



- (4) For the area between Pigeon Point and Point Sur: The season will run April 6, 2013 through April 30, 2013. Fishing is authorized 7 days per week. The minimum size will be twenty-four inches total length. The bag limit remains at two salmon per day.
- (5) For the areas south of Point Sur: The season will run April 6, 2013 through April 30, 2013. Fishing is authorized 7 days per week. The minimum size will be twenty-four inches total length. The bag limit remains at two salmon per day.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

No public comment, written or oral, were received during the public comment period.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:

California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VII. Location of Department files:

Department of Fish and Wildlife  
1416 Ninth Street  
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The no change alternative would maintain existing regulations which do not provide an ocean salmon recreational fishing season for 2013. Federal regulations will open the ocean salmon recreational fishing regulations south of Horse Mountain on April 6, 2013. 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 purposes 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.

IX. 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 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 business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

(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 any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission anticipates benefits to the State's environment in the sustainable management of ocean salmon resources. The Commission anticipates benefits to health and safety of California residents in that providing salmon fishing opportunities encourages consumption of a nutritious food.

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.

## Updated 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 (3 to 200 miles offshore) off 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.

On May 1, 2012, NMFS implemented the 2012 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 6, 2013. While Federal waters south of Horse Mountain will open on April 6, 2013, State waters in this area will not open unless the Commission takes regulatory action to do so.

Two separate Commission actions are necessary to conform the State regulations to Federal rules that will apply in 2013. The proposed regulation would amend subsection 27.80 (c), establishing salmon fishing regulations for the month of April, 2013. Recreational salmon fishing regulations for May 1 through the end of 2013 will be considered in a separate rulemaking action, tentatively scheduled for adoption in April 2013.

### **Present Regulations**

Current regulations [subsections 27.80 (c) and (d)] authorized ocean salmon recreational fishing north of Horse Mountain including Humboldt Bay from May 1 to September 9, 2012. Between Horse Mountain and Pigeon Point, ocean salmon recreational fishing was allowed from April 7 to November 11, 2012. All areas south of Pigeon Point had an ocean salmon recreational fishing season from April 7 to October 7, 2012. For all areas in 2012, the bag limit was 2 fish per day (all species except coho). All areas north of Point Arena had a minimum size limit of 20 inches total length. All areas south of Point Arena had a minimum size limit of 24 inches total length through July 5, 2012 and 20 inches total length thereafter. Since the existing regulations pertained only to the 2012 season, amendment of these regulations is essential to allow for any fishing in State waters during 2013.

### **Proposed Regulations**

For public notice purposes to facilitate Commission discussion, the Department of Fish and Wildlife is proposing three regulatory options to encompass all possible actions that would, or would not allow for salmon fishing in the month of April 2013 in various areas of California for Commission consideration:

Option 1 – Varied season dates and regulations in all areas. The ranges proposed below encapsulate all possibilities for Federal ocean salmon regulations that are

expected to be in effect April 6 through April 30, 2013. 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) For all waters of the ocean north of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2013 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) For the area between Horse Mountain and Point Arena: The season, if any, may open on a date within the range of April 6 through April 30, 2013. The proposed bag limit will be from 1 to 3 fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with 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 2013.
- (3) For the area between Point Arena and Pigeon Point: The season, if any, may open on a date within the range of April 6 to April 30, 2013. The proposed bag limit will be from 1 to 3 fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with 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 2013.
- (4) For the area between Pigeon Point and Point Sur: The season, if any, may open on a date within the range of April 6 to April 30, 2013. The proposed bag limit will be from 1 to 3 fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with 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 2013.
- (5) For the areas south of Point Sur: The season, if any, may open on a date within the range of April 6 to April 30, 2013. The proposed bag limit will be from 1 to 3 fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with 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 2013.

Option 2 - No fishing in all areas. This is the same as the no change alternative as all ocean salmon recreational fishing seasons are currently closed pursuant to Section 27.80 regulations. If adopted, the regulatory text of Option 2 would specifically establish 2013 closed areas.

Option 3 - A possible combination of Option 1 and 2 may be developed after more information is available from the NMFS and PFMC. This may include different opening and closing dates, bag limits, size limits, days of the week open and periodic closures of some but not all areas.

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. No other State agency has authority to adopt sport fishing regulations.

**On March 6, 2013, the Commission adopted Option 1, modified as follows, for recreational ocean salmon fishing in State waters during April 2013.**

**Modified Option 1**

- (1) For all waters of the ocean north of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2013 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.**
- (2) For the area between Horse Mountain and Point Arena: The season will run April 6, 2013 through April 30, 2013. Fishing is authorized 7 days per week. The minimum size will be twenty inches total length. The bag limit remains at two salmon per day.**
- (3) For the area between Point Arena and Pigeon Point: The season will run April 6, 2013 through April 30, 2013. Fishing is authorized 7 days per week. The minimum size will be twenty-four inches total length. The bag limit remains at two salmon per day.**
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