For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
In the office of the Secretary of State of the State of California

NOV 2 0 2017
1:43pm

OFFICE OF ADMINISTRATIVE LAW

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

1. SUBJECT OF NOTICE
   Process conform State regulations to federal rules

2. REQUESTED PUBLICATION DATE
   May 19, 2017

3. NOTICE TYPE
   Notice re Proposed Regulatory Action

4. AGENCY CONTACT PERSON
   Sherrie Fonbuena
   TELEPHONE NUMBER
   (916) 654-9866
   FAX NUMBER (Optional)
   (916) 653-5040

5. OAL USE ONLY
   ACTION ON PROPOSED NOTICE
   Approved as Submitted
   Approved as Modified
   Disapproved/Withdrawn
   NOTICE REGISTER NUMBER
   PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
   Process conform State regulations to federal rules

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
   2017-0908-04a

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.)
   TITLE(S)
   14

3. TYPE OF FILING
   Regular Rulemaking (Gov. Code §11346)
   Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.4)
   Emergency (Gov. Code, §11346.10)

   Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §11346.2-11347.3, 11349.4, and 11346.10 before the emergency regulation was adopted or within the time period required by statute.

   Emergency Readopt (Gov. Code, §11346.1(h))
   Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
   Other (Specify)

   Emergency Readopt (Gov. Code, §11346.1(h))
   Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
   File & Print

   Effective on filing with Secretary of State
   Effective October 1, 2004

   $100 Changes Without Regulatory Effect
   Effective 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 §11347.5)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343, 11343.1, 11346.1; Cal. Code Regs., title 1, §100)
   Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))

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)
   Fair Political Practices Commission
   State Fire Marshal
   Other (Specify)

7. CONTACT PERSON
   Sherrie Fonbuena
   TELEPHONE NUMBER
   (916) 654-9866
   FAX NUMBER (Optional)
   (916) 653-5040
   E-MAIL ADDRESS (Optional)
   Sherrie.Fonbuena@fgc.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified in 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

   DATE
   November 3, 2017

   FOR USE BY OFFICE OF ADMINISTRATIVE LAW (OAL) ONLY

   ENDORSED APPROVED
   NOV 20 2017
   Office of Administrative Law
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.