

## Memorandum

Date: October 15, 2014

To: Sonke Mastrup  
Executive Director  
Fish and Game Commission

From: Charlton H. Bonham  
Director



**Subject: Agenda Item for the December 3, 2014 Fish and Game Commission Meeting Re: Request to Authorize Publication of Notice Regarding Proposed Amendments to Section 28.20, Title 14 CCR: Pacific Halibut**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission (Commission) authorize publication of notice of its intent to consider amending existing regulations for the recreational Pacific halibut (*Hippoglossus stenolepis*) fishery (Section 28.20, Title 14, CCR). An Initial Statement of Reasons (ISOR) will be provided to the Commission by January 2015. This will allow discussion and possible adoption at the February and April, 2015 Commission meetings, respectively. The proposed amendments would need to be effective prior to the May 1, 2015 start of the fishing season.

Current state law (Section 316 of the Fish and Game Code) gives the Commission the authority to prohibit the taking or possessing of Pacific halibut in the same manner as the taking or possessing of Pacific halibut is prohibited through federal law, or by rules or regulations adopted by the International Pacific Halibut Commission under authority of the Pacific Halibut Treaty.

The Commission usually has taken concurrent action to conform state recreational regulations to federal regulations that have been adopted through an open and deliberative federal rulemaking process (e.g. salmon, groundfish, and Pacific halibut). This is done in recognition of federal jurisdiction and to ensure consistency and ease of use for anglers who are subject to both state and federal laws while fishing, taking fish, or possessing sport fish.

Current recreational regulations (Section 28.20, Title 14, CCR) specify the season, bag, possession, and size limits for Pacific halibut. Amendments proposed in this rulemaking would make state regulations for season length and gear restrictions consistent with the federal sport fishing rules for the 2015 fishing season for Pacific halibut off California. Additional amendments would add language to allow the use of harpoons when landing Pacific halibut caught using legal hook-and-line gear.

Sonke Mastrup, Executive Director  
Fish and Game Commission  
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The federal rulemaking process involves action at the Pacific Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS). The Council's annual Pacific halibut management measure timeline provides for a preliminary range of alternatives being selected for public review at their September meeting, and adoption of final management measures for the coming year at their November meeting. The NMFS then enters a rulemaking process for federal regulations, which are generally effective in mid-March of the year after Council action.

Since specific Council management measures and NMFS regulatory actions will not be known until after the submission deadline for the December Commission meeting, this memo requests authorization to publish notice of the Commission's intent to amend regulations in January 2015. The Department will make a presentation at the December Commission meeting providing details of the Council approved Pacific halibut management measures for 2015 that will be integrated into the ISOR.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Region Manager of the Marine Region, at (805) 568-1246, or [Craig.Shuman@wildlife.ca.gov](mailto:Craig.Shuman@wildlife.ca.gov).

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