State of California
Office of Administrative Law

In re: 
Fish and Game Commission

REGULATORY ACTION

NOTICE OF APPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL File No. 2015-0416-01 S

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 
Amend sections: 28.20, 28.95
Repeal sections:

This action by the Fish and Game Commission amends sections in Title 14, California Code of Regulations regarding the recreational Pacific halibut fishery. These amendments make state regulations for halibut season length and gear restrictions consistent with the federal sport fishing rules for the 2015 fishing season. The amendments set the season dates and implement a quota for the 2015 season.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/28/2015.

Date: 4/28/2015

Beverly J. Johnson
Deputy Director

For: DEBRA M. CORNEZ
Director

Original: Sonke Mastrup
Copy: Sherrie Fonbuena
STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION (See instructions on reverse)

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED in the office of the Secretary of State of the State of California
APR 28, 2015
2:10 P.M.

AGENCY WITH RULEMAKING AUTHORITY
Fish and Game Commission

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

1a. SUBJECT OF NOTICE
Pacific halibut sport fishing

1b. NOTICE FILE NUMBER
Z-2015-0113-10

1c. REGULATORY ACTION NUMBER
2015-0416-015

1d. EMERGENCY NUMBER

2. REQUESTED PUBLICATION DATE
January 23, 2015

3. NOTICE TYPE
X Regulatory Action

4. AGENCY CONTACT PERSON
Sherrie Fonbuena

5. TELEPHONE NUMBER
(916) 654-9866

6. FAX NUMBER (Optional)
(916) 653-5040

7. OAL USE ONLY
Action on Proposed Notice

X Approved as Submitted

X Approved as Modified

☐ Disapproved/Withdrawn

Notice REGARD NUMBER
2015-42

PUBLICA DATE
1/23/2015

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

2a. SUBJECT OF REGULATIONS
Pacific halibut sport fishing

2b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

3. SECTION(S) AFFECTED
(List all section number(s) individually. Attach additional sheet if needed.)

3a. TITLE(S)
14

3b. ADOPT

3c. AMEND

3d. REPEAL

3e. OTHER

4. TYPE OF FILING
X Regular Rulemaking (Gov. Code §11346)

☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11346.1(b))

☐ Emergency (Gov. Code, §11346.1(b))

☐ 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.

☐ Emergency Readopt (Gov. Code, §11346.1(h))

☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)

☐ File & Print

☐ Other (Specify) ______

6. 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)

☐ 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 (Specify) Per 202 F&GC and 11343.4(b) Govt Code

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
Melissa Miller-Henson

Date
4/16/15

ENDORSED APPROVED
APR 28, 2015
Office of Administrative Law
Regulatory Language

Section 28.20, Title 14, CCR, is Amended to Read:


(a) Season:
(1) Pacific halibut may be taken only from May 1 through October 31
June 1 through 15, July 1 through 15, August 1 through 15, and September 1 through October 31, or until the quota is reached, whichever is earlier. Pacific halibut take is regulated by a quota that is closely monitored each year in alignment with federal regulations.
(2) The 2015 Pacific halibut quota is 25,220 pounds. The department shall inform the commission, and the public via a press release, prior to any implementation of restrictions triggered by achieving or expecting to exceed the quota. Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department’s website at: wildlife.ca.gov/Fishing/Ocean, or by calling the Recreational Groundfish Fishing Regulations Hotline (831) 649-2801 or the National Marine Fisheries Service Area 2A Halibut Hotline (800) 662-9825 for recorded information, or by contacting a department office.

(b) Limit: One.
(c) Minimum size: None.
(d) Methods of Take:
(1) When angling, no more than one line with two hooks attached may be used.
(2) A harpoon, gaff, or net may be used to assist in taking a Pacific halibut that has been legally caught by angling. See Section 28.95 of these regulations for additional restrictions on the use of harpoons.
(3) Take by spearfishing is allowed pursuant to Section 28.90 of these regulations.


Section 28.95, Title 14, CCR is Amended to Read:

§28.95. Spears, Harpoons, and Bow and Arrow Fishing Tackle.

Spears, harpoons and bow and arrow fishing tackle may be used for taking all varieties of skates, rays, and sharks, except white sharks. Harpoons may be used to assist in taking Pacific halibut as specified in Section 28.20. Such gear may not be possessed or used within 100 yards of the mouth of any stream in any ocean waters north of Ventura County, nor aboard any vessel on any day or on any trip when broadbill swordfish or marlin have been taken. Bow and arrow fishing tackle may be used to take fin fish other
than giant (black) sea bass, garibaldi, gulf grouper, broomtail grouper, trout, salmon, broadbill and white shark.