

Proposed Regulatory Language

Section 189, Title 14, CCR, is amended to read:

§ 189. Commercial Groundfish Fishing.

(a) General Provisions. ~~No person shall~~ It is unlawful for any person to engage in commercial groundfish fishing except as provided by the Fish and Game Code and regulations provided herein. Applicable regulations Regulations applicable to west coast groundfish adopted by the U.S. Secretary of Commerce pursuant to the Magnuson- Stevens Fishery Conservation and Management Act and published in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660 are hereby incorporated and made a part of these regulations. Notwithstanding the definition of fishery management area as defined in 50, CFR section 660.11, the Federal West Coast Groundfish Fishery Regulations incorporated by this section shall apply to commercial groundfish fishing in California state waters. It is unlawful to take and retain, possess, or land any fish in violation of these Federal West Coast Groundfish Regulations, including violations of regulations extended to apply in state waters as specified in this section. Federal regulations shall be made available upon request from the Department of Fish and ~~Game-Wildlife~~, Marine Region, 1416 Ninth Street, BOX-944209, Sacramento, CA 94244-2090, phone number 916-653-6281. Groundfish@wildlife.ca.gov

(b) General Definitions. For the purposes of these regulations, the following definitions shall apply:

(1) Land or Landing. ~~The transfer of fish from a fishing vessel. Once offloading begins, all fish aboard the vessel are counted as part of the landing. To land or make a landing is to begin transfer of fish, offloading fish, or to offload fish from any vessel. Once transfer of fish begins, all fish aboard the vessel are counted as part of the landing.~~

(2) Closure. ~~Taking~~ When referring to closure of a fishery or a closed fishery, the taking and retaining, possessing, or landing the particular species or species group is prohibited. Unless otherwise announced in the Federal Register, offloading must begin before the time the fishery closes.

(3) Sorting. It is unlawful for any person to fail to sort prior to the first weighting after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, harvest guideline, annual catch target, annual catch limit, or optimum yield, if the vessel fished or landed in an area during a time when such trip limit, size limit, quota, harvest guideline, annual catch target, annual catch limit, or optimum yield applied. This provision applies to both the limited entry and open access fisheries.

(4) Trip Limits. Trip limits specify the maximum amount of fish a particular groundfish species or species group that a vessel may legally land be taken and retained,

possessed, or landed per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings of fish that may be made by a vessel in a given period of time.

(A) Daily Trip Limit. Daily trip limit is the maximum amount of a particular groundfish species or species group that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish shall be made in that 24-hour period. Daily trip limits shall not be accumulated during multiple day trips.

(B) Cumulative Trip Limit. Cumulative trip limit is the maximum amount of a particular groundfish species or species group that may be taken and retained, possessed, or landed per vessel in a cumulative fishing period, specified period of time without a limit on the number of landings or trips, unless otherwise specified.

(5) Size Limits and Length Measurement. Total length is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched together) without mutilation of the fish or the use of additional force to extend the length of the fish.

(6) Limited Entry Fishery. ~~Limited~~The limited entry fishery includes vessels using trawl gear, longline, and trap (or pot), or non-trawl Rockfish Conservation Area (RCA) gear fished pursuant to the harvest guidelines, quotas, and other management measures governing the limited entry fishing. To participate in limited entry groundfish fisheries, the appropriate Federal Limited Entry Permit is required. Limited entry gear includes only trawl gear as specified at 50 CFR § 660.130(b), longline, or trap (or pot) as specified at 50 CFR § 660.230(b), or trawl gear used under the authorization of a valid limited entry permit non-trawl RCA gear as specified at 50 CFR § 660.330(b)(3).

(7) Open Access Fishery. Open access fishery includes commercial vessels using exempted gear, and longline, and trap (or pot) open access gear fished pursuant to the harvest guidelines, quotas, and other management measures governing open access fishing. Exempted gear includes all types of fishing gear except longline, trap (or pot), set net, stationary hook-and-line, vertical hook-and-line and groundfish non-groundfish trawl gear, and includes (trawl gear used to take pink shrimp, and spot and ridgeback prawns, and south of 38° 57'30"N 38° 57.5'N. lat. (Point Arena), California halibut and sea cucumber) as specified at 50 CFR § 660.330(b). ~~A State of California limited entry permit is required for the take of sea cucumbers.~~

(8) Federally Designated Routine Management Measures. Routine Management Measures, identified as catch restrictions intended to keep landings within the harvest levels announced by the Secretary of Commerce and noticed in the Federal Register by the National Marine Fisheries Service (NMFS), and hereby incorporated and made a part of these regulations. Should any federal management measures conflict with existing statutes, including Fish and Game Code Sections 8496 and 8842(b), or regulations of the commission, the provisions in the statutes or regulations which conflict with the federal management measures are made inoperative.

(9) Conservation areas. Conservation areas are enclosed geographic areas defined by coordinates expressed in degrees latitude and longitude where NMFS may prohibit fishing, or limit fishing to particular gear types. Conservation areas include Groundfish Conservation Areas (GCA), Essential Fish Habitat Conservation Areas (EFHCA) and Deep-sea Ecosystem Conservation Areas (DECA) as specified at 50 CFR § 660.11.

NOTE: Authority cited: Section 7652, Fish and Game Code. Reference: Sections 7652, 7652.2, and 8607, Fish and Game Code.