>Open Season and Special Regulations</i> | <i>Daily Bag Limit</i> |
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| <p>b. The subquota for the Lowerlower Klamath River downstream of the Highway 96 bridge at Weitchpec is 50% of the total Klamath River Basin quota.</p> <p>(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 <u>is closed to all fishing from August 15, 2017 to December 31, 2017.</u></p> <p>(E) Klamath River Basin Open Seasons and Bag Limits.</p> <p>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 <u>Salmon</u> in combination unless otherwise specified.</p> | | |
| 1. Bogus Creek and tributaries. | Fourth Saturday in May through August 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. | January 1 to August 14 | 0 Chinook salmon <u>Salmon</u> 2 hatchery trout or hatchery steelhead** |
| | Fall Run Quota 189 <u>0-11,492</u> Chinook Salmon August 15 to December 31, 2016 <u>2017.</u> | 2 <u>0-4</u> Chinook salmon <u>Salmon</u> -- no more than 1 <u>0-4</u> fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length allowed <u>Closed to salmon fishing. No take of Chinook Salmon.</u> 2 hatchery trout or hatchery steelhead** |
| <p>Fall Run Quota Exception: Chinook salmon <u>Salmon</u> over 22 inches total length may be retained from 3,500 feet downstream of Iron Gate Dam to the Interstate 5 bridge when the department determines</p> | | |

| <i>Body of Water</i> | <i>Open Season and Special Regulations</i> | <i>Daily Bag Limit</i> |
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| | 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 <u>Salmon</u> | apply during this exception. |
| b. Klamath River downstream of the Highway 96 bridge at Weitchpec. | January 1 to August 14. | 2 Chinook salmon <u>Salmon</u> 2 hatchery trout or hatchery steelhead** |
| | Fall Run Quota 555 <u>0-33,800</u> Chinook Salmon August 15 to December 31, 2016 <u>2017</u> . | 210-41 Chinook salmon no more than 110-41 fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length allowed <u>Closed to salmon fishing. No take 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. All legally caught Chinook salmon must be retained. Once the adult (greater than 22 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 | November 1 through February 28. | 2 hatchery trout or hatchery steelhead** |

| <i>Body of Water</i> | <i>Open Season and Special Regulations</i> | <i>Daily Bag Limit</i> |
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| 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 Saturday in May through February 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 Saturday in May through August 31 and November 16 through February 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. | April 1 through September 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. | January 1 to August 31. | 2 Chinook salmon <u>Salmon</u> 5 brown trout <u>Brown Trout</u> 2 hatchery trout or hatchery steelhead** |
| | Fall Run Quota 183 <u>11,154</u> 10 Chinook Salmon September 1 through December 31, 2016 <u>2017</u> . | 2 <u>10-41</u> Chinook salmon <u>Salmon</u> no more than 1 <u>0-4</u> fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length allowed <u>Closed to salmon fishing. No</u> |

| <i>Body of Water</i> | <i>Open Season and Special Regulations</i> | <i>Daily Bag Limit</i> |
|---|---|---|
| | | <u>take of Chinook Salmon.</u> 5 brown trout <u>Brown Trout</u> 2 hatchery trout or hatchery steelhead** |
| | Fall Run Quota Exception: Chinook salmon Salmon over 22 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 Salmon spawning escapement at Trinity River Hatchery exceeds 4,800 fish. Daily bag and possession limits specified for fall-run Chinook salmon 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. | January 1 through August 31. | 2 Chinook salmon <u>Salmon</u> 5 brown trout <u>Brown Trout</u> 2 hatchery trout or hatchery steelhead** |
| | September 1 through December 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. | September 15 through November 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. | January 1 to August 31. | 2 Chinook salmon <u>Salmon</u> 5 brown trout <u>Brown Trout</u> 2 hatchery trout or hatchery steelhead** |
| | Fall Run Quota 18310- <u>11,15410</u> Chinook Salmon | 210-41 Chinook salmon <u>Salmon</u> - no |

| Body of Water | Open Season and Special Regulations | Daily Bag Limit |
|--|--|---|
| | September 1 through December 31, 2016/2017. This is the cumulative quota for subsections 6.e. and 6.f. of this table table. | more than 1[0-4] fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length allowed <u>Closed to salmon fishing. No take of Chinook Salmon.</u> 5 brown troutBrown 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. | January 1 to August 31. | 0 Chinook salmonSalmon 5 brown troutBrown Trout 2 hatchery trout or hatchery steelhead** |
| | Fall Run Quota 183[0-11,154]10 Chinook Salmon September 1 through December 31, 2016/2017. This is the cumulative quota for subsections 6.e. and 6.f. of this table. | 2[0-4] Chinook salmonSalmon – no more than 1[0-4] fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length allowed <u>Closed to salmon fishing. No take of Chinook Salmon.</u> 5 brown troutBrown 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 | November 1 through March 31. Only artificial lures with barbless hooks may be used. | 2 hatchery trout or hatchery steelhead** |

| <i>Body of Water</i> | <i>Open Season and Special Regulations</i> | <i>Daily Bag Limit</i> |
|--|---|---|
| South Fork Trinity River. | | |
| 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. | November 1 through March 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. | November 1 through March <u>December</u> 31. | 0 Chinook salmon <u>Salmon Closed to salmon fishing. No take of Chinook Salmon.</u> 2 hatchery trout or hatchery steelhead** |
| | <u>January 1 through March 31.</u> | <u>0 Chinook Salmon</u> <u>2 hatchery trout or hatchery steelhead**</u> |

* Wild Chinook ~~salmon~~ 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, 275, 315 and 316.5, Fish and Game Code. Reference: Sections 200, 205, ~~265~~, 265 and 316.5, Fish and Game Code.