

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

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: January 5, 2011
- II. Date of Final Statement of Reasons: April 29, 2011
- III. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: February 3, 2011  
Location: Sacramento, CA
  - (b) Discussion Hearing Date: March 3, 2011  
Location: Los Angeles, CA
  - (c) Discussion Hearing: Date: April 7, 2011  
Location: Folsom, CA
  - (d) Adoption Hearing Date: April 21, 2011  
Location: Teleconference

IV. Update:

On April 14, 2011, the Pacific Fishery Management Council (PFMC) adopted Recreational Salmon Management Measures and recommended a harvest allocation of **7,900** Klamath River Fall Chinook (KRFC) for the recreational fishery in the Klamath River System. The Department of Fish and Game (Department) concurs with this allocation and recommended that the Fish and Game Commission (Commission) adopt the PFMC'S KRFC recreational harvest quota allocations.

The Initial Statement of Reasons (ISOR) included proposed ranges for the bag and possession limits. At the April 21, 2011 teleconference, the Commission adopted the following seasons and limits:

The Commission adopted the open seasons and bag limits for KRFC salmon stocks as follows:

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

The Commission adopted a possession limit of **9** Chinook salmon of which no more than **6** Chinook salmon over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

During its April 21, 2011 teleconference call, the Commission adopted the above regulations recommended by the PFMC and all other changes as originally proposed.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

- (1) Ed Duggan, written and oral comments at the April 7, 2011 meeting:
  - a. Supports Option III of the PFMC Pre Season Report II dated March 2011, for Recreational In-River Sport Fishing of the Klamath Basin Fall Chinook Salmon.
  - b. Supports Option I of the PFMC report dated March 8, 2011, of the California Klamath Management Zone for Recreational Ocean Sport Fishing, May 7 through September 5, 2011 fall Chinook Salmon.

Response:

- a. Support noted.
- b. This comment does not address Klamath River Basin salmon fishery regulations and cannot therefore be addressed in this particular regulatory procedure.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

The use of more liberal regulations for bag limits, possession limits and fishing methods. For KRFC salmon 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 allowable harvest could be damaging to KRFC stocks.

(b) No Change Alternative:

The change is necessary to continue appropriate harvest rates and an equitable distribution of the harvestable surplus.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

IX. 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 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 regulations are projected have an unknown impact on the net revenues to businesses servicing sport fishermen. This is not likely to 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 and upper 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 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:

None.

(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.

## **Updated Informative Digest Policy Statement Overview**

**Please refer to the Initial Statement of Reason's Informative Digest for the original discussion.**

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