

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2016-1220-03	REGULATORY ACTION NUMBER 2017-0421-DBS	EMERGENCY NUMBER
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ENDORSED - FILED
In the office of the Secretary of State
of the State of California

MAY 01 2017

1:41 PM

2017 APR 21 P 1:24
OFFICE OF
ADMINISTRATIVE LAW

For use by Office of Administrative Law (OAL) only

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 recreational fishing		TITLE(S) 14	FIRST SECTION AFFECTED 28.20	2. REQUESTED PUBLICATION DATE 12/30/2016
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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2016 53-2	PUBLICATION DATE 12/30/2016

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Pacific halibut recreational fishing	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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.)	ACTION
	ADOPT
	AMEND 28.20
TITLE(S) 14	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<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"/> 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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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) <u>May 1, 2017, per 11343.4(b)(4), GC, F&C 265</u>

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) (916) 653-5040	E-MAIL ADDRESS (Optional) Sherrie.Fonbuena@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 A. Miller-Henson</i>	DATE April 21, 2017
TYPED NAME AND TITLE OF SIGNATORY Melissa Miller-Henson, Deputy Executive Director	

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ENDORSED APPROVED

MAY 01 2017

Office of Administrative Law

per agency request
MC 5/1/17

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 15, June 1 through 15~~ May 1 through June 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.

NO 51117
per agency
request

(2) The Pacific halibut quota is published in the Federal Register ~~81 FR 18789, April 1, 2016, [Volume and Date to be inserted by OAL]~~. 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.

82 FR 18581
(April 20, 2017)

(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, 219, 220, 240 and 316~~ 265, 316 and 399, Fish and Game Code. Reference: Sections 200, ~~202, 203.1, 205, 207, 245, 219, 220~~ 255, 265, 270 and 316, Fish and Game Code, 50 CFR Part 300, Subpart E; and 50 CFR 300.66.