

Proposed Regulatory Language

Section 632, Title 14, CCR, is amended to read:

§ 632. Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures.

(a) General Rules and Regulations:

The areas specified in this section have been declared by the commission to be marine protected areas, marine managed areas, or special closures. Public use of marine protected areas, marine managed areas, or special closures shall be compatible with the primary purposes of such areas. MPAs, MMAs, and special closures are subject to the following general rules and regulations in addition to existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b), areas and special regulations for use. Nothing in this section expressly or implicitly precludes, restricts or requires modification of current or future uses of the waters identified as marine protected areas, special closures, or the lands or waters adjacent to these designated areas by the Department of Defense, its allies or agents.

[No changes to subsections (a)(1) through (a)(10)]

[Subsection (a)(11) is provided below for context only and no changes are proposed]

- (11) Tribal Take. For purposes of this regulation, “federally recognized tribe” means any tribe on the *List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs*, published annually in the Federal Register. Any member of a federally recognized tribe authorized to take living marine resources from an area with area-specific take restrictions in subsection 632(b), when engaging in take within an authorized area shall possess on his person, in his immediate possession, or where otherwise specifically required by law to be kept, any valid license, report card, tag, stamp, validation, permit, or any other entitlement that is required in the Fish and Game Code, or required by other state, federal, or local entities, in order to take living marine resources. Members shall possess a valid photo identification card issued by a federally recognized tribe that contains expiration date, tribal name, tribal member number, name, signature, date of birth, height, color of eyes, color of hair, weight, and sex; and display any of the items listed above upon demand to any peace officer. Members taking living marine resources under this provision are subject to current seasonal, bag, possession, gear and size limits in existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b). No member, while taking living marine resources pursuant to this section, may be assisted by any person who does not possess a valid tribal identification card and is not properly licensed to

take living marine resources. Nothing in the regulation is intended to conflict with, or supersede, any state or federal law regarding the take of protected, threatened or endangered species.

[No changes to subsection (a)(12)]

(b) Areas and Special Regulations for Use. Pursuant to the commission's authority in Fish and Game Code Section 2860 to regulate commercial and recreational fishing and any other taking of marine species in MPAs, Fish and Game Code Sections 10500(f), 10500(g), 10502.5, 10502.6, 10502.7, 10502.8, 10655, 10655.5, 10656, 10657, 10657.5, 10658, 10660, 10661, 10664, 10666, 10667, 10711, 10801, 10900, 10901, 10902, 10903, 10904, 10905, 10906, 10907, 10908, 10909, 10910, 10911, 10912, 10913, and 10932 are superseded as they apply to designations in Subsection 632(b). All geographic coordinates listed use the North American Datum 1983 (NAD83) reference datum:

(1) Pyramid Point State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

42° 00.000' N. lat. 124° 12.735' W. long.;

42° 00.000' N. lat. 124° 19.814' W. long.; thence southward along the three nautical mile offshore boundary to

41° 57.500' N. lat. 124° 17.101' W. long.; and

41° 57.500' N. lat. 124° 12.423' W. long.

(B) Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:

1. The recreational take of surf smelt [Section 28.45] by dip net or Hawaiian type throw net [Section 28.80] is allowed.

2. The following federally recognized ~~tribes (listed alphabetically)~~ tribe is exempt from the area and take regulations found in subsection 632(b)(1) of these regulations and shall comply with all other existing regulations and statutes:

~~Smith River Rancheria~~ Tolowa Dee-Ni' Nation.

(2) Point St. George Reef Offshore State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

41° 52.000' N. lat. 124° 23.189' W. long.;

41° 52.000' N. lat. 124° 25.805' W. long.; thence southward along the three nautical mile offshore boundary to

41° 49.000' N. lat. 124° 26.252' W. long.;

41° 49.000' N. lat. 124° 23.189' W. long.; and

41° 52.000' N. lat. 124° 23.189' W. long.

(B) Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:

1. The recreational take of salmon by trolling [subsection 27.80(a)(3)]; and Dungeness crab by trap is allowed.
2. The commercial take of salmon with troll fishing gear [subsection 182(c)(4)]; and Dungeness crab by trap is allowed.
3. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(2) of these regulations and shall comply with all other existing regulations and statutes:
Elk Valley Rancheria, and
~~Smith River Rancheria~~ Tolowa Dee-Ni' Nation.

[No changes to subsections (b)(3) through (b)(5)]

- (6) Reading Rock State Marine Conservation Area.
 - (A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:
41° 20.100' N. lat. 124° 04.911' W. long.;
41° 20.100' N. lat. 124° 10.000' W. long.;
41° 17.600' N. lat. 124° 10.000' W. long.; and
41° 17.600' N. lat. 124° 05.399' W. long.
 - (B) Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions:
 1. The recreational take of salmon by trolling [subsection 27.80(a)(3)]; surf smelt [Section 28.45] by dip net or Hawaiian type throw net [Section 28.80]; and Dungeness crab by trap, hoop net or hand is allowed.
 2. The commercial take of salmon with troll fishing gear [subsection 182(c)(4)]; surf smelt by dip net; and Dungeness crab by trap is allowed.
 3. The following federally recognized ~~tribe is~~tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(6) of these regulations and shall comply with all other existing regulations and statutes:
Cher-Ae Heights Indian Community of the Trinidad Rancheria,
Resighini Rancheria, and
Yurok Tribe of the Yurok Reservation.

[No changes to subsections (b)(7) through (b)(147)]

Note: Authority cited: Sections 200, 202, 205(c), 220, 240, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code. Reference: Sections 200, 202, 205(c), 220, 240, 2861, 5521, 6653, 8420(e) and

8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e),
Public Resources Code.