## STATE OF CALIFORNIA-OFFI RESUBMITTAL ructions on erse)

TYPED NAME AND TITLE OF SIGNATORY
Melissa Miller-Henson, Deputy Executive Director

For use by Secretary of State only

For use by Office of Administrative Law (OAL) only  In the office of the Sacretary of the Salter of California of the Salter of California of the Salter of California (NOV 20 2017)  In Salter Core of ADMINISTRATIVE LAW  NOTICE  AGENCY WITH RULEMARING AUTHORITY Fish and Game Commission  A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)  I. Salter Core Notice Process conform State regulations to federal rules  I. Salter Core Notice Process conform State regulations to federal rules  I. A AGENCY CONTACT PERSON  I. Salter Core Notice Process Conform State Properties Notice Appended as Dispensed (916) 653-5040  OAL USE  AGENCY CONTACT PERSON  I. Salter Core Notice Process Conform State Properties Notice Appended as Dispensed (916) 654-9866  B. SUBMISSION OF REGULATIONS  Process Conform State regulations to federal rules  I. Salter Core REGULATIONS  Process Conform State Properties Notice  Section Notice  Section Notice  Section Notice  Section Notice  Section Notice  REGULATIONS (Complete when submitting regulations)  In All PREVIOUS RELATED ONL REGULATION NUMBER(S)  Section Notice  Section Notice  Section Notice  Section Notice  Section Notice  Section Notice  REGULATIONS (Complete when submitting regulations)  In All Previous RELATED ONL REGULATION NUMBER(S)  AMERICA  AREA ALL Sections and Delburk Conform State Regulations to federal rules  PREVAL  ALL Section Number(S)  AREA ALL Sections and Delburk Conform Number (Society S)  AND Conform Number (Society S)	STD. 400 (REV. 01-2	2013)			erse)	
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withdrawn nonemergency regulation was adopted or within the time period required by statute.    File & Print   Print Only	Code §113	346)	below certifies that the	nis agency complied with the		Changes Without Regulatory Effect (Cal. Code Regs., title
Emergency (Gov. Code, \$11346.1(b))  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)  Effective January 1, April 1, July 1, or October 1 (Gov. Code \$11343.4(a))  Effective on filing with Secretary of State Regulatory Effect other (Specify)  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)  Other (Specify)  Other (Specify)	withdrawn filing (Gov.	nonemergenny	before the emergenc	y regulation was adopted or	File & Print	
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7. CONTACT PERSON TELEPHONE NUMBER FAX NUMBER (Optional) Sherrie Fonbuena (916) 654-9866 (916) 653-5040 Sherrie.Fonbuena@fgc.ca.go						
8. I certify that the attached copy of the regulation(s) is a true and correct copy  For use by Office of Administrative Law (OA				ation(s) is a true and corr	ect copy For u	use by Office of Administrative Law (OAL) only
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.	is true	and correct, and	that I am the head o	of the agency taking this	action,	ENDORSED APPROVED

November 3, 2017

NOV 2 0 2017

Office of Administrative Law

## **Regulatory Language**

## Section 1.95 is added to read:

## 1.95. Process to Conform State Recreational Fishing Regulations to Federal Regulations.

- (a) The commission establishes the process in subsection (b) to automatically conform state recreational fishing regulations for the fish species listed in subsections (a)(1) through (a)(2). Conforming regulations established through subsection (b) shall govern unless the commission adopts regulations for said species using the regular rulemaking process [Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code] and specifically declares at the time of adoption the intent to deviate from the automatic conformance process.
- (1) Salmon as defined in Section 1.73.
- (2) Pacific halibut (Hippoglossus stenolepis).
- (b) Automatic Process to Conform State Recreational Fishing Regulations to Federal Regulations.
- (1) Recreational fishing regulations for fish species listed in subsections (a)(1) through (a)(2) in state waters shall conform to applicable federal regulations enacted by the National Marine Fisheries Service by the process described in subsection (b)(2) or by the process described in subsection (b)(3).
- (2) Process for Annual or Corrective Actions.
- (A) No later than 10 days after publication in the Federal Register of any National Marine Fisheries Service annual regulation for the species listed in subsection (a), or any correction to an annual regulation affecting such species, the commission shall submit amended recreational fishing regulations to the Office of Administrative Law for publication in the California Code of Regulations, and shall file amended recreational fishing regulations with the Secretary of State.
- (B) Notification of State Conformance Action.
- No later than 10 days after publication in the Federal Register of any National Marine Fisheries Service annual regulation for the species listed in subsection (a), or any correction to an annual regulation affecting such species, the following shall occur:
- 1. The department shall inform the public, via news release, of the Federal Register in which the applicable fishing regulations are published and the effective date of the conformed regulations.
- 2. The commission shall mail or email the department news release to any person, group of persons or small business enterprise that has filed with the commission a request for notice of, or the commission believes to be interested in, recreational fishing regulations for the species listed in subsection (a).
- 3. To the extent practicable, the department shall provide information on any changes to applicable fishing regulations through public contact, electronic notification, and online and printed publications.

- (C) An update on the conformed recreational fishing regulations for the species listed in subsection (a) shall be included on the agenda of the next regularly-scheduled commission meeting.
- (3) Process for In-Season Changes.
- (A) Salmon. Recreational fishing regulations for salmon in state waters shall conform to applicable in-season changes to federal regulations. Public notification of any in-season change to state salmon regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service ocean salmon hotline at (800) 662-9825.
- (B) Pacific Halibut. Recreational fishing regulations for Pacific halibut in state waters shall conform to applicable in-season changes to federal regulations. Public notification of any in-season change to state Pacific halibut regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service Area 2A Pacific halibut hotline at (800) 662-9825.
- (c) Effective Date. The effective date of regulations conformed pursuant to subsection (b) shall be the same as the effective date of the federal regulation.

  (d) Nothing in this section controls the adoption or validity of commission regulations pertaining to the species identified in subsection (a) on matters that federal regulations do not address.

Note: Authority cited: Section 7110, Fish and Game Code. Reference: Section 7110, Fish and Game Code.