

Regulatory Language

Option 1 – No change option for closed salmon fishing in all areas

Option 2 - Varied levels of salmon fishing in all areas

Section 27.80, Title 14, CCR, is amended to read:

§27.80. Salmon.

(a) Methods of take:

(1) General Provisions. Only by angling as defined in Section 1.05. No sinkers or weights exceeding four pounds may be used, except that a fishing line may be attached to a sinker or weight of any size if such sinker or weight is suspended by a separate line and the fishing line is released automatically by a mechanical device from the sinker or weight when any fish is hooked. See sections 28.65 and 28.70.

(2) Barbless Hooks. No more than two (2) single point, single shank barbless hooks shall be used in the ocean north of Point Conception (34° 27' 00" N. lat.) when salmon fishing or fishing from any boat or floating device with salmon on board.

(3) Other Hook Restrictions. When fishing with bait in the ocean between Horse Mountain (40° 05' 00" N. lat.) and Point Conception, if angling by any means other than trolling, then no more than two (2) single point, single shank, barbless circle hooks shall be used. The distance between the two hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape, and a point which turns inwards, pointing directly to the shank at a 90 degree angle. Trolling is defined as angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions. See Section 28.65(g).

(4) One Rod Restriction north of Point Conception. Salmon may be taken by angling with no more than one rod in ocean waters north of Point Conception. See Section 28.65(e).

(b) Season:

(1) North of Horse Mountain (40° 05' 00" N. lat.) and Humboldt Bay. All waters of the ocean north of Horse Mountain and in Humboldt Bay are open to salmon fishing ~~from May 29, 2010 to September 6, 2010.~~ [for varied dates within the range of May 1 to September 30].

EXCEPTION: The ocean area surrounding the Klamath River mouth bounded on the north by 41° 38' 48" N lat. (approximately 6 nautical miles north of the Klamath River mouth), on the south by 41° 26' 48" N lat. (approximately 6 nautical miles south of the Klamath River mouth), and extending 3 nautical miles offshore is closed to salmon fishing during August. No salmon may be taken at any time in ocean waters at the

mouths of the Smith and Klamath rivers and during August and September at the mouth of the Eel River. See Section 27.75.

(2) Between Horse Mountain and Point Arena (38° 57' 30" N. lat.). All waters of the ocean between Horse Mountain and Point Arena are open to salmon fishing ~~April 3 to September 6, 2010.~~ [for varied dates within the range of May 1 to November 13].

(3) Between Point Arena and Pigeon Point (37° 11' 00" N. lat.). All waters of the ocean between Point Arena and Pigeon Point are open to salmon fishing ~~April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only.~~ [for varied dates within the range of May 1 to November 13].

(4) Between Pigeon Point and Point Sur (36° 18' 00" N. lat.). All waters of the ocean between Pigeon Point and Point Sur are open to salmon fishing ~~April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only.~~ [for varied dates within the range of May 1 to October 2].

(5) South of Point Sur. All waters of the ocean south of Point Sur are open to salmon fishing ~~April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only.~~ [for varied dates within the range of May 1 to October 2].

(c) Limit:

(1) Two salmon per day. See subsection (c)(2) below and Section 1.17.

(2) Statewide Silver (coho) Salmon Restrictions: No silver (coho) salmon may be retained.

(d) Minimum size:

(1) North of Horse Mountain: ~~Twenty-four~~ [Twenty to Twenty-four] inches total length.

(2) South of Horse Mountain: ~~Twenty inches total length through April 30, 2010 and twenty-four inches total length thereafter.~~ [Twenty to Twenty-four] inches total length.

Note: Authority cited: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

Option 3

Automatic Conformance of State Regulations with Federal Regulations

Section 27.80, Title 14, CCR, is amended to read:

§27.80. Salmon.

No person shall engage in recreational ocean salmon fishing except as provided by the Fish and Game Code and regulations provided herein. Federal regulations adopted by the U.S. Secretary of Commerce pursuant to the Magnuson Fishery Conservation and Management Act and published in Title 50, Code of Federal Regulations (CFR), Part 660, Subpart H are also applicable as provided herein.

(a) Methods of take:

(1) ~~General Provisions. Only Salmon may be taken only~~ by angling as defined in Section 1.05. No sinkers or weights exceeding four pounds may be used, except that a fishing line may be attached to a sinker or weight of any size if such sinker or weight is suspended by a separate line and the fishing line is released automatically by a mechanical device from the sinker or weight when any fish is hooked. See sections 28.65 and 28.70.

(2) Barbless Hooks. No more than two (2) single point, single shank barbless hooks shall be used in the ocean north of Point Conception (34° 27' 00" N. lat.) when salmon fishing or fishing from any boat or floating device with salmon on board.

(3) Other Hook Restrictions. When fishing with bait in the ocean between Horse Mountain (40° 05' 00" N. lat.) and Point Conception, if angling by any means other than trolling, then no more than two (2) single point, single shank, barbless circle hooks shall be used. The distance between the two hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). ~~A circle hook is defined as a hook with a generally circular shape, and a point which turns inwards, pointing directly to the shank at a 90 degree angle. Trolling is defined as angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions. See Section 28.65(g).~~

(4) One Rod Restriction north of Point Conception. Salmon may be taken by angling with no more than one rod in ocean waters north of Point Conception. See Section 28.65(e).

(b) Season:

(1) North of Horse Mountain (40° 05' 00" N. lat.) and Humboldt Bay. All waters of the ocean north of Horse Mountain and in Humboldt Bay are open to salmon fishing ~~from May 29, 2010 to September 6, 2010~~ for the same dates that the federal waters of the ocean between the California/Oregon border and Horse Mountain are open to salmon fishing as published in Federal Register [Number and Date to be inserted by OAL] EXCEPTION: The ocean area surrounding the Klamath River mouth bounded on the north by 41° 38' 48" N lat. (approximately 6 nautical miles north of the Klamath River mouth), on the south by 41° 26' 48" N lat. (approximately 6 nautical miles south of the Klamath River mouth), and extending 3 nautical miles offshore is closed to salmon fishing during August. No salmon may be taken at any time in ocean waters at the mouths of the Smith and Klamath rivers and during August and September at the mouth of the Eel River. See Section 27.75.

(2) Between Horse Mountain and Point Arena (38° 57' 30" N. lat.). All waters of the ocean between Horse Mountain and Point Arena are open to salmon fishing ~~April 3 to September 6, 2010~~ for the same dates that the federal waters of the ocean between Horse Mountain and Point Arena are open to salmon fishing as published in Federal Register [Number and Date to be inserted by OAL]

(3) Between Point Arena and Pigeon Point (37° 11' 00" N. lat.). All waters of the ocean between Point Arena and Pigeon Point are open to salmon fishing ~~April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing~~

is open Thursday through Monday only for the same dates that the federal waters of the ocean between Point Arena and Pigeon Point are open to salmon fishing as published in Federal Register [Number and Date to be inserted by OAL]

(4) ~~Between Pigeon Point and Point Sur (36° 18' 00" N. lat.). All waters of the ocean between Pigeon Point and Point Sur are open to salmon fishing April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only for the same dates that the federal waters of the ocean between Pigeon Point and Point Sur are open to salmon fishing as published in Federal Register [Number and Date to be inserted by OAL]~~

(5) ~~South of Point Sur. All waters of the ocean south of Point Sur are open to salmon fishing April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only for the same dates that the federal waters of the ocean South of Point Sur are open to salmon fishing as published in Federal Register [Number and Date to be inserted by OAL]~~

(c) Limit:

(1) ~~Two salmon per day. The limit is the same as the limit in federal waters of the ocean off California published in Federal Register [Number and Date to be inserted by OAL]~~

See subsection (c)(2) below and Section 1.17.

(2) Statewide Silver (coho) Salmon Restrictions: No silver (coho) salmon may be retained.

(d) Minimum size:

(1) ~~North of Horse Mountain: Twenty-four inches total length.~~

(2) ~~South of Horse Mountain: Twenty inches total length through April 30, 2010 and twenty-four inches total length thereafter.~~

The minimum size is same as the minimum size in federal waters of the ocean off California published in Federal Register [Number and Date to be inserted by OAL]

(e) General Conditions. For purposes of this Section, the following conditions shall apply:

(1) Closures. Taking or taking and retaining any species of salmon are prohibited in closed areas. Legally caught salmon may be landed in closed areas if they meet the minimum size limit or other special requirements for the area in which they were caught and are not otherwise prohibited by these regulations.

(2) Size Limits and Length Measurement. All salmon on board must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Total length is measured from the tip of the snout to the extreme tip of the tail without resorting to any force other than swinging or fanning the tail.

(3) Barbless Hook Definition. A hook with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Hooks manufactured with barbs can be made "barbless" by removing or completely closing the barb.

(4) Circle Hook Definition. A hook with a generally circular shape, and a point which turns inwards, pointing directly to the shank at a 90 degree angle.

(5) Trolling Definition. Angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

(6) Federal Designated Routine Management Measures. Routine Management Measures, identified as catch restrictions intended to keep landings within the harvest levels announced by the Secretary of Commerce and noticed in the Federal Register by the National Marine Fisheries Service, are hereby incorporated and made a part of these regulations. Should any federal management measures conflict with existing regulations, the provisions in the regulations which conflict with the federal management measures are made inoperative.

NOTE:

Authority cited: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code; and Title 50, Code of Federal Regulations, Part 660, Subpart H.