

Regulatory Language

Section 1.95 is added to read:

1.95. Process to Conform State Recreational Fishing Regulations to Federal Regulations.

(a) The commission establishes the process in subsection (b) to automatically conform state recreational fishing regulations for the fish species listed in subsections (a)(1) through (a)(2). Conforming regulations established through subsection (b) shall govern unless the commission adopts regulations for said species using the regular rulemaking process [Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code] and specifically declares at the time of adoption the intent to deviate from the automatic conformance process.

(1) Salmon as defined in Section 1.73.

(2) Pacific halibut (*Hippoglossus stenolepis*).

(b) Automatic Process to Conform State Recreational Fishing Regulations to Federal Regulations.

(1) Recreational fishing regulations for fish species listed in subsections (a)(1) through (a)(2) in state waters shall conform to applicable federal regulations enacted by the National Marine Fisheries Service by the process described in subsection (b)(2) or by the process described in subsection (b)(3).

(2) Process for Annual or Corrective Actions.

(A) No later than 10 days after publication in the Federal Register of any National Marine Fisheries Service annual regulation for the species listed in subsection (a), or any correction to an annual regulation affecting such species, the commission shall submit amended recreational fishing regulations to the Office of Administrative Law for publication in the California Code of Regulations, and shall file amended recreational fishing regulations with the Secretary of State.

(B) Notification of State Conformance Action.

No later than 10 days after publication in the Federal Register of any National Marine Fisheries Service annual regulation for the species listed in subsection (a), or any correction to an annual regulation affecting such species, the following shall occur:

1. The department shall inform the public, via news release, of the Federal Register in which the applicable fishing regulations are published and the effective date of the conformed regulations.

2. The commission shall mail or email the department news release to any person, group of persons or small business enterprise that has filed with the commission a request for notice of, or the commission believes to be interested in, recreational fishing regulations for the species listed in subsection (a).

3. To the extent practicable, the department shall provide information on any changes to applicable fishing regulations through public contact, electronic notification, and online and printed publications.

(C) An update on the conformed recreational fishing regulations for the species listed in subsection (a) shall be included on the agenda of the next regularly-scheduled commission meeting.

(3) Process for In-Season Changes.

(A) Salmon. Recreational fishing regulations for salmon in state waters shall conform to applicable in-season changes to federal regulations. Public notification of any in-season change to state salmon regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service ocean salmon hotline at (800) 662-9825.

(B) Pacific Halibut. Recreational fishing regulations for Pacific halibut in state waters shall conform to applicable in-season changes to federal regulations. Public notification of any in-season change to state Pacific halibut regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service Area 2A Pacific halibut hotline at (800) 662-9825.

(c) Effective Date. The effective date of regulations conformed pursuant to subsection (b) shall be the same as the effective date of the federal regulation.

(d) Nothing in this section controls the adoption or validity of commission regulations pertaining to the species identified in subsection (a) on matters that federal regulations do not address.

Note: Authority cited: Section 7110, Fish and Game Code. Reference: Section 7110, Fish and Game Code.