

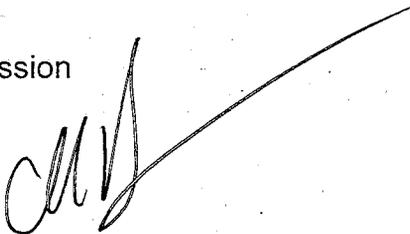
State of California
Department of Fish and Wildlife

Memorandum

Date: November 19, 2013

To: Sonke Mastrup
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: **Agenda Item for the December 11, 2013 Fish and Game Commission Meeting**
Re: Request to Authorize Publication of Notice Regarding Proposed
Amendments to Section 28.20, Title 14 CCR: Pacific Halibut

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission (Commission) authorize publication of notice of its intent to consider amendment of existing regulations for the recreational Pacific halibut fishery (Section 28.20, Title 14, CCR). An Initial Statement of Reasons (ISOR) will be provided to the Commission by January 2014. This will allow discussion and possible adoption at the February, 2014 and April, 2014 Commission meetings, respectively.

The ISOR will include proposed Title 14 language to implement new Fish and Game Code Section 205.1, establishing an automatic process to conform state regulations to Pacific halibut sport fishing regulations for federal waters off California. In addition, the amendments would remove existing Title 14 language specifying the recreational fishing season, bag and size limits.

Fish and Game Code Section 316 authorizes the Commission "...to prohibit the taking or possessing of Pacific halibut (*Hippoglossus stenolepis*) in the same manner as the taking or possessing of Pacific halibut is prohibited by federal law, or by rules or regulations adopted by the International Pacific Halibut Commission..."

The Commission usually has taken concurrent action to conform state recreational regulations to federal regulations that have been adopted through an open and deliberative federal rulemaking process (e.g., salmon, groundfish, and Pacific halibut). This is done in recognition of federal jurisdiction and to ensure consistency and ease of use for constituents who are subject to both state and federal laws while fishing, taking fish, or possessing sport fish. However, to improve regulatory efficiency and reduce costs, a new California law (Section 205.1 of the Fish and Game Code) was enacted (Chapter 233, Statutes of 2013) with the goal of reducing redundancies between state and federal rulemaking processes for these species.

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Fish and Game Code Section 205.1 gives the Commission the authority to establish through regulation an automatic process to conform California's sport fishing regulations to federal regulations in state waters (zero to three miles offshore) for federally-managed species, which includes Pacific halibut. The state currently uses a similar process to conform commercial regulations in state waters to federal laws for the groundfish and salmon fisheries (Sections 189 and 182, respectively, Title 14, CCR).

Current recreational regulations (Section 28.20, Title 14, CCR) specify the season, bag and size limit for Pacific halibut. These specific regulations provide for an open season from May 1 through October 31, no minimum size limit, and a daily bag and possession limit of one fish. Amendments proposed in this rulemaking would eliminate this regulatory language and replace it with reference to the federal sport fishing rules effective for Pacific halibut off California, and apply these same federal rules to state waters. Then, any future changes to federal regulations adopted by the Council would be automatically implemented in state waters.

Recent Council Action Re: Pacific Halibut Fishing Off California

At its November 2013 meeting, the Pacific Fishery Management Council recommended changes to the 2014 recreational Pacific halibut regulations. The recommendations included shortening the open season off California by closing the month of August, in order to reduce recent harvest rates by 40-60 percent. The federal regulations are expected to take effect prior to May 1, 2014. Following the timeline identified in the first paragraph of this memo, amendments of Title 14 would be effective in time to conform to the August closure specified in federal regulations, ensuring consistency between state and federal regulations.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Manager of the Marine Region, at (805) 568-1246.

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