

## Proposed 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~~75~~-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>Cabezon</i>	<i>Greenlings</i>

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