

bag limit increase.

Response:
Support noted.

(2) Mr. Thomas “Bo” Bolender, Oceanside Senior Anglers, September 16, 2014. Supports the lingcod bag limit increase to three fish and the increase in allowable depth to 60 fathoms in the Southern Management Area. Describes the club’s involvement with barotrauma field studies and the effectiveness of descending device to decrease mortality of rockfish suffering barotrauma.

Response:
Support noted. Barotrauma and descending devices use are outside the scope of this package.

(3) Mr. Kevin Miu, Private Angler, September 22, 2014. Requested retention of two canary rockfish with a minimum size limit of 12 inches.

Response:
Allowing retention of one canary rockfish was considered during initial federal regulation development; however it was ultimately rejected by the Pacific Fishery Management Council because the resulting season lengths under a one fish canary bag limit would have been severely reduced compared to status quo.

(4) Mr. Leland Frayseth. Private Angler, January 3, 2015. Supports season length in the San Francisco Management area. Supports the increase in the lingcod bag limit of three fish and the sub-bag limit of five black rockfish with in the aggregate Rockfish, Cabezon, Greenling (RCG) complex bag limit.

Response:
Support noted.

(5) Mr. John Gebers, North Coast Fishing Association, February 11, 2015. Supports proposed regulations for the Northern Management Area and thanked the California Council delegation for their work.

Response:
Support noted.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street

Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Wildlife
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative:

Under the No Change Alternative, State law would be inconsistent with federal law. Inconsistency in regulations will create confusion among the public and may result in laws that are difficult to enforce. Additional opportunity expected to come with the federal regulation changes effective on or around March 1, 2015 would not be realized. Further, allowable limits for California scorpionfish and black rockfish may be exceeded in absence of these regulations.

It is critical to have consistent State and federal regulations establishing season dates, depth constraints and other management measures, and also critical that the State and federal regulations be effective concurrently. Consistency with federal regulations is also necessary to maintain State authority over its recreational groundfish fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act [16 USC §1856 (b)(1)].

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

X. 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

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 action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Department anticipates some increased opportunities for the recreational groundfish fishery in 2015-2016 compared to 2014.

- (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 significant 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 benefits to the health and welfare of California residents. Participation in sport fisheries opportunities fosters conservation through education and appreciation of California's wildlife.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (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

Updated Informative Digest/Policy Statement Overview

Biennially, the Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations. As part of that process, it recommends groundfish fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan (FMP). These recommendations coordinate west coast management of recreational and commercial groundfish fisheries in the federal fishery management zone (3 to 200 miles offshore) off Washington, Oregon and California. These recommendations are subsequently implemented as federal fishing regulations by the National Marine Fisheries Service (NMFS).

For consistency, the California Fish and Game Commission (Commission) routinely adopts regulations to bring State law into conformance with federal law for groundfish and other federally-managed species.

Summary of Proposed Amendments

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations for federal groundfish regulations in 2015 and 2016. This approach will allow the Commission to adopt State recreational groundfish regulations to timely conform to those expected to be effect in federal ocean waters on or around March 1, 2015.

The proposed regulatory changes extend the season length in the Mendocino, San Francisco, and Central Management Areas and increase the allowable depth in the Southern Management Area.

The proposed regulations would close the California scorpionfish fishery from September 1 through December 31, statewide.

The proposed regulations increase the bag limit for lingcod from two to three fish.

The proposed regulations would establish a sub-bag limit for black rockfish of five fish within the aggregate 10 fish Rockfish, Cabezon and Greenling bag limit.

The scientific name for soupfin shark is proposed to be changed to the correct name of *Galeorhinus galeus*.

The proposed regulatory changes would also re-define the species included in “skates” and “other fish” species groups to reflect additions to the FMP. The references to rattail are also proposed to change to the correct name of grenadier.

The references to Drake’s Estero Bay are proposed to change to the correct name of Drake’s Bay.

Subsection 27.35(b)(3) relating to the Cordell Bank Closure Area is proposed to be repealed.

Other changes are proposed to correct spelling errors and to simplify and clarify regulations.

The benefits of the proposed regulations are consistency with federal law, sustainable management of groundfish resources, protection for groundfish stocks that are overfished and rebuilding, and promotion of businesses that rely on recreational groundfish fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt sport fishing regulations (Fish and Game Code, sections 200, 202 and 205). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR), with Nearshore Fishery Management Plan regulations (Sections 52.00 through 52.10, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of groundfish.

Commission Action

A minor addition was made to subsection (c) of Section 28.49 to include rattail as it was missed from this one subsection. This will reduce public confusion.

At its February 11, 2015 meeting in Sacramento, CA, the Commission adopted the proposed regulatory amendments. No modifications were made to the proposed regulatory language of the Amended Initial Statement of Reasons.