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1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

October 11, 2016

NOTICE OF PROPOSED 90-DAY EXTENSION OF EMERGENCY ACTION Emergency Closure of Recreational Razor Clam Fishery Due to Elevated Levels of Domoic Acid

Reference OAL File #2016-0425-04E

Pursuant to the requirements of Government Code subsections 11346.1(a)(2) and 11346.1(h), the Fish and Game Commission (Commission) is providing notice of proposed extension of existing emergency regulations, establishing emergency closure of the recreational razor clam fishery due to elevated levels of domoic acid.

The objective of this re-adoption is to protect the public from consuming razor clams caught in areas with persistently high levels of domoic acid that pose a risk to public health as determined by the director of the Office of Environmental Health Hazard Assessment in consultation with the director of the California Department of Public Health.

The Commission initially adopted the emergency regulations on April 25, 2016; the emergency regulation will expire on October 25, 2016. The Commission is expected to adopt the proposed 90-day extension on October 19, 2016.

The proposed 90-day extension of emergency action is the same as the emergency regulation adopted by the Commission April 25, 2016.

SUBMISSION OF COMMENTS

Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code Section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at OAL within five days after the Commission submits the emergency regulations to OAL for review.

Please reference submitted comments as regarding “Emergency Closure of Razor Clam Fishery” addressed to:

Mailing Address: Reference Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

California State
Fish and Game Commission
Attn: Sherrie Fonbuena
1416 Ninth Street, Room 1320
Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov

fgc@fgc.ca.gov

Fax No.: 916-323-6826

For the status of the Commission's submittal to OAL for review, and the end of the five-day written submittal period, please consult OAL's website at <http://www.oal.ca.gov> under the heading “Emergency Regulations.”

Sincerely,

Sherrie Fonbuena

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachments:

- [Statement of Proposed Emergency Regulatory Action for Re-adoption of Emergency Regulation](#), including [proposed regulatory language](#), October 2016
- [Statement of Proposed Emergency Regulatory Action](#), including [proposed regulatory language](#), April 2016