

## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 270, 275, 702, 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 265, 270, 275, 702, 1802, 7071, 8585.5, 8587, 8587.1, and 8588, of the Fish and Game Code; Title 50, Code of Federal Regulations, Part 660, Subpart G; and Section 27.20, Title 14, California Code of Regulations (CCR), proposes to amend sections 27.30, 27.35, 27.45, 28.27, 28.28, 28.54, 28.55, 28.65, and 150.16, Title 14, CCR, relating to recreational and commercial fishing regulations for federal groundfish and associated species for consistency with federal rules in 2021 and 2022.

### **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 (PCGFMP).

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 reviewed by the National Oceanic and Atmospheric Administration (NOAA) Fisheries for legal sufficiency and compliance with the standards of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and other federal laws, and if approved they are subsequently implemented as ocean fishing regulations by NOAA Fisheries.

Regulatory authority for most nearshore stocks is shared jointly between state and federal governments. For consistency, the 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 PFMC-established federal annual catch limits (ACL).

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 and special gear restrictions for lingcod and groundfish species in the Rockfish/Cabazon/Greenling complex.

Current state regulations also include trip limits for the commercial cabezon and greenling fisheries.

### **Summary of Proposed Amendments**

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations from its June 18, 2020 meeting for federal groundfish regulations in 2021 and 2022. 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 2021.

The proposed regulatory changes will implement the following changes:

1. Increase the allowable depth for the recreational groundfish fishery in the Mendocino Groundfish Management Area from 20 to 30 fathoms;
2. Increase the allowable depth for the recreational groundfish fishery in the San Francisco Groundfish Management Area from 40 to 50 fathoms;
3. Increase the allowable depth for the recreational groundfish fishery in the Southern Groundfish Management Area from 75 to 100 fathoms;
4. Increase the recreational bag limit for lingcod from one to two fish in the Mendocino, San Francisco, Central, and Southern Groundfish Management Areas;
5. Increase the recreational bag limit for cabezon from three to 10 fish within the RCG bag limit of 10 fish;
6. Increase the recreational bag limit for canary rockfish from two to 10 fish within the RCG bag limit of 10 fish;
7. Increase the recreational bag limit for black rockfish from three to 10 fish within the RCG bag limit of 10 fish;
8. Decrease the recreational bag limit for vermilion rockfish from 10 to five fish within the RCG bag limit of 10 fish;
9. Add method of take restriction for California scorpionfish;
10. Increase commercial trip limits for cabezon from 500 to 1,000 pounds, and greenling from 250 to 500 pounds every two months;
11. Update authority and reference citations.

### **Benefits of the Proposed Regulations**

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.

### **Consistency and Compatibility with Existing Regulations**

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 8587.1). 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, 4 and 6 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.

### **Public Participation**

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held on **Wednesday, August 19, 2020**, at 10:00 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held on **Wednesday, October 14, 2020**, at 8:30 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899.

It is requested, but not required, that written comments be submitted on or before October 1, 2020, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on October 9, 2020.** All comments must be received no later than October 14, 2020, during the webinar/teleconference hearing. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090. If you would like copies of any modifications to this proposal, please include your name and mailing address.

### **Availability of Documents**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sherrie Fonbuena at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Senior Environmental Scientist, Kevan Urquhart, Department of Fish and Wildlife, [Kevan.Urquhart@wildlife.ca.gov](mailto:Kevan.Urquhart@wildlife.ca.gov) or (707) 494-4621, has been designated to respond to questions on the substance of the proposed regulations.**

### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

### **Impact of Regulatory Action/Results of the Economic Impact Assessment**

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 Business, 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. No significant changes in fishing effort and fishing expenditures are expected as a direct result of the proposed regulation changes.

- (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. No significant changes in fishing effort and fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

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 Commission 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.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Melissa Miller-Henson  
Executive Director

Dated: July 28, 2020