

STAFF SUMMARY FOR DECEMBER 12-13, 2018

7. RECREATIONAL AND COMMERCIAL GROUND FISH**Today's Item****Information** ☐**Action** ☒

Consider adopting proposed changes to recreational and commercial groundfish regulations.

Summary of Previous/Future Actions

- Notice hearing Aug 22-23, 2018; Fortuna
- Discussion hearing Oct 17, 2018; Fresno
- **Today's adoption hearing Dec 12-13, 2018; Oceanside**

Background

On Jun 12, 2018, the Pacific Fishery Management Council recommended changes to federal rules for annual catch limits and recreational groundfish fishing in California for 2019 and 2020, which are expected to go into effect on or around Jan 1, 2019. Changes are proposed that would make regulations for state waters consistent with the new federal regulations (Exhibit 1).

Proposed Amendments

1. Increase allowable depths and season lengths for specific recreational fisheries in identified management and conservation areas.
2. Increase or decrease the recreational bag limit for specific fisheries in identified areas.
3. Increase commercial trip limits for cabezon and greenling.

See Exhibit 2 for details of the proposed changes. Today, DFW will make a presentation summarizing the federal process and proposed regulation changes for state waters (Exhibit 3).

California Environmental Quality Act (CEQA)

A notice of exemption (Exhibit 4) has been drafted consistent with FGC staff's recommendation to rely on CEQA categorical exemptions (Class 7 and 8) for these regulation changes. Staff has reviewed all of the available information possessed by FGC relevant to the issue and does not believe adopting the regulation changes pose any unusual circumstances that would constitute an exception to the categorical exemptions set forth above. Compared to the activities that fall within Class 7 and Class 8 generally, which include the example of wildlife preservation activities, such as the effort here, there is nothing unusual about the proposed regulation changes. In addition, even if there were unusual circumstances, no potentially significant effects on either a project-specific or cumulative basis are expected.

The intent of the proposed regulation changes is to conform State regulations with federal regulations to maintain continued State authority over its recreational ocean salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act (Title 16, United States Code, Section 1856 (b)(1)). The regulation changes are anticipated to achieve optimum yield in the fishery, but also to prevent overfishing and thereby take into consideration the potential for negative impacts on the fishery. Therefore, FGC staff does not believe that

STAFF SUMMARY FOR DECEMBER 12-13, 2018

reliance on the categorical exemptions is precluded by the exceptions set forth in CEQA Guidelines Section 15300.2.

Significant Public Comments

Thirteen comments were received that oppose the recreational lingcod bag limit of one fish south of Cape Mendocino. Concerns include an unnecessary reduction for divers and transparency in the scientific evidence for the decision (example in Exhibit 6), views that fish stocks are large enough to support higher limits (example in Exhibit 7), and decreases in DFW revenue (example in Exhibit 6). One organization highlights the economic cost of the regulation to businesses that support vessel owners and anglers (Exhibit 8).

FGC staff response: Lingcod limits are set by federal government regulations, and state regulations may not be less restrictive than federal limits.

Recommendation

FGC staff: Determine that the adoption is exempt consistent with the draft notice of exemption and adopt the proposed regulation changes as recommended by DFW.

DFW: Adopt the regulation changes as proposed.

Exhibits

1. [DFW memo, received Jul 30, 2018](#)
2. [Initial statement of reasons](#)
3. [DFW presentation](#)
4. [Draft notice of exemption](#)
5. [Economic and fiscal impact statement \(Std. 399\)](#)
6. [Email from Jacob Del Nero, received Oct 18, 2018](#)
7. [Email from Jeremy Liem, received Oct 19, 2018](#)
8. [Email from Andy Guillian, Fish Emeryville, received Oct 19, 2018](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission determines the project is exempt from the California Environmental Quality Act as being categorically exempt and adopts proposed changes to Section 27.30 et al., related to recreational and commercial groundfish.

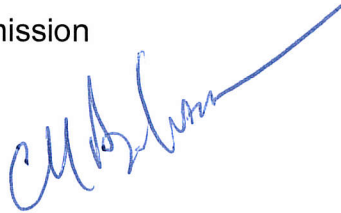
2018 JUL 30 PM 1:30

Memorandum

Date: July 26, 2018

To: Valerie Termini
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: Agenda Item for the August 22-23, 2018 Fish and Game Commission Meeting re: Recreational and Commercial Fishing Regulations for Federal Groundfish and Associated Species for Consistency with Federal Rules for 2019 and 2020

At its June 7-12, 2018 meeting, the Pacific Fishery Management Council recommended changes to annual catch limits and recreational fishing regulations for federally managed groundfish species for the 2019-2020 management cycle. In addition, attainment of commercial harvest limits for cabezon and greenling have been low and trip limits need to be adjusted accordingly.

In order to have conforming State regulations in place before fishing begins in 2019, the Department of Fish and Wildlife (Department) requests the Fish and Game Commission authorize publication of notice of its intent to consider amendment of its recreational and commercial fishing regulations for federally managed groundfish species at its August 22-23, 2018 meeting.

The Department's Initial Statement of Reasons is attached, which proposes regulatory changes needed to align state regulations with the range of federal regulations expected to be in effect for 2019 and 2020 and to increase fishing opportunity while staying within harvest limits. The changes result in modifications to recreational season lengths, depth restrictions, and bag limits for federally managed groundfish and state-managed species, which associate with federal groundfish. The changes also result in modifications to Total Allowable Catch levels as well as increases to commercial trip limits for cabezon and greenling.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Regional Manager of the Marine Region, at (916) 445-6459. The public notice should identify Environmental Scientist, Laura Ryley as the Department's point of contact for this rulemaking. Ms. Ryley can be reached at (831) 649-7142 or at Laura.Ryley@wildlife.ca.gov.

Valerie Termini, Executive Director
Fish and Game Commission
July 10, 2018
Page 2

Attachment

cc: Stafford Lehr, Deputy Director
Wildlife and Fisheries Division
Stafford.Lehr@wildlife.ca.gov

Craig Shuman, D. Env.
Regional Manager
Marine Region (Region 7)
Craig.Shuman@wildlife.ca.gov

Mike Stefanak, Assistant Chief
Law Enforcement Division
Mike.Stefanak@Wildlife.ca.gov

Marci Yaremko, Program Manager
State and Federal Fisheries
Marine Region (Region 7)
Marci.Yaremko@wildlife.ca.gov

Laura Ryley, Environmental Scientist
Marine Region (Region 7)
Laura.Ryley@wildlife.ca.gov

Michelle Selmon, Program Manager
Regulations Unit
Wildlife and Fisheries Division
Michelle.Selmon@wildlife.ca.gov

Karen Mitchell
Senior Environmental Scientist
Regulations Unit
Wildlife and Fisheries Division
Karen.Mitchell@wildlife.ca.gov

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Sections 27.30,
27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10 and 150.16

Title 14, California Code of Regulations

Re: Recreational and Commercial Fishing Regulations for Federal Groundfish and Associated Species for Consistency with Federal Rules for 2019 and 2020

- I. Date of Initial Statement of Reasons: June 18, 2018
- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: August 22, 2018
Location: Fortuna, CA
 - (b) Discussion Hearing Date: October 17, 2018
Location: Fresno, CA
 - (c) Adoption Hearing: Date: December 12, 2018
Location: Oceanside, CA
- III. Description of Regulatory Action:
 - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Biennially, the Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations. As part of that process, it recommends groundfish fisheries harvest limits and regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan (FGFMP). These recommendations coordinate west coast management of recreational and commercial groundfish fisheries in the Exclusive Economic Zone (EEZ) (three to 200 miles offshore) off Washington, Oregon and California. These recommendations are subsequently implemented as federal fishing regulations by the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries).

Under California law (California Fish and Game Code sections 200, 205, 7071, and 8587.1), the California Fish and Game Commission (Commission) adopts and/or automatically conforms regulations for the recreational and nearshore commercial groundfish fisheries in State waters zero to three miles from shore. Regulatory authority for most nearshore stocks is shared jointly between State and federal governments under the FGFMP and the Nearshore Fishery Management Plan (NFMP). Management of federal groundfish and associated species is based on PFMC-established federal annual catch limits (ACL); in the NFMP these state management limits are called total allowable catch (TAC). ACLs and TACs serve the same purpose of setting a limit on catch. Federal regulations establish management measures for most

nearshore stocks, but defer to State rules on commercial trip limits for cabezon and greenling.

Title 14 regulations specify statewide TACs and commercial trip limits for cabezon and greenlings of the genus *Hexagrammos* (Sections 52.10, 150.16). Until recently, TACs specified in Title 14 have been lower than the ACLs established in federal regulations. Starting in 2019, the federal ACL for cabezon will be lower than the State TAC creating an inconsistency between State and federally established harvest limits.

The California Department of Fish and Wildlife (Department) actively manages cabezon and greenlings to stay within the TAC and recreational and commercial allocations. Although recent attainment of commercial allocations for cabezon and greenling have been low, trip limits have not been adjusted accordingly. Trip limit increases will benefit businesses that rely on commercial groundfish fishing.

It is important to have consistent State and federal regulations establishing harvest limits, season dates, depth constraints and other management measures, and also important that the State and federal regulations be effective concurrently. Consistency of rules in adjacent waters allows for uniformity of enforcement, minimizes confusion which promotes compliance, and allows for a comprehensive approach to resource management. Consistency with federal regulations is also necessary to maintain State authority over its recreational groundfish fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation and Management Act [16 USC §1856 (b)(1)].

On June 12, 2018, the PFMC recommended changes for annual catch limits and recreational groundfish fishing in California for 2019 and 2020, which are expected to go into effect on or around January 1, 2019.

Present Regulations

Recreational

Existing law authorizes the recreational take of groundfish subject to regulations set forth by federal and State authorities. Current regulations establish season lengths, depth constraints, methods of take, as well as size, bag and possession limits within the five groundfish management areas for all federal groundfish and associated species [sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, and 28.56 Title 14, CCR].

Species or Species Groups Which May be Taken or Possessed

Present regulations allow anglers to take and possess federally-managed groundfish species as defined in Section 1.91 when the fishing season is open. Regulations also establish that California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*, which are State-managed species known to associate with federal groundfish, can be taken and possessed only when the season is open to recreational groundfish fishing.

Season Length and Depth Constraints

Current regulations specify seasons and depth constraints for the five groundfish management areas in ocean waters off California. These regulations serve as management tools that are adjusted biennially to ensure that mortality of both

overfished and non-overfished stocks remain within allowable limits. The current seasons and depth constraints were designed to maximize harvest of healthy stocks while staying within allowable limits for overfished species.

The Northern and Mendocino Management Areas have an eight month season with a depth constraint of 30 fathoms and 20 fathoms (respectively) from May to October and no depth constraint during November and December. The San Francisco Management Area has an eight and a half month season, with a depth constraint of 40 fathoms. The Central Management Area has a nine month season, with a depth constraint of 50 fathoms. The Southern Management Area has the least restrictive regulations, with a 10 month season and a depth constraint of 60 fathoms. The Cowcod Conservation Areas provide discrete depth limits within the Southern Management Area.

Bag Limits

Present regulations establish bag limits which vary by species or species groups and are designed to keep harvest within allowable limits.

Commercial

Current regulations establish total allowable catches, allocations, and trip limits for federal groundfish and associated species [sections 52.10, 150.16, Title 14, CCR].

Total Allowable Catch and Allocations

Current state regulations describe TACs for California sheephead, cabezon, and greenling. TACs include a precautionary reduction to reflect uncertainty about the status of each stock when the NFMP was adopted, which was consistent with PFMC actions at that time for nearshore rockfish. The PFMC has since amended its framework for setting harvest limits to meet new requirements of the Magnuson-Stevens Fishery Conservation and Management Act and to be consistent with National Standard guidelines. The revised guidelines introduced and/or defined new fishery management concepts that are designed to better account for scientific and management uncertainty and to prevent overfishing which now makes additional precautionary reductions to federal ACLs redundant and unnecessary.

Trip Limits

Current regulations establish cumulative two-month trip limits for cabezon and greenlings statewide. Cumulative trip limits for cabezon range from 100 pounds to 500 pounds per two-months; greenling ranges from 150 pounds to 200 pounds. Trip limits were designed to spread allowable catches through the open season to the extent possible to prevent early attainment of annual limits.

Proposed Regulations

The Department is proposing the following regulatory changes to be consistent with PFMC recommendations for federal groundfish regulations in 2019 and 2020. Other changes are proposed to increase commercial trip limits for cabezon and greenling and simplify regulations.

This approach will allow the Commission to adopt State recreational groundfish regulations to timely conform to those taking effect in federal ocean waters in January 2019.

Recreational

The proposed regulatory changes increase the season length in the San Francisco Management Area by two weeks as a result of increases in allowable take of yelloweye rockfish (Figure 1). This would align the season start dates for the San Francisco and Central Management Areas.

The latest rebuilding analysis for yelloweye rockfish, completed in December 2017, indicated the stock is rebuilding 47 years faster than estimated in 2011. Due to the estimated acceleration in the rebuilding progress of the stock, harvest limits have increased. The proposed change in San Francisco Management Area season length is not expected to have any effect on the rebuilding process of this stock or the time needed to rebuild.

The California scorpionfish season length is proposed to increase in four of the five management areas (Mendocino, San Francisco, Central, and Southern) as a result of changes in allowable take of California scorpionfish.

Total mortality of California scorpionfish has been below the annual catch limit in recent years. In addition, the most recent stock assessment indicated that California scorpionfish is healthy and the harvest limit doubled compared to previous years. This optimistic outlook on stock status coupled with lower mortality in recent years suggests that the length of the California scorpionfish season can be increased by removing the September 1 to December 31 closure in the Mendocino, San Francisco, Central, and Southern Management Areas.

The depth restrictions in the Southern Management Area and the Cowcod Conservation Area (CCA) are proposed to be changed from 60 to 75 fathoms and 20 to 40 fathoms, respectively (Figure 1) as a result of changes in allowable take levels.

Cowcod was last assessed in 2013. At that time, it was rebuilding much quicker than anticipated and is expected to be rebuilt by 2020. Recent mortality has been far below annual catch limits and the harvest limit was increased compared to previous years. The proposed changes to depth restrictions in the Southern Management Area and CCA are not expected to have any effect on the rebuilding progress of this stock or the time needed to rebuild.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	Closed				May 1 – Oct 31 <30fm						All Depth	
Mendocino	Closed				May 1 – Oct 31 <20fm						All Depth	
San Francisco	Closed			Apr 1 – Dec 31 <40 fm								
Central	Closed			Apr 1 – Dec 31 <50 fm								
Southern	Closed		Mar 1 – Dec 31 <75 fm									
CCA	Closed		Mar 1 – Dec 31 <40 fm									

Figure 1. California recreational groundfish season structure in 2019 and 2020 as recommended by the PFMC in June 2018.

The proposed regulations increase the bag limit for canary rockfish from one fish to two fish in all management areas. The proposed increase can be accommodated within the

harvest guideline.

The proposed regulations decrease the bag limit for lingcod from two to one fish in the Mendocino, San Francisco, Central, and Southern Management Areas. A lower bag limit is needed to keep catches within allowable limits.

Commercial

The proposed regulatory changes eliminate numerical values for cabezon and greenling TACs. Although federal ACLs have changed over time, TACs have not been updated accordingly. Given that the numerical values no longer reflect best available information, and in some instances are more liberal than federal ACLs, referencing ACLs in federal regulation is appropriate.

The proposed changes also eliminate references to recreational and commercial allocations from Section 52.10. These numerical values are redundant and duplicative of allocations described in Section 52.05(d), Title 14. Removing references to numerical values for TACs and allocations from Section 52.10 will decrease workload for future rulemakings that arise from changes to federal ACLs.

The proposed regulations also increase commercial trip limits for cabezon and greenling (Figure 2). Both stocks have been under-harvested in recent years. Offering a modest increase can be accommodated under federal harvest limits, will set the limits the same for each two month period for consistency, and will uphold the Department's obligation under the NFMP.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Cabezon	500 lb/ 2 months		500 lb/ 2 months		500 lb/ 2 months		500 lb/ 2 months		500 lb/ 2 months		500 lb/ 2 months	
Greenling	250 lb/ 2 months		250 lb/ 2 months		250 lb/ 2 months		250 lb/ 2 months		250 lb/ 2 months		250 lb/ 2 months	

Figure 2. Proposed commercial trip limits in pounds per individual two month period for cabezon and greenling statewide.

Update to Authority and Reference Citations Based on Recent Legislation

Senate Bill 1473 (Stats. 2016, Ch. 546) made organizational changes to the Fish and Game Code that became effective January 1, 2017. The changes included moving the Commission's exemptions from specified Administrative Procedure Act time frames from Section 202 to Section 265 of the Fish and Game Code, and moving the Commission's effective period procedures from Section 220 to Section 275 of the Fish and Game Code. In accordance with these changes to the Fish and Game Code, sections 202 and 220 are removed from, and sections 265 and 275 are added to, the authority and reference citations for this rulemaking.

(b) Goals and Benefits of the Regulation:

It is the policy of this State to encourage the conservation, sustainable use, and where feasible, restoration of California's marine living resources for the benefit of all citizens of the State (Section 7050, Fish and Game Code). Benefits of the proposed continuation of the reasonable and sustainable management of groundfish resources and the protection of listed and special status species. Adoption of scientifically-based

seasons, depth restrictions, recreational bag limits, and commercial trip limits provide for the maintenance of sufficient populations of groundfish to ensure their continued existence.

(c) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 205, 265, 275, 702, 7071 and 8587.1, Fish and Game Code.

Reference: Sections 200, 205, 240, 265, 275, 1802, 7071 and 8585.5, Fish and Game Code; Title 50, Code of Federal Regulations, Part 660, Subpart G.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change:

Pacific Coast Groundfish Fishery 2019-2020 Harvest Specifications and Management Measures https://www.pcouncil.org/wp-content/uploads/2018/06/E4_Supp_REVISEDAtt2_2019-20_GFSpexEA_E-Only_June2018BB.pdf

Pacific Coast Groundfish Fishery Management Plan for the California, Oregon, and Washington Groundfish Fishery. August 2016. Pacific Fishery Management Council. http://www.pcouncil.org/wp-content/uploads/2017/03/GF_FMP_FinalThruA27-Aug2016.pdf

Nearshore Fishery Management Plan. Adopted October 25, 2002. Department of Fish and Game. <http://www.dfg.ca.gov/marine/nfmp/index.asp>

(f) Public Discussions of Proposed Regulations Prior to Notice Publication:

Pacific Fishery Management Council meetings where the proposed regulations for the 2019 and 2020 recreational groundfish and associated species were discussed:

- September 11-18, 2017, Boise, ID
- November 14-20, 2017, Costa Mesa, CA
- March 8-14, 2018, Sonoma, CA
- April 5-11, 2018, Portland, OR
- June 7-13, 2018, Spokane, WA

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(c) No Change Alternative:

Under the No Change Alternative, State law would be inconsistent with federal law. Inconsistency in regulations will create confusion among the public and may result in

laws that are difficult to enforce. Additional opportunity expected to come with the federal regulation changes effective in January 2019 would not be realized.

It is critical to have consistent State and federal regulations establishing harvest limits, season dates, depth constraints and other management measures, and also critical that the State and federal regulations be effective concurrently. Consistency with federal regulations is also necessary to maintain State authority over its recreational and nearshore commercial groundfish fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation and Management Act [16 USC §1856 (b)(1)].

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Department anticipates increased opportunities for the recreational and commercial groundfish fishery in 2019-2020 compared to 2018.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any significant impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Participation in sport fisheries opportunities fosters conservation through education and appreciation of California's wildlife.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport and commercial fishing resources.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

(e) Nondiscretionary Costs/Savings to Local Agencies:

None

(f) Programs Mandated on Local Agencies or School Districts:

None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None

(h) Effect on Housing Costs:

None

VII. Economic Impact Assessment

Recreational

Recreational groundfish fisheries are broadly sub-divided between private anglers and commercial passenger fishing vessels. The economic impact of regulatory changes for recreational fisheries may be estimated by tracking the resulting changes in fishing effort, angler trips and length of stay in the fishery areas. Distance traveled affects gas and other travel expenditures. Daytrips and overnight trips involve different levels of spending for gas, food, and accommodations at area businesses as well as different levels of sales tax impacts. Direct expenditures ripple through the economy, as receiving businesses buy intermediate goods from suppliers that then spend that revenue again. Business spending on wages is received by workers who then spend that income, some of which goes to local businesses. Recreational fisheries spending, thus multiplies throughout the economy with the indirect and induced effects of the initial direct expenditure.

The adoption of scientifically-based regulations provides for the maintenance of sufficient populations of groundfish to ensure their continued existence and future groundfish sport fishing opportunities that in turn support the fishery economy. In a 2015 Fisheries Economics

Report by NOAA Fisheries, all marine recreational anglers trip-related and equipment expenditures sum to approximately \$1.5 billion in California. Coupled with the indirect and induced effects of this \$1.5 billion direct revenue contribution, the total realized economic benefit to California is estimated at \$3.6 billion in total economic output annually. This corresponds with about \$800 million in total wages to Californians, which affects about 16,500 jobs in the State, annually. While the precise share of these expenditures attributed solely to groundfish anglers is not known, we do know that the groundfish fishery constitutes a large share of the State's recreational angler activity.

The proposed regulations will modify State recreational groundfish regulations to conform to federal rules. Currently, State regulations for groundfish provide for: season lengths, depth restrictions, size limits, bag limits, and retention allowances. In adopting these conforming regulations, the State relies on information provided in PFMC documents which includes analysis of impacts to California (https://www.pcouncil.org/wp-content/uploads/2018/06/E4_Supp_REVISEDAtt2_2019-20_GFSpexEA_E-Only_June2018BB.pdf).

For public notice purposes to facilitate Commission discussion, the Department is proposing regulatory changes to encompass the range of federal groundfish regulations that are expected to be in effect for 2019 and 2020. The proposed regulatory changes increase the sub-bag limit for canary rockfish from one to two fish, and decrease the bag limit for lingcod south of 40° 10' N. latitude from two to one fish.

The proposed regulatory changes change the depth restrictions in the Southern Management Area from 60 to 75 fathoms and change the depth restriction in the western Cowcod Conservation Area (CCA) from 20 to 40 fathoms.

The proposed regulations increase the season length in the San Francisco Management Area by two weeks. In addition, proposed regulations increase the season length for California scorpionfish in four of the management areas (Mendocino, San Francisco, Central, and Southern) by removing the September 1 to December 31 closure.

The range of estimated impact on angler trips by management area and the percent increase from the status quo is presented in Table 1. The economic impacts may be close to status quo however; some increased revenues are expected, providing economic benefit to the greater community.

Table 1. Estimated Impact on Angler Trips by Management Area.

Management Area	Impact on Angler Trips	Percent Increase over Status Quo
Northern	Status Quo	Status Quo
Mendocino	Status Quo	Status Quo
San Francisco	Status Quo + 1,375 Trips	Increase of 2%
Central	Status Quo	Status Quo
Southern	Status Quo	Status Quo*

*A 15 fathom increase in depth is being considered. Economic effects of this depth increase and the increase inside the Cowcod Conservation Area cannot be quantified.

Sport fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that recreationally pursue groundfish off California may be positively affected to some degree from increases to business that may result under the range of proposed regulations. However, anticipated impacts may vary by geographic location. Additionally, economic impacts to these same businesses may result from a number of factors unrelated to the proposed changes to groundfish fishing regulations, including weather, fuel prices, and success rates in other marine recreational fisheries such as salmon and albacore.

Commercial

The economic impact of regulatory changes for commercial fisheries may be estimated by tracking the resulting changes in fishing effort, amount landed, price paid per pound, and employment generated through the catch or processing of the fish. Fishing effort affects fuel, and other trip expenditures. Landings and price paid per pound affect employment and income. Direct expenditures related to commercial fishing as well as business spending on wages received by workers ripple through the economy, some of which goes to local businesses. Commercial fisheries spending, thus multiplies throughout the economy with the indirect and induced effects of the initial direct expenditure.

In a 2015 Fisheries Economics Report by NOAA Fisheries, about \$1.3 million in total commercial fishing landings revenue generated about \$750 million in sales throughout the state marine economy. The state marine economy includes several marine-related industries: commercial harvesters, seafood processors and dealers, seafood wholesalers and distributors, and retail seafood sales. Commercial fishing landings revenue also generates about \$300 million in total wages to Californians, which affects about 9,000 jobs in the State, annually. While the precise share of these expenditures attributed solely to nearshore groundfish fishermen is not known, the nearshore groundfish fishery plays an important role in the economy of several California communities.

The proposed regulations increase commercial trip limits for cabezon and greenling. Commercial fishing industry businesses and coastal communities may realize positive benefits from increased greenling and cabezon bimonthly trip limits and catches, and a decrease in regulatory discarding; however the extent of anticipated impacts are speculative. Economic impacts to these same businesses may result from a number of factors unrelated to the proposed changes to groundfish fishing regulations that are described in the recreational section above.

Effects of the regulation on the creation or elimination of jobs within the State

The cumulative effects of the changes statewide are estimated to be neutral to job elimination and potentially positive to job creation in California. No significant changes in fishing effort and fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State

The cumulative effects of the changes statewide are expected to be neutral to business elimination and potentially positive to the creation of businesses in California. No significant

changes in fishing effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

Effects of the regulation on the expansion of businesses currently doing business within the State

The cumulative effects of the changes statewide are expected to be neutral to positive to the expansion of businesses currently doing business in California. No significant changes in fishing effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

Benefits of the regulation to the health and welfare of California residents

Providing increased fishing opportunities for groundfish encourages recreation, which can have a positive impact on the health and welfare of California residents. Groundfish taken in the sport and commercial fishery and later consumed may have positive human health benefits due to their concentration of omega III fatty acids.

Benefits of the regulation to worker safety

The proposed regulations are not anticipated to impact worker safety conditions.

Benefits of the regulation to the State's environment

It is the policy of this State to encourage the conservation, sustainable use, and where feasible, restoration of California's marine living resources for the benefit of all citizens of the State (Section 7050, Fish and Game Code). Benefits of the proposed management actions include increased fishing opportunity, along with the continuation of the reasonable and sustainable management of groundfish resources and the protection of listed and special status species. Adoption of scientifically-based seasons, depth restrictions, recreational bag limits, and commercial trip limits provide for the maintenance of sufficient populations of groundfish to ensure their continued existence.

Concurrence with Federal Law.

The PPMC reviews the status of groundfish regulations biennially. As part of that process, it recommends regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan. These recommendations coordinate management of recreational and commercial groundfish in the EEZ (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. These recommendations are subsequently implemented as ocean fishing regulations by NOAA Fisheries.

California's sport fishing regulations need to conform to, or be more restrictive than, federal regulations to ensure that biological and fishery allocation goals are not exceeded.

Informative Digest/Policy Statement Overview

Biennially, the Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations. As part of that process, it recommends groundfish fisheries harvest limits and regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan (FGFMP).

These recommendations coordinate west coast management of recreational and commercial groundfish fisheries in the Exclusive Economic Zone (EEZ) (three to 200 miles offshore) off Washington, Oregon and California. These recommendations are subsequently implemented as federal fishing regulations by the National Oceanic and Atmospheric Administration National Marine Fisheries Service NOAA Fisheries.

Regulatory authority for most nearshore stocks is shared jointly between State and federal governments. For consistency, the California Fish and Game Commission (Commission) routinely adopts regulations to bring State law into conformance with federal law for groundfish and other federally-managed species. Nearshore stocks are managed based on both PFMC-established federal annual catch limits (ACL), and Commission-established total allowable catch (TAC) values. ACLs and TACs serve the same purpose of setting a limit on catch.

Current regulations establish recreational season lengths, depth constraints, methods of take, and size, bag and possession limits within the five groundfish management areas for all federal groundfish and associated species.

Current State regulations also provide for a statewide TAC for cabezon and greenlings of the genus *Hexagrammos* along with allocation of these TACs between the recreational and commercial fishery sectors, and commercial trip limits for cabezon and greenling. Until recently, TACs specified in Title 14 have been lower than the ACLs established in federal regulations. Starting in 2019, the federal ACL for cabezon will be lower than the State TAC.

Modest increases to trip limits can be accommodated under federal ACLs since commercial cabezon and greenling landings have fallen below ACLs in recent years.

Summary of Proposed Amendments

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations for federal groundfish regulations in 2019 and 2020. This approach will allow the Commission to adopt State recreational groundfish regulations to timely conform to those taking effect in federal ocean waters in January 2019.

The proposed regulatory changes will implement the following changes:

1. Increase the allowable depth for the recreational groundfish fishery from 60 to 75 fathoms in the Southern Management Area and from 20 to 40 fathoms in the Cowcod Conservation Area;
2. Increase the recreational season length for groundfish in the San Francisco Management Area by two weeks;
3. Increase the recreational season length for California scorpionfish by removing the September 1 to December 31 closure in the Mendocino, San Francisco, Central and Southern Management Areas;
4. Increase the recreational bag limit for canary rockfish from one to two fish statewide;
5. Decrease the recreational bag limit for lingcod from two to one fish in Mendocino, San Francisco, Central, and Southern Management Areas;

6. Replace language referencing numerical values for cabezon and greenling total allowable catch limits with references to federal annual catch limits in federal regulation;
7. Eliminate language referencing allocation limits for cabezon and greenling from Section 52.10; and
8. Increase commercial trip limits to 500 pounds for cabezon and 250 pounds for greenling.

The benefits of the proposed regulations are consistency with federal law, sustainable management of groundfish resources and promotion of businesses that rely on recreational and commercial groundfish fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt fishing regulations (Fish and Game Code, sections 200, 205 and 265). The proposed regulations are consistent with regulations for fishing in marine protected areas (Section 632, Title 14, CCR), with Nearshore Fishery Management Plan regulations (Sections 52.00 through 52.10, Title 14, CCR) and with general fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the take of groundfish.

Update to Authority and Reference Citations Based on Recent Legislation

Senate Bill 1473 (Stats. 2016, Ch. 546) made organizational changes to the Fish and Game Code that became effective January 1, 2017. The changes included moving the Commission's exemptions from specified Administrative Procedure Act time frames from Section 202 to Section 265 of the Fish and Game Code, and moving the Commission's effective period procedures from Section 220 to Section 275 of the Fish and Game Code. In accordance with these changes to the Fish and Game Code, sections 202 and 220 are removed from, and sections 265 and 275 are added to, the authority and reference citations for this rulemaking.

Regulatory Language

Amend Section 27.30, Title 14, CCR, as follows:

§ 27.30. Mendocino Groundfish Management Area.

This Section applies to take and possession of federally-managed groundfish species as defined in Section 1.91, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Mendocino Groundfish Management Area means ocean waters between 40° 00' N. lat. (near Cape Mendocino, Humboldt County) and 38° 57.50' N. lat. (at Point Arena, Mendocino County).

(b) Seasons and depth constraints ~~(except as provided in subsection (c) below)~~:

(1) January 1 through April 30: Closed.

(2) May 1 through October 31: Take of all species is prohibited seaward of 20 fathoms in depth as described by general depth contour lines along the mainland coast and along islands and offshore seamounts.

(3) November 1 through December 31: Open for all species with no depth restrictions.

~~(c) California scorpionfish.~~

~~(1) May 1 through August 31: Take is prohibited seaward of 20 fathoms in depth as described by general depth contour lines along the mainland coast and along islands and offshore seamounts.~~

~~(2) September 1 through December 31: Closed.~~

Note: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G.

Amend Section 27.35, Title 14, CCR, as follows:

§ 27.35. San Francisco Groundfish Management Area.

This Section applies to take and possession of federally-managed groundfish species as defined in Section 1.91, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The San Francisco Groundfish Management Area means ocean waters between 38° 57.50' N. lat. (at Point Arena, Mendocino County) and 37° 11' N. lat. (at Pigeon Point, San Mateo County).

(b) Seasons and depth constraints (except as provided in subsection (c) below):

(1) January 1 through ~~April 14~~March 31: Closed.

(2) April 15 through December 31: Take of all species is prohibited seaward of a line approximating the 40-fathom depth contour along the mainland coast and along islands and offshore seamounts. The 40-fathom depth contour is defined by straight lines connecting the set of 40-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).

~~(c) Special exceptions to subsection (b) above:~~

~~(1)(c)~~ Leopard shark may be taken or possessed in Drake's Bay, Bolinas Bay, Tomales Bay, Bodega Harbor, and San Francisco Bay year-round.

~~(2) California scorpionfish.~~

~~(A) April 15 through August 31: Take is prohibited seaward of a line approximating the 40-fathom depth contour along the mainland coast and along islands and offshore seamounts. The 40-fathom depth contour is defined by straight lines connecting the set of 40-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).~~

~~(B) September 1 through December 31: Closed.~~

Note: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G.

Amend Section 27.40, Title 14, CCR, as follows:

§ 27.40. Central Groundfish Management Area.

This Section applies to take and possession of federally-managed groundfish species as defined in Section 1.91, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Central Groundfish Management Area means ocean waters between 37° 11' N. lat. (at Pigeon Point, San Mateo County) and 34° 27' N. lat. (at Point Conception, Santa Barbara County).

(b) Seasons and depth constraints (except as provided in subsection (c) below):

(1) January 1 through March 31: Closed.

(2) April 1 through December 31: Take of all species is prohibited seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).

~~(c) Special exceptions to subsection (b) above:~~

~~(1)(c)~~ Leopard shark may be taken or possessed in Elkhorn Slough year-round.

~~(2) California scorpionfish.~~

~~(A) April 1 through August 31: Take is prohibited seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore~~

~~seamounts. The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints adopted in Federal regulations (50 CFR Part 660, Subpart G).~~
~~(B) September 1 through December 31: Closed.~~

Note: Authority cited: Sections 200, 205 and 265, Fish and Game Code. Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; and 50 CFR Part 660, Subpart G.

Amend Section 27.45, Title 14, CCR, as follows:

§ 27.45. Southern Groundfish Management Area.

This Section applies to take and possession of federally-managed groundfish species as defined in Section 1.91, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Southern Groundfish Management Area means ocean waters between 34° 27' N. lat. (at Point Conception, Santa Barbara County) and the U.S./Mexico border. The Cowcod Conservation Areas are special closure areas within the Southern Groundfish Management Area.

(b) Seasons and depth constraints (except as provided in subsection (c) below):

(1) January 1 through the last day in February: Closed, except take of California scorpionfish is prohibited seaward of a line approximating the 75-fathom depth contour, defined by connecting the appropriate waypoints adopted in Federal regulations (50 CFR Part 660, Subpart G).

(2) March 1 through December 31: Take of all species is prohibited seaward of a line approximating the ~~60~~75-fathom depth contour along the mainland coast and along islands and offshore seamounts. The ~~60~~75-fathom depth contour is defined by straight lines connecting the set of ~~60~~75-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).

(c) Special exceptions to subsection (b) above:

(1) Regulations that apply to the Cowcod Conservation Areas are specified in Section 27.50.

(2) Leopard shark may be taken or possessed in Newport Bay, Alamitos Bay, Mission Bay, and San Diego Bay year-round.

~~(3) California scorpionfish.~~

~~(A) January 1 through August 31: Take is prohibited seaward of a line approximating the 60-fathom depth contour along the mainland coast and along islands and offshore seamounts. The 60-fathom depth contour is defined by straight lines connecting the set of 60-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).~~

~~(B) September 1 through December 31: Closed.~~

Note: Authority cited: Sections 200, 205 and 265, Fish and Game Code. Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; and 50 CFR Part 660, Subpart G.

Amend Section 27.50, Title 14, CCR, as follows:

This Section applies to take and possession of federally-managed groundfish species as defined in Section 1.91, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Cowcod Conservation Areas are defined as ocean waters off southern California within each of the following two areas:

Area 1 is an area south of Point Conception that is bound by straight lines connecting the following points in the order listed:

33° 50' N. lat., 119° 30' W. long.;
33° 50' N. lat., 118° 50' W. long.;
32° 20' N. lat., 118° 50' W. long.;
32° 20' N. lat., 119° 37' W. long.;
33° 00' N. lat., 119° 37' W. long.;
33° 00' N. lat., 119° 53' W. long.;
33° 33' N. lat., 119° 53' W. long.;
33° 33' N. lat., 119° 30' W. long.; and
33° 50' N. lat., 119° 30' W. long.

Area 2 is a smaller area west of San Diego that is bound by straight lines connecting the following points in the order listed:

32° 42' N. lat., 118° 02' W. long.;
32° 42' N. lat., 117° 50' W. long.;
32° 36' 42" N. lat., 117° 50' W. long.;
32° 30' N. lat., 117° 53' 30" W. long.;
32° 30' N. lat., 118° 02' W. long.; and
32° 42' N. lat., 118° 02' W. long.

(b) Seasons and depth constraints (except as provided in subsection (c) below):

(1) January 1 through the last day in February: ~~Closed.~~ except take of California scorpionfish is prohibited seaward of a line approximating the 40-fathom depth contour along islands and offshore seamounts, defined by connecting the appropriate waypoints adopted in Federal regulations (50 CFR Part 660, Subpart G).

(2) March 1 through December 31: ~~Open for only the~~ Take of species or species groups listed in (A) through (G) below is prohibited seaward of a line approximating the 40 fathom depth contour along islands and offshore seamounts. The 40 fathom depth contour is defined by straight lines connecting the set of 40 fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G). ~~and only in waters shallower than 20 fathoms in depth as described by general depth contour lines.~~

(A) Nearshore rockfish, as defined in subsection 1.91(a)(1)

- (B) Cabezon
- (C) Greenlings of the genus *Hexagrammos*
- (D) California sheephead
- (E) Ocean whitefish
- (F) Lingcod
- (G) Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed within the Cowcod Conservation Areas.

(c) Special exceptions to subsection (b) above:

~~(1) California scorpionfish.~~

~~(A) January 1 through August 31: Take is prohibited seaward of 20 fathoms in depth, as described by general depth contour lines along the mainland coast and along islands and offshore seamounts.~~

~~(B) September 1 through December 31: Closed.~~

~~(21)~~ Notwithstanding subsection 27.20(b)(1)(C), when angling from shore (includes beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore), only the species identified in (b)(2) above and California scorpionfish may be taken or possessed year-round. No vessel or watercraft (motorized or non-motorized) may be used to assist in taking or possessing these species while angling from shore under this provision.

~~(32)~~ Notwithstanding subsection 27.20(b)(1)(D), when diving or spearfishing, as authorized in Section 28.90, only the species identified in (b)(2) above and California scorpionfish may be taken or possessed year-round. Except for spearfishing gear, all other types of fishing gear are prohibited to be aboard the vessel or watercraft (motorized or non-motorized) while spearfishing for the purpose of taking or possessing these species under this provision.

Note: Authority cited: Sections 200, 205 and 265, Fish and Game Code. Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G.

Amend Section 28.27, Title 14, CCR, as follows:

§ 28.27. Lingcod.

(a) Open areas, seasons, and depth constraints: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and possession is authorized as follows:

(1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25.

(2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30.

(3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35.

- (4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40.
- (5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45.
- (6) Cowcod Conservation Areas: Open and closed dates and depth constraints as defined by Section 27.50.
- (b) Limit is authorized as follows: Two.
- (1) Northern Groundfish Management Area: Two
- (2) Mendocino Groundfish Management Area: One
- (3) San Francisco Groundfish Management Area: One
- (4) Central Groundfish Management Area: One
- (5) Southern Groundfish Management Area: One
- (c) Minimum size: 22 inches total length.
- (d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or double or treble hook with multiple points connected to a common shank.
- (e) Fishing rules for lingcod may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.
- Note: Authority cited: Sections 200, 205, ~~220~~275, 265, 702 and 8587.1, Fish and Game Code. Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G.

Amend Section 28.55, Title 14, CCR, as follows:

§ 28.55. Rockfish (*Sebastes*).

- (a) Open areas, seasons, and depth constraints: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and possession is authorized as follows:
- (1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25.
- (2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30.
- (3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35.
- (4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40.
- (5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45.
- (6) Cowcod Conservation Areas: Open and closed dates and depths constraints as defined by Section 27.50. Only Nearshore Rockfish, and Shelf Rockfish, as defined in

subsections 1.91(a)(1) and 1.91(a)(3), may be taken and possessed, except as provided below in subsection (b)(1).

(b) Limit: Ten, within the Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) limit of 10 fish, in any combination of species, except as provided below.

(1) The limit on bronzespotted rockfish, cowcod, and yelloweye rockfish is zero. These species shall not be taken or possessed as part of the RCG limit.

(2) The limit on canary rockfish is ~~one~~two fish, within the RCG bag limit.

(3) The limit on black rockfish is three fish, within the RCG limit.

(4) In the Cowcod Conservation Areas (see Section 27.50), the limit on slope rockfish, as defined in subsection 1.91(a)(4), is zero. These species shall not be taken or possessed as part of the RCG limit in the Cowcod Conservation Areas.

(c) Size limit: None.

(d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or a double or treble hook with multiple points connected to a common shank.

(e) Fishing rules for rockfish may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

Note: Authority cited: Sections 200, 205, 265, 702, 7071 and 8587.1, Fish and Game Code. Reference: Sections 200, 205, 265, 1802, 7071 and 8585.5, Fish and Game Code; 50 CFR Part 660, Subpart G.

Amend Section 52.10, Title 14, CCR, as follows:

§ 52.10. Take of Sheephead, Cabezon and Greenling.

(a) Total Allowable Catches (TACs) and Allocations. Based on total allowable catches specified for each calendar year, catch may not exceed the following amounts:

(1) California sheephead. The statewide allowable catch of sheephead is 205,500 pounds, allocated as follows:

(A) The commercial fishery is allocated 75,200 pounds.

(B) The recreational fishery is allocated 130,300 pounds.

(2) Cabezon. ~~The total statewide allowable catch of cabezon is 326,200 pounds, allocated as follows:~~ The statewide total allowable catch will not exceed the amount specified in 50 CFR Part 660, Subpart C.

~~(A) The commercial fishery is allocated 127,200 pounds.~~

~~(B) The recreational fishery is allocated 199,000 pounds.~~

(3) Greenlings of the genus Hexagrammos. ~~The total statewide allowable catch of greenlings is 121,900 pounds, allocated as follows:~~ The statewide total allowable catch will not exceed the amount specified in 50 CFR Part 660, Subpart C.

~~(A) The commercial fishery shall be managed not to exceed, 55,400 pounds, the remaining amount after subtracting the recreational allocation from the TAC. The~~

~~commercial fishery shall be closed or modified in-season pursuant to the rules in section 52.10(b) through 52.10(d).~~

~~(B) The recreational fishery is allocated 66,500 pounds.~~

(b) Mechanism for Fishery Closures. The department will estimate from the current trends in catch and using the best available scientific information the time at which any commercial or recreational fishery allocation or total allowable catch for sheephead, cabezon, or greenlings specified in subsection (a) will be reached. The department will close the fishery at the time the allocation or total allowable catch is reached or is projected to be reached prior to the end of the calendar year.

(c) The department shall give the public and the commission no less than 10 days notice of any recreational fishery closure pursuant to this Section via a department news release.

(d) The department shall give holders of nearshore fishery permits no less than 10 days notice of any commercial fishery closure pursuant to this Section via a notification letter sent to the permittee's address on file with the department. The department shall give the public and the commission no less than 10 days notice of any commercial fishery closure pursuant to this Section via a department news release.

Note: Authority cited: Sections 200, ~~202265~~, 702, 7071 and 8587.1, Fish and Game Code. Reference: Sections 97, 205, 1802, 7056, 7071, 8585.5, 8586, 8587 and 8587.1, Fish and Game Code.

Amend Section 150.16, Title 14, CCR, as follows:

§ 150.16. Commercial Take of Nearshore Fishes.

(a) Notwithstanding Section 8588(b) of the Fish and Game Code, minimum size limits (total length) are as follows:

(1) black-and-yellow rockfish (<i>Sebastes chrysomelas</i>)	10 in.
(2) cabezon (<i>Scorpaenichthys marmoratus</i>)	15 in.
(3) California scorpionfish or sculpin (<i>Scorpaena guttata</i>)	10 in.
(4) California sheephead (<i>Semicossyphus pulcher</i>)	13 in.
(5) China rockfish (<i>Sebastes nebulosus</i>)	12 in.
(6) gopher rockfish (<i>Sebastes carnatus</i>)	10 in.
(7) grass rockfish (<i>Sebastes rastrelliger</i>)	12 in.

(8) greenlings of the genus <i>Hexagrammos</i> (<i>Hexagrammos</i> spp.)	12 in.
(9) kelp rockfish (<i>Sebastes atrovirens</i>)	10 in.

(b) Species of nearshore fish stocks as defined in Section 1.90, Title 14, CCR, must be sorted by species prior to weighing and the weight reported separately on the Fish and Game receipt.

(c) Any nearshore fish listed under this section that are taken in a nearshore fishery shall be measured immediately upon being brought aboard the vessel and released immediately if not in compliance with the size limits specified.

(d) Regulations adopted to modify the minimum size limits or to specify maximum size limits shall be based on the best available scientific information and adopted pursuant to the Administrative Procedure Act following public notice and not less than one public hearing.

(e) Cumulative trip limits for sheephead, cabezon, greenlings of the genus *Hexagrammos*, California scorpionfish, and subgroups of rockfish.

(1) A cumulative trip limit is the total number of pounds of a species or a species group that may be taken and retained, possessed, or landed by an individual commercial licensee in a cumulative trip limit period without a limit on the number of landings or trips.

(2) Cumulative trip limit periods start at 0001 hours local time, end at 2400 hours local time, and are in two month periods as follows:

(A) January 1 through the last day of February,

(B) March 1-April 30,

(C) May 1-June 30,

(D) July 1-August 31,

(E) September 1-October 31,

(F) November 1-December 31.

(3) Landings toward a cumulative trip limit value for a defined cumulative trip limit period provided in this subsection are summed by an individual's California commercial license number listed on fish receipts submitted to the department pursuant to Section 8043, Fish and Game Code.

(4) Any person landing species for which there is a cumulative trip limit established pursuant to this Section shall keep in their immediate possession copies of any and all reports of landings required by state laws or regulations throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.

(5) Cumulative trip limit values noticed in the Federal Register by the National Marine Fisheries Service for the cumulative trip limit periods for shallow nearshore rockfish, deeper nearshore rockfish, and California scorpionfish apply to each individual California commercial licensee in addition to the federally-defined vessel-based limits. Landings are summed by an individual's California commercial license number listed on fish receipts submitted to the department pursuant to Section 8043, Fish and Game Code.

(6) Cumulative trip limits for sheephead, cabezon and greenlings.

(A) The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is as follows:

	<i>Sheephead</i>	<i>Cabazon</i>	<i>Greenlings</i>
--	------------------	----------------	-------------------

January-February	2,000 pounds	300 <u>500</u> pounds	150 <u>250</u> pounds
March-April	2,000 pounds	400 <u>500</u> pounds	150 <u>250</u> pounds
May-June	2,400 pounds	500 pounds	200 <u>250</u> pounds
July-August	2,400 pounds	500 pounds	200 <u>250</u> pounds
September-October	2,400 pounds	500 pounds	200 <u>250</u> pounds
November-December	2,400 pounds	300 <u>500</u> pounds	150 <u>250</u> pounds

(B) The department will evaluate year-to-date catch levels against total allowable catch limits defined in Section 52.10. Based on these data, when the department determines that cumulative trip limits defined in this Section need significant adjustment upward or downward (by 50 percent or more) in order to spread the allowable catches through the open season to the extent possible and prevent early attainment of the annual total allowable commercial catch, the cumulative trip limits defined in this Section may become inoperative and may be replaced with alternative limits as determined by the department. The department may perform these in-season analyses between May and September of each year; and provide notification of changes by October 15 of each year, as described in subsection (e)(6)(C).

(C) The department shall give ~~holders of nearshore fishery permits~~nearshore fishery permittees no less than 10 days notice of any cumulative trip limit change pursuant to this Section via a notification letter sent to the permittee's address on file with the department.

(D) When allocations, total allowable catches or other catch limits defined in Section 52.10 are reached, and action to close the fishery is taken pursuant to Section 52.10 subsection (b), cumulative trip limits defined in this Section become inoperative.

(f) All other trip limits (including daily, weekly and cumulative trip limits) established for commercial rockfish, a subgroup of rockfish, or California scorpionfish noticed in the Federal Register by the National Marine Fisheries Service shall apply in state waters within the geographic boundary areas defined in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660. See also Section 189, Title 14, California Code of Regulations for additional requirements regarding fishing for federal groundfish in state waters.

Note: Authority cited: Sections 702, 7071, 8587.1 and 8588, Fish and Game Code.

Reference: Sections 97, 205, 1802, 8585.5, 8586, 8587, 8587.1 and 8588, Fish and Game Code.

Groundfish Fishery: Proposed Changes for 2019-2020



Photo Credit: M. Parker



California Fish and Game Commission Meeting

December 12, 2018 • Oceanside, CA

California Department of Fish and Wildlife

Background

- Pacific Fishery Management Council's biennial process completed in June 2018
 - Changes in management driven by new stock assessment information
- Changes to federal regulations effective January 2019 in federal waters
- FGC typically takes conforming regulatory action for state waters

Increased Recreational Opportunities

- Two additional weeks in San Francisco Management Area for boat based fishing
- Deeper allowable fishing depths in Southern Management Area and Cowcod Conservation Areas
- Year-round fishery in Southern Management Area for California Scorpionfish
- Two fish sub bag limit for canary rockfish

Reduced Recreational Opportunities

- Reduce lingcod bag limit from two to one in the Mendocino, San Francisco, Central, and Southern Management Areas
 - Recent lingcod stock assessment for area south of Cape Mendocino less optimistic
- Other Alternatives Considered:
 - Shorter season length was not supported by industry representatives
 - Increasing the size limit did not result in enough catch savings

Public Comment Received

- 13 comments received by November 29
- All comments oppose reduction to recreational lingcod bag limit south of Cape Mendocino

Proposed Commercial Changes

- Increases to commercial trip limits
 - Cabezon: 500 lb each open 2-month period
 - Greenling: 250 lb each open 2-month period

Department Recommendations

- Adopt proposed changes to Title 14, §27.30 et al including:
 - Changes to recreational:
 - Season lengths
 - Depth constraints
 - Bag limits
 - Changes to commercial trip limits

Thank You



Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: N/A

From: (Public Agency): CA Fish and Game Commission
1416 Ninth Street, Room Room 1320
Sacramento, CA 95814

(Address)

Project Title: Amend Sections 27.30 et. al, Title 14, CCR, Re: Groundfish Regulations

Project Applicant: N/A

Project Location - Specific:

Statewide

Project Location - City: N/A

Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:

Recreational and commercial groundfish fisheries are managed through a cooperative system of State and federal management agencies. The Fish and Game Commission has taken concurrent action to conform State regulations to federal regulations to ensure consistency with both State and federal laws.

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: California Department of Fish and Wildlife

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Cal. Code Regs., tit. 14, §§ 15307, 15308
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

See attached.

Lead Agency

Contact Person: Valerie Termini

Area Code/Telephone/Extension: (916) 653-4899

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature: _____ Date: _____ Title: Executive Director

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

June 21, 2018

ATTACHMENT TO NOTICE OF EXEMPTION
Adoption of Recreational and Commercial Groundfish Regulations

The California Fish and Game Commission (Commission) has taken final action under the Fish and Game Code and the Administrative Procedure Act (APA) with respect to the project approved on December 12, 2018. In taking its final action for the purposes of the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 *et seq.*), the Commission adopted the regulations relying on the categorical exemption for "Actions by Regulatory Agencies for Protection of Natural Resources" contained in CEQA Guidelines section 15307, and the categorical exemption for "Actions by Regulatory Agencies for Protection of the Environment" contained in CEQA Guidelines section 15308. (Cal. Code Regs., tit. 14, §§ 15307, 15308)

Categorical Exemptions to Protect Natural Resources and the Environment

In adopting the groundfish fishing regulations to conform to federal regulations developed by the Pacific Fishery Management Council, and adopted by the National Marine Fisheries Service, the Commission relied for purposes of CEQA on the Class 7 and 8 categorical exemptions. In general, both exemptions apply to agency actions to protect natural resources and the environment. The regulations define annual fishing seasons, harvest limits, depth restrictions, daily bag limits and specify methods of take for alignment with enacted federal regulations. The federal regulations are developed with the dual purpose of maintaining optimum yield while at the same time preventing overfishing and conserving the resource. State conformance with federal regulations is also necessary to avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act (16 USC §1856 (b)(1)). Because these regulations are intended to protect the sustainability of the fishery as a natural resource, Commission adoption of these regulations is an activity that is the proper subject of CEQA's Class 7 and 8 categorical exemptions.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

Instructions and Code Citations:

SAM Section 6601-6616**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON Margaret Duncan margaret.duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER 916 653-4676
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Recreational & Commercial Fishing Regulations for Federal Groundfish & Associated Species 2019/2020			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

No cost impacts for conformance to Fed. rules (with increased opportunities)***If any box in Items 1 a through g is checked, complete this Economic Impact Statement.******If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: ☐ Statewide
☐ Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____
- a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
- b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____
- c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____
- d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ _____

4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.**California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.*1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☒ NO*If YES, complete E2. and E3**If NO, skip to E4*

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☒ NO*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

ECONOMIC AND FISCAL IMPACT STATEMENT**(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____
- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____
Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____
Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain _____**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

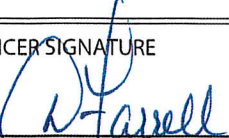
\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE

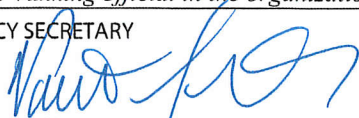


DATE

7/8/18

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY



DATE

8/27/2018

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

From: jake
Sent: Thursday, October 18, 2018 11:14 AM
To: FGC <FGC@fgc.ca.gov>
Subject: Ling Cod Limit

I'm writing in response to a possible ling cod limit reduction for recreational take, as mentioned during the Fish and Game commission meeting on October 17th 2018.

- a I do not support a reduction in ling cod limits for divers.
- b Sound, unbiased scientific evidence that supports a necessary reduction in take should always be a precursor to such discussions and implementation of regulation. I think this evidence should also be presented to the public in a transparent way, and followed with a public forum.
- c In my experience as an avid diver, I have seen no shortage of ling cod over the past 5 years. Given
- d drastically lower number of fish taken via spearfishing vs rod and reel, and commercial, I would expect divers would continue to have a separate set of regulations.

Reducing the ability to enjoy fishing further, will in turn reduce the revenue for the state, reduce revenue from industry, shrink the DFW as an effective department, and shrink the purse for conservation efforts and enforcement.

I do not support a reduction in ling cod limits for divers without strong, undisputed scientific reasoning.

All the best,

From: Jeremy Liem

Sent: Friday, October 19, 2018 10:53 AM

To: FGC <FGC@fgc.ca.gov>

Subject: Reducing the Lingcod Daily Bag Limit Violates the CA APA

- ^b
- ^a I oppose reducing the limit of lingcod take. There is no factual or scientific basis to support the reduction, and making such a change without a legitimate basis is illegal. We have a 40% surplus stock of lingcod and the population is growing at the current take limits. Reducing lingcod bag limits when
- ^c stocks are improving and when the surplus levels do not trigger reduction is “arbitrary, capricious, [and] without rational basis” in violation of the California Administrative Procedures Act and Yamaha Corp. if America v. State Bd. of Equalization.

Jeremy T. Liem, Esq

Partner

Pipal Spurzem & Liem LLP

From:

Sent: Friday, October 19, 2018 4:08 PM

To: McKnight, Caroline@Wildlife <Caroline.McKnight@wildlife.ca.gov>

Subject: FW: CA Lingcod

Caroline,

I'm writing on behalf of the nine Charter Boats we represent through our Sportfishing Center, Fish Emeryville. Located in the heart of the San Francisco Bay Area, we take thousands of anglers annually on Rockfish and Lingcod fishing trips along the Central California Coast and out to the Farallon Islands. Our fishing vessel owners, as well as boat and office staff rely heavily on groundfish trips, which is the single largest fishery we participate in. It is the lifeblood of our harbor.

- a We are deeply concerned about the proposal to reduce lingcod retention to a single fish in the 2019/20 management cycle. A reduction to one Lingcod will have far reaching impacts to our vessel owners and anglers. Less opportunity to retain fish makes a
- b traditional bottom fish trip less attractive and translates into fewer days on the water and a reduction in income to many of the businesses we have relationships with. It also places additional pressure on other species such as Salmon, Halibut, Striped Bass as anglers search for alternative opportunities, before simply not fishing.

Below I have listed the series of fishing alternatives Lingcod have been a part of in the last 15 years. I should remind you that just 2 years ago the Department approached California fishing stakeholders seeking comment to modify the Lingcod limit to 3 fish, a proposal we universally fought against and successfully won.

2004	2 fish*	24, in-season increase to 1 fish, 30"min*
2005-10	2 fish	24"
2011-14	2 fish	22"
2016	3 fish	22"
2017-18	2 fish	22"

- As you can see, Lingcod regulations have been subject to a multitude of regulation
- c variance. Our industry and resource benefits from regulation certainty. It improves compliance and creates angler confidence in his resource managers.

We also ask that you consider the impact the recent surge in king salmon action, and the reduction of rockfish trips that occurs when salmon action grows. We urge you to

d maintain status quo in the Central CA lingcod fish regulations, with some consideration given to a reduction to one lingcod in April/May OR November/December.

Thank you,

Andy Guiliano

Fish Emeryville