

**State of California
Office of Administrative Law**

In re:
Fish and Game Commission

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 29.45

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2016-1019-02

OAL Matter Type: Emergency Readopt (EE)

This emergency action readopts emergency regulations closing the razor clam recreational fishery in Del Norte and Humboldt Counties due to elevated levels of domoic acid.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/27/2016 and will expire on 1/26/2017. The Certificate of Compliance for this action is due no later than 1/25/2017.

Date: October 27, 2016



Mark Storm
Senior Attorney

For: Debra M. Cornez
Director

Original: Valerie Termini
Copy: Melissa Miller-Henson

EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW (See instructions on reverse)
NOTICE PUBLICATION REGULATIONS SUBMISSION

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-1019-02EE
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ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

OCT 27 2016
 1:34 pm

For use by Office of Administrative Law (OAL) only

2016 OCT 19 P 2:52
 OFFICE OF
 ADMINISTRATIVE LAW

NOTICE

REGULATIONS

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		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Close razor clam fishery due to elevated levels of domoic acid	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2016-0425-04E
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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 29.45
TITLE(S) 14	REPEAL

3. TYPE OF FILING

<input 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 checked="" 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)

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

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Melissa Miller-Henson	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) melissa.miller-henson@fgc.ca.gov
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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 <i>Melissa A. Miller-Henson</i>	DATE October 9, 2016
TYPED NAME AND TITLE OF SIGNATORY Melissa Miller-Henson, Staff Services Manager	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 27 2016

Office of Administrative Law

Regulatory Language

Section 29.45, Title 14, CCR, is re-adopted:

29.45. Razor Clams.

(a) Open season:

(1) Notwithstanding subsections (a)(2), (a)(3) and (a)(4) razor clams may not be taken or possessed in Del Norte and Humboldt counties where the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, has determined that razor clams contain unhealthy domoic acid levels and recommends closing the fishery. The open seasons specified in subsections (a)(2), (a)(3) and (a)(4) only apply at such time as the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, determines that domoic acid levels in razor clams no longer pose a significant risk to public health and no longer recommends the fishery be closed. The department shall maintain a list of closed ocean waters of the state and update that list on Wednesday of each week by 1:00 pm. It shall be the responsibility of any person prior to taking razor clams to call (831) 649-2883 or go to the department's website at www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories to obtain the current status of any ocean water.

(2) Little River Beach in Humboldt County: Except as provided in subsection (a)(1), between Mad River and Strawberry Creek open only during even-numbered years; between Strawberry Creek and Moonstone Beach open only during odd-numbered years.

(3) In Del Norte County: Except as provided in subsection (a)(1), north of Battery Point open only during odd-numbered years; south of Battery Point open only during even-numbered years.

(4) All other areas: Open all year, except as provided in subsection (a)(1).

(b) Limit: Twenty. The first twenty clams dug must be retained as the bag limit regardless of size or broken condition.

Note: Authority cited: Sections 200, 202, 205, 210, 219, 220, and 240, Fish and Game Code. Reference: Sections 200-202, 203.1, 205-210, 215-222 and 240, Fish and Game Code.