

Regulatory Language

Section 28.29, Title 14, CCR, is amended to read:

§28.29. Kelp Greenling. Rock Greenling.

(a) Open areas, seasons, and depth constraints for greenlings of the genus *Hexagrammos* (including kelp and rock greenlings): See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and possession is authorized as follows:

(1) Northern Groundfish Management Area: Open from the second Saturday in May through October 31, in waters shallower than 20 fathoms.

(2) Mendocino Groundfish Management Area: Open from the second Saturday in May through August 15, in waters shallower than 20 fathoms.

(3) San Francisco Groundfish Management Area: Open June 9, 2011 through December 31, 2011, in waters shallower than 30 fathoms. Beginning in 2012, open June 1 through December 31, in waters shallower than 30 fathoms.

(4) Central Groundfish Management Area: Open May 1 through December 31, in waters shallower than 40 fathoms.

(5) Southern Groundfish Management Area: Open March 1 through December 31, in waters shallower than 60 fathoms.

(6) Cowcod Conservation Areas: Open March 1 through December 31, in waters shallower than 20 fathoms.

(b) Limit: For greenlings of the genus *Hexagrammos*, ~~two~~ten fish within a Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) bag limit of 10 fish.

(c) Minimum size: 12 inches total length.

(d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or double or treble hook with multiple points connected to a common shank.

(e) Fishing rules for greenlings of the genus *Hexagrammos* may be changed during the year or in-season by the department under the authority of subsection 27.20(e) or Section 52.10. The department will provide a news release notifying the public 10 calendar days in advance of a change for these species made under the authority of subsection 27.20(e). Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: www.dfg.ca.gov/marine/, or by calling (831) 649-2801 for recorded information, or by contacting a department office.

NOTE:

Authority cited: Sections 200, 202, 205, 702, 7071 and 8587.1, Fish and Game Code.
Reference: Sections 200, 202, 205, 1802, 7071 and 8586, Fish and Game Code; 50 CFR Part 660, Subpart G; 50 CFR 660.384; and 14 CCR 27.20.

Section 52.10, Title 14, CCR, is amended to read:

§52.10. Take of Sheephead, Cabezon and Greenling.

(a) Total Allowable Catches (TACs) and Allocations. Based on total allowable catches specified for each calendar year, catch may not exceed the following amounts:

(1) California sheephead. The statewide allowable catch of sheephead is 205,500 pounds, allocated as follows:

(A) The commercial fishery is allocated 75,200 pounds.

(B) The recreational fishery is allocated 130,300 pounds.

(2) Cabezon. The total statewide allowable catch of cabezon is 326,200 pounds, allocated as follows:

(A) The commercial fishery is allocated 127,200 pounds.

(B) The recreational fishery is allocated 199,000 pounds.

(3) Greenlings of the genus Hexagrammos. The total statewide allowable catch of greenlings is ~~37,600~~ [121,900] pounds, allocated as follows:

(A) The commercial fishery is allocated 3,400 shall be managed not to exceed, 55,400 pounds, the remaining amount after subtracting the recreational allocation from the TAC. The commercial fishery shall be closed or modified in-season pursuant to the rules in sections 52.10(b) through 52.10(d) pounds.

(B) The recreational fishery is allocated ~~34,200~~ 66,500 pounds.

(b) Mechanism for Fishery Closures. The department will estimate from the current trends in catch and using the best available scientific information the time at which any commercial or recreational fishery allocation or total allowable catch for sheephead, cabezon, or greenlings specified in subsection (a) will be reached. The department will close the fishery at the time the allocation or total allowable catch is reached or is projected to be reached prior to the end of the calendar year.

(c) The department shall give the public and the commission no less than 10 days notice of any recreational fishery closure pursuant to this Section via a department news release.

(d) The department shall give holders of nearshore fishery permits no less than 10 days notice of any commercial fishery closure pursuant to this Section via a notification letter sent to the permittee's address on file with the department. The department shall give the public and the commission no less than 10 days notice of any commercial fishery closure pursuant to this Section via a department news release.

NOTE:

Authority cited: Sections 200, 202, 702, 7071 and 8587.1, Fish and Game Code.

Reference: Sections 97, 205, 1802, 7056, 7071, 8585.5, 8586, 8587 and 8587.1, Fish and Game Code.

Section 150.16, Title 14, CCR, is amended to read:

§150.16. Commercial Take of Nearshore Fishes.

(a) Notwithstanding Section 8588(b) of the Fish and Game Code, 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 (*Semicossyphus 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 Fish and Game receipt.
- (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 sheephead, cabezon, greenlings of the genus *Hexagrammos*, California scorpionfish, and subgroups of rockfish.
- (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 by an individual commercial licensee in a 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 by an individual's California commercial license number listed on fish receipts submitted to the department pursuant to Section 8043, Fish and Game Code.
 - (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 values noticed in the Federal Register by the National Marine Fisheries Service for the cumulative trip limit periods for shallow nearshore rockfish, deeper nearshore rockfish, and California scorpionfish apply to each individual

California commercial licensee in addition to the federally-defined vessel-based limits. Landings are summed by an individual's California commercial license number listed on fish receipts submitted to the department pursuant to Section 8043, Fish and Game Code.

(6) Cumulative trip limits for sheephead, cabezon and greenlings.

(A) The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is as follows:

	<i>Sheephead</i>	<i>Cabazon</i>	<i>Greenlings</i>
January-February	2,000 pounds	300 pounds	25 [0-300] pounds
March-April	2,000 pounds	100 pounds	25 [0-300] pounds
May-June	2,400 pounds	500 pounds	25 [0-300] pounds
July-August	2,400 pounds	500 pounds	25 [0-300] pounds
September-October	2,400 pounds	500 pounds	25 [0-300] pounds
November-December	2,400 pounds	300 pounds	25 [0-300] pounds

(B) The department will evaluate year-to-date catch levels against total allowable catch limits defined in Section 52.10. 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).

(C) The department shall give holders of nearshore fishery permits 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.

(D) When optimum yields, annual catch limits, allocations, total allowable catches or other catch limits defined in Section 52.10 are reached, and action to close the fishery is taken pursuant to 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 commercial rockfish, a subgroup of rockfish, or California scorpionfish noticed in the Federal Register by the National Marine Fisheries Service shall apply in state waters within the geographic boundary areas defined in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660. See also Section 189, Title 14, California Code of Regulations for additional requirements regarding fishing for federal groundfish in state waters.

NOTE:

Authority cited: Sections 702, 7071, 8587.1 and 8588, Fish and Game Code.

Reference: Sections 97, 205, 1802, 8585.5, 8586, 8587, 8587.1 and 8588, Fish and Game Code.