

§ 150.16. Commercial Take of Nearshore Fishes.

(a) Minimum size limits (total length) are as follows:

(1) black-and-yellow rockfish (<i>Sebastes chrysomelas</i>)	10 in.
(2) cabezon (<i>Scorpaenichthys marmoratus</i>)	15 in.
(3) California scorpionfish or sculpin (<i>Scorpaena guttata</i>)	10 in.
(4) California sheephead (<i>Bodianus pulcher</i>).....	13 in.
(5) China rockfish (<i>Sebastes nebulosus</i>)	12 in.
(6) gopher rockfish (<i>Sebastes carnatus</i>)	10 in.
(7) grass rockfish (<i>Sebastes rastrelliger</i>)	12 in.
(8) greenlings of the genus <i>Hexagrammos</i> (<i>Hexagrammos</i> spp.)	12 in.
(9) kelp rockfish (<i>Sebastes atrovirens</i>)	10 in.

(b) Species of nearshore fish stocks as defined in Section 1.90, Title 14, CCR, must be sorted by species prior to weighing and the weight reported separately on the electronic fish ticket.

(c) Any nearshore fish listed under this section that are taken in a nearshore fishery shall be measured immediately upon being brought aboard the vessel and released immediately if not in compliance with the size limits specified.

(d) Regulations adopted to modify the minimum size limits or to specify maximum size limits shall be based on the best available scientific information and adopted pursuant to the Administrative Procedure Act following public notice and not less than one public hearing.

(e) Cumulative trip limits for California sheephead, greenlings of the genus *Hexagrammos*, or federal groundfish.

(1) A cumulative trip limit is the total number of pounds of a species or a species group that may be taken and retained, possessed, or landed in a defined cumulative trip limit period without a limit on the number of landings or trips.

(2) Cumulative trip limit periods start at 0001 hours local time, end at 2400 hours local time, and are in two month periods as follows:

(A) January 1 through the last day of February,

(B) March 1-April 30,

(C) May 1-June 30,

(D) July 1-August 31,

(E) September 1-October 31,

(F) November 1-December 31.

(3) Landings toward a cumulative trip limit value for a defined cumulative trip limit period provided in this subsection are summed as follows:

(A) Cumulative trip limit values per fishing period for shallow nearshore rockfish, deeper nearshore rockfish, cabezon, and California scorpionfish apply to each individual nearshore permittee's California commercial licensee in addition to vessel-based limits. Landings are summed by an individual nearshore permittee's California commercial license number and vessel registration number which shall be listed on the electronic fish ticket submitted to the department pursuant to Section 8043, Fish and Game Code.

(B) For all other federal groundfish not specified in subsection (e)(3)(A) of this section, landings toward a cumulative trip limit value for a defined cumulative trip limit period are summed by the federally defined vessel-based limits, pursuant to section 189, Title 14 CCR.

(4) Any person landing species for which there is a cumulative trip limit established pursuant to this Section shall keep in their immediate possession copies of any and all reports of landings required by state laws or regulations throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.

(5) Cumulative trip limit tables for federal groundfish, California sheephead, cabezon and greenlings of the genus *Hexagrammos* in state waters.

(A) Between 42° N lat. (Oregon/California border) and 40° 10' N lat. (near Cape Mendocino, the cumulative trip limit per two-month limit period is as follows:

		<i>Jan-Feb</i>	<i>Mar-Apr</i>	<i>May-Jun</i>	<i>Jul-Aug</i>	<i>Sep-Oct</i>	<i>Nov-Dec</i>
1	Cabezon	1,000 lbs / 2 mo					
2	California Scorpionfish	3,500 lbs / 2 mo					
3	California sheephead	2,000 lbs / 2 mo		2,400 lbs / 2 mo			
4	Greenlings of the genus Hexagrammos	500 lbs / 2 mo					
5	Quillback rockfish	Closed <u>300 lbs / 2 mo</u>					
6	Black rockfish	7,000 <u>8,000</u> lbs / 2 mo					
7	Nearshore rockfish excluding black rockfish	2,000 <u>3,000</u> / 2 mo, of which no more than 75 lbs may be copper rockfish					

		Jan-Feb	Mar-Apr	May-Jun	Jul-Aug	Sep-Oct	Nov-Dec
8	All other federal groundfish (defined in Section 1.91)	See subsection (f) of this section					

(B) South of 40° 10' N lat. (near Cape Mendocino), the cumulative trip limit per two-month limit period is as follows:

		<i>Jan-Feb</i>	<i>Mar-Apr</i>	<i>May-Jun</i>	<i>Jul-Aug</i>	<i>Sep-Oct</i>	<i>Nov-Dec</i>
1	Cabazon	1,000 lbs / 2 mo					
2	California scorpionfish	3,500 lbs / 2 mo					
3	California sheephead	2,000 lbs / 2 mo			2,400 lbs / 2 mo		
4	Greenlings of the genus Hexagrammos	500 lbs / 2 mo					
5	Quillback rockfish	Closed <u>300 lbs / 2 mo</u>					
6	Shallow nearshore rockfish	2,000 <u>3,000</u> lbs / 2 mo					
7	Deeper nearshore rockfish between 40° 10' and 34° 27' N lat.	2,000 <u>3,000</u> lbs / 2 mo, of which no more than 75 lbs may be copper rockfish					
<u>8</u>	<u>Deeper nearshore rockfish south of 34° 27' N lat.</u>	<u>3,000 lbs / 2 mo, of which no more than 75 lbs may be copper rockfish</u>					
<u>89</u>	All other federal groundfish (defined in Section 1.91)	See subsection (f) of this section					

(C) The department will evaluate year-to-date catch levels against total allowable catch limits defined in Section 52.10 for California sheephead, cabazon and greenlings of the genus Hexagrammos or, for nearshore rockfish as defined in 14 CCR 1.91(a)(1) and California scorpionfish, annual harvest limit or harvest specifications established in

regulation by the NOAA Fisheries (National Marine Fisheries Service) in 50 CFR subpart C. Based on these data, when the department determines that cumulative trip limits defined in this Section need significant adjustment upward or downward (by 50 percent or more) in order to spread the allowable catches through the open season to the extent possible and prevent early attainment of the annual total allowable commercial catch, the cumulative trip limits defined in this Section may become inoperative and may be replaced with alternative limits as determined by the department. The department may perform these in-season analyses between May and September of each year; and provide notification of changes by October 15 of each year, as described in subsection (e)(5)(D).

(D) The department shall give nearshore fishery permittees no less than 10 days notice of any cumulative trip limit change pursuant to this Section via a notification letter sent to the permittee's address on file with the department.

(E) When allocations, total allowable catches or other catch limits defined in Section 52.09 or 52.10 are reached, and action to close the fishery is taken pursuant to Section 52.09 subsection (d) or Section 52.10 subsection (b), cumulative trip limits defined in this Section become inoperative.

(f) For all other federal groundfish not specified in subsections (e)(5)(A) or (B) trip limits (including daily, weekly and cumulative trip limits) noticed in the Federal Register by the National Marine Fisheries Service (Title 50, CFR, Part 660, subparts D, E, and F) are extended to apply in state waters. See also Section 189, Title 14, California Code of Regulations for additional requirements regarding fishing for federal groundfish in state waters.

(g) Vessels that fish in both state and federal waters shall not be entitled to additive state and federal trip limits.

(h) Crossover provisions established for federal groundfish noticed in the Federal Register by the National Marine Fisheries Service in Title 50, CFR, Part 660.60 are extended to apply in state waters.

(i) A vessel and/or individual that is subject to trip limits shall not exceed any trip limit for nearshore fish stocks or federal groundfish during any cumulative trip limit period.

NOTE: Authority cited: Sections 702, 7071, and 8587.1, Fish and Game Code.
Reference: Sections 1802, 8585.5, 8586, 8587, and 8587.1, Fish and Game Code.