

**State of California
Office of Administrative Law**

In re:
Fish and Game Commission

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11349.3

Title 14, California Code of Regulations

OAL File No. 2015-0323-01 S

Adopt sections:

Amend sections: 1.73, 27.75, 27.80

Repeal sections:

This rulemaking action by the Fish and Game Commission (FGC) amends section 27.80 of title 14 of the California Code of Regulations to adopt the open fishing days, bag limits, and minimum size requirements for ocean salmon sport fishing in effect April 4, 2015 through April 30, 2015. In addition, the Commission is amending section 27.75 to include latitude and longitude coordinates for the Smith River, Klamath River, and Eel River control zones. The Commission is also amending section 1.73 to include language to facilitate the recovery of coded wire tags from recreationally caught salmon.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2015.

Date: 4/1/2015



Lindsey McNeill
Attorney

For: DEBRA M. CORNEZ
Director

Original: Sonke Mastrup
Copy: Sherrie Fonbuena

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-1216-17	REGULATORY ACTION NUMBER 2015-0323-015	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

APR -1 2015

2:06 PM

2015 MAR 23 AM 9:18
 OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
 Fish and Game Commission

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE <i>Ocean salmon sport fishing in April 2015 recovery of coded wire tags, coordinates of closed areas</i>	TITLE(S) 14	FIRST SECTION AFFECTED 1.73	2. REQUESTED PUBLICATION DATE December 26, 2014
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Sherrie Fonbuena	TELEPHONE NUMBER (916) 654-9866	FAX NUMBER (Optional) (916) 653-5040
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2014 522	PUBLICATION DATE 12/26/2014	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) *Ocean salmon sport fishing in April 2015, recovery of coded wire tags from salmon heads, and coordinates of river mouth closed areas*

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1.73, 27.75, 27.80
TITLE(S) 14	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

per agency request LM 4/1/15

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect Effective other (Specify) **Per 202, F&GC and 11343.4(b)(4) Govt C**

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON: **Sherrie Fonbuena** TELEPHONE NUMBER: **(916) 654-9866** FAX NUMBER (Optional): **(916) 653-5040** E-MAIL ADDRESS (Optional): **Sherrie.Fonbuena@fgc.ca.gov**

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE: *Sonke Mastrup* DATE: **3/23/15**

TYPED NAME AND TITLE OF SIGNATORY: **Sonke Mastrup, Executive Director**

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 01 2015

Office of Administrative Law

Regulatory Language

Section 1.73, Title 14, CCR, is amended to read:

§1.73. Salmon.

~~(a) Includes chinook~~ Salmon includes Chinook, coho, pink, chumchum, and sockeye salmon.

(b) Any person in possession of a recreationally taken salmon with a missing adipose fin (the small, fleshy fin on the back of the fish between the back fin and tail) shall immediately relinquish the head of the salmon, upon request by an authorized agent or employee of the department, to facilitate the recovery of any coded-wire tag. The head may be removed by the fish owner or, if removed by the official department representative, the head shall be removed in a manner to minimize loss of salmon flesh and the salmon shall immediately be returned to the fish owner.

Note: Authority cited: Sections 200, 202, 205, ~~210, 219~~ and 220, Fish and Game Code. Reference: Sections ~~200-202~~ 200, 202, 203.1, 205-210 and 205, 215-222 215, 220 and 7060, Fish and Game Code.

Section 27.75, Title 14, CCR, is amended to read:

§27.75. Salmon Closures.

~~(a) No salmon may be taken in ocean waters at the mouth of the Smith and Klamath rivers within three nautical miles north and south of a line drawn due west for three nautical miles from the center of the mouth of each of said rivers.~~

~~(b) No salmon may be taken during the months of August and September in ocean waters at the mouth of the Eel River within two nautical miles north and south of a line drawn due west for two nautical miles from the center of the mouth of said river.~~

~~(c) No salmon may be taken during the month of August in ocean waters at the mouth of the Klamath River within six nautical miles north and south of a line drawn due west for three nautical miles from the center of the mouth of said river.~~

(a) No salmon may be taken at any time in ocean waters at the Smith River mouth bounded on the north by 41°59'36" N. lat. (approximately 3 nautical miles north of the Smith River mouth), on the west by 124°16'24" W. long. (approximately 3 nautical miles offshore), and on the south by 41°53'30" N. lat. (approximately 3 nautical miles south of the Smith River mouth).

(b) No salmon may be taken at any time in ocean waters at the Klamath River mouth bounded on the north by 41°35'30" N. lat. (approximately 3 nautical miles north of the Klamath River mouth), on the west by 124°08'54" W. long. (approximately 3 nautical miles offshore), and on the south by 41°29'24" N. lat. (approximately 3 nautical miles south of the Klamath River mouth). In August, the ocean salmon closure expands into the "Klamath Control Zone." The Klamath Control Zone is defined in federal regulations as the ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately 6 nautical miles north of the Klamath River mouth), on the west by

124°23'00" W. long. (approximately 12 nautical miles offshore), and on the south by 41°26'48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth).
(c) No salmon may be taken during the months of August and September in ocean waters at the Eel River mouth bounded on the north by 40°40'24" N. lat. (approximately 2 nautical miles north of the Eel River mouth), on the west by 124°21'24" W. long. (approximately 2 nautical miles offshore), and on the south by 40°36'24" N. lat. (approximately 2 nautical miles south of the Eel River mouth).

Note: Authority cited: Sections 200, 202, 205, ~~210, 219~~ and 220, Fish and Game Code.
Reference: Sections ~~200-202~~200, 202, 203.1, ~~205-210~~ and ~~205, 215-222~~215 and 220, Fish and Game Code.

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 ~~54~~ through April 30, ~~2014~~2015.

(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 ~~54~~ to April 30, ~~2014~~2015. 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 from April ~~54~~ to April 30, ~~2014~~2015. 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 ~~54~~ to April 30, ~~2014~~2015. 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 ~~54~~ to April 30, ~~2014~~2015. 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, 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.