

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z- 20120529-11</b>	REGULATORY ACTION NUMBER <b>2012-1126-045</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED FILED  
IN THE OFFICE OF

2013 JAN -8 PM 2:59

  
 DEBRA BOWEN  
 SECRETARY OF STATE
AGENCY WITH RULEMAKING AUTHORITY  
Fish and Game Commission

AGENCY FILE NUMBER (if any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2012, 23-2</b>	PUBLICATION DATE <b>6/8/2012</b>

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) <b>Sand and Kelp Bass Sport Fishing</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	AMEND
	27.65, 28.30
TITLE(S)	REPEAL
14	

3. TYPE OF FILING	<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
	<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="radio"/> Effective other (Specify)	March 1, 2013, <b>Per Gov't Code 11343.4 (b)(4)</b>
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
	<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Sherrie Fonbuena	TELEPHONE NUMBER (916) 654-9866	FAX NUMBER (Optional) (916) 653-5040	E-MAIL ADDRESS (Optional) SFonbuena@fgc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 11/26/2012
TYPED NAME AND TITLE OF SIGNATORY Scott Barrow, Deputy Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 08 2013

Office of Administrative Law

(REGULATORY LANGUAGE)

**§27.65. Filleting of Fish on Vessels.**

(a) Definition of Fillet: For the purpose of this section a fillet is the flesh from one side of a fish extending from the head to the tail which has been removed from the body (head, tail and backbone) in a single continuous piece.

(b) Fish That May be Filleted: No person shall fillet on any boat or bring ashore as fillets any fish, except in accordance with the following requirements:

(1) Kelp bass, barred sand bass, and spotted sand bass, ~~and ocean whitefish~~: All fillets shall be a minimum of ~~six and one-half~~ seven and one half inches in length. Each fillet shall bear intact a one-inch square patch of skin.

(2) Barracuda: Fillets must be a minimum of 17 inches in length. Each fillet shall bear intact a one-inch square patch of silver skin.

(3) Lingcod. Lingcod fillets must be a minimum of 14 inches in length. Each fillet shall bear intact a one-inch square patch of skin. The minimum size and minimum fillet size for lingcod may be changed during the year or in-season by the department under the authority of subsection 27.20(e). The department will provide a news release notifying the public 10 days in advance of a change to the minimum size and minimum fillet size for lingcod made under the authority of subsection 27.20(e). Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: [www.dfg.ca.gov/marine/](http://www.dfg.ca.gov/marine/), or by calling (831) 649-2801 for recorded information, or by contacting a department office.

(4) White sea bass: Fillets must be a minimum of 19 inches in length. Each fillet shall bear intact a one-inch square patch of silver skin.

(5) Pacific bonito: No more than 10 fillets of any length may be possessed. All bonito fillets possessed shall be considered a part of the allowable undersized tolerance of five bonito per day less than 24 inches fork length or weighing less than five pounds as provided in Section 28.32 of these regulations. All fillets shall bear intact a one-inch square patch of skin.

(6) California halibut taken from or possessed aboard a vessel south of Point Arena (Mendocino County): Fillets must be a minimum of 16 and three-quarter inches in length and shall bear the entire skin intact. A fillet from a California halibut (flesh from one entire side of the fish with the entire skin intact) may not be cut in half fillets. However, a fillet may be cut lengthwise in a straight line along the midline of the fillet where the fillet was attached to the vertebra (backbone) of the fish only if the two pieces of a fillet remain joined along their midline for a length of at least two inches at one end of the fillet.

(7) Yellowtail: Fillets must be a minimum of 17 inches in length, except not more than 10 fillets may be less than 17 inches. Each fillet shall bear intact a one-inch square patch of skin.

(8) Rockfish: Fillets must have the entire skin attached. Bocaccio fillets must be a minimum of five inches in length. The minimum size and minimum fillet size for rockfish may be changed during the year or in-season by the department under the authority of subsection 27.20(e). The department will provide a news release notifying the public 10 calendar days in advance of a change to the minimum size and minimum fillet size for rockfish made under the authority of subsection 27.20(e). Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: [www.dfg.ca.gov/marine/](http://www.dfg.ca.gov/marine/), or by calling (831) 649-2801 for recorded information, or by contacting a department office.

(9) California scorpionfish (commonly termed "sculpin"): Fillets must be a minimum of 5 inches. Each fillet shall bear intact a one-inch square patch of skin. The minimum size and minimum fillet size for California scorpionfish may be changed during the year or in-season by the department under the authority of subsection 27.20(e). The department will provide a news release notifying the public 10 days in advance of a change to the minimum size and minimum fillet size for California scorpionfish made under the authority of subsection 27.20(e). Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: [www.dfg.ca.gov/marine/](http://www.dfg.ca.gov/marine/), or by calling (831) 649-2801 for recorded information, or by contacting a department office.

(10) Ocean whitefish: Fillets must be a minimum of 6 and one half inches in length and shall bear the entire skin intact.

(4011) All other species except those listed in subsection (c) of this section: Each fillet shall bear intact a one-inch square patch of skin. The fillets may be of any size.

(c) Fish That May Not be Filleted, Steaked or Chunked: No person shall fillet, steak or cut into chunks on any boat or bring ashore as fillets, steaks or chunks the following: any species with a size limit unless a fillet size is otherwise specified in these regulations. California halibut may be filleted or brought ashore as fillets south of Point Arena (Mendocino County).

Note: Authority cited: Sections 200 and 202, Fish and Game Code. Reference: Sections 200, 202, 205, ~~206~~, 220, 240, 5508 and 5509, Fish and Game Code.

### **§28.30. Kelp Bass, Barred Sand Bass and Spotted Sand Bass.**

(a) Minimum size: ~~Twelve~~ Fourteen inches total length or ~~eight and one-half~~ ten inches alternate length.

(b) Limit: ~~Ten~~ Five in any combination of species.

Note: Authority cited: Sections 200, 202, 205, ~~210~~, 219 and 220, Fish and Game Code. Reference: Sections ~~200-202~~200, 202, 203.1, 205-210 and 215-222 ~~205, 207, 210, 215, 219 and 220~~, Fish and Game Code.