

Attachment 1
Summary of Public Comments and Responses

	Name of Commenter	Type/Date	Summary of Comments	Response
1	Jim Newton	Faxed letter received 10/8/14	Requests repeal of the regulation that prohibits filleting of salmonids until at a place of permanent residence (section 1.45).	Reject: Filleting of salmon in the field creates enforcement issues concerning threatened and endangered species in coastal waters including the Klamath River.
2	Xai Her	Email received 10/17/14	Recommends a regulation that only single point barbless hooks be used for salmon in both inland and saltwater.	Reject: The use of barbless hooks is already required when fishing in anadromous waters of the Klamath River system, and further requiring single point hooks will not measurably reduce hooking mortality. The portion of the recommendation regarding other inland waters and ocean waters is outside the scope of this rulemaking.
3	Thomas O'Rourke, Chairman Yurok Tribe	Letter c/o e-mail from Diane Bowers received 11/20/15	<p>a. Letter documenting Yurok Tribe proposals for Klamath river regulations including:</p> <p>b. All Fall Chinook caught in the spit area must be retained (no catch and release fishing of Fall Chinook regardless of whether the fish is legally taken). Once an angler's daily bag limit (regardless of whether it is an adult or jack) is obtained in the spit area, they must stop fishing for the day.</p>	<p>a. The Yurok Tribe's proposed conservation closure and a modified version of the Yurok Tribe's proposal for the spit area were included in the ISOR as potential options for the 2015 sport fishing season.</p> <p>b. Reject: The Commission adopted the Department alternative for the Klamath River mouth that prohibits catch and release fishing of Chinook salmon for all legally hooked fish. Once the adult component of the total daily bag limit has been retained, anglers must cease fishing in the spit area. The Department option was a compromise option to alleviate catch and release concerns while retaining anti- snagging regulations. The Yurok Tribe's proposal to require anglers to fully stop fishing for entire day unnecessarily reduces fishing opportunities in other river areas.</p>

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			c. Sport fishing conservation closure of the main stem Klamath River near Blue Creek. No fishing from June 15 to September 14 from 500 feet upstream of the mouth of Blue Creek to ½ mile downstream of the mouth of Blue Creek, and no fishing from September 15 through December 31 within 500 feet of the mouth of Blue Creek.	c. The Commission adopted the Yurok Tribe's recommended conservation option for a sport fishing closure in the vicinity of Blue Creek.
4	Mindy Natt Yurok Tribal Council	Verbal comment 12/3/14	States that there should be no catch and release fishing in the spit area and that Commission should adopt a conservation closure at the mouth of Blue Creek during mid-June through November for Chinook salmon upstream migration. Notes that Blue Creek and the Klamath River are within reservation boundaries.	See Responses 3b and 3c.
5	Dave Hillemeier, Fisheries Program Manager, Yurok Tribe	Verbal comment 12/3/14	a. Stated that given the unique nature of the fishery at the mouth and the severity of seal and sea lion predation, the Yurok Tribe supports the option to require all Chinook salmon caught at the spit, whether foul hooked or not, be retained. b. States that the Blue Creek conservation area is very	a. See Response 3b. b. Comment noted.

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			<p>important both culturally and biologically.</p> <p>c. States that the late Fall Chinook salmon in Blue Creek are genetically different (a separate evolutionally significant unit) than other Fall Chinook in the Klamath.</p> <p>d. States that the Yurok Tribe closes the Klamath River from the third week of September to the end of November from 500' upstream to half a mile below Blue Creek. States that the Yurok Tribe supports a similar closure (500' upstream and downstream) of mouth of Blue Creek (like is in place for the Salmon, Shasta and Scott Rivers) from September 15 through December.</p> <p>e. Supports a conservation closure mid-June through the end of September when Klamath River water temperatures are an issue in order to prevent catching fish in cold water and dragging them into water 6°C warmer which causes extreme stress leading</p>	<p>c. Comment noted.</p> <p>d. See Response 3c.</p> <p>e. See Response 3c.</p>

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			to mortality.	
6	Stephen Rosenberg	2 Emails received 1/29/15	<p>a. Does not support the full closure at Blue Creek.</p> <p>b. Recommends a closure in the vicinity of Blue Creek only when undue concentrations of fish occur - and then only in August.</p> <p>c. Recommends artificial flies and lures only for the Blue Creek area.</p>	<p>a. The Commission adopted the proposed closure at the mouth of Blue Creek as a precautionary conservation measure.</p> <p>b. Reject. See Response 6a. Scientific studies are needed to determine if, and under what criteria, alternate or additional closures may be necessary.</p> <p>c. Reject. The recommendation will not reduce the loss of stressed fish released into high water temperatures.</p>
7	Phoebe Lenhart	Letter dated 2/7/15 but received 3/10/15	<p>a. Requests no catch and release fishing at all on the Klamath River.</p> <p>b. Requests daily bag of 2 fish per adult.</p> <p>c. Requests no snagging.</p> <p>d. Requests fishing closure</p>	<p>a. Reject. The recommendation to prohibit catch and release fishing on the Klamath River unnecessarily reduces fishing opportunities. Catch and release fishing is an important recreational pursuit on the Klamath and the regulations are promulgated recognizing some amount of catch and release mortality.</p> <p>b. Reject: The Commission adopted a three fish daily bag for Chinook salmon based on quota size and Department's recommendation. It is infeasible and discriminatory to adopt separate bag limit based on the angler's age.</p> <p>c. Sport fishing regulations already prohibit snagging in all waters of the State.</p> <p>d. Reject. See Response 6b.</p>

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			<p>when water temperatures exceed 70 degrees.</p> <p>e. Requests closure of Blue Creek and any other location viable for the preservation of fish stocks.</p> <p>f. Requests all gill net fishing be ruled illegal.</p> <p>g. Requests re-evaluation of hatchery management.</p> <p>h. Provide adequate enforcement of regulations with appropriate penalties.</p>	<p>e. Blue Creek is already closed to fishing. See Response 3c. Commenter did not propose specific closure locations for evaluation.</p> <p>f. Current sport fishing regulations do not allow gill net fishing. The tribal fishery is not regulated by the Commission.</p> <p>g. Hatchery management is outside the scope of the Commission's authority.</p> <p>h. Enforcement and penalties are outside the scope of the Commission's authority. The Klamath River has a high level of enforcement and penalties are set by the county judicial system.</p>
8	Dave Fairchild	Faxed letter received 2/8/15	<p>a. Opposes the proposed closure at the mouth of Blue Creek.</p> <p>b. Suggests further scientific investigation before a decision is made regarding Blue Creek closure.</p>	<p>a. See Response 6a.</p> <p>b. Reject. See Responses 6a and 6b.</p>
9	Joseph Falcone	E-mail letter received 2/8/15	<p>a. Opposes the proposed closure at the mouth of Blue Creek.</p> <p>b. Opposes tribal net fishery.</p>	<p>a. See Response 6a.</p> <p>b. Commission does not have regulatory authority</p>

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			<p>c. States that the economic impact to the area would be disastrous.</p> <p>d. Believes that the Commission's position is that sport fishing is a major decline of a fishery.</p>	<p>over tribal fishery.</p> <p>c. Comment noted. Most of the lower Klamath River (>95%) will remain open to salmon and steelhead fishing which will still provide significant fishing opportunities. The final economic effect related to steelhead fishing will have to be assessed post season due to the lack of adequate fishing effort data for this area.</p> <p>d. The Commission recognizes multiple factors contributing to fishery declines.</p>
10	Fred Johansen	Email received 2/10/15	<p>a. States that the Klamath River is a navigable waterway.</p> <p>b. States that the purpose of the Commission is to improve and provide for fishing for all or our State residents, native and others.</p> <p>c. Requests opportunity for all stakeholders to participate in the discussion.</p>	<p>a. Comment noted.</p> <p>b. Adoption of sport fishing regulations is one of the many powers and duties of the Commission. One objective of the Commission is 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. The Commission does not have authority over tribal fisheries.</p> <p>c. All proposed Klamath regulatory options were vetted at three publicly accessible Fish and Game Commission meetings. The proposed regulations were made available to the public pursuant to the requirements of Government Code Section 11346.4. The comment period was January 23 to</p>

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			<p>d. Opposes the proposed closure at the mouth of Blue Creek.</p> <p>e. States that the proposed closure at the mouth of Blue Creek will have adverse economic impacts to the Yurok Tribe.</p>	<p>April 17, 2015.</p> <p>d. See Response 6a.</p> <p>e. See Responses 9b and 9c.</p>
11	David Finigan, Chair, Board of Supervisors Del Norte County	Letter c/o e-mail from Kylie Heriford received 2/10/15, same letter handed in at 2/12/15 meeting, and by U.S. mail on 2/18/15	<p>a. Believes that the concept of a Lower Klamath River main stem closure was not vetted with stakeholders.</p> <p>b. States that no information has been made available suggesting Blue Creek Chinook salmon are present in the proposed closure area before September 15.</p> <p>c. Believes the proposed Blue Creek conservation closure is arbitrary and unscientific.</p> <p>d. States that the economic impacts (of the proposed closure at the mouth of Blue Creek) to small businesses was not fully considered.</p> <p>e. Urges the Commission to not</p>	<p>a. See Response 10c.</p> <p>b. Comment noted. See Response 6a.</p> <p>c. Comment noted. See Response 6a.</p> <p>d. Comment noted. See Response 9c.</p> <p>e. The Commission adopted the Klamath River</p>

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			<p>take action on this issue before the 2015 Klamath River Basin allocation is presented to the Commission in April – allowing additional time for public comment and opportunities to develop alternative proposals.</p> <p>f. Requests that the Commission ensure that all new or amended regulation proposals that affect Del Norte County be sent directly to the Del Norte County Board of Supervisors.</p>	<p>sport fishing regulations on April 17, 2015 – after receiving the 2015 Klamath River Basin allocation.</p> <p>f. The Commission mails all its notices of proposed changes in regulations to the Del Norte County Board of Supervisors and the Del Norte County Fish and Game Advisory Commission. The Klamath River notice was mailed on January 21, 2015.</p>
12	Mike Aughney	Email received 2/11/15	<p>a. Opposes the proposed closure at the mouth of Blue Creek.</p> <p>b. States closing the waters around Blue Creek to sport fishing does nothing to protect the fishery in low water years unless they were also closed to all netting.</p> <p>c. Supports Department working with tribal biologists and Bureau of Reclamation staff to develop water management strategies beneficial to salmonids.</p>	<p>a. See Response 6a.</p> <p>b. Comment noted. See Response 9b.</p> <p>c. This comment is outside the scope of the proposed regulations. The Department is actively engaged in water management strategies with tribal and federal partners.</p>
13	William Toth	Email received 2/11/15	<p>a. Asks for information about tribal regulations.</p>	<p>a. See Response 9b.</p>

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			b. Suggests a catch and release tagging study to determine mortality rates.	b. See Response 6b.
14	Craig Bradford	Email with letter attachment received 2/11/15	<p>a. Does not support the proposed closure at the mouth of Blue Creek.</p> <p>b. States that non-Native Americans have a prescriptive right to fishing for steelhead and salmon in the proposed closure area.</p> <p>c. States that sport fishermen contribute much to the vitality of the river.</p> <p>d. States that Native Americans abused anadromous and catadromous fish populations via illegal netting practices and snagging.</p> <p>e. States that Department enforcement officials are reluctant to cite Native Americans when fishing regulations are blatantly violated.</p> <p>f. States that steelhead fishermen are not interested in taking salmon and therefore</p>	<p>a. See Response 6a.</p> <p>b.Reject. The ability to fish on public waters depends upon legal access and regulations adopted by the Fish and Game Commission as prescribed in the Fish and Game Code.</p> <p>c. Comment noted.</p> <p>d. See Response 9b.</p> <p>e. See Response 9b.</p> <p>f. Comment noted.</p>

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			<p>break the tippet for quick disconnection if a salmon grabs one of their flies.</p> <p>g. States that most fly fishermen pursue summer steelhead on a catch and release basis.</p> <p>h. States that almost no guided clients or bank fishermen target salmon at the mouth of Blue Creek.</p> <p>i. States that closing the mouth of Blue Creek to protect salmon unfairly impacts steelhead fishermen.</p> <p>j. States that steelhead fishermen do not snag steelhead in the Blue Creek area. They use small barbless hooks to assure the steelhead's survival upon release and all fish are returned to the river.</p> <p>k. Hopes that all Commissioners conflicted by previous tribal employment or Native American ancestry will recuse themselves from the docketed process.</p>	<p>g. Comment noted.</p> <p>h. Comment noted.</p> <p>i. Reject. Because it is difficult to prevent bycatch of salmon while steelhead fishing, all fishing must be prohibited to protect salmon.</p> <p>j. Comment noted.</p> <p>k. The Commission is guided by Government Code Section 19990 and Sections 81000, et seq., regarding conflicts of interest. Commissioner Hostler-Carmesin is a current employee of the Trinidad Tribe. The Trinidad Rancheria and Commissioner Hostler-Carmesin will not gain financially from the promulgation of the Klamath</p>

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				River sport fishing regulations and therefore, appear not to have any conflicts of interest.
15	Frank Galea, Del Norte County Fish and Game Advisory Commission	Verbal comment 2/12/15	<p>a. States that options concerning a conservation closure at the mouth of Blue Creek exceed original intent of minimizing catch and release mortality.</p> <p>b. States that the concept of a lower Klamath main stem closure was not vetted with sport fishery stakeholders and no information was made available suggesting presence of Blue Creek Chinook salmon in the proposed closure area before September 15.</p> <p>c. States that the proposed Blue Creek conservation closure is arbitrary and unscientific and does not fully take into consideration economic impacts to small business, and does not take into consideration how steelhead fishing fits into any of proposals.</p> <p>d. States that not enough notice or time was given to stakeholders to address</p>	<p>a. Comment noted. See Response 10c.</p> <p>b. Comment noted. See Responses 6a and 10c.</p> <p>c. Comment noted. See Responses 6a, 9c and 14i.</p> <p>d. See Responses 10c, 11e and 11f.</p>

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			<p>proposals. Requests any and all proposed changes to regulations are sent directly to Del Norte County Board of Supervisors so that they may adequately represent their constituents.</p> <p>e. States that early coordination is essential.</p> <p>f. Appreciates the efforts to communicate with the Board of Supervisors and the Del Norte County Fish and Game Advisory Commission.</p>	<p>e. Comment noted. See Response 10c.</p> <p>f. Comment noted.</p>
16	Ken Cunningham, resident fishing guide on Klamath River	Verbal comment 2/12/15	<p>a. Opposes the proposed closure at the mouth of Blue Creek.</p> <p>b. States that the proposed closure at the mouth of Blue Creek will be devastating to people who fish there.</p> <p>c. Opposes snagging.</p> <p>d. States that other river mouths are closed only 500 feet and that it isn't right to close more than that at the mouth of Blue Creek.</p>	<p>a. See Response 6a.</p> <p>b. See Response 14i.</p> <p>c. Sport fishing regulations already prohibit snagging in all waters of the State.</p> <p>d. See Response 6a.</p>

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17	Dave Hillemeier, Fisheries Program Manager, Yurok Tribe and Thomas O'Rourke, Chairman Yurok Tribe	Verbal comment 2/12/15, email and letter received 2/5/15	<p>a. States that the Yurok Tribe feels these conservation concerns are important to bring forward to the Commission and appreciates that the Yurok Tribe's alternatives made it into the public process.</p> <p>b. States that in the spit fishery, due to presence of sea lions and seals, the Yurok Tribe thinks retaining all fish caught, whether foul hooked or not is very important. States that the Yurok Tribe does not want to close the fishery, but that it doesn't want the released fish wasted.</p> <p>c. States that there is a half mile of thermal refugia against the north bank at the mouth of Blue Creek and that boats are out in the channel. States that during mid-June through the first week in September, water temperatures are 23-24°C. States that catch and release fishing is taking place – fish are played through 18°C water into 23°C water. States that there is excessive mortality when fish are caught and released in those conditions and that is the</p>	<p>a. See Response 3a.</p> <p>b. See Responses 3b and 7a. The released fish are not wasted. If the released fish die or are eaten by seals, they are still an important food source in the ecosystem.</p> <p>c. See Response 3c.</p>

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			Yurok Tribe's greatest concern. States that literature is available that says at 20°C, mortality increases excessively.	
18	Thomas Willson, Yurok Tribal Council – Weitchpec District	Verbal comment 2/12/15	States that traditionally his people don't play with their fish. States that catch and release fishery is basically playing with your food and if you play with your food, it will leave us. States that we have to look seven generations down.	Comments noted.
19	Ron Britschgi, Rivers West Lodge	Verbal comment 2/12/15	a. Opposes the proposed closure at the mouth of Blue Creek. b. Believes that economy and guides will suffer economic impact from Blue Creek closure.	a. See Response 6a. b. See Response 9c.
20	Richard Arimoto	Verbal comment 2/12/15	a. Supports proposed Option I changes to the spit (mouth of Klamath River). b. Opposes the proposed closure at the mouth of Blue Creek.	a. Support noted. The Commission adopted this option. b. See Response 6a.
21	Dave Axt	Email received 2/8/15	Recommends that the Department conduct fishery research on Blue Creek area of Klamath River prior to any closures.	See Responses 6a and 6b.
22	Andy Pozzi, Sonoma County Fish and	Letter received	Request to abolish Section 1.45, Title 14, CCR, (filleting of	See Response 1.

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	Wildlife Commission	3/5/15	salmonids)	
23	Thomas O'Rourke, Yurok Tribal Chair	Email with attached letter received 4/13/15	Reiterates support for the Yurok Tribe's proposed sport fishing options (No catch and release fishing at the mouth of the Klamath River and conservation closure near Blue Creek).	See Responses 3a, 3b and 3c.
24	Bill Bowman, Friends of Del Norte	Letter received 4/14/15.	a. Supports the Yurok Tribe's proposal for catch and release at the spit and Tribe's proposed closure at the mouth of Blue Creek. b. States that recent studies have shown catch and release mortality to be surprisingly high.	a. See Responses 3b and 3c. b. Comment noted.
25	Dave Hillemeier, Fisheries Program Manager, Yurok Tribe	Verbal comment 04/17/15	a. Presented additional information about thermal refugia and catch and release fishing. b. Supports the mandatory retention in the spit fishery, but reiterates the foul-hooked option. c. Suggests consideration of an alternative such as mandatory retention of fish if they are hooked in the head. d. Supports the proposed Blue	a. Information noted. b. See Response 3b. c. Reject. See Response 3b. d. See Response 3c.

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			Creek conservation closure.	
26	Ed Salsedo	Verbal comment 04/17/15	<p>a. States that the economic impacts are not addressed.</p> <p>b. States that he does not believe the Commission or Department has jurisdiction on U.S. Trust Lands or the Yurok Tribe Reservation.</p> <p>c. States that the Coastal Commission has the right to weigh in on the spit fishery since the proposed regulations make a major change to activities there.</p> <p>d. States that the barbless hook requirements are not enforced on Native American anglers.</p> <p>e. States that people have a right to fish. Quotes Article 1, Section 25, of the California Constitution.</p>	<p>a. See Response 9c.</p> <p>b. Non-tribal anglers fishing the Klamath River within the Yurok Tribe Reservation are regulated by Commission authority (Fish and Game Code Sections 16500-16541)</p> <p>c. The Coastal Commission has no authority over sport fishing regulations, but it had the opportunity to weigh in on the proposed regulations.</p> <p>d. See Response 9b.</p> <p>e. The so-called “right to fish” is neither absolute nor fundamental, but has been characterized by the courts as only a “privilege” or a “qualified right” subject to the Legislature’s regulation of fishing. The California Supreme Court has long declared that the power to regulate fishing has always existed as an aspect of the inherent power of the Legislature to regulate the terms under which a public resource may be taken by private citizens (in re Quinn [1973] 35 Cal.App.3d 473; State of California v. San Luis Obispo Sportsman’s</p>

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				Association [1978] 22 Cal.3d 440; Paladini v. Superior Court [1918] 178 Cal. 369; California Gillnetters Association v. Department of Fish and Game [1995] 39 Cal.App.4th 1145).”
27	Stephen Rosenberg, fly fisherman	Verbal comment 04/17/15	<p>a. States that he has kept a diary of his fishing activities at Blue Creek since 1978.</p> <p>b. States that he has never seen a constant thermal refugia problem with excessive concentrations of fish but that he has only seen excessive concentrations of fish in 5 years between 1978 – 2014. States that in 1982-83, 1991 and 1994, the excessive concentrations only occurred in mid to late August, and that by Sept 4 the fish were gone upstream; in 1978, the excessive concentration of fish started in mid-July and by Labor Day the fish were gone; in 2000-2002, the excessive concentration of fish started in late July and by Labor Day the problem was over; and in 2014, the excessive concentration of fish started but as soon as water flows were increased, the fish immediately moved upstream.</p>	<p>a. Comment noted.</p> <p>b. Comment noted.</p>

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			<p>c. States that he has never seen excessive hooking mortality.</p> <p>d. States that the degree to which the thermal refugia occurs depends on the geomorphology of the river at the confluence of Blue Creek and Klamath and that the situation only sets up every 10 years or so.</p> <p>e. Opposes the proposed closure at the mouth of Blue Creek. Questions the tribe's motives.</p>	<p>c. Comment noted.</p> <p>d. Comment noted.</p> <p>e. See Response 6a.</p>
28	John Stokes, recreational fisherman	Verbal comment 04/17/15	<p>a. Opposes the proposed closure at the mouth of Blue Creek.</p> <p>b. States that the proposed closure at the mouth of Blue Creek will gut the entire steelhead fishery.</p> <p>c. Supports comments made by Stephen Rosenberg concerning how often excessive concentrations of fish occur.</p> <p>d. States that steelhead are far less impacted by the phenomena than salmon</p>	<p>a. See Response 6a.</p> <p>b. See Response 9c and 14i.</p> <p>c. See Response 27.</p> <p>d. Comment noted.</p>

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			e. Suggests using a low flow or temperature closure for regulating the Blue Creek area as is in place for many of the other coastal streams.	e. See Response 6b.
29	Eileen Cooper	Verbal comment 04/17/15	a. Supports no catch and release fishing at all when river temperatures are high. b. Supports the Yurok Tribe's proposed catch and release regulations at spit and Blue creek area.	a. See Response 6b. b. See Responses 3b and 3c.
30	Ted Souza, Friends of Del Norte	Verbal comment 04/17/15	States that catch and release fishing is a problem. States that a study by Dr. Bruce Tufts, Queen's University, Canada, shows that 7 out of 10 fish die when out of water more than 30 seconds. States that while he has practiced catch and release fishing in the past, he now believes anglers should keep what they catch or not fish at all in order to protect the fishery.	Comments noted. The Department research does not support this comment.