

State of California
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: August 17, 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

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 Section 7110 was enacted with the goal of reducing redundancies between state and federal rulemaking processes.

When the automatic conformance process defined in Section 1.95 was developed, federal groundfish species were not included in the list of species for which the process may be used. 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. 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 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, modify the automatic conformance process, and modernize public notification methods.

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 deletion 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”; delete “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”; delete “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 deleted.

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 deleted.

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.

Additionally, Commission staff recommends changes to recreational ocean fishing regulations for salmon. 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 deletion 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 Commission.

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.