

Regulatory Language

Section 8.02, Title 14, CCR is added to read:

§ 8.02. Special Measures for Sport Fishing to Protect Public Health from the Immediate Threat Posed by COVID-19.

(a) The commission has established a quick response process to temporarily suspend, delay, or restrict sport (also known as recreational) fishing to protect public health from the immediate threat posed by COVID-19, including deviation from the automatic conformance process for salmon and Pacific halibut provided in Section 1.95.

(b) The department shall temporarily close any waters of the state to sport fishing or restrict the sport take of any species of fish if the director, or his designee, after consulting with the president of the commission, or the president's designee, finds that such action is necessary to protect public health from the immediate threat posed by COVID-19 after considering:

- (1) Current public health guidance from the director of the California Department of Public Health,
- (2) Current public health guidance from the primary public health official of any county or Native American tribal government that would be affected by the closure or restriction on take,
- (3) Current public health guidance from the federal Centers for Disease Control and Prevention, and
- (4) The need to preserve public safety based on input from state, federal, tribal, or local law enforcement or other government agencies.

(c) The department shall reopen any waters or lift any restrictions on the taking of a fish species imposed pursuant to subsection (b) when the director, or his designee, after consulting with the president of the commission, or the president's designee, and after considering current public health guidance and the need to preserve public safety, finds that the closures of those waters or restrictions on the taking of a fish species is no longer necessary to protect public health from the immediate threat posed by COVID-19.

(d) It shall be unlawful to take fish in any waters of the state closed to sport fishing or in violation of any restrictions imposed on the sport take of a fish species pursuant to this section.

(e) The department shall maintain a list of affected waters and restrictions on the taking of a fish species imposed pursuant to subsection (b) and update that list daily by 7:00 pm. The fishing status for each specific water or fish species shall take effect at 12:01 am on the day immediately following the update. It shall be the responsibility of the fisher to use the telephone number provided below or to check the department's website at <https://www.wildlife.ca.gov/Regulations> to obtain the current status of any water and restrictions on the taking of a fish species. The number to call for information is (916) 445-7600.

(f) At each regularly-scheduled commission meeting, the department shall report on any action taken pursuant to this section since the previous report. While this regulation is in effect, the commission shall maintain a standing agenda item for this report to allow for public comment and commission discussion. The department shall consider any discussion or vote by the commission and public comment during those agenda items to determine whether further action is warranted under subsection (b).

(g) This section shall remain in effect through May 31, 2020, and shall be repealed effective June 1, 2020.

Note: Authority cited: Sections 200, 205 and 399, Fish and Game Code. Reference: Sections 200, 205 and 399, Fish and Game Code.