

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk – County of: N/A

From: California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Project Title: Klamath River Spring Chinook Salmon Emergency Fishing Closure 2024

Project Applicant: N/A

Project Location - Specific: Klamath and Trinity rivers.

Project Location - City: Multiple

Project Location - County: Multiple

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project would amend subsection (b)(50) of Section 7.40, Title 14, California Code of Regulations to close Klamath River spring Chinook salmon (KRSC) fishing on the Klamath and Trinity rivers to minimize impacts to the KRSC stock.

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: California Department of Fish and wildlife

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption: Class 7, California Code of Regulations, Title 14, Section 15307
- Statutory Exemptions. Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c), Title 14, California Code of Regulations

Reasons why project is exempt: See attachment.


Lead Agency: California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090

Contact Person: Melissa Miller-Henson

Telephone: (916) 653-4899

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: May 16, 2024 Title: Executive Director

Signed by Lead Agency Signed by Applicant. Date Received for filing at OPR:

**Attachment to Notice of Exemption
Emergency Regulatory Action to Amend Subsection (b)(50) of Section 7.40,
Title 14, California Code of Regulations
Regarding Klamath River Spring Chinook Salmon Fishing Closure**

On May 15, 2024, 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 subsection (b)(50) 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. The exemption applies to agency actions to prevent or mitigate an emergency.

To protect the Klamath River spring Chinook salmon (KRSC) stock in California, the California Department of Fish and Wildlife (Department) requested that the Commission take emergency action to close recreational KRSC fishing on the Klamath and Trinity rivers. Current regulations allow harvest of one salmon on the Klamath and Trinity rivers. The Department recommended a complete closure to recreational KRSC fishing on these waters effective immediately. The Commission adopted the emergency regulations as recommended by the Department.

This emergency action is prompted by critically low abundance forecasts for Sacramento River and Klamath River fall Chinook salmon (SRFC and KRFC). The significant decline of SRFC and KRFC stocks led fishery agencies to completely close KRFC and SRFC ocean and river fisheries for 2023 and ocean fisheries for 2024. Under this crisis situation, it is critical that the KRSC stock also be protected from fishery impacts. Any additional take of KRSC on the Klamath and Trinity rivers will harm this important recreational fishery.

Categorical Exemptions to Protect Natural Resources

In compliance with CEQA, the Commission adopted the regulation by also relying on the categorical exemption contained in CEQA Guidelines Section 15307. The exemption applies to agency actions to protect natural resources.

Closing the KRSC fishery is necessary to minimize the impact of fishing on the KRSC stock and the magnitude of potential harm during this crisis situation.