

## Proposed Regulatory Language

Section 27.30, Title 14 CCR, is amended to read:

### **§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:

(1) January 1 through April 30: Closed.

(2) May 1 through October 31: Take of all species is prohibited seaward of a line approximating the 2030-fathoms in depth as described by general depth contour lines along the mainland coast and along islands and offshore seamounts. The 30-fathom depth contour is defined by straight lines connecting the set of 30-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).

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

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; and 14 CCR 27.20.

## Proposed Regulatory Language

Section 27.35, Title 14 CCR, is amended to read:

### **§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 March 31: Closed.

(2) April 1 through December 31: Take of all species is prohibited seaward of a line approximating the 4050-fathom depth contour along the mainland coast and along islands and offshore seamounts. The 4050-fathom depth contour is defined by straight lines connecting the set of 4050-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).

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

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; and 14 CCR 27.20.

## Proposed Regulatory Language

Section 27.45, Title 14 CCR, is amended to read:

### **§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~~100-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 ~~75~~100-fathom depth contour along the mainland coast and along islands and offshore seamounts. The ~~75~~100-fathom depth contour is defined by straight lines connecting the set of ~~75~~100-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.

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.

## Proposed Regulatory Language

Section 28.27, Title 14 CCR, is amended to read:

### **§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, ~~275, 265, 265, 275~~, 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; and 14 CCR 27.20.

## Proposed Regulatory Language

Section 28.28, Title 14 CCR, is amended to read:

### **§28.28. Cabezon.**

- (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: ~~Three fish~~, 10 fish within a Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) bag limit of 10 fish.
- (c) Minimum size: 15 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 cabezon may be changed during the year or in-season by the department under the authority of subsection 27.20(e) or Section 52.10. See subsection 27.20(f) for additional information.

Note: Authority cited: Sections 200, 205, 265, 702 and 8587.1, Fish and Game Code. Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

## Proposed Regulatory Language

Section 28.54, Title 14 CCR, is amended to read:

### **§28.54. California Scorpionfish (Sculpin).**

- (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: Five.
- (c) Minimum size: 10 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 California scorpionfish 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, 275, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

## Proposed Regulatory Language

Section 28.55, Title 14 CCR, is amended to read:

### **§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 two fish, within the RCG bag limit.~~ The limit on vermilion rockfish is five fish, within the RCG bag limit.
  - (3) ~~The limit on black rockfish is three fish, within the RCG limit.~~
- ~~(4)~~(3) 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; and 14 CCR 27.20.

## Proposed Regulatory Language

Section 28.65, Title 14 CCR, is amended to read:

### **§28.65. General.**

Except as provided in this article, fin fish may be taken only on hook-and-line or by hand. Any number of hooks and lines may be used in all ocean waters and bays except:

(a) San Francisco Bay, as described in Section 27.00, where only one line with not more than three hooks may be used.

(b) On public piers, no person shall use more than two rods and lines, two hand lines, or two nets, traps or other appliances used to take crabs.

(c) When rockfish (genus *Sebastes*), California scorpionfish (*Scorpaena guttata*), lingcod (*Ophiodon elongatus*), cabezon (*Scorpaenichthys marmoratus*), or kelp or rock greenlings (*Hexagrammos decagrammus* and *Hexagrammos lagocephalus*) are aboard or in possession, where only one line with not more than two hooks may be used pursuant to Sections 28.55, 28.54, 28.27, 28.28 or 28.29, respectively.

. . . [No changes to subsections (d) through (g)]

Note: Authority cited: Sections 200, 205, 265, 270, 275 and 7071, Fish and Game Code. Reference: Sections ~~440~~, 200, 205, 265, 270, 275 and 8585.5, Fish and Game Code.

Proposed Regulatory Language

Section 150.16, Title 14 CCR, is amended to read:

**§150.16. Commercial Take of Nearshore Fishes.**

. . . [No changes to subsections (a) through (d)]

(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>500</del> <u>1,000</u> pounds	<del>250</del> <u>500</u> pounds
March-April	2,000 pounds	<del>500</del> <u>1,000</u> pounds	<del>250</del> <u>500</u> pounds
May-June	2,400 pounds	<del>500</del> <u>1,000</u> pounds	<del>250</del> <u>500</u> pounds

July-August	2,400 pounds	<del>500</del> <u>1,000</u> pounds	<del>250</del> <u>500</u> pounds
September-October	2,400 pounds	<del>500</del> <u>1,000</u> pounds	<del>250</del> <u>500</u> pounds
November-December	2,400 pounds	<del>500</del> <u>1,000</u> pounds	<del>250</del> <u>500</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 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.

. . . [No changes to subsection (f)]

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.