

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission, pursuant to the authority vested by Section 7110 of the California Fish and Game Code and to implement, interpret or make specific said section of said Code, proposes to amend sections 1.95 and 27.80, Title 14, California Code of Regulations, relating to a process to conform state recreational fishing regulations to federal regulations, including federal groundfish.

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.

Informative Digest/Policy Statement Overview

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 managed under federal fishery management plans or regulations (e.g., salmon, groundfish, coastal pelagic and highly migratory species, and Pacific halibut), 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 by the Council, which includes a detailed review of economic impacts. Conforming state recreational fishing 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.

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 first adopted, federal groundfish species 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 revised the regulations for state-managed species, removing the 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. 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 state’s automatic conformance process to include a broader scope of potential

federal actions; and to modernize public notification requirements to align with current technology methods. Additionally, Commission staff recommends changes to Section 27.80 for consistency.

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.
- 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 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 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.
- Revise language regarding public notification of in-season changes to recreational ocean fishing regulations for salmon for consistency with the proposed deletion of the separate processes for in-season actions and proposed establishment of a single notification process applicable to all types of actions and included species.
- 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..

Public Participation

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before **September 30, 2026** at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 a.m. on October 13, 2026.** If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

Meetings

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Agency Headquarters Building, 715 P Street, Sacramento, California, which will commence at 8:00 a.m. on October 13, 2026, and may continue at 8:00 a.m. on October 14, 2026, 8:00 a.m. on October 15, 2026, and 8:00 a.m. on October 16, 2026. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in-person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling (916) 653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sherrie Fonbuena at FGC@fgc.ca.gov or at the preceding address or phone number. **Senior Environmental Scientist Specialist, Melanie Parker, Department of Fish and Wildlife, (Groundfish@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.**

Availability of Modified Text

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

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

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed 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 of state regulations to federal regulations intended to protect groundfish species and respond to emerging conservation concerns. Timely conformance would support 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.

(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.

(i) Business Reporting Requirements:

The proposed action does not impose a business reporting requirement.

Effect on Small Business

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

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Dated: August 18, 2026

Melissa Miller-Henson
Executive Director