

**State of California
Office of Administrative Law**

In re:
Department of Fish and Wildlife

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 111

Amend sections:

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

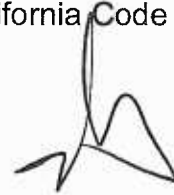
OAL Matter Number: 2017-0330-02

OAL Matter Type: File and Print Only (FP)

This action adopts regulations to conform state regulations to federal regulations designating a list of forage fish species and prohibiting directed commercial fishing of those species. The action is one governing phases of the taking of fish and is exempt from the APA pursuant to Fish and Game Code section 7652.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations. The regulations are effective 4-15-2017.

Date: April 11, 2017



Mark Storm
Senior Attorney

For: Debra M. Cornez
Director

Original: Charlton Bonham
Copy: Craig Martz

NOTICE PUBLICATION/REGULATIONS SUBMISSION

FILE PRINT

See instructions on reverse

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2017-0330-02FP	

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 12 2017
1:40PM

2017 MAR 30 A 10:55
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Department of Fish and Wildlife	AGENCY FILE NUMBER (if any)
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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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Designated Forage Fish Species or Species Groups	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	111
TITLE(S)	AMEND
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 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 checked="" 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 type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <i>per agency request on or before April 15, 2017</i>
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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 Craig Martz	TELEPHONE NUMBER (916) 653-4674	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Craig.Martz@wildlife.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>CH Bonham</i>	DATE March 30, 2017
TYPE, NAME AND TITLE OF SIGNATORY Charlton H. Bonham, Director	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
APR 12 2017
Office of Administrative Law

Regulatory Language

Section 111, Title 14, CCR, is to be added as follows:

Section 111. Designated Forage Fish Species or Species Groups (Federal Shared Ecosystem Component Species).

(a) General Provisions. The intent of this section is to conform regulations for California state waters to federal regulations established in Title 50, Code of Federal Regulations, Parts 600 and 660, 81 Fed. Reg. 19054-19058 (April 4, 2016). In order to prevent development of new large-scale directed commercial fisheries for designated forage fish species (otherwise known as Federal Shared Ecosystem Component Species), except as provided in a federal exempted fishing permit (EFP) issued pursuant to Title 50, Code of Federal Regulations, Part 600.745, it is unlawful for any person to engage in directed commercial fishing for designated forage fish species or species groups from a vessel, as defined in (b)(2) below. No person shall take designated forage fish species while engaged in commercial fishing activities except as authorized in (b)(2) below, and as otherwise specified by the Fish and Game Code and regulations provided herein.

(b) General Definitions.

(1) Designated forage fish species or species groups, otherwise known as Federal Shared Ecosystem Component Species. The following species or species groups constitute designated forage fish:

(A) Round herring (*Etrumeus teres*) and Thread herring (*Ophisthonema libertate* and *O. medirastre*),

(B) Mesopelagic fishes of the families Myctophidae, Bathylagidae, Paralepididae, and Gonostomatidae,

(C) Pacific sand lance (*Ammodytes hexapterus*)

(D) Pacific saury (*Cololabis saira*)

(E) Silversides (family Atherinopsidae),

(F) Smelts of the family Osmeridae,

(G) Pelagic squids (families: Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae, Ommastrephidae except Humboldt squid [*Dosidicus gigas*], Onychoteuthidae, and Thysanoteuthidae).

(2) Directed commercial fishing. For the purposes of this section, "directed commercial fishing" means that a fishing vessel lands designated forage fish species or species groups without landing any species other than designated forage fish species or species groups, or lands designated forage fish species or species groups with other species and in amounts more than:

(A) 10 metric tons combined weight of all designated forage fish species or species groups from any fishing trip; or

(B) 30 metric tons combined weight of all designated forage fish species or species groups in any calendar year.

NOTE:

Authority cited: Section 7652 Fish and Game Code. Reference: Sections 7650, 7652, 7652.1, 7652.2, 7652.3, and 7653, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 600 and 660, 81 Fed. Reg. 19054-19058 (April 4, 2016).