



- (4) For the area south of Pigeon Point: The season will run May 1 through October 5, 2014. Fishing is authorized 7 days per week. The minimum size limit will be twenty-four inches total length. The bag limit remains at two salmon per day.

The new State regulations will allow for a May 10<sup>th</sup> opening date in the area between Horse Mountain and the California-Oregon border, including Humboldt Bay. Other areas of the state opened in April under a separate regulatory action. In addition, this action aligns all state regulations with new federal regulations which take effect May 1, 2014.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

See Attachment 1, titled "*Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations.*"

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Wildlife  
1416 Ninth Street  
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No alternatives were identified.

(b) No Change Alternative:

The no change alternative would maintain existing regulations which do not provide an ocean salmon recreational fishing season within the May to November 2014 period. The State must conform its ocean recreational fishing regulations for salmon in State waters (zero to three miles offshore) to the Federal regulations for consistency and to avoid public confusion. Preemption of State regulatory authority by the NMFS could occur if State regulations are in conflict with Federal regulations.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

IX. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The adopted regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The adopted regulations provide essentially status quo fishing levels for May through November 2014 as compared to the 2013 May through November ocean salmon sport fishing season.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate that the adopted regulations will have any impact on the creation or elimination of jobs, the creation or elimination of businesses or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunity for an ocean salmon sport fishery encourages consumption of a nutritious food.

The Commission anticipates benefits to the State's environment by the sustainable management of California's ocean salmon resources.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate benefits to worker safety.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

## Updated Informative Digest/Policy Statement Overview

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) off Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the Federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) proposes to adopt regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

### **Present Regulations**

Current regulations authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 1 to September 8, 2013. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 6 to November 10, 2013. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 6 to November 10, 2013, except during June 1 through July 9, 2013 when salmon fishing was closed on Mondays and Tuesdays. Areas south of Pigeon Point had an ocean salmon recreational fishing season seven days per week from April 6 to October 6, 2013, except during June 1 through July 9, 2013 when salmon fishing was closed on Mondays and Tuesdays. For all areas in 2013, the bag limit was two fish per day (all species except coho). Areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through July 31, 2013 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length. Current regulations also provide that not more than one daily bag limit of recreationally taken ocean salmon may be possessed.

### **Proposed Regulations**

Two separate Commission actions are necessary to conform the State regulations to federal rules that will apply in 2014. This proposed regulation would amend subsection 27.80 (d), establishing salmon fishing regulations for May 1 through the end of 2014. Recreational salmon fishing regulations for the month of April 2014 will be considered in a separate rulemaking action, tentatively scheduled for adoption in March 2014.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife is proposing the following regulations to encompass the range of options for federal ocean salmon regulations that are expected to be in effect on or after May 1, 2014. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters.

- (1) North of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 1 through September 30, 2014.

- (2) Between Horse Mountain and Pigeon Point: The season, if any, may occur within the range of May 1 to November 9, 2014.
- (3) South of Pigeon Point: The season, if any, may occur within the range of May 1 to October 5, 2014.
- (4) For all areas, the proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length.

The exact opening and closing dates, along with daily bag limit, minimum size, and days of the week open will be determined in April by the Commission considering federal regulations and may be different for each subarea.

In the regulatory subsections for each subarea, reference to the general possession limit (Section 1.17) will be replaced with a reference to new subsection 27.80(e) which will specify the possession limit.

In addition, text is proposed to be added to subsection 27.80(d)(1)(A) to provide latitude and longitude coordinates for the closures listed in Section 27.75, Title 14, CCR.

Other changes are proposed for clarity and consistency.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt sport fishing regulations in general (sections 200, 202 and 205, Fish and Game Code) and salmon sport fishing regulations specifically (Section 316.5, Fish and Game Code). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in chapters 1 and 4 of subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of salmon in the ocean.

**On April 16, 2014, the Commission adopted regulations as recommended by the Department, including the specific season dates, size limits and bag limits listed below:**

- (1) For all waters of the ocean north of Horse Mountain and in Humboldt Bay: The season will run May 10 through September 7, 2014. Fishing is authorized 7 days per week. The minimum size limit will be twenty-four inches total length. The bag limit remains at two salmon per day.**
- (2) For the area between Horse Mountain and Point Arena: The season will run May 1 through November 9, 2014. Fishing is authorized 7 days per week. The**

**minimum size limit will be twenty inches total length. The bag limit remains at two salmon per day.**

**(3) For the area between Point Arena and Pigeon Point: The season will run May 1 through November 9, 2014. Fishing is authorized 7 days per week. The minimum size limit will be twenty-four inches total length through June 30, 2014 and twenty inches total length thereafter. The bag limit remains at two salmon per day.**

**(4) For the area south of Pigeon Point: The season will run May 1 through October 5, 2014. Fishing is authorized 7 days per week. The minimum size limit will be twenty-four inches total length. The bag limit remains at two salmon per day.**