

Proposed Regulatory Text

Section 150.06, Title 14, California Code of Regulations is amended to read:

§ 150.06. Commercial Groundfish Area Management Defined

(a) California Groundfish Restriction Areas. The California Groundfish Restriction Areas minimize interaction with particular species of groundfish that cannot be selectively avoided and must be protected by limiting or prohibiting fishing in certain depths or areas for federal groundfish and all greenlings of the genus *Hexagrammos*, and are defined as follows:

~~For state waters north of 37° 07' N lat. (Año Nuevo, San Mateo County), the California Groundfish Restriction Area is established by the mainland coast boundary defined in Title 14, CCR section 35.00 and the shoreward Exclusive Economic Zone (EEZ) as defined in Title 50, Code of Federal Regulations, section 600.10.~~

(b) Except for purposes of continuous transit, it is prohibited to take and retain or possess federal groundfish, as defined in section 1.91, within the California Groundfish Restriction Area, when in effect, or in other closed water. Continuous transit is defined as on a heading as nearly as practicable to a direct route through a California Groundfish Restriction Area or closed waters, while maintaining expeditious headway throughout transit without delay and with fishing gear stowed and secured in such a manner that it is rendered unusable for fishing.

(c) Seasonal closure periods and in-season closures enacted due to quota attainment for groundfish, other than those specified in 150.16(e)(5)(A) and (B), noticed in the Federal Register in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660 by the National Marine Fisheries Service are extended to apply in state waters ~~south of 37° 07' N lat. (Año Nuevo, San Mateo County)~~. See also Section 189, Title 14, California Code of Regulations for additional explanation regarding fishing for federal groundfish in state waters.

NOTE: Authority cited: Sections 7071, 7652 and 8587.1, Fish and Game Code.

Reference: Sections 7071, 7652, 8585.5 and 8587.1, Fish and Game Code.

Proposed Regulatory Text

Section 150.16, Title 14, California Code of Regulations is amended to read:

§ 150.16. Commercial Take of Nearshore Fishes.

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

- (1) black-and-yellow rockfish (*Sebastes chrysomelas*) 10 in.
- (2) cabezon (*Scorpaenichthys marmoratus*) 15 in.
- (3) California scorpionfish or sculpin (*Scorpaena guttata*) 10 in.
- (4) California sheephead (*Bodianus pulcher*)..... 13 in.
- (5) China rockfish (*Sebastes nebulosus*) 12 in.
- (6) gopher rockfish (*Sebastes carnatus*) 10 in.
- (7) grass rockfish (*Sebastes rastrelliger*) 12 in.
- (8) greenlings of the genus *Hexagrammos* (*Hexagrammos* spp.) 12 in.
- (9) kelp rockfish (*Sebastes atrovirens*) 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, ~~37° 07' N lat.~~, the cumulative trip limit per two-month limit period ~~when and where fishing is allowed pursuant to Section 150.06, Title 14, CCR,~~ 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>
Take and possession is only allowed shoreward of the 20-fm boundary line pursuant to section 150.06, Title 14, CCR							
1	Cabezon	1,000 lbs / 2 mo					
2	California Scorpionfish ¹	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
6	All other federal groundfish²	Closed except as provided in subsection (f)(1) of this section.
7	42° N lat. -- 40° 10' N lat.	
86	Black rockfish	7,000 lbs / 2 mo
97	Nearshore rockfish excluding black rockfish	2,000 / 2 mo, of which no more than 75 lbs may be copper rockfish
8	<u>Lingcod and other flatfish complex</u>	<u>See subsection (f)(2) and (f)(3) of this section</u>
9	<u>All other federal groundfish²</u>	<u>See subsection (f) of this section</u>
10	40° 10' N lat. -- 37° 07' N lat.	
11	Shallow nearshore rockfish	2,000 lbs / 2 mo
12	Deeper nearshore rockfish	2,000 lbs / 2 mo, of which no more than 75 lbs may be copper rockfish

1 The trip limit for this species is specified in federal regulation at 50 CFR 660 Subpart F, which does not grant an additive federal and state trip limit for the species.

2 As defined in section 1.91, Title 14, CCR.

(B) South of 40° 10' N lat. (near Cape Mendocino), ~~37° 07' N latitude~~, 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					
6	Shallow nearshore rockfish	2,000 lbs / 2 mo					

7	Deeper nearshore rockfish	2,000 lbs / 2 mo, of which no more than 75 lbs may be copper rockfish
8	All other federal groundfish² <u>Lingcod and other flatfish complex</u>	See subsections (f)(2) <u>and (f)(3)</u> of this section
<u>9</u>	<u>All other federal groundfish²</u>	<u>See subsection (f) of this section</u>

1 Trip limits for these species or species groups are specified in federal regulation at 50 CFR 660 Subpart F, which does not grant an additive federal and state trip limit for these species or species groups.

2 As defined in section 1.91, Title 14, CCR.

(C) The department will evaluate year-to-date catch levels against total allowable catch limits defined in Section 52.10 for California sheephead, cabezon 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)(6)(C).

(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) All other trip limits (including daily, weekly and cumulative trip limits) established for federal groundfish not specified in subsections (e)(5)(A) or (B) of this section:

~~(1) North of 37° 07' N lat. (Año Nuevo, San Mateo County), unless specified in subsection (e)(5)(A) of this section, take and possession of federal groundfish within state waters is prohibited, except for:~~Except for lingcod and the other flatfish complex, trip limits noticed in the Federal Register by the National Marine Fisheries Service in

Title 50, CFR, Part 660, subparts D, E, and F, except those specified in subsection (e)(5)(A) or (B), 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.

~~(A) purposes of continuous transit defined in section 150.06, Title 14 CCR, and~~

~~(B) salmon troll allowance for yellowtail rockfish noticed in the Federal Register by the National Marine Fisheries Service in Title 50, Code of Federal Regulations (CFR), Part 660, subpart F are extended to apply in state waters.~~

~~(2) South of 37° 07' N lat. (Año Nuevo, San Mateo County), all other trip limits established for federal groundfish noticed in the Federal Register by the National Marine Fisheries Service in Title 50, CFR, Part 660, subparts D, E, and F, except those specified in subsection (e)(5)(B), 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. Vessels that fish in both state and federal waters shall not be entitled to additive state and federal trip limits. Notwithstanding subsection (f)(1), the trip limits established for lingcod and the other flatfish complex as specified in Tables 2b (North) and 2b (South) to Part 660, Subpart E, Title 50 CFR and Tables 3b (North) and 3b (South) to Part 660, Subpart F, Title 50 CFR, are extended to apply in state waters, regardless if specified only seaward of the federal Rockfish Conservation Area. See also Section 189, Title 14, California Code of Regulations for additional requirements regarding fishing for federal groundfish in state waters.~~

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

(g) 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.

(h) 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.