

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.pccouncil.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.pccouncil.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 PFMC 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.