

STAFF SUMMARY FOR JUNE 20-21, 2018

14. OCEAN SALMON AUTO-CONFORMANCE**Today's Item****Information** **Action**

Update on automatic conformance of ocean salmon recreational fishing regulations to federal regulations.

Summary of Previous/Future Actions

- Previous update Dec 6-7, 2017; San Diego
- Previous update Apr 18-19, 2018; Ventura
- **Today's update Jun 20-21, 2018; Sacramento**

Background

At its Aug 16, 2017 meeting, FGC adopted regulations (Section 1.95) that allow a process to automatically conform state ocean salmon and Pacific halibut recreational fishing regulations to federal regulations. The auto-conformance process regulations went into effect on Jan 1, 2018; Exhibit 3 includes a general description of the auto-conformance process.

Pursuant to Section 1.95, this agenda item is to inform the public that the state recreational fishing regulations for ocean salmon for May 2018 through Apr 2019 automatically conformed to federal regulations, effective May 1, 2018.

In the area between the Oregon/California border and Horse Mountain, the season opened Jun 1 and will continue through Sep 3; in the area between Horse Mountain and Pigeon Point, the season opened Jun 17 and will continue through Oct 31; in the area between Pigeon Point and the U.S./Mexico border, the season opened on Apr 7 (via previous automatic conformance) and will continue through Jul 2. The minimum size limit is 20" total length in all areas north of Pigeon Point and 24" in all areas south of Pigeon Point. The daily bag limit is two Chinook salmon per day. Retention of coho salmon (silver salmon) is prohibited in all ocean fisheries off California.

In 2019, the season will open Apr. 6 south of Horse Mountain. The minimum size limit will be 20" total length in the area from Horse Mountain to Point Arena and 24" total length in all areas south of Point Arena. The daily bag limit will be two Chinook salmon per day.

The text of the conformed recreational ocean salmon regulations is provided in exhibits 1 and 2.

If deemed necessary, FGC may adopt ocean salmon and/or Pacific halibut recreational fishing regulations different from federal regulations. At this time, there is no indication that the state may need to consider regulations different from federal regulations for 2018.

Significant Public Comments (N/A)**Recommendation (N/A)**

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Exhibits

1. [Conformed recreational ocean salmon regulations for May - Oct 2018](#)
2. [Conformed recreational ocean salmon regulations for Apr 2019](#)
3. [Staff summary for Aug 16, 2017, Agenda Item 17](#)

Motion/Direction (N/A)

Regulatory Language

Subsection (d) of Section 27.80, Title 14, CCR, is amended to read:

§ 27.80. Salmon.

...

(d) Open Fishing Days, Daily Bag Limits, and Minimum Size in effect on or after May 1, ~~2017~~2018.

(1) North of Horse Mountain (40°05'00" N. lat.) and in Humboldt Bay.

(A) ~~Closed to salmon fishing~~Open to salmon fishing June 1 through September 3, 2018.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: 20 inches total length.

(2) Between Horse Mountain and Point Arena (38°57'30" N. lat.).

(A) ~~Open to salmon fishing May 1 to May 31 and August 15 to November 12, 2017~~June 17 through October 31, 2018. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: 20 inches total length.

(3) Between Point Arena and Pigeon Point (37°11'00" N. lat.).

(A) ~~Open to salmon fishing May 15 to October 31, 2017~~June 17 through October 31, 2018. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: 20 inches total length.

(4) Between Pigeon Point and Point Sur (36°18'00" N. lat.).

(A) ~~Open to salmon fishing May 1 to July 15, 2017~~May 1 through July 2, 2018. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: 24 inches total length.

(5) South of Point Sur.

(A) ~~Open to salmon fishing May 1 to May 31, 2017~~May 1 through July 2, 2018. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: 24 inches total length.

...

Note: Authority cited: Sections 200, 205, 265, 316.5, 399, 2084 and 7110, Fish and Game Code. Reference: Sections 200, 205, 265, 316.5, 2084 and 7110, Fish and Game Code.

Regulatory Language

Subsection (c) of Section 27.80, Title 14, CCR, is amended to read:

§ 27.80. Salmon.

...

(c) Open Fishing Days, Daily Bag Limits, and Minimum Size in effect ~~April 7 through April 30, 2018~~ April 6 through April 30, 2019.

(1) North of Horse Mountain (40°05'00" N. lat.) and in Humboldt Bay.

(A) Closed to salmon fishing.

(2) Between Horse Mountain and Point Arena (38°57'30" N. lat.).

(A) ~~Closed to salmon fishing.~~ Open to salmon fishing from April 6 through April 30, 2019. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: 20 inches total length.

(3) Between Point Arena and Pigeon Point (37°11'00" N. lat.).

(A) ~~Closed to salmon fishing.~~ Open to salmon fishing from April 6 through April 30, 2019. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: 24 inches total length.

(4) Between Pigeon Point and Point Sur (36°18'00" N. lat.).

(A) ~~Open to salmon fishing from April 7 through April 30, 2018~~ Open to salmon fishing from April 6 through April 30, 2019. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: 24 inches total length.

(5) South of Point Sur.

(A) ~~Open to salmon fishing from April 7 through April 30, 2018~~ Open to salmon fishing from April 6 through April 30, 2019. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: 24 inches total length.

...

Note: Authority cited: Sections 200, 205, 265, 316.5, 399, 2084 and 7110, Fish and Game Code. Reference: Sections 200, 205, 265, 316.5, 2084 and 7110, Fish and Game Code.

STAFF SUMMARY FOR AUGUST 16, 2017

17. FISHERIES AUTOMATIC CONFORMANCE PROCESS**Today's Item**Information Action

Adopt proposed regulation for a process to automatically conform state recreational fishing regulations to federal regulations.

Summary of Previous/Future Actions

- Notice hearing Apr 26-27, 2017; Van Nuys
- Discussion hearing Jun 21-22, 2017; Smith River
- **Today's adoption hearing Aug 16, 2017; Sacramento**

Background

For species managed under federal fishery management plans or regulation, FGC usually takes concurrent action to conform State recreational regulations to federal regulations adopted by the National Marine Fisheries Services (NMFS); this dual process is redundant and inefficient. The proposed regulation, Section 1.95, Title 14, will establish a process through which State recreational fishing regulations for salmon and Pacific halibut will automatically conform to federal regulations, unless FGC adopts regulations for said species using the regular rulemaking process.

For annual regulations or corrections to annual regulations for salmon and Pacific halibut, the proposed regulation would require, no later than 10 days after federal regulations are published in the Federal Register, that:

- FGC submit amended State regulations to the Office of Administrative Law for publication in the California Code of Regulations, and file the amended State regulations with the Secretary of State;
- DFW issue a news release announcing the Federal Register in which the federal regulations are published and the effective date of the conformed State regulations;
- FGC mail or email the news release to interested parties;
- To the extent practicable, DFW provide information on any changes to the State regulations via public contact, electronic notification, and online and printed publications.

The proposed regulation would also require that an update on the conformed State regulations be included on the agenda of the next regularly-scheduled FGC meeting.

For in-season changes to regulations for salmon and Pacific halibut, the proposed regulation indicates that State regulations shall conform to the applicable federal regulations publicly noticed through the NMFS ocean salmon hotline and NMFS Area 2A Pacific halibut hotline, respectively.

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Significant Public Comments

1. One oral comment in support of the proposed regulation was received at the Jun 22, 2017 FGC meeting.

Recommendation

FGC staff: Adopt the regulation as proposed.

Exhibits

1. DFW memo, received Apr 11, 2017
2. Initial statement of reasons
3. Draft notice of exemption

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts proposed Section 1.95, related to a process to conform State recreational fishing regulations to federal regulations and that the Commission has determined, based on the record, this approval is exempt from the California Environmental Quality Act pursuant to the guidelines in Title 14 sections 15307 and 15308.