

**State of California
Office of Administrative Law**

In re:
Fish and Game Commission

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11349.3

Title 14, California Code of Regulations

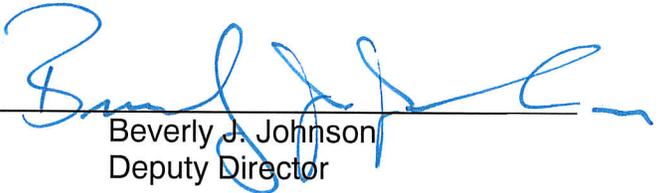
OAL File No. 2015-0416-01 S

Adopt sections:
Amend sections: 28.20, 28.95
Repeal sections:

This action by the Fish and Game Commission amends sections in Title 14, California Code of Regulations regarding the recreational Pacific halibut fishery. These amendments make state regulations for halibut season length and gear restrictions consistent with the federal sport fishing rules for the 2015 fishing season. The amendments set the season dates and implement a quota for the 2015 season.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/28/2015.

Date: 4/28/2015


Beverly J. Johnson
Deputy Director

For: DEBRA M. CORNEZ
Director

Original: Sonke Mastrup
Copy: Sherrie Fonbuena

2015 MAY -4 PM 2:09
CALIFORNIA
FISH AND GAME
COMMISSION

REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

| | | | |
|------------------|---|--|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z-2015-0113-10 | REGULATORY ACTION NUMBER 2015-0416-015 | EMERGENCY NUMBER |
|------------------|---|--|------------------|

For use by Office of Administrative Law (OAL) only

2015 APR 16 PM 12:04
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

APR 28 2015
2:10 P.M.

| | |
|--------|-------------|
| NOTICE | REGULATIONS |
|--------|-------------|

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 Pacific halibut sport fishing | TITLE(S) 14 | FIRST SECTION AFFECTED 28.20 | 2. REQUESTED PUBLICATION DATE January 23, 2015 |
| 3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON Sherrie Fonbuena | TELEPHONE NUMBER (916) 654-9866 | FAX NUMBER (Optional) (916) 653-5040 |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | NOTICE REGISTER NUMBER 2015 42 | PUBLICATION DATE 1/23/2015 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|---|--|
| 1a. SUBJECT OF REGULATION(S) Pacific halibut sport fishing | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
|---|--|

| | |
|---|-----------------------|
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT |
| | AMEND 28.20, 28.95 |
| TITLE(S) 14 | REPEAL |

| | | | |
|---|--|--|--|
| 3. TYPE OF FILING | | | |
| <input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | <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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only |

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 January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) Per 202 F&GC and 11343.4(b) Govt Code |

| |
|---|
| 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) | E-MAIL ADDRESS (Optional) Sherrie.Fonbuena@fgc.ca.gov |
|---------------------------------------|------------------------------------|-----------------------|--|

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 <i>Melissa Miller-Henson</i> | DATE 4/16/15 <i>MMH</i> |
| TYPED NAME AND TITLE OF SIGNATORY Melissa Miller-Henson, Staff Services Manager I | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 28 2015

Office of Administrative Law

Regulatory Language

Section 28.20, Title 14, CCR, is Amended to Read:

§28.20. Halibut, Pacific.

(a) Season:

(1) Pacific halibut may be taken only from ~~May 1 through October 31.~~ ~~May 1 through 15,~~ June 1 through 15, July 1 through 15, August 1 through 15, and September 1 through October 31, or until the quota is reached, whichever is earlier. Pacific halibut take is regulated by a quota that is closely monitored each year in alignment with federal regulations.

(2) The 2015 Pacific halibut quota is 25,220 pounds. The department shall inform the commission, and the public via a press release, prior to any implementation of restrictions triggered by achieving or expecting to exceed the quota. 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: wildlife.ca.gov/Fishing/Ocean, or by calling the Recreational Groundfish Fishing Regulations Hotline (831) 649-2801 or the National Marine Fisheries Service Area 2A Halibut Hotline (800) 662-9825 for recorded information, or by contacting a department office.

(b) Limit: One.

(c) Minimum size: None.

(d) Methods of Take:

(1) When angling, no more than one line with two hooks attached may be used.

(2) A harpoon, gaff, or net may be used to assist in taking a Pacific halibut that has been legally caught by angling. See Section 28.95 of these regulations for additional restrictions on the use of harpoons.

(3) Take by spearfishing is allowed pursuant to Section 28.90 of these regulations.

Note: Authority cited: Sections 200, 202, 205, ~~210, 219, and 220~~219, 220, 240 and 316, Fish and Game Code. Reference: Sections ~~200-202, 201, 202, 203.1, 205-210, 205,~~ 207, 210, 215 ~~and 217.5-222;~~ 219, 220 and 316, Fish and Game Code.

Section 28.95, Title 14, CCR is Amended to Read:

§28.95. Spears, Harpoons, and Bow and Arrow Fishing Tackle.

Spears, harpoons and bow and arrow fishing tackle may be used for taking all varieties of skates, rays, and sharks, except white sharks. Harpoons may be used to assist in taking Pacific halibut as specified in Section 28.20. Such gear may not be possessed or used within 100 yards of the mouth of any stream in any ocean waters north of Ventura County, nor aboard any vessel on any day or on any trip when broadbill swordfish or marlin have been taken. Bow and arrow fishing tackle may be used to take fin fish other

than giant (black) sea bass, garibaldi, gulf grouper, broomtail grouper, trout, salmon, broadbill and white shark.

Note: Authority cited: Sections 200, 202, 205, ~~210~~, 219, ~~220 and 5517~~ and 220, Fish and Game Code. Reference: Sections 200, 201, 202, 203.1, 205, ~~206~~, 207, ~~210~~, 215, 217.5, ~~218~~, 219, ~~220 and 5517~~ and 220, Fish and Game Code.