

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-1215-08	REGULATORY ACTION NUMBER 2016-0504-01C	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

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

JUN 15 2016
1:56 PM

2016 MAY -4 P 12:30
OFFICE OF
ADMINISTRATIVE LAW

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Fisheries at Risk due to Drought Conditions	TITLE(S) 14	FIRST SECTION AFFECTED 8.01	2. REQUESTED PUBLICATION DATE December 24, 2015
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Jon Snellstrom	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2015, 52-2	PUBLICATION DATE 12-25-14

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fisheries at Risk due to Drought Conditions	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-0626-01E, 2015-1218-05EE, 2016-0316-03EE <i>per agency request</i>
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT 8.01
	AMEND
	REPEAL
TITLE(S) 14 <i>per agency request</i>	

3. TYPE OF FILING	<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" 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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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 Resubmittal of disapproved or withdrawn emergency filing (Gov.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 January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) on filing 6/17/16, 202F&GC; 11343.4(b)(4)(B)GC <i>per agency request</i>
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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 Jon Snellstrom	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jon.snellstrom@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 <i>Melissa Miller-Henson</i>	DATE 5/4/2016
TYPED NAME AND TITLE OF SIGNATORY Melissa Miller-Henson, Staff Services Manager I	

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ENDORSED APPROVED

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Office of Administrative Law

Regulatory Language

Section 8.01, Title 14, CCR is added to read:

Section 8.01. ~~Special Gear Provisions~~[Repealed]Measures for Fisheries at Risk due to Drought Conditions.

(a) ~~In response to continued extreme drought conditions, the~~The commission has established a quick response process to temporarily close fisheries experiencing degraded environmental conditions that may affect fish populations or their habitat quality and or quantity or extremely low population size within waters of the state. The criteria set forth in subsections (b) and (c) are intended to ensure that fisheries are protected under critical environmental conditions stemming from the drought. These criteria will be monitored in statewide inland fisheries, and they will be evaluated on a water by water basis over time as conditions change.

(b) The department may close to angling any waters of the state not currently listed in Section 8.00 of these regulations if the director, or his or her designee, finds one or more of the following conditions have been met:

(A) Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days

(B) Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over ~~three~~two consecutive days.

(C) Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.

(D) Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.

(E) Adult breeding population levels are estimated to be below 50 individuals for a sub-population and 500 individuals for a standard population.

(c) Waters closed pursuant to subsection (b) shall be reopened by the department when the director, or his or her designee, finds ~~all of the following conditions have been met:~~ determines the initial closure-based criteria are no longer met and water temperatures do not exceed 70° Fahrenheit for over eight hours a day for 14 consecutive days and dissolved oxygen remains above 5 mg/L for 14 consecutive days.

~~(A) Water temperatures in occupied habitat do not exceed 70° Fahrenheit over eight hours a day for seven consecutive days~~

~~(B) Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level over seven consecutive days.~~

~~(C) Fish passage is available and no impediment exists to strand or concentrate adults or juveniles during their migration.~~

~~(D) Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.~~

~~(E) Adult breeding population levels are estimated to be recovered to greater than 500 individuals.~~

(d) It shall be unlawful to take fish in any waters of the state closed to angling pursuant to this Section.

(e) Notification of department actions.

(1) The department shall maintain a list of closed waters of the state and update that list on Wednesday of each week by 1:00 pm. In the event that water conditions change

later in the week, the fishing status for each specific water will not change until the day following the next Wednesday. It shall be the responsibility of the angler to use the telephone number provided below or go to the department's website at <https://www.wildlife.ca.gov/Regulations> to obtain the current status of any water. The number to call for information is (916) 445-7600.

Note: Authority cited: Sections 200, 202, 205, 240, and 315, Fish and Game Code.

Reference: Sections 200, 202, 205, 240, and 315, Fish and Game Code.

