

Proposed Emergency Regulatory Language

Section 27.20 is amended to read:

§ 27.20. Groundfish Management Areas, Seasons, Depths, Exceptions, and Fishery Closure/Rule Change Process Described.

Regulations that follow in sections 27.25 through 27.50 define fishing seasons and depth constraints that are effective within each Groundfish Management Area (GMA). These sections apply to take and possession of federal groundfish species as defined in Section 1.91 and all greenlings of the genus *Hexagrammos*.

(a) Depth Constraints: In a GMA the take, retention and/or possession of certain federal groundfish and all greenlings of the genus *Hexagrammos* may be authorized or prohibited in waters shallower than, or deeper than, the identified depth constraint depending on the defined areas and seasons specified in sections 27.25 through 27.50. Two specific definitions of “depth” apply off California. In waters shallower than 30 fathoms, “depth” is defined by general depth contour lines. In waters equal to or deeper than 30 fathoms, “depth” is defined by approximating a particular depth contour by connecting the appropriate set of waypoints adopted in Federal regulations (50 CFR Part 660, Subpart C).

(b) General Provisions.

(1) Take and/or possession of federal groundfish species or species groups and all greenlings of the genus *Hexagrammos* is authorized or prohibited as provided in subsections (b)(1)(A) through (b)(1)(D) below and sections 27.25 through 27.50 of these regulations.

(A) Transit Anchoring, drifting, or transiting in closed areas: The species or species groups that are closed to take and/or possession in part of a GMA may be possessed aboard a vessel in transit through a closed area with no fishing gear deployed in the water. In waters where groundfish species or species groups are closed to take and/or possession but authorized for take and/or possession in other areas, those species or species groups may be possessed aboard a vessel that is anchored, drifting, or transiting in or through that closed area. While anchoring, drifting, or transiting through an area closed to take and/or possession of these groundfish species or species groups, no gear may be deployed other than for the take of crustaceans with hoop nets used pursuant to subsection 29.80(b), Dungeness crab traps used pursuant to subsection 29.80(b), and dip nets used pursuant to Section 28.80.

(B) Federal groundfish exempt from seasons and depth constraints: “Other Flatfish” as defined in subsection 1.91(a)(10), petrale sole, starry flounder, California scorpionfish, leopard shark, and the federal groundfish species listed in Section 28.49 may be taken and/or possessed in all GMAs and depths year-round except as described in subsections 28.49(a) and 28.56(a).

(C) Shore Based Angling: When angling from shore (includes beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore), all species, except those listed in subsection 28.55(b)(1), may be taken and/or possessed year-round (See subsection 27.50(b)(1) for exceptions in the Cowcod Conservation Areas). No vessel or watercraft (motorized or non-motorized) may be used to assist in the take, transport and/or possession of these species under this provision.

(D) Diving or Spearfishing: When diving or spearfishing, as authorized in Section 28.90, all species, except those listed in subsection 28.55(b)(1), may be taken and/or possessed year-round (See subsection 27.50(b)(2) for exceptions in the Cowcod Conservation Areas). When boat-based groundfish fishing is closed, all types of fishing gear, except spearfishing gear, are prohibited to be aboard the vessel or watercraft (motorized or non-motorized) when taking and/or possessing these species under this provision.

. . . [No change to subsections 27.20(c) through (f)]. . .

NOTE: Authority cited: Sections 200, 205, 265, 702, 7071 and 8587.1, Fish and Game Code.

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; and 50 CFR Part 660, Subpart G.

Proposed Emergency Regulatory Language

Section 27.25 is amended to read:

§ 27.25. Northern Groundfish Management Area.

This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Northern Groundfish Management Area means ocean waters between 42° 00'N. lat. (the Oregon/California border) and 40° 10'N. lat. (near Cape Mendocino, Humboldt County).

(b) Seasons and depth constraints effective for all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:

(1) January 1 through May 14: Closed.

(2) May 15 through ~~October 15~~ August 20: Open for all species with no depth constraints.

(3) ~~October 16 through December 31: Closed.~~ August 21 through October 15: "Offshore-only" fishery.

(A) Take and/or possession of species and species groups listed in subsections 1. through 3. is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). 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).

1. Shelf rockfish, as defined in subsection 1.91(a)(3)

2. Slope rockfish, as defined in subsection 1.91(a)(4)

3. Lingcod

(B) Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and all greenlings of the genus *Hexagrammos* is prohibited in all waters of the Northern Groundfish Management Area.

~~(3)~~(4) October 16 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; and 14 CCR 27.20.

Proposed Emergency Regulatory Language

Section 27.30 is amended to read:

§ 27.30. Mendocino Groundfish Management Area.

This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and 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° 10' N. lat. (near Cape Mendocino, Humboldt County) and 38° 57.50' N. lat. (at Point Arena, Mendocino County).

(b) Seasons and depth constraints effective for all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:

(1) January 1 through May 14: Closed.

(2) May 15 through July 15: and September 1 through December 31: "Offshore-only" fishery.

(A) Take and/or possession of species and species groups listed in subsections 1. through 3. is authorized seaward of a line approximating the 50–fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). 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).

1. Shelf rockfish, as defined in subsection 1.91(a)(3), ~~except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed~~

2. Slope rockfish, as defined in subsection 1.91(a)(4)

3. Lingcod

(B) Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and all greenlings of the genus *Hexagrammos* is prohibited in all waters of the Mendocino Groundfish Management Area.

(3) July 16 through ~~December 31~~ August 31: Open for all species with no depth constraints.

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 Emergency Regulatory Language

Section 27.35 is amended to read:

§ 27.35. San Francisco Groundfish Management Area.

This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and 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 effective for all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon and all greenlings of the genus *Hexagrammos*:

(1) January 1 through May 14: Closed.

(2) May 15 through July 15: and September 1 through December 31: "Offshore-only" fishery.

(A) Take and/or possession of species and species groups listed in subsections 1. through 3. is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). 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).

1. Shelf rockfish, as defined in subsection 1.91(a)(3) ~~, except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed~~

2. Slope rockfish, as defined in subsection 1.91(a)(4)

3. Lingcod

(B) Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the San Francisco Groundfish Management Area.

(3) July 16 through ~~December~~ August 31: Open for all species with no depth constraints.

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 Emergency Regulatory Language

Section 27.40 is amended to read:

§ 27.40. Central Groundfish Management Area.

This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and 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 effective for all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:

(1) January 1 through April 30: Closed.

(2) May 1 through ~~September 30~~ August 31: Open for all species with no depth constraints.

(3) ~~October~~ September 1 through December 31: "Offshore-only" fishery.

(A) Take and/or possession of species and species groups listed in subsections 1. through 3. is authorized seaward of a line approximating the 50–fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). 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).

1. Shelf rockfish, as defined in subsection 1.91(a)(3) ~~, except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed~~

2. Slope rockfish, as defined in subsection 1.91(a)(4)

3. Lingcod

(B) Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the Central Groundfish Management Area.

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 Emergency Regulatory Language

Section 27.45 is amended to read:

§ 27.45. Southern Groundfish Management Area.

This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and 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, where species authorizations, prohibitions, depth constraints and seasons differ from those of the Southern Groundfish Management Area. See Section 27.50.

(b) Seasons and depth constraints effective for all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon and all greenlings of the genus *Hexagrammos*:

- (1) January 1 through March 31: Closed.
- (2) April 1 through September 15: Open for all species with no depth constraints.
- (3) September 16 through December 31: "Offshore-only" fishery.

(A) Take and/or possession of species and species groups listed in 1. through 3. is authorized seaward of a line approximating the 50–fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). 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).

1. Shelf rockfish, as defined in subsection 1.91(a)(3) ~~, except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed~~

2. Slope rockfish, as defined in subsection 1.91(a)(4)

3. Lingcod

(B) Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the Southern Groundfish Management Area.

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 Emergency Regulatory Language

Section 27.50 is amended to read:

§ 27.50. Cowcod Conservation Areas.

. . . *[No change to subsection (a)]. . .*

(b) Seasons and depth constraints (except as provided in subsection (c) below):

(1) Take and/or possession of the following federal groundfish species is authorized year-round in all depths:

- (A) California scorpionfish
- (B) "Other flatfish" as defined in subsection 1.91(a)(10)
- (C) Petrale sole
- (D) Starry flounder.

(2) For nearshore rockfish, as defined in subsection 1.91(a)(1), cabezon, all greenlings of the genus *Hexagrammos*, lingcod, and shelf rockfish, as defined in subsection 1.91(a)(3):

(A) From January 1 through March 31, take and/or possession is prohibited in all waters of the Cowcod Conservation Areas, except as provided in subsection 27.50(c).

(B) From April 1 through September 15, take and/or possession is authorized in the Cowcod Conservation Areas shoreward of a line approximating the 40–fathom depth contour. 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) From September 16 through December 31, take and/or possession is prohibited in all waters of the Cowcod Conservation Areas.

(3) Take and/or possession of the following species or species groups is prohibited year-round in all depths of the Cowcod Conservation Areas:

- (A) Slope rockfish, as defined in subsection 1.91(a)(4)
- (B) Leopard shark
- (C) All federal groundfish species listed in Section 28.49
- (D) Quillback rockfish, bronzespotted ~~Bronzespotted~~ rockfish, cowcod, and yelloweye rockfish.

(c) Special exceptions to subsection (b) above:

(1) 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 subsections (b)(1) and (b)(2) above may be taken and/or possessed year-round. No vessel or watercraft (motorized or non-motorized) may be used to assist in the take, transport and/or possession of these species under this provision.

(2) Notwithstanding subsection 27.20(b)(1)(D), when diving or spearfishing, as authorized in Section 28.90, only the species identified in subsections (b)(1) and (b)(2) above may be taken and/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 nonmotorized) when taking and/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; and 14 CCR 27.20.

Proposed Emergency Regulatory Language

Section 28.55 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 quillback rockfish, 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 vermilion rockfish is four fish, within the RCG bag limit.

~~(3) The limit on quillback rockfish is one fish, within the RCG bag limit.~~

~~(4)~~ The limit on copper rockfish is one fish, within the RCG bag limit.

~~(5)~~ 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. See subsection 27.65(b) for fillet regulations.

(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.