

Staff Summary for August 12-13, 2026

4. Process to Conform State Recreational Fishing Regulations to Federal Regulations, Including Federal Groundfish**Today's Item**Information ☐Action ☒

Consider authorizing publication of notice of intent to amend regulations related to the process to conform state ocean salmon and Pacific halibut recreational fishing regulations to federal regulations and to add federal groundfish to the list of species for which the automatic conformance process may be used.

Summary of Previous/Future Actions

- | | |
|---------------------------------|---------------------------|
| • Today's notice hearing | August 12-13, 2026 |
| • Adoption hearing | October 13-16, 2026 |

Background

For species managed under federal fishery management plans or regulations, the Commission has usually taken concurrent action to conform state recreational fishing regulations to federal National Marine Fisheries Service (NMFS) regulations. However, a dual process is redundant and inefficient, and historically the lag between federal action and conforming state action has created a period of management inconsistency and confusion.

In 2017, under authority provided in California Fish and Game Code Section 7110, the Commission adopted Section 1.95 of Title 14, California Code of Regulations, establishing an automatic process to conform California state marine recreational fishing regulations to federal regulations. Currently, Section 1.95 applies only to salmon and Pacific halibut. Section 1.95 also specifies separate processes for annual or corrective federal actions, and for in-season changes, including how the regulations are amended, and what public notification requirements are necessary. The conforming actions implemented pursuant to the automatic process are exempt from the Administrative Procedure Act.

Under Commission regulations in subsection 1.91(a), species of groundfish that are managed under the Federal Pacific Coast Groundfish Fishery Management Plan are collectively referred to as "federal groundfish." When the automatic conformance process was first adopted, federal groundfish were not included among the species identified in Section 1.95 as being eligible for automatic conformance. At the time, regulations for two state-managed species were included in the same section of state regulations as federal groundfish species, making automatic conformance incompatible for the groundfish species; since then, the Commission has moved the regulations for the two state-managed species into a separate section, removing that constraint. As a result, automatic conformance to federal regulations for federal groundfish can now be implemented without affecting state-managed species, allowing groundfish regulatory updates to be streamlined through the automatic conformance process in Section 1.95.

Proposed Amendments

The Department recommends that the Commission amend Section 1.95 to add federal groundfish to the list of species for which the automatic conformance process may be used; to modify the state's automatic conformance process to include a broader scope of potential

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federal actions; and to modernize public notification requirements to align with current technology methods.

The proposed regulations would add federal groundfish, define “federal regulation,” broaden the scope of federal actions for automatic conformance, clarify the scope of applicable federal regulations, modernize the public notification methods, and make other amendments for clarity and consistency.

Add Federal Groundfish

Add federal groundfish to the list of species for which regulations can be amended using the automatic conformance process.

Add Definition for “Federal Regulation”

Add a definition of a federal regulation for purposes of conforming state regulations as federal processes used by NMFS to make changes, including, but not limited to, federal actions published in the Federal Register, noticed via the NMFS hotline, or a bulletin or notice on the NMFS website.

Broaden the Scope of Federal Actions for Automatic Conformance

- Replace the existing “Process for Annual or Corrective Actions” with “Actions to Conform State Regulations” to reflect the broader set of federal action types for which the process may be used (e.g., annual, biennial, in-season, emergency, interim).
- Delete species-specific processes for in-season actions as all federal action types and all covered species (Pacific halibut, salmon, and federal groundfish) would be addressed through a single, consolidated process.
- Delete the unnecessary “fishing” qualifier regarding the type of federal regulation to which state recreational fishing regulations may need to conform.

Clarify the Scope of Applicable Federal Regulations

Clarify that the notification and regulatory procedures apply to those federal regulations that necessitate a change to state regulations.

Modernize Public Notification Methods

- Modify the Department’s public notification requirement from a news release only, to Department website updates or other means of electronic notification.
- Modify the Commission’s public notification requirement to specify that the Commission shall send a notice instead of forwarding a Department news release.
- Remove an informational, non-regulatory statement regarding Department dispersal of information on changes to applicable fishing regulations.

Align for Consistency and Clarity

Make other amendments consistent with the added definition of federal regulation and make other minor changes for clarity and consistency.

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Additional Amendments Recommended by Commission Staff

Commission staff and legal counsel reviewed the proposed amendments for consistency with existing regulations in other sections of Title 14, and identified language in Section 27.80 related to recreational ocean salmon fishing that mirrors the language proposed for deletion in Section 1.95 concerning in-season public notification for ocean salmon. Commission staff concluded that, as drafted, the proposed amendments in Section 1.95 would conflict with Section 27.80 unless updated.

Therefore, in addition to the Department-recommended amendments to Section 1.95, staff recommends amending Section 27.80 to revise language regarding public notification of in-season changes to recreational ocean salmon fishing regulations. The proposed amendments to Section 27.80 ensure consistency with the proposed amendments in Section 1.95, where separate processes for in-season actions are proposed to be deleted and a single notification process applicable to all types of actions and included species is proposed to be established.

Commission staff has incorporated its recommended amendments to Section 27.80 into the draft initial statement of reasons (Exhibit 2), proposed regulatory language (Exhibit 3), and economic and fiscal impact statement (Exhibit 4) submitted by the Department.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Authorize publication of a notice of intent to amend regulations in Section 1.95 as recommended by the Department, and to include amendments to Section 27.80 as recommended by Commission staff in the draft initial statement of reasons (Exhibit 2) and draft proposed regulatory language (Exhibit 3).

Department: Authorize publication of a notice of intent to amend Section 1.95 related to the process to conform state ocean salmon and Pacific halibut recreational fishing regulations to federal regulations, and to add federal groundfish to the list of species for which the automatic conformance process may be used.

Exhibits

1. [Department memo, received July 24, 2026](#)
2. [Draft initial statement of reasons, dated July 28, 2026](#)
3. [Draft proposed regulatory language](#)
4. [Draft economic and fiscal impact statement \(STD 399\)](#)
5. [Department presentation](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 1.95 and 27.80, related to the process to conform state recreational fishing regulations to federal regulations, including federal groundfish.

MEMORANDUM

Received July 24, 2026
Original signed copy on file

Date: July 22, 2026

To: Melissa Miller-Henson
Executive Director
California Fish and Game Commission

From: Meghan Hertel, Director

Subject: Submission of Initial Statement of Reasons for the August 12-13, 2026 Fish and Game Commission Meeting, Amend Section 1.95, Title 14, California Code of Regulations, Re: Process to Conform State Recreational Fishing Regulations to Federal Regulations, Including Federal Groundfish

Please find attached the Initial Statement of Reasons to amend Section 1.95, Title 14, California Code of Regulations. The proposed amendments add federal groundfish to the list of species for which the automatic conformance process may be used to align with federal regulations and update the process and modernize the public notification requirements. These proposed amendments will reduce redundant workload to the state in order to make changes to state regulations to maintain consistency with federal regulations. Additionally, these amendments will allow a rapid response that will assist enforcement and avoid unnecessary and extended rulemaking processes to establish amendments that solely conform to federal regulations.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov. The Department point of contact for this rulemaking is Senior Environmental Scientist Specialist, Melanie Parker, who can be contacted via email at Groundfish@wildlife.ca.gov.



Melissa Miller-Henson, Executive Director
California Fish and Game Commission
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ec: **Department of Fish and Wildlife**

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Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Sections 1.95 and 27.80
Title 14, California Code of Regulations

Re: Process to Conform State Recreational Fishing Regulations to Federal Regulations, Including
Federal Groundfish

I. Date of Initial Statement of Reasons: July 28, 2026

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: August 12-13, 2026

Location: Sacramento

(b) Adoption Hearing

Date: October 13-16, 2026

Location: Sacramento

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that
Regulation Change is Reasonably Necessary

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR), “Department” refers to the California Department of Fish and Wildlife, and “Commission” refers to the California Fish and Game Commission.

Background

Under current state law (California Fish and Game Code Section 7110), the Commission has authority to establish through regulation an automatic process to conform California state marine recreational fishing regulations applicable in state waters (zero to three miles offshore) to federal regulations. The conforming actions implemented pursuant to the automatic process are exempt from the Administrative Procedure Act (APA) [Chapter 3.5 (commencing with Section 11340) of the Government Code] and currently only apply to salmon (as defined in Section 1.73), and Pacific halibut. Additional federally managed species, such as groundfish, highly migratory species, and coastal pelagic species, are not currently included in the list of species for which the automatic conformance process may be used, and amendments to the regulations for these additional species are not exempt from the APA.

The National Marine Fisheries Service (NMFS) adopts fishing regulations for species managed under federal fishery management plans consistent with the Magnuson-Stevens Fishery Management and Conservation Act (16 U.S.C. Chapter 38 (§§ 1801 et seq.)), as recommended by the Pacific Fishery Management Council (Council). These measures include those for recreational fishing in federal waters off California.

For species managed under federal fishery management plans or regulations, the Commission has usually taken concurrent action to conform state recreational fishing regulations to federal

regulations that have been adopted through an open and deliberative federal rulemaking process, which includes a detailed review of economic impacts. Conforming state recreational regulations is done in recognition of federal jurisdiction, and to ensure consistency and ease of use for constituents who are subject to both state and federal laws while fishing for or possessing sport fish. However, the dual process is redundant and inefficient, and historically the lag between federal action and conforming state action has created a period of management inconsistency and confusion. To improve regulatory efficiency, California Fish and Game Code Section 7110 was enacted with the goal of reducing redundancies between state and federal rulemaking processes for these species.

When the automatic conformance process defined in Section 1.95 was developed, federal groundfish were not included in the list of species for which the process may be used. This was, in part, due to regulations for two state-managed species being coupled to regulations for federally managed groundfish species at the time. Since then, the regulations for those state-managed species have been decoupled from federal groundfish regulations, so groundfish may now be included in the list of species for which the automatic conformance process may be used. Additionally, federal groundfish actions are expected to occur more frequently, which would significantly increase state rulemaking administrative burden and the inherent period of inconsistency and confusion due to the lag between federal and state actions under current APA requirements.

Present Regulations

Present regulations in Section 1.95 define the process by which state regulations for salmon (as defined in Section 1.73) and Pacific halibut may be conformed to federal regulations for annual or corrective federal actions, or in-season changes. The process specifies how the regulations are amended, and what public notification requirements of the Department and Commission are necessary. Regulations in Section 27.80 prescribe the recreational ocean fishing regulations for salmon.

Proposed Regulations

The Department recommends amending Section 1.95 to add federal groundfish (as defined in subsection 1.91(a)) to the list of species for which the automatic conformance process may be used, to modify the automatic conformance process, and to modernize public notification requirements.

Specific changes as recommended by the Department are described below:

Subsection 1.95(a)(3) – This new subsection is added to list federal groundfish, as defined in subsection 1.91(a), to the list of species for which regulations can be amended using the process defined in this section.

Necessity: This change is necessary so the process defined in subsection 1.95(b), that is exempt from the APA process, may be used to conform state regulations for federal groundfish to federal regulations for those species, thereby reducing redundant workload of state agencies and ensuring more timely effective dates of state regulations to coincide with regulatory actions by federal agencies, reducing regulatory inconsistency and public confusion.

Subsection 1.95(b)(1) – A new subsection (b)(1) is added to define a federal regulation for the purposes of conforming state action under Section 1.95. Federal regulations would include but

not be limited to federal actions published in the Federal Register, noticed via the NMFS hotline, or a bulletin or notice on the NMFS website.

Necessity: This change is necessary to include the broader scope of federal actions that the process may be used for. The current regulations are unnecessarily narrow and exclude other federal regulatory actions, including biennial rules that are published in the Federal Register, and emergency and interim rules, and other federal actions that become effective prior to publication in the Federal Register. This change will ensure the state can take conforming action to all publicly published federal actions for the relevant species, reducing redundant workload of state agencies and ensuring more timely effective dates of state regulations.

Current regulations in subsection 1.95(b)(1) specify that the recreational fishing regulations for the species listed in subsections (a)(1) through (a)(2) in state waters shall conform to the applicable federal regulations enacted by the National Marine Fisheries Service by the process described in subsection (b)(2) or by the process described in subsection (b)(3). This subsection is renumbered as subsection 1.95(b)(2) and amended to modify reference to specific subsections within (a) to all subsections within (a), generally, remove reference to current subsection (b)(2), and reposition the phrase “in state waters” to appear earlier in the sentence.

Necessity: The changes are necessary to accurately reference the species for which the regulations apply, for consistency with the renumbering of subsections due to the addition of new subsection (b)(1) and the repeal of current subsection (b)(3), and for clarity.

Current subsection 1.95(b)(2) is titled as “Process for Annual or Corrective Actions.” This subsection is renumbered as subsection 1.95(b)(3) and the title is amended to replace “Annual or Corrective Actions” with “Actions to Conform State Regulations.”

Necessity: This change is necessary to include the broader scope of federal actions that the process may be used for, consistent with new subsection (b)(1).

Current regulations in subsection 1.95(b)(2)(A) specify that no later than 10 days after publication in the Federal Register of any National Marine Fisheries Service annual regulation for the species listed in subsection (a), or any correction to an annual regulation affecting such species, the Commission shall submit amended fishing regulations to the Office of Administrative Law for publication in the California Code of Regulations, and shall file amended recreational fishing regulations with the Secretary of State. This subsection is renumbered as subsection 1.95(b)(3)(A) and is amended to replace “Federal Register” with “Federal Register or notification via the NMFS hotline or website”; to replace “any National Marine Fisheries Service annual regulation” with “a NMFS regulation”; repeal “or any correction to an annual regulation affecting such species”; and to add “that necessitates a change to state regulations.”

Necessity: Replacing “Federal Register” with “Federal Register or notification via the NMFS hotline or website” is necessary for consistency with the definition of federal regulation in new subsection 1.95(b)(1) and to use the abbreviation “NMFS” (a non-substantive change). The word “annual” and the phrase “or any correction to an annual regulation affecting such species” are no longer necessary due to the definition of federal regulation in new subsection (b)(1). The replacement of “any” with “a” and the addition of “that necessitates a change to state regulations” clarifies that only federal actions necessitating a change to state regulations

require conforming state action. For example, a federal action that does not change fishing opportunities or other regulations provided in Title 14 would not necessitate conforming action under this process, but a federal action changing fishing season dates, open and closed areas, bag limits, or size limits would necessitate a change to state regulations utilizing this process.

Current subsection 1.95(b)(2)(B) is renumbered as subsection 1.95(b)(3)(B) and amended to reorganize the structure of the subsection for clarity.

Current regulations in the unnumbered first paragraph of subsection 1.95(b)(2)(B) specify that no later than 10 days after publication in the Federal Register of any National Marine Fisheries Service annual regulation for the species listed in subsection (a) or any correction to an annual regulation affecting such species, some specified actions shall occur. Subsection 1.95(b)(2)(B) is renumbered as subsection 1.95(b)(3)(B) and the unnumbered first paragraph is numbered as subsection 1.95(B)(3)(B)1. and is amended to replace “Federal Register” with “Federal Register or notification via the NMFS hotline or website”; to replace “any National Marine Fisheries Service annual regulation” with “a NMFS regulation”; repeal “or any correction to an annual regulation affecting such species”; and add “that necessitates a change to state regulations.”

Necessity: Replacing “Federal Register” with “Federal Register or notification via the NMFS hotline or website” is necessary for consistency with the definition of federal regulation in new subsection 1.95(b)(1) and to use the abbreviation “NMFS” (a non-substantive change). The word “annual” and the phrase “or any correction to an annual regulation affecting such species” are no longer necessary due to the definition of federal regulation in new subsection (b)(1). The replacement of “any” with “a” and the addition of “that necessitates a change to state regulations” clarifies that only federal actions necessitating a change to state regulations require notification of conforming state action.

Current regulations in subsection 1.95(b)(2)(B)1. specify that the Department shall inform the public, via news release, of the Federal Register in which the applicable fishing regulations are published and the effective date of the conformed regulations. This subsection is renumbered as subsection 1.95(b)(3)(B)1.a. and is amended to replace “via news release” with “via its website or other electronic notification,” replace “Federal Register” with “Federal Register or NMFS bulletin, notice or hotline.” and delete “fishing.”

Necessity: This change is necessary to keep up with technological advances and the ways in which public notification is most likely to reach the broadest audience and for consistency with subsection (b)(1). The deletion of “fishing” is necessary to remove an unnecessary qualifier of the type of regulation to which state recreational fishing regulations may need to conform, such as a seasonal or area closure for the purpose of conserving or protecting a species or habitat, or for public health or safety.

Current regulations in subsection 1.95(b)(2)(B)2. specify that the Commission shall mail or email the Department news release to any person, group of persons or small business enterprise that has filed with the Commission a request for notice of, or the Commission believes to be interested in, recreational fishing regulations for the species listed in subsection (a). This subsection is renumbered as subsection 1.95(b)(3)(B)1.b. and amended to replace Department news release with “a notice”.

Necessity: This change is necessary for consistency with subsection 1.95(b)(3)(B)1.a. for electronic notification.

Current regulations in subsection 1.95(b)(2)(B)3. require that, to the extent practicable, the Department shall provide information on any changes to applicable fishing regulations through public contact, electronic notification, and online and printed publications. This subsection is proposed to be repealed.

Necessity: This change is necessary to remove redundancy. The Department already provides public notice through the processes proposed in subsection (b), and the language in subsection is informational rather than regulatory in nature.

Current regulations in subsection 1.95(b)(2)(C) specify that an update on the conformed recreational fishing regulations will be included on the agenda of the next regularly-scheduled Commission meeting. This subsection is renumbered to 1.95(b)(3)(C) and amended to remove the hyphen between “regularly” and “scheduled.”

Necessity: This is a non-substantive change.

Current regulations in subsections 1.95(b)(3) through (b)(3)(B) prescribe the process for in-season changes for salmon and Pacific halibut. These subsections are proposed to be repealed.

Necessity: This change is necessary as description for a process to conform to in-season changes and specific subsections describing in-season changes for salmon and Pacific halibut are no longer necessary because the requirements in amended subsection (b)(3) apply to all federal actions for all the species listed in the regulation.

Current regulations in subsections 27.80(c), (d), and (f) state that, “[p]ublic notification of any in-season change to state salmon regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service ocean salmon hotline at (800) 662-9825. Anglers are advised to call the ocean salmon hotline at (800) 662-9825 before fishing.” The proposed regulations delete “[p]ublic notification of any in-season change to state salmon regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service ocean salmon hotline at (800) 662-9825” for consistency and compatibility with the proposed repeal of current subsection 1.95(b)(3). In addition, for clarity, “National Marine Fisheries Service” is added before “ocean salmon hotline” in the second sentence.

Other non-substantive changes are made for clarity and consistency.

(b) Goals and Benefits of the Regulation

These proposed amendments will reduce redundant workload to the state in order to make changes to state regulations to maintain consistency with federal regulations. The federal regulations are designed to be protective of the groundfish species and respond to new information that may indicate conservation concerns to the species. Additionally, these amendments will allow a rapid response that will assist enforcement and avoid unnecessary and extended rulemaking processes to establish amendments that solely conform to federal regulations.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority cited: Section 7110, Fish and Game Code

Reference: Section 7110, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change: None

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified by or brought to the attention of the Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

Under the No Change Alternative, status quo management of federal groundfish (as defined in Section 1.91) resources may result in misalignment between state and federal regulations. The Council would continue to recommend regulations for federal waters, NMFS would continue to implement federal regulations for waters off California, and the Commission would continue to adopt the same changes to state regulations, for consistency, via regular or standard APA rulemakings. Not adopting the proposed addition of federal groundfish to the list of species for which the state may automatically conform to federal regulations would continue to result in redundant workload to the state in order to make changes to state regulations to maintain consistency with federal regulations. In addition, the automatic conformance process would not be updated to include a broader scope of federal actions that the process may be used for and the public notification requirements would not be modernized.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no proposed mitigation measures are needed.

VI. Impact of Regulatory Action

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 Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

The proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed amendments update the process the Commission

may use to conform state recreational fishing regulations to federal regulations and add federal groundfish to the list of species for which the automatic conformance process may be used.

- (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 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.

The Commission anticipates future benefits to the environment by the timely conformance to federal regulation, resulting in the sustainable management of California's fish resources.

The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

- (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. The proposed regulations amend the Commission's process for conforming state regulations for federally managed species to federal regulations for those species, and do not materially affect a private person or business in any way that would induce costs.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The proposed amendments are anticipated to reduce redundant workload to the state caused by making changes to state regulations to maintain consistency with federal regulations. Additionally, the amendments will allow a rapid response that will assist enforcement and avoid unnecessary and extended rulemaking processes to establish amendments that solely conform to federal regulations. The Commission expects time savings for existing staff that will permit both the Commission and Department to devote more staff resources to achieving other core mandates, see the STD 399 Addendum for further details.

- (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.

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission is not aware of any economic impacts that would induce the creation or elimination of jobs within the state. The proposed regulations amend the Commission's process for conforming state regulations for federally managed species to federal regulations for those species.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission is not aware of any economic impacts that would induce the creation of new businesses or the elimination of existing ones. The proposed regulations amend the Commission's process for conforming state regulations for federally managed species to federal regulations for those species.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission is not aware of any economic impacts from the proposed regulations that affect the expansion of businesses currently doing business in the state. The proposed regulations amend the Commission's process for conforming state regulations for federally managed species to federal regulations for those species.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission is not aware of any benefits to the health and welfare of California residents as a result of the proposed regulations.

(e) Benefits of the Regulation to Worker Safety

The proposed regulations are not anticipated to impact worker safety conditions.

(f) Benefits of the Regulation to the State's Environment

The Commission anticipates future benefits to the environment by the timely conformance to federal regulation, resulting in the sustainable management of California's fish resources.

(g) Other Benefits of the Regulation

The proposed regulations amend the Commission's process for conforming state regulations for federally managed species to federal regulations for those species, allowing for these changes to be made more quickly.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR), “Department” refers to the California Department of Fish and Wildlife, and “Commission” refers to the California Fish and Game.

The National Marine Fisheries Service (NMFS) adopts fishing regulations for species with federal management jurisdiction to implement fishery management measures adopted by the Pacific Fishery Management Council (Council). These measures include those for recreational fishing in federal waters off California.

For species (e.g., salmon, groundfish, coastal pelagic and highly migratory species, and Pacific halibut) managed under federal fishery management plans or regulations, the Commission has usually taken concurrent action to conform state recreational regulations to federal regulations that have been adopted through an open and deliberative federal rulemaking process, which includes a detailed review of economic impacts. Conforming state recreational regulations is done in recognition of federal jurisdiction and to ensure consistency and ease of use for constituents who are subject to both state and federal laws while fishing for or possessing sport fish. However, the dual process is redundant and inefficient, and historically the lag between federal action and conforming state action has created a period of management inconsistency and confusion. To improve regulatory efficiency, California Fish and Game Code (FGC) Section 7110 was enacted with the goal of reducing redundancies between state and federal rulemaking processes for these species.

Current regulations in Section 1.95 define the process by which state regulations for salmon (as defined in Section 1.73) and Pacific halibut may be conformed to federal regulations for annual or corrective federal actions, or in-season changes. The process specifies how the regulations are amended, and what public notification requirements of the Department and Commission are necessary.

When the automatic conformance process defined in Section 1.95, and established under the authority of FGC Section 7110, was developed, federal groundfish were not included in the list of species for which the process may be used. This was, in part, due to regulations for two state-managed species being coupled to regulations for federally managed groundfish species at the time. Since then, the regulations for those state-managed species have been decoupled from federal groundfish regulations. Additionally, federal groundfish actions are expected occur more frequently, which would significantly increase state rulemaking administrative burden under current APA requirements.

The Department recommends that the Commission amend Section 1.95 to add federal groundfish (as defined in subsection 1.91(a)) to the list of species for which the automatic conformance process may be used, to modify the automatic conformance process and to modernize public notification requirements.

The proposed regulations would:

- Add federal groundfish to the list of species for which regulations can be amended using the automatic conformance process.
- Add a definition of a federal regulation for the purposes of conforming state regulations which include, but is not limited to, federal actions published in the Federal Register, noticed via the NMFS hotline, or a bulletin or notice on the NMFS website.

- Clarify that the notification and regulatory procedures apply to federal regulations that necessitate a change to state regulations.
- Modify the Department's public notification requirement from a news release only, to Department website updates or other electronic notification.
- Delete the unnecessary "fishing" qualifier regarding the type of federal regulation to which state recreational fishing regulations may need to conform.
- Modify the Commission's public notification requirement to specify that the Commission shall send a notice instead of forwarding the Department news release.
- Repeal an informational, non-regulatory, statement regarding Department dispersal of information on changes to applicable fishing regulations.
- Repeal species-specific processes for in-season actions as all federal actions would be covered in a single process.
- Revise language regarding public notification of in-season changes to recreational ocean fishing regulations for salmon for consistency and compatibility with the repeal of the separate process for in-season actions.
- Make other amendments consistent with the added definition of federal regulation.
- Finally, other minor changes are proposed for clarity and consistency.

Benefits of the Regulations:

These proposed amendments will reduce redundant workload to the state in order to make changes to state regulations to maintain consistency with federal regulations. The federal regulations are designed to be protective of the groundfish species and respond to new information that may indicate conservation concerns to the species. Additionally, these amendments will allow a rapid response that will assist enforcement and avoid unnecessary and extended rulemaking processes to establish amendments that solely conform to federal regulations.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing recreational fishing (FGC sections 200 and 205) and governing a process to automatically conform state recreational fishing regulations to federal regulations (FGC Section 7110). No other state agency has the authority to adopt regulations governing recreational fishing nor to prescribe a process to automatically conform state recreational fishing regulations to federal regulations. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the governing a process to automatically conform state recreational fishing regulations to federal regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the Code of Federal Regulations (CFR) and, pursuant to California Government Code Section 11346.2(b)(6), has determined that the proposed regulations avoid unnecessary duplication and do not conflict with federal regulations contained in the CFR.

Proposed Regulatory Language

Section 1.95, Title 14, CCR is amended as follows:

§ 1.95. Process to Conform State Recreational Fishing Regulations to Federal Regulations.

(a) The commission establishes the process in subsection (b) to automatically conform state recreational fishing regulations for the fish species listed in subsections (a)(1) through ~~(a)(2)~~ (a)(3). Conforming regulations established through subsection (b) shall govern unless the commission adopts regulations for said species using the regular rulemaking process [Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code] and specifically declares at the time of adoption the intent to deviate from the automatic conformance process.

(1) Salmon as defined in Section 1.73.

(2) Pacific halibut (*Hippoglossus stenolepis*).

(3) Federal groundfish, as defined in subsection 1.91(a).

(b) Automatic Process to Conform State Recreational Fishing Regulations to Federal Regulations.

(1) For purposes of this section, a federal regulation includes, but is not limited to, a federal action that is published in the Federal Register or noticed via the National Marine Fisheries Service (NMFS) hotline [(800) 662-9825] or a bulletin or notice on the NMFS website (<https://www.fisheries.noaa.gov/rules-and-announcements/>).

~~(1)(2)~~ Recreational fishing regulations in state waters for fish species listed in subsections ~~(a)(1)~~ through ~~(a)(2)~~ subsection (a) in state waters shall conform to applicable federal regulations enacted by the National Marine Fisheries Service NMFS by the process described in subsection ~~(b)(2)~~ or by the process described in subsection (b)(3).

~~(2)(3) Process for Annual or Corrective Actions.~~ Actions to Conform State Regulations.

(A) No later than 10 days after publication in the Federal Register or notification via the NMFS hotline or website of any ~~National Marine Fisheries Service annual a NMFS~~ regulation for the species listed in subsection (a), or any correction to an annual regulation affecting such species, that necessitates a change to state regulations, the commission shall submit amended recreational fishing regulations to the Office of Administrative Law for publication in the California Code of Regulations, and shall file amended recreational fishing regulations with the Secretary of State.

(B) Notification of State Conformance Action.

1. No later than 10 days after publication in the Federal Register or notification via the NMFS hotline or website of any National Marine Fisheries Service annual a NMFS regulation for the species listed in subsection (a) that necessitates a change to state regulations, or any correction to an annual regulation affecting such species, the following shall occur:

4. a. The department shall inform the public, via its website or other electronic notification, news release, of the Federal Register, or NMFS bulletin, notice or hotline in which the applicable fishing regulations are published and the effective date of the conformed regulations.

2. b. The commission shall mail or email a notice the department news release to any person, group of persons or small business enterprise that has filed with the commission a request for notice of, or the commission believes to be interested in, recreational fishing regulations for the species listed in subsection (a).

3. To the extent practicable, the department shall provide information on any changes to applicable fishing regulations through public contact, electronic notification, and online and printed publications.

(C) An update on the conformed recreational fishing regulations for the species listed in subsection (a) shall be included on the agenda of the next regularly scheduled regularly scheduled commission meeting.

~~(3) Process for In-Season Changes.~~

~~(A) Salmon. Recreational fishing regulations for salmon in state waters shall conform to applicable in-season changes to federal regulations. Public notification of any in-season change to state salmon regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service ocean salmon hotline at (800) 662-9825.~~

~~(B) Pacific Halibut. Recreational fishing regulations for Pacific halibut in state waters shall conform to applicable in-season changes to federal regulations. Public notification of any in-season change to state Pacific halibut regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service Area 2A Pacific halibut hotline at (800) 662-9825.~~

(c) Effective Date. The effective date of regulations conformed pursuant to subsection (b) shall be the same as the effective date of the federal regulation.

(d) Nothing in this section controls the adoption or validity of commission regulations pertaining to the species identified in subsection (a) on matters that federal regulations do not address.

NOTE: Authority cited: Section 7110, Fish and Game Code.

Reference: Section 7110, Fish and Game Code.

Proposed Regulatory Language

Section 27.80, Title 14, CCR, is amended to read:

§ 27.80. Salmon.

(a) Methods of take:

(1) General Provisions. Only by angling as defined in Section 1.05. No sinkers or weights exceeding four pounds may be used, except that a fishing line may be attached to a sinker or weight of any size if such sinker or weight is suspended by a separate line and the fishing line is released automatically by a mechanical device from the sinker or weight when any fish is hooked. See sections 28.65 and 28.70.

(2) Barbless Hooks. No more than two (2) single point, single shank barbless hooks shall be used in the ocean north of Point Conception (34°27'00" N. lat.) when salmon fishing or fishing from any boat or floating device with salmon on board.

(3) Other Hook Restrictions. When fishing with bait in the ocean between 40°10'00" N. lat. (near Cape Mendocino) and Point Conception, if angling by any means other than trolling, then no more than two (2) single point, single shank, barbless circle hooks shall be used. The distance between the two hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape, and a point which turns inwards, pointing directly to the shank at a 90 degree angle. Trolling is defined as angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions. See Section 28.65(g).

(4) One Rod Restriction north of Point Conception. Salmon may be taken by angling with no more than one rod in ocean waters north of Point Conception. See Section 28.65(e).

(b) Statewide Coho (silver) Salmon Restrictions: No coho (silver) salmon may be retained.

(c) Open Fishing Days, Daily Bag Limits, and Minimum Size in effect from May 16, 2026 through August 31, 2026. In-season action may be taken by the National Marine Fisheries Service to close open days when total harvest is approaching an area-specific harvest guideline. Anglers are advised to check the department's website at: wildlife.ca.gov/oceansalmon for current information on harvest guidelines. ~~Public notification of any in-season change to state salmon regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service~~

~~ocean salmon hotline at (800) 662-9825.~~ Anglers are advised to call the National Marine Fisheries Service ocean salmon hotline at (800) 662-9825 before fishing.

(1) North of 40°10'00" N. lat. (near Cape Mendocino) and in Humboldt Bay.

(A) Open to salmon fishing June 13 through July 19 and August 1 through 31.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (g) below.

(C) Minimum Size: 20 inches total length.

(D) Area-Specific Harvest Guideline: In-season action may be taken to close the fishery or remaining open days when total harvest is approaching an area-specific harvest guideline of 3,900 Chinook salmon.

(E) Salmon may not be possessed on a vessel in this area except when open to salmon fishing.

(2) Between 40°10'00" N. lat. and Point Arena (38°57'30" N. lat.).

(A) Open to salmon fishing June 13 through July 19 and August 1 through 31.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (g) below.

(C) Minimum Size: 20 inches total length.

(D) Area-Specific Harvest Guideline: In-season action may be taken to close the fishery or remaining open days when total harvest is approaching an area-specific harvest guideline of 5,100 Chinook salmon.

(E) Except when open to salmon fishing, no fishing gear may be deployed in this area with salmon in possession.

(3) Between Point Arena and Pigeon Point (37°11'00" N. lat.).

(A) Open to salmon fishing June 27 through July 22 and August 1 through 31.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (g) below.

(C) Minimum Size: 20 inches total length.

(D) Area-Specific Harvest Guideline: In-season action may be taken to close the fishery or remaining open days when total harvest is approaching an area-specific harvest guideline of 34,900 Chinook salmon.

(E) Except when open to salmon fishing, no fishing gear may be deployed in this area with salmon in possession.

(4) Between Pigeon Point and the U.S./Mexico border.

(A) Open to salmon fishing May 16 through August 31.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (g) below.

(C) Minimum Size: 20 inches total length.

(D) Area-Specific Harvest Guideline: In-season action may be taken to close the fishery or remaining open days when total harvest is approaching an area-specific harvest guideline of 21,800 Chinook salmon.

(E) Except when open to salmon fishing, no fishing gear may be deployed in this area with salmon in possession.

(d) Open Fishing Days, Daily Bag Limits, and Minimum Size in effect from September 1, 2026 through October 31, 2026. In-season action may be taken by the National Marine Fisheries Service to close open days when total harvest is approaching a fall harvest guideline of 20,000 Chinook salmon applicable to both open areas defined in (d)(3) and (d)(4) below. Anglers are advised to check the department's website at: wildlife.ca.gov/oceansalmon for current information on harvest guidelines. ~~Public notification of any in-season change to state salmon regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service ocean salmon hotline at (800) 662-9825.~~ Anglers are advised to call the National Marine Fisheries Service ocean salmon hotline at (800) 662-9825 before fishing.

(1) North of 40°10'00" N. lat. (near Cape Mendocino) and in Humboldt Bay. Closed.

(A) Salmon may not be possessed on a vessel in this area except when open to salmon fishing.

(2) Between 40°10'00" N. lat. and 38°02'00" N. lat. Closed.

(A) Except when open to salmon fishing, no fishing gear may be deployed in this area with salmon in possession.

(3) Between 38°02'00" N. lat. and Pigeon Point (37°11'00" N. lat.).

(A) Open to salmon fishing September 1 through October 31.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (g) below.

(C) Minimum Size: 20 inches total length.

(D) Except when open to salmon fishing, no fishing gear may be deployed in this area with salmon in possession.

(4) Between Pigeon Point and the U.S./Mexico border.

(A) Open to salmon fishing September 1 through 30.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (g) below.

(C) Minimum Size: 20 inches total length.

(D) Except when open to salmon fishing, no fishing gear may be deployed in this area with salmon in possession.

(e) Open Fishing Days, Daily Bag Limits, and Minimum Size in effect on or after November 1, 2026: Closed statewide until the 2027 opening dates prescribed in subsection (f), or as modified in-season.

(f) Open Fishing Days, Daily Bag Limits, and Minimum Size in effect on or after April 1, 2027. Open fishing days, harvest guidelines, size, and bag limits may be considered in-season. In-season action to close fisheries, modify season dates, or modify the bag limit may be considered when total sport harvest is approaching a harvest guideline. Anglers are advised to check the department's website at: wildlife.ca.gov/oceansalmon for current information on harvest guidelines. ~~Public notification of any in-season change to state salmon regulations to conform to in-season changes to federal regulations is made through the National Marine Fisheries Service ocean salmon hotline at (800) 662-9825.~~ Anglers are advised to call the National Marine Fisheries Service ocean salmon hotline at (800) 662-9825 before fishing.

(1) North of 40°10'00" N. lat. (near Cape Mendocino) and in Humboldt Bay:

(A) Open to salmon fishing beginning May 1, 2027. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (g) below.

(C) Minimum Size: 20 inches total length.

(D) Salmon may not be possessed on a vessel in this area except when open to salmon fishing.

(2) Between 40°10'00" N. lat. and Point Arena (38°57'30" N. lat.):

(A) Open to salmon fishing beginning April 3, 2027. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (g) below.

(C) Minimum Size: 20 inches total length.

(D) Except when open to salmon fishing, no fishing gear may be deployed in this area with salmon in possession.

(3) Between Point Arena and Pigeon Point (37°11'00" N. lat.):

(A) Open to salmon fishing beginning April 3, 2027. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (g) below.

(C) Minimum Size: 24 inches total length.

(D) Except when open to salmon fishing, no fishing gear may be deployed in this area with salmon in possession.

(4) Between Pigeon Point and the U.S./Mexico border.

(A) Open to salmon fishing beginning April 3, 2027. Fishing is authorized 7 days per week.

(B) Daily Bag Limit: 2 salmon per day. See subsection (b) above and subsection (g) below.

(C) Minimum Size: 24 inches total length.

(D) Except when open to salmon fishing, no fishing gear may be deployed in this area with salmon in possession.

(g) Ocean salmon possession limit: No more than two daily bag limits may be possessed when on land. On a vessel in ocean waters, no person shall possess or bring ashore more than one daily bag limit. See Section 1.17 and 27.60(c) of these regulations.

Note: Authority cited: Sections 200, 205, 265, 316.5, 399, 2084 and 7110, Fish and Game Code. Reference: Sections 200, 205, 265, 316.5, 2084 and 7110, Fish and Game Code.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

Draft Document

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME California Fish and Game Commission	CONTACT PERSON Gabriel Lopez	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER (916) 737-4862
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend §§1.95 & 27.80, T14, CCR, Process to Conform State Rec Fishing Regulations to Federal Regulations			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| ☐ a. Impacts business and/or employees | ☐ e. Imposes reporting requirements |
| ☐ b. Impacts small businesses | ☐ f. Imposes prescriptive instead of performance |
| ☐ c. Impacts jobs or occupations | ☐ g. Impacts individuals |
| ☐ d. Impacts California competitiveness | ☒ h. None of the above (Explain below): |

These proposed regs will reduce redundant workload to the state by making changes to state regulations to maintain consistency with Fed

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.

If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: ☐ Statewide
☐ Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

ECONOMIC AND FISCAL IMPACT STATEMENT (REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☐ NO

If YES, complete E2. and E3

If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO

If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____
- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

ECONOMIC AND FISCAL IMPACT STATEMENT (REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☐ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☒ 4. Other. Explain The Department anticipates time savings of approx. 340 hours for each annual rulemaking with automatic conformance. Staff time will be reallocated to other core functions, with approximate savings of \$19,500 annually (not expected to be realized in current fiscal year, see addendum).

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE



The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

DATE



Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD. 399 Addendum

Amend Sections 1.95 and 27.80

Title 14, California Code of Regulations

Regarding Process to Conform State Recreational Fishing Regulations to Federal Regulations, Including Federal Groundfish

Background

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR), “Department” refers to the California Department of Fish and Wildlife, and “Commission” refers to the California Fish and Game.

The National Marine Fisheries Service (NMFS) adopts fishing regulations for species with federal management jurisdiction to implement fishery management measures adopted by the Pacific Fishery Management Council (Council). These measures include those for recreational fishing in federal waters off California.

For species (e.g., salmon, groundfish, coastal pelagic and highly migratory species, and Pacific halibut) managed under federal fishery management plans or regulations, the Commission has usually taken concurrent action to conform state recreational regulations to federal regulations that have been adopted through an open and deliberative federal rulemaking process, which includes a detailed review of economic impacts. Conforming state recreational regulations is done in recognition of federal jurisdiction and to ensure consistency and ease of use for constituents who are subject to both state and federal laws while fishing for or possessing sport fish. However, the dual process is redundant and inefficient, and historically the lag between federal action and conforming state action has created a period of management inconsistency and confusion. To improve regulatory efficiency, Fish and Game Code (FGC) Section 7110 was enacted with the goal of reducing redundancies between state and federal rulemaking processes for these species.

When the automatic conformance process, defined in Section 1.95, and established under the authority of FGC Section 7110, was developed, federal groundfish were not included in the list of species for which the process may be used. This was, in part, due to regulations for two state-managed species being coupled to regulations for federally managed groundfish species at the time. Since then, the regulations for those state-managed species have been decoupled from federal groundfish regulations. Additionally, the frequency that federal groundfish actions occur is expected to increase, which would significantly increase state rulemaking administrative burden under current Administrative Procedures Act (APA) requirements.

The Department recommends amending Section 1.95 to add federal groundfish (as defined in subsection 1.91(a)) to the list of species and modifying the process defined in this section for clarification and modernization of public notification requirements. The proposed regulations amend the Commission’s process for conforming state regulations for federally managed species to federal regulations for those species. Section 27.80 is proposed to be amended for consistency with the proposed changes to Section 1.95 regarding public notification of in-season changes.

Economic Impact Statement

Section A. Estimated Private Sector Cost Impacts

Question 1. Answer: h. None of the above:

The proposed amendments will reduce redundant workload to the state by making changes to state regulations to maintain consistency with federal regulations. Additionally, these proposed changes will allow the Department and Commission to rapidly respond to changes in federal regulations, which will assist enforcement and avoid unnecessary and extended rulemaking processes to establish amendments that solely conform to federal regulations. It is not anticipated that the proposed changes will induce any adverse economic impacts on private individuals or businesses that will directly or indirectly create new costs for them.

Fiscal Impact Statement

Section B. Fiscal Effect on State Government

Answer: Other.

The proposed amendments are anticipated to reduce redundant workload to the state caused by making changes to state regulations to maintain consistency with federal regulations. Additionally, these amendments will allow a rapid response that will assist enforcement and avoid unnecessary and extended rulemaking processes to establish amendments that solely conform to federal regulations. The Commission expects time savings for existing staff that will permit both the Commission and Department to devote more staff resources to achieving other core mandates.

The expected annual time savings are detailed in Table 1 and are based on Department estimates for staff time requirements to develop and implement regulations for federal conformity. The Department anticipates approximately \$39,000 in savings per rulemaking, with an assumed average of one standard rulemaking every other year (excluding emergency rulemakings). Splitting the \$39,000 in savings per rulemaking by two years gives an approximate annual average of \$19,500 in fiscal savings, with the likely outcome that staff time will be reallocated to other core Department functions. However, it is not anticipated that these savings will be realized in the current fiscal year (2026-2027) due to the time involved for the rulemaking process and would most likely begin in the following fiscal year (2027-2028).

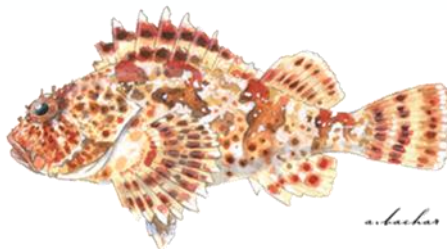
Table 1: Estimated Time for Regulatory Development

Regulation Development and Implementation Process			
Cost Description	Hours	Rate	Task Costs
<i>Regulation Change Concept Proposal</i>			
Senior Environmental Scientist (Supervisory)	8	\$138	\$1,101.37
Senior Environmental Scientist (Specialist)	8	\$110	\$876.01
Analyst II	6	\$77	\$462.02
Environmental Program Manager I, Supervisory	4	\$159	\$636.76
<i>Public Outreach</i>			
Environmental Scientist (A/C)	20	\$95	\$1,902.08
Senior Environmental Scientist (Specialist)	8	\$77	\$616.03
Environmental Program Manager I, Supervisory	4	\$159	\$636.76
Career Executive Assignment	2	\$218	\$436.08
<i>Administrative Procedure Act Process</i>			
<i>Develop Initial Statement of Reasons and Regulatory Text</i>			
Senior Environmental Scientist (Specialist)	80	\$110	\$8,760.06
Senior Environmental Scientist (Supervisory)	20	\$138	\$2,753.43
Analyst II	40	\$77	\$3,080.14
Research Data Spec II (Econ)	16	\$98	\$1,560.84
Career Executive Assignment	4	\$218	\$872.17
Staff Counsel IV (Attorney III)	16	\$156	\$2,501.82
General Counsel (Attorney IV)	2	\$164	\$328.46
Environmental Program Manager I, Supervisory	10	\$159	\$1,591.90
<i>Public Hearing</i>			
Environmental Program Manager I, Supervisory	4	\$159	\$636.76
Senior Environmental Scientist (Supervisory)	4	\$138	\$550.69
Senior Environmental Scientist (Specialist)	8	\$110	\$876.01
Fish and Game Warden (A/B)	4	\$97	\$386.43
Fish and Game Lieutenant (Supervisor)	4	\$128	\$512.30
<i>Final Statement of Reasons Preparation including Office of Administrative Law and Department of Finance Coordination</i>			
Environmental Program Manager I, Supervisory	4	\$159	\$636.76
Senior Environmental Scientist (Supervisory)	8	\$138	\$1,101.37
Senior Environmental Scientist (Specialist)	20	\$110	\$2,190.01
Staff Counsel IV (Attorney III)	8	\$156	\$1,250.91
Analyst II	20	\$77	\$1,540.07
Research Data Spec II (Econ)	8	\$98	\$780.42
Total	340		\$38,578

Pay rates are from the Department Budget Branch, overhead rate for non-Fed is 20.68%



Process for Automatic Conformance to Federal Sport Fishing Regulations



August 12, 2026

Presented to:

**California Fish and Game
Commission**

Presented by:

**Marci Yaremko
Environmental Program Manager
Marine Region**



Fish and Game Code §7110

- (a)** The commission may establish by regulation an automatic process to conform its sport fishing regulations to federal regulations.
- (b)** The Administrative Procedure Act (Section 11340 et Seq.) of the Government Code does not apply to auto-conformance actions.
- (c)** The department shall provide public notice of a conforming action implemented pursuant to this section.



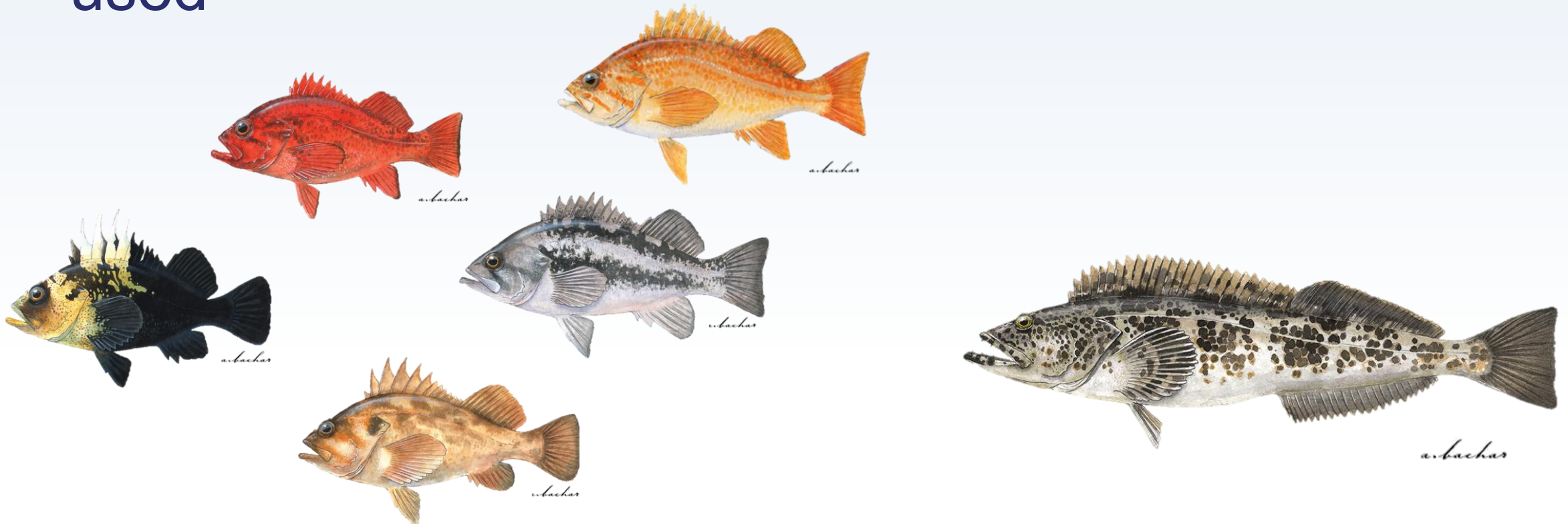
Current Regulations - §1.95

- Added to Title 14 in 2017 and first used in 2018
- Current regulations apply ***only*** for ocean salmon and Pacific halibut
- Describes process, and public notice requirements, to amend regulations for these species to conform state regulations to federal regulations



Proposed Amendments – Add Groundfish

- Add federal groundfish (as defined in §1.91(a)) to the list of species for which this process may be used





Proposed Amendments – Process

- Defines "federal regulations" as processes utilized by NMFS to make changes
 - Action published in Federal Register,
 - Noticed via NMFS phone hotline,
 - Bulletin Notice by NFMS website
- Removes unnecessary references to "annual," "corrective" and "inseason" federal regulations, which is not inclusive enough



Proposed Amendments – Public Notification

- Includes a 10-day notification process
- Modernizes the language describing public notice
 - Current language specifies only Department news release
 - Proposed changes allow for use of various electronic notification types in line with technologic advances
- Provides flexibility by allowing the process to be used for federal actions that "necessitates a change to state regulations"



Timeline

August 2026
(today)

Notice hearing

October 2026

Adoption hearing

December 2026

Amended regulations effective

December 2026/
January 2027

First expected utilization of the amended process

Thank You

Any Questions?

AskMarine@wildlife.ca.gov

Groundfish@wildlife.ca.gov

