

STAFF SUMMARY FOR DECEMBER 6-7, 2017

24. AUTO-CONFORMANCE**Today's Item**Information Action

Update on process to auto-conform ocean salmon and Pacific halibut recreational fishing regulations to federal regulations.

Summary of Previous/Future Actions

- **Today's Update** **Dec 6-7, 2017; San Diego**
- Next update Apr 18-19, 2018; Ventura

Background

This agenda item is to inform the public that FGC intends for ocean salmon and Pacific halibut recreational fishing regulations to auto-conform to federal regulations in 2018.

At its Aug 16, 2017 meeting, FGC adopted regulations that allow a process to auto-conform state ocean salmon and Pacific halibut recreational fishing regulations to federal regulations. The auto-conformance regulations will go into effect on Jan 1, 2018; Exhibit 1 provides an outline of the auto-conformance process.

If deemed necessary, FGC may adopt ocean salmon and/or Pacific halibut recreational fishing regulations different from federal regulations. However, since FGC is not initiating the regular rulemaking process at this meeting, if it decides to adopt regulations different from federal regulations, it may need to take emergency action at a future meeting in order to have the regulations effective by May 1, 2018.

At this time, there is no indication that the state may need to consider regulations different from federal regulations. Therefore, rulemakings for ocean salmon and Pacific halibut recreational fishing regulations are not proposed for 2018.

Significant Public Comments (N/A)**Recommendation**

FGC staff: Use the auto-conformance process for ocean salmon and Pacific halibut recreational fishing regulations in 2018.

Exhibits

1. [Staff summary for Aug 16, 2017, item 17.](#)

Motion/Direction (N/A)

STAFF SUMMARY FOR AUGUST 16, 2017

17. FISHERIES AUTOMATIC CONFORMANCE PROCESS**Today's Item**Information Action

Adopt proposed regulation for a process to automatically conform state recreational fishing regulations to federal regulations.

Summary of Previous/Future Actions

- Notice hearing Apr 26-27, 2017; Van Nuys
- Discussion hearing Jun 21-22, 2017; Smith River
- **Today's adoption hearing Aug 16, 2017; Sacramento**

Background

For species managed under federal fishery management plans or regulation, FGC usually takes concurrent action to conform State recreational regulations to federal regulations adopted by the National Marine Fisheries Services (NMFS); this dual process is redundant and inefficient. The proposed regulation, Section 1.95, Title 14, will establish a process through which State recreational fishing regulations for salmon and Pacific halibut will automatically conform to federal regulations, unless FGC adopts regulations for said species using the regular rulemaking process.

For annual regulations or corrections to annual regulations for salmon and Pacific halibut, the proposed regulation would require, no later than 10 days after federal regulations are published in the Federal Register, that:

- FGC submit amended State regulations to the Office of Administrative Law for publication in the California Code of Regulations, and file the amended State regulations with the Secretary of State;
- DFW issue a news release announcing the Federal Register in which the federal regulations are published and the effective date of the conformed State regulations;
- FGC mail or email the news release to interested parties;
- To the extent practicable, DFW provide information on any changes to the State regulations via public contact, electronic notification, and online and printed publications.

The proposed regulation would also require that an update on the conformed State regulations be included on the agenda of the next regularly-scheduled FGC meeting.

For in-season changes to regulations for salmon and Pacific halibut, the proposed regulation indicates that State regulations shall conform to the applicable federal regulations publicly noticed through the NMFS ocean salmon hotline and NMFS Area 2A Pacific halibut hotline, respectively.

STAFF SUMMARY FOR AUGUST 16, 2017

Significant Public Comments

1. One oral comment in support of the proposed regulation was received at the Jun 22, 2017 FGC meeting.

Recommendation

FGC staff: Adopt the regulation as proposed.

Exhibits

1. DFW memo, received Apr 11, 2017
2. Initial statement of reasons
3. Draft notice of exemption

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts proposed Section 1.95, related to a process to conform State recreational fishing regulations to federal regulations and that the Commission has determined, based on the record, this approval is exempt from the California Environmental Quality Act pursuant to the guidelines in Title 14 sections 15307 and 15308.