

STAFF SUMMARY FOR DECEMBER 7-8, 2016

4. OCEAN SALMON (CONSENT)**Today's Item**Information Action

Authorization to publish two notices of intent to change ocean salmon sport fishing regulations as reflected in the ISORs (Exhibits 2 and 3).

Summary of Previous/Future Actions

- | | |
|---------------------------------|---------------------------------|
| • Today's Notice hearing | Dec 7-8, 2016; San Diego |
| • Discussion hearing | Feb 8-9, 2017; Santa Rosa |
| • Adoption hearing (A) | Mar 15, 2017; Teleconference |
| • Adoption hearing (B) | Apr 13, 2017; Teleconference |

Background

Two notices are proposed:

1. Agenda Item 4(A): Subsection 27.80(c) is proposed for amendment for Apr 2017 salmon season, in conformance with federal rules.
2. Agenda Item 4(B): Subsection 27.80(d) is proposed for amendment for May to Nov 2017 salmon season, in conformance with federal rules.

FGC annually adopts ocean salmon sport fishing regulations in state waters to conform to federal rules. The Pacific Fishery Management Council (PFMC) coordinates West Coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone, 3 to 200 miles offshore WA, OR and CA. PFMC ocean salmon recommendations are subsequently implemented by the National Marine Fisheries Service, effective on May 1 of each year.

The proposed regulations include a broad range of options, from no fishing in all areas off California to limited salmon fishing in all areas, to increase flexibility and encompass possible PFMC recommendations. The exact opening and closing dates, bag limit, minimum size, and days of the week open will be determined after considering the final federal regulations and may be different for each area.

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

FGC staff: Authorize publication of two notices as recommended by DFW, under a motion to adopt the consent calendar.

Exhibits

1. [DFW Memo, received Nov 2, 2016](#)
2. [ISOR \(A\)](#)
3. [ISOR \(B\)](#)

STAFF SUMMARY FOR DECEMBER 7-8, 2016

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the consent calendar, items 4-6.

2016 NOV -2 AM 11:21

Memorandum

Date: ~~October 5,~~ ^{Nov. 1,} 2016

To: Valerie Termini
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



**Subject: Agenda Items for the December 7-8, 2016 Fish and Game Commission Meeting
Re: Request for Notice Authorization to Amend Ocean Salmon Fishing
Regulations for 2017**

Attached for the December 7-8, 2016 meeting of the Fish and Game Commission (Commission) are two rulemaking proposals for the 2017 Ocean Salmon fishing season. The first package proposes to amend subsection 27.80 (c) to establish open fishing days, bag limits, and minimum size restrictions for April 2017. The second package proposes to amend subsection 27.80 (d) to establish open fishing days, bag limits, and minimum size restrictions for the salmon season in effect on or after May 1, 2017.

Existing Title 14 regulations specify ocean salmon recreational fishing regulations that were valid only for the 2016 season. The proposed amendments to Section 27.80 (c) contained in the first ISOR would allow the Commission to adopt regulations at its March 2017 Teleconference meeting that would establish any ocean salmon recreational fishing regulations for the month of April 2017, in conformance with federal rules.

The proposed amendments to Section 27.80 (d) contained in the second ISOR would allow the Commission to adopt regulations at its April 2017 Teleconference meeting that would establish any ocean salmon recreational fishing regulations on or after May 1, 2017, in conformance with federal rules that will be recommended by the Pacific Fishery Management Council on April 12, 2017. The range of alternatives contained in the second ISOR are the same as those contained in the first ISOR (open fishing days/times, areas, size limits), but the resulting regulations apply only for May 1, 2017 through the end of the year.

The Department of Fish and Wildlife (Department) requests the Commission authorize publication of notice of its intent to amend the above referenced subsections of Section 27.80, Title 14, CCR, to establish ocean salmon recreational fishing regulations for the 2017-fishing season. While the proposed rulemakings are related, they should be noticed separately to conform to timelines driven by the federal regulatory process.

A Notice of Exemption (NOE) is also attached. Since the NOE is not anticipated to change, this early submission gives the Commission notice of the Department's recommendation to rely on a California Environmental Quality Act (CEQA) categorical exemption for ocean salmon. The following paragraphs describe staff's analysis of use of a categorical exemption under the CEQA.

Categorical Exemptions to Protect Natural Resources and the Environment

The Commission's adoption of these regulations is an action subject to CEQA. The review effort by Department staff pursuant to CEQA Guidelines section 15061 lead staff to conclude that adoption of the regulations would properly fall within the Class 7 and Class 8 categorical exemptions (CEQA Guidelines sections 15307, 15308). These two exemptions are related to agency actions to protect natural resources and the environment. The proposed regulations will define annual fishing seasons, daily bag and sizes limits, and specify methods of take for alignment with enacted federal regulations. State conformance with federal regulations is also necessary to maintain continued State authority over its recreational ocean salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act (16 USC §1856 (b)(1)). The regulations are intended to protect the sustainability of the fishery as a natural resource. In staff's view, the Commission's adoption of regulations is an activity that is the proper subject of CEQA's Class 7 and 8 categorical exemptions.

No Exceptions to Categorical Exemptions Apply

As to the exceptions to categorical exemptions set forth in CEQA Guidelines section 15300.2, including the prospect of unusual circumstances and related effects, the Department's review was guided by the California Supreme Court's recent decision in *Berkeley Hillside Preservation v. City of Berkeley*. Staff has reviewed all of the available information possessed by the Department relevant to the issue and does not believe adoption of the regulations creates any unusual circumstances that would constitute an exception to the categorical exemptions set forth above. Compared to the activities that fall within Class 7 and Class 8 generally, which include the given example of wildlife preservation activities such as the current effort; there is nothing unusual about the proposed regulations.

In addition, even if there were unusual circumstances, no potentially significant effects on either a project-specific or a cumulative basis are expected. The intent of the proposed regulations is conformance of State regulations with federal regulations to maintain continued State authority over its recreational ocean salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act (16 USC §1856 (b)(1)). The regulations are anticipated to achieve optimum yield in the fishery, but also to prevent overfishing and thereby take into consideration the potential for negative impacts on the fishery.

Valerie Termini, Executive Director
Fish and Game Commission
October 5, 2016
Page 3

Therefore, staff does not believe that the Commission's reliance on the Class 7 and Class 8 categorical exemptions is precluded by the exceptions set forth in CEQA Guidelines section 15300.2.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Regional Manager, Marine Region, at (805) 568-1246. The public notice for this rulemaking should identify Environmental Scientist, Barry Miller as the Department's point of contact. Mr. Miller can be reached at (707) 576-2860 or Barry.Miller@wildlife.ca.gov.

Attachment

ec: Stafford Lehr, Deputy Director
Wildlife and Fisheries Division
Stafford.Lehr@wildlife.ca.gov

Craig Shuman, D.Env.
Regional Manager, Marine Region
Craig.Shuman@wildlife.ca.gov

Kevin Shaffer, Acting Chief
Fisheries Branch
Wildlife and Fisheries Division
Kevin.Shaffer@wildlife.ca.gov

Marci Yaremko,
Environmental Program Manager
Marine Region
Marci.Yaremko@wildlife.ca.gov

Melodie Palmer-Zwahlen
Senior Environmental Scientist
Marine Region
Melodie.Palmer@wildlife.ca.gov

Barry Miller, Environmental Scientist
Marine Region
Barry.Miller@wildlife.ca.gov

Valerie Termini, Executive Director
Fish and Game Commission
October 5, 2016
Page 4

Scott Barrow, Regulations Unit
Senior Environmental Scientist
Wildlife and Fisheries Division
Scott.Barrow@wildlife.ca.gov

Caren Woodson
Associate Governmental Program Analyst
Fish and Game Commission
Caren.Woodson@fgc.ca.gov

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

NOV 2 AM 11:21

Amend Subsection (c) of Section 27.80
Title 14, California Code of Regulations
Re: Ocean Salmon Recreational Fishing – April 2017 Season

- I. Date of Initial Statement of Reasons: September 21, 2016
- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 7, 2016
Location: San Diego, CA
 - (b) Discussion Hearing: Date: February 9, 2017
Location: Santa Rosa, CA
 - (c) Adoption Hearing: Date: March 15, 2017
Location: Teleconference
- III. Description of Regulatory Action:
 - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

It is critical to have consistent State and federal regulations establishing season dates, bag/size limits and other management measures, and also critical that the State and federal regulations be effective concurrently in order to maintain continuity of management and enforcement. Conformance with federal regulations is also necessary to maintain continued State authority over its recreational salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act [16 USC §1856 (b)(1)].

On May 1, 2016, NMFS implemented the 2016 federal ocean salmon regulations, which included the PFMC's recommendation to open the California ocean salmon recreational fishing season south of Horse Mountain on April 1, 2017. While federal waters south of Horse Mountain will open on April 1, 2017, State waters in this area will not open unless the Commission takes regulatory action to do so.

The 2017 season opening dates were not adopted into the State's ocean salmon regulations in 2016 as a matter of precaution, in order to account for the possibility that these dates, along with minimum size limits, bag limits, and open fishing days, or other management measures, may be modified by NMFS and PFMC based on the most up-to-date salmon abundance information. Fishery monitoring and escapement information needed for target stocks and salmon species of special concern, including Sacramento River Winter-run Chinook which is listed as endangered under both federal and State Endangered Species Acts, is not available until the winter or early spring of 2017.

Concurrent Regulatory Action

The Commission will consider the most up-to-date information before determining if ocean salmon fishing should be authorized for April 2017. The proposed regulations would allow the Commission to adopt the April 1 opening date, or a later date in April, along with other fishery management measures for State waters that would be effective through April 30, 2017.

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2017. The first action would amend subsection 27.80(c), establishing salmon fishing regulations for the month of April 2017 consistent with federal regulations for the federal fishery management zone off California. Recreational salmon fishing regulations for May 1 through the end of 2017 will be considered in the second rulemaking action, tentatively scheduled for adoption in April 2017.

Present Regulations

Regulations for 2016 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 16 through May 31, June 16 through June 30, July 16 through August 16, and September 1 through September 5, 2016. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 2 to November 13, 2016. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 2 to October 31, 2016. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to July 15, 2016. For areas south of Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to May 31, 2016. The bag limit for all areas in 2016 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total

length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2016 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length. Since the existing regulations pertained only to the 2016 season, amending these regulations is essential to allow for any fishing in State waters during 2017.

Proposed Regulations

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect April 1 through April 30, 2017. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters shortly after the federal rules are promulgated.

- (1) North of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2017 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) Between Horse Mountain and Point Arena: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2017.
- (3) Between Point Arena and Pigeon Point: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2017.
- (4) Between Pigeon Point and Point Sur: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2017.
- (5) South of Point Sur: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with

daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2017.

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State. In addition, it is the policy of the State to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport. Adoption of scientifically-based ocean salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to maintain their continued existence.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code.

Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Pacific Fishery Management Council. April 2016. Preseason Report III: Council Adopted Management Measures and Environmental Assessment Part 3 for 2016 Ocean Salmon Fishery Regulations.

(<http://www.pcouncil.org/salmon/stock-assessment-and-fishery-evaluation-safe-documents/preseason-reports/2016-preseason-report-iii/>)

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative:

The no change alternative would maintain existing regulations which do not provide an ocean salmon recreational fishing season for 2017. Federal regulations are anticipated to open the ocean salmon recreational fishing regulations south of Horse Mountain on April 1, 2017. The State must conform its ocean recreational fishing regulations for salmon in State waters (zero to three miles offshore) to the federal regulations for consistency and to avoid public confusion. Preemption of State regulatory authority by the NMFS could occur if State regulations are in conflict with federal regulations.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The Department anticipates status quo fishing levels for April 2017 as compared to the April 2016 ocean salmon sport fishing season.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate that the proposed regulations will have any impact on the creation or elimination of jobs, the creation or elimination of businesses or the expansion of businesses in California because no changes in fishing activity levels are expected.

The Commission anticipates benefits to the health and welfare of California residents. Salmon sport fishing contributes to increased mental health of its practitioners, provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

The Commission anticipates benefits to the State's environment in the sustainable management of salmon resources.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate benefits to worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

VII. Economic Impact Assessment:

The proposed regulatory action would amend salmon fishing regulations for the month of April 2017 to be consistent with federal regulations for the federal fishery management zone off California. The proposed action is anticipated to preserve status quo fishing opportunities as compared to the April 2016 ocean salmon sport fishing season.

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The Commission does not anticipate any impacts on the creation or elimination of jobs due to the proposed regulation. The Commission anticipates status quo fishing levels for April 2017 as compared to the April 2016 ocean salmon sport fishing season.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The Commission does not anticipate any impacts on the creation of new businesses or the elimination of existing businesses due to the proposed regulation. The Commission anticipates status quo fishing levels for April 2017 as compared to the April 2016 ocean salmon sport fishing season.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The Commission does not anticipate any impacts on the expansion of businesses in California due to the proposed regulation. The Commission anticipates status quo fishing levels for April 2017 as compared to the April 2016 ocean salmon sport fishing season.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents:

The Commission anticipates health and welfare benefits to California residents from recreation in, and enjoyment of, a sustainable and satisfying salmon fishery.

- (e) Benefits of the Regulation to Worker Safety:

The proposed regulations conform to federal fisheries management allowable harvest levels, and ensure a sustainable fishery. As such, the agency is not aware of any consequences to worker safety that could arise from the proposed regulations.

(f) Benefits of the Regulation to the State's Environment:

The Commission anticipates benefits to the environment. Adoption of scientifically-based ocean salmon seasons, size limits, and bag and possession limits ensures sufficient residual populations of salmon and their continued existence.

(g) Other Benefits of the Regulation:

The proposed regulations will provide for resource sustainability thus ensuring the continuation and future enjoyment of the salmon fishery. Maintaining healthy populations of salmon will also translate into sustained economic contributions to the State.

DRAFT

Informative Digest (Policy Statement Overview)

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

Present Regulations

Regulations for 2016 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 16 through May 31, June 16 through June 30, July 16 through August 16, and September 1 through September 5, 2016. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 2 to November 13, 2016. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 2 to October 31, 2016. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to July 15, 2016. For areas south of Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to May 31, 2016. The bag limit for all areas in 2016 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2016 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length. Since the existing regulations pertained only to the 2016 season, amendment of these regulations is essential to allow for any fishing in State waters during 2017.

Proposed Regulations

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2017. The first action would amend subsection 27.80(c), establishing salmon fishing regulations for the month of April 2017 consistent with federal regulations for the federal fishery management zone off California. Recreational salmon fishing regulations for May 1 through the end of 2017 will be considered in the second rulemaking action, tentatively scheduled for adoption in April 2017.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect April 1 through April 30, 2017. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters shortly after the federal rules are promulgated.

- (1) North of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2017 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) South of Horse Mountain: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to each area for April 2017 and may be different for each area.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt sport fishing regulations in general (Sections 200, 202 and 205, Fish and Game Code) and salmon sport fishing regulations specifically (Section 316.5, Fish and Game Code). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of salmon in the ocean.

DRAFT

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 2~~ April 1 through April 30, ~~2016~~ 2017.

(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) Open to salmon fishing from ~~April 2 to April 30~~ varied dates within the range from April 1 to April 30, may include periodic closures, ~~2016~~ 2017. Fishing is authorized ~~7~~ 0-7 days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~ 0-2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~20~~ 20-26 inches total length.

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

(A) Open to salmon fishing from ~~April 2 to April 30~~ varied dates within the range from April 1 to April 30, may include periodic closures, ~~2016~~ 2017. Fishing is authorized ~~7~~ 0-7 days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~ 0-2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~ 20-26 inches total length.

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

(A) Open to salmon fishing from ~~April 2 to April 30~~ varied dates within the range from April 1 to April 30, may include periodic closures, ~~2016~~ 2017. Fishing is authorized ~~7~~ 0-7 days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~ 0-2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~ 20-26 inches total length.

(5) South of Point Sur.

(A) Open to salmon fishing from ~~April 2 to April 30~~ varied dates within the range from April 1 to April 30, may include periodic closures, ~~2016~~ 2017. Fishing is authorized ~~7~~ 0-7 days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~ 0-2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~ 20-26 inches total length.

Note: Authority cited: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

PFMC Regulatory Outlook

On March 14, 2017, the PFMC will propose a suite of ocean salmon fishery regulatory options after reviewing the most up-to-date salmon abundance information for target stocks and salmon species of special concern, including Sacramento River Winter Run Chinook which is listed as endangered under both federal and State Endangered Species Acts. These options will go out for public review and the final PFMC recommendations for federal waters will be made on April 12, 2017. The federal regulations will go into effect on or after May 1, 2017 and may include:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;
5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

The range of proposed regulatory options available for the Commission's consideration is designed to encompass the range of options that will be under consideration by the PFMC.

Commission Regulatory Outlook

Although there are no proposed PFMC regulatory options to consider until March, the ocean salmon sport fishing regulations in effect on or after May 1, 2017 could range from no fishing in all areas off the California coast to limited salmon fishing for varied areas and dates between May 1 and November 12, 2017. The final PFMC recommendations made on April 12, 2017 will serve as the basis for the State's ocean salmon sport fishery regulations for May 2017 through the end of the year.

Present Regulations

Regulations for 2016 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 16 through May 31, June 16 through June 30, July 16 through August 16, and September 1 through September 5, 2016. Between Horse Mountain and Point Arena, ocean salmon

recreational fishing was authorized seven days per week from April 2 to November 13, 2016. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 2 to October 31, 2016. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to July 15, 2016. For areas south of Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to May 31, 2016. The bag limit for all areas in 2016 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2016 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length. Since the existing regulations pertained only to the 2016 season, amendment of these regulations is essential to allow for any fishing in State waters during 2017.

Concurrent Regulatory Action

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2017. This proposed regulation will amend subsection 27.80(d), establishing ocean salmon sport fishing regulations (e.g., open/closed days, minimum size limits, bag limits) that would be effective for May 2017 through the end of the year. The Commission also will be considering ocean salmon sport fishing regulations that would be effective for the period April 1-30, 2017 in a separate rulemaking package, tentatively scheduled for adoption in March 2017.

Proposed Regulations

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect on or after May 1, 2017. This approach will allow the Commission to adopt the State's ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters shortly after the federal rules are promulgated.

- (1) North of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 1 through September 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for May through September 2017.
- (2) Between Horse Mountain and Point Arena: The season, if any, may occur within the range of May 1 to November 12, 2017. The proposed daily bag limit will be from zero to two fish, and the

proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for May through November 2017.

- (3) Between Point Arena and Pigeon Point: The season, if any, may occur within the range of May 1 to November 12, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for May through November 2017.
- (4) Between Pigeon Point and Point Sur: The season, if any, may occur within the range of May 1 to October 1, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for May through October 2017.
- (5) South of Point Sur: The season, if any, may occur within the range of May 1 to October 1, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for May through October 2017.

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State. In addition, it is the policy of the State to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport. Adoption of scientifically-based ocean salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code.

Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

Pacific Fishery Management Council. Pacific Coast Salmon Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California as Revised Through Amendment 19. March 2016.

(http://www.pcouncil.org/wp-content/uploads/2016/03/FMP-through-A-19_Final.pdf)

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

- (b) No Change Alternative:

The no change alternative would maintain existing regulations which do not provide an ocean salmon recreational fishing season within the May to November 2017 period. The State must conform its ocean recreational fishing regulations for salmon in State waters (zero to three miles offshore) to the federal regulations for consistency and to avoid public confusion. Preemption of State regulatory authority by the NMFS could occur if State regulations are in conflict with federal regulations.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

Although the recommendations of the PPMC for the 2017 ocean salmon season are unknown at this time, the Department anticipates that recreational salmon fishing effort will be similar to the 2015 season. For the purpose of evaluating potential economic impacts of the 2017 ocean salmon regulations, the Commission analyzed possible reductions in ocean salmon recreational effort ranging from 0-percent (no change) to a 5-percent and a 10-percent reduction from the number of angling trips in 2015. The base year used for estimating the 2017 economic impacts is the 2015 salmon season, the latest full year of economic data.

The projections conducted for 2017, representing 100-percent (82,000 angler days), and 95-percent (77,900 angler days), and 90-percent (74,000) levels of ocean salmon angling effort, are not likely to precipitate significant statewide adverse economic impacts directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Additionally, any reduction in angling opportunity would be undertaken with the intent of ensuring the health of the resource and thus also preventing longer term adverse economic impacts.

Data from the Department indicate that during the 2015 salmon season, recreational fishermen participated in 82,000 angler days of ocean salmon fishing and generated an estimated \$13.7 million (2016\$) in total economic output to the State. The projected levels of fishing effort for the 2017 salmon season are 82,000 angler days, 78,000 angler days, and

73,800 angler days, equivalent to 100-, 95-, and 90-percent levels of effort, respectively. With these projected 2017 levels of angler effort, the associated fishing expenditures by fishermen would generate an estimated \$13.7 million, \$13 million and \$12.3 million (2016\$) in total economic output for the State, respectively. Thus, relative to the 2015 salmon season, the total incremental effects (direct, indirect, and induced) of the 2017 projections on State economic output range from no change (the same \$13.7 million); a 5-percent decrease (-\$684 thousand); to a 10-percent decrease (-\$1.4 million) in total economic output from the recreational ocean salmon fishery.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

Approximately 111 jobs were indirectly supported by recreational ocean salmon angling during the 2015 salmon season. Thus, relative to the 2015 salmon season, the 2017 projections (100-, 95-, and 90-percent levels of effort) represent potential incremental effects on employment ranging from zero new jobs (no change) to a loss of 6 to 11 jobs statewide; the potential incremental effects on the creation or elimination of businesses is anticipated to range from no impact to insignificant impacts on the elimination of businesses in the state. A 10-percent decrease in angling effort may have minimal impacts in some localized areas that lack industry diversification and have a heavy reliance on recreational fishing and tourism; and potential incremental effects on the expansion of businesses range from no effect to the minor contraction of some business activities in the recreational ocean salmon fishing areas.

The Commission anticipates benefits to the health and welfare of California residents. Salmon sport fishing contributes to increased mental health of its practitioners, provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

The Commission anticipates benefits to the State's environment in the sustainable management of salmon resources.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate benefits to worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

VII. Economic Impact Assessment

The PFMC coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the NMFS effective on May 1 of each year.

Although the recommendations of the PFMC for the 2017 ocean salmon season are unknown at this time, the Department anticipates that recreational salmon fishing effort will be similar to the 2016 season. For the purpose of evaluating potential economic impacts of the 2017 ocean salmon regulations, the Commission analyzed possible reductions in ocean salmon recreational effort ranging from 100-percent (no change) to 95-percent and 90-percent of the 2015 season. The base year used for estimating impacts is the 2015 salmon season because it is the latest full year of economic data. The following Tables 1 and 2 report the potential impacts of the anticipated range of harvest levels from 100-, 95-, and 90-percent of the 2015 harvest.

Table 1

Total Projected Economic Contribution Of California's Ocean Salmon Sport Fishery -- Calculations Worksheet and Summary Tables						
Projected Economic Impacts Of 2017 Salmon Fishery To California's Economy						
	Number of Salmon Angler Trips (days)	Direct Impact (2016\$)	Final Economic Output Impact (2016\$)	Earnings Impact (2016\$)	Employment (# jobs)	State & Local Taxes (2016\$)
Ocean Salmon Angling						
100% Seasonal Activity Level	82,000	\$ 9,613,235	\$ 13,672,168	\$ 5,449,643	111	\$ 992,396
95% Seasonal Activity Level	77,900	\$ 9,132,573	\$ 12,988,559	\$ 5,177,161	106	\$ 942,776
90% Seasonal Activity Level	73,800	\$ 8,651,912	\$ 12,304,951	\$ 4,904,679	100	\$ 893,156
Economic Multipliers*			1.422	0.567	11.566	0.103

Note:
 *Multipliers are derived from MIG IMPLAN economic models for the State of California.
 All dollar amounts are adjusted to year 2016 prices, denoted as 2016\$, using US Dept of Commerce Implicit Price Deflators for Gross Domestic Product - Table 1.1.9. <http://www.bea.gov>

Table 2

Projected Incremental Change from 2015 Fishing Levels, in Angler Trips						
Impact Summary for Projected 2017 Ocean Salmon Angling Levels, Compared to 2015 Levels	Incremental Change in Number of Salmon Angler Trips (days)	Incremental Direct Impact (2016\$)	Incremental Final Economic Output Impact (2016\$)	Incremental Earnings Impact (2016\$)	Incremental Employment Impact (# jobs)	Incremental State & Local Tax Impact (2016\$)
100% Seasonal Activity Level	0	\$ -	\$ -	\$ -	0	\$ -
95% Seasonal Activity Level	(4,100)	\$ (480,662)	\$ (603,608)	\$ (272,482)	-6	\$ (49,620)
90% Seasonal Activity Level	(8,200)	\$ (961,324)	\$ (1,207,217)	\$ (544,964)	-11	\$ (99,240)

Note: All dollar amounts are adjusted to year 2016 prices, denoted as 2016\$, using US Dept of Commerce Implicit Price Deflators for Gross Domestic Product - Table 1.1.9. <http://www.bea.gov>.

In 2015, the ocean salmon recreational fishery generated an estimated \$13.7 million (2016\$) in total economic output to the State. A 5-percent decrease in angling effort would result in a \$684 thousand reduction in total economic output for the State and a 10-percent decrease in angling effort would result in a \$1.4 million reduction in total economic output for the State, relative to the 2015 season. As a general rule, for every 5,000 salmon harvested in the ocean recreational fishery, there is approximately \$1.0 million in potential total economic contribution to the State.

While not integrated into the economic impacts estimation method, in all scenarios alternative fishing resources and recreational activities for anglers may offset any potential losses to fishing port businesses and jobs described below.

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

Using the 2015 salmon season as a base year for comparison, the California ocean salmon recreational fishery supports an estimated 111 jobs in the State. Generally, for every 5,000 salmon harvested in the ocean recreational fishery, there are approximately 7.3 jobs supported in the State. Three projected fishing activity levels were evaluated, which entail various levels of restrictions on the ocean salmon recreational fishery, as follows:

Projection 1. A seasonal level of fishing activity of 82,000 angler days.

Relative to the 2015 season's estimated angler activity of 82,000 days, Projection 1 (100-percent) represents no change to the 2015 number of

angler days. This projected change could result in no net change in the number of jobs in California businesses that support the salmon recreational fishery.

Projection 2. A seasonal level of fishing activity of 77,900 angler days, or approximately 95-percent of fishing activity in Projection 1.

Compared to the 2015 season, this represents a 5-percent incremental reduction in angler days. This projected change could result in the potential loss of 6 jobs to California businesses that support the ocean salmon recreational fishery.

Projection 3. A seasonal level of fishing activity of 73,800 angler days, or approximately 90-percent of fishing activity in Projection 1.

Compared to the 2015 season, this represents a 10-percent incremental reduction in angler days. This projected change could result in the potential loss of 11 jobs to California businesses that support the ocean salmon recreational fishery.

(See Tables 1 and 2 above for details on how employment, wages, economic output for the State of California, and effects on State and local taxes are derived.)

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The three projections of expected fishing activity represent potential indirect impacts to businesses providing goods and services to the ocean salmon recreational fishermen, as follows:

Projection 1. A seasonal level of fishing activity of 82,000 angler days.

Relative to the 2015 season, Projection 1 represents no potential indirect impact to businesses.

Projection 2. A seasonal level of fishing activity of 77,900 angler days, or approximately 95-percent of fishing activity in Projection 1.

Relative to the 2015 season, Projection 2 represents a potential indirect impact to businesses of approximately \$684 thousand in reduced economic output statewide. Projection 2 is not anticipated to result in significant reduced demand for new businesses or the potential elimination of businesses in the State and in localized areas that have a heavy reliance on recreational fishing and tourism. Many ocean fishing port businesses offer alternative fishing resources and activities for salmon anglers.

Projection 3. A seasonal level of fishing activity of 73,800 angler days, or approximately 90-percent of fishing activity in Projection 1.

Relative to the 2015 season, Projection 3 represents a potential for some indirect impact to businesses with an estimated \$1.4 million in reduced economic output statewide. This may result in some reduced demand for new businesses but no elimination of businesses are expected to be precipitated across the State. In some localized areas that lack industry diversification and have a heavy reliance on recreational fishing and associated tourism the impacts may be more pronounced. However, many ocean fishing port businesses offer alternative fishing resources and activities for salmon anglers.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

Projection 1. A seasonal level of fishing activity of 82,000 angler days.

Relative to the 2015 season, Projection 1 represents no change in economic impacts to businesses.

Projection 2. A seasonal level of fishing activity of 77,900 angler days, or approximately 95-percent of fishing activity in Projection 1.

Relative to the 2015 season, Projection 2 represents a potential indirect impact to businesses of approximately \$684 thousand in decreased economic output statewide. This is not anticipated to significantly impact businesses in the State that directly and indirectly support recreational ocean salmon anglers.

Projection 3. A seasonal level of fishing activity of 73,800 angler days, or approximately 90-percent of fishing activity in Projection 1.

Relative to the 2015 season, Projection 3 represents a potential indirect impact to businesses of approximately \$1.4 million in reduced economic output statewide. This is not anticipated to significantly impact businesses in the State that directly and indirectly support recreational ocean salmon anglers.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

The proposed regulations are to conform to federal fisheries management allowable harvest levels, intended to sustain the fishery for the enjoyment of all California residents.

(e) Benefits of the Regulation to Worker Safety:

The proposed regulations are to conform to federal fisheries management allowable harvest levels, and intended to sustain the fishery. As such, the agency is not aware of any consequences to worker safety that could arise from the proposed regulations.

(f) Benefits of the Regulation to the State's Environment:

The proposed regulations comply with federal law and sustainable management practices designed to safeguard California's ocean salmon resources.

(g) Other Benefits of the Regulation:

Concurrence with Federal Law: California's sport and commercial ocean salmon fishing regulations need to conform to the new federal regulations to achieve optimum yield in California. The PFMC annually reviews the status of west coast salmon populations. As part of that process, it recommends west coast adult salmon fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the federal Salmon Fishery Management Plan. These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries off the coasts of Washington, Oregon, California, and California inland sport salmon fisheries. These recommendations are subsequently implemented as ocean fishing regulations by the NMFS and as sport salmon regulations for State marine and inland waters by the Commission.

Continuation of activities dependent on the salmon fishery: Resource sustainability supports the continuation of activities dependent on the salmon fishery. Maintaining healthy populations of salmon can translate into significant economic contributions to the State: In 2015, recreational ocean salmon activities contributed as much as \$13.7 million in total economic output, \$5.4 million in wages, and 111 jobs for Californians.

Informative Digest (Policy Statement Overview)

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

Present Regulations

Regulations for 2016 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 16 through May 31, June 16 through June 30, July 16 through August 16, and September 1 through September 5, 2016. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 2 to November 13, 2016. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 2 to October 31, 2016. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to July 15, 2016. For areas south of Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to May 31, 2016. The bag limit for all areas in 2016 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2016 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length. Since the existing regulations pertained only to the 2016 season, amendment of these regulations is essential to allow for any fishing in State waters during 2017.

Proposed Regulations

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2017. This proposed regulation would amend subsection 27.80(d), establishing salmon fishing regulations for May 1 through the end of 2017. Recreational salmon fishing regulations for the month of April 2017 will be considered in a separate rulemaking action, tentatively scheduled for adoption in March 2017.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect on or after May 1, 2017. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters.

- (1) North of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 1 through September 30, 2017.

- (2) Between Horse Mountain and Pigeon Point: The season, if any, may occur within the range of May 1 to November 12, 2017.
- (3) South of Pigeon Point: The season, if any, may occur within the range of May 1 to October 1, 2017.
- (4) For all areas, the proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length.

The exact opening and closing dates, along with daily bag limit, minimum size, and days of the week open will be determined in April 2017 by the Commission considering federal regulations and may be different for each subarea.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt sport fishing regulations in general (Sections 200, 202 and 205, Fish and Game Code) and salmon sport fishing regulations specifically (Section 316.5, Fish and Game Code). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of salmon in the ocean.

DRAFT

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, 2016~~2017~~.

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

(A) Open to salmon fishing ~~May 16 to May 31, June 16 to June 30, July 16 to August 16, and September 1 to September 5~~[varied dates within the range from May 1 to September 30, may include periodic closures], 2016~~2017~~. Fishing is authorized ~~7~~[0-7] days per week [specify open days of week and date range as needed].

Exception: See Section 27.75 for specific fishery closure areas around the Smith, Klamath and Eel rivers.

(B) Daily Bag Limit: ~~2~~[0-2] salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~20~~[20-26] inches total length [specify date range as needed].

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

(A) Open to salmon fishing ~~May 1 to November 13~~[varied dates within the range from May 1 to November 12, may include periodic closures], 2016~~2017~~. Fishing is authorized ~~7~~[0-7] days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~[0-2] salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~20~~[20-26] inches total length [specify date range as needed].

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

(A) Open to salmon fishing ~~May 1 to October 31~~[varied dates within the range from May 1 to November 12, may include periodic closures], 2016~~2017~~. Fishing is authorized ~~7~~[0-7] days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~[0-2] salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24 inches total length through April 30, 2016 and 20 inches total length thereafter~~[20-26] inches total length [specify date range as needed].

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

(A) Open to salmon fishing ~~May 1 to July 15~~[varied dates within the range from May 1 to October 1, may include periodic closures], 2016~~2017~~. Fishing is authorized ~~7~~[0-7] days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~[0-2] salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~[20-26] inches total length [specify date range as needed].

(5) South of Point Sur.

(A) Open to salmon fishing ~~May 1 to May 31~~[varied dates within the range from May 1 to October 1, may include periodic closures], 2016~~2017~~. Fishing is authorized ~~7~~[0-7] days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~[0-2] salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~[20-26] inches total length [specify date range as needed].

Note: Authority cited: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

DRAFT