

June 22, 2023

ATTACHMENT TO NOTICE OF EXEMPTION

Re: Emergency Regulatory Action to Amend Subsections (b)(40), (b)(50), and (b)(105) of Section 7.40, Title 14, California Code of Regulations Re: Chinook Salmon Fishing Closures

On May 17, 2023, the California Fish and Game Commission (Commission) took final action under the California Fish and Game Code and the Administrative Procedure Act with respect to the proposed project. The Commission adopted an emergency action to amend subsections (a), (b)(40), (b)(50) and (b)(105) of Section 7.40, Title 14, California Code of Regulations (CCR).

Statutory Exemption for Specific Actions Necessary to Prevent or Mitigate an Emergency

In compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.), the Commission adopted the regulation relying on a statutory exemption contained in Public Resources Code Section 21080 (Actions Necessary to Prevent or Mitigate an Emergency). The exemption applies to agency actions to prevent or mitigate an emergency.

To protect Chinook Salmon stocks in California, the California Department of Fish and Wildlife (Department) requested an emergency action to close recreational salmon fishing on the Eel, Klamath, Trinity and Smith rivers. Current regulations allow catch and release fishing of salmon on the Eel River and harvest of one salmon on the Klamath, Trinity and Smith rivers. The Department proposes a complete closure to recreational salmon fishing on these waters effective immediately.

The proposal is prompted by critically low abundance forecasts for California Chinook Salmon stocks. Sacramento and Klamath River fall Chinook (SRFC and KRFC), in particular, have reached historical lows in abundance. The significant decline of SRFC and KRFC stocks has led state and federal fishery agencies to completely close California ocean and river fisheries for 2023. Currently, the Eel, Klamath, Trinity and Smith rivers are the only waters in California open or scheduled to be open to recreational salmon fishing in 2023. Under this crisis situation, it is critical that all California Chinook Salmon stocks be protected from recreational fishing impacts. Additional take of salmon on the Eel, Klamath, Trinity and Smith rivers will harm these important recreational fisheries.

Categorical Exemptions to Protect Natural Resources

In compliance with CEQA, the Commission adopted the regulation by relying on the categorical exemption contained in CEQA Guidelines Section 15307 (Action by Regulatory Agencies for Protection of Natural Resources). The exemption applies to agency actions to protect natural resources.

Closing the recreational salmon fisheries is necessary to minimize the impact of fishing on Chinook Salmon stocks and the magnitude of potential harm during this crisis situation.