

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 205, 7071 and 8586, of said Code, proposes to amend Section 27.82, Title 14, California Code of Regulations, relating to Scorpionfish.

Informative Digest/Policy Statement Overview
Section 27.82

Existing regulations define sport fishing seasons and depths for California scorpionfish (*Scorpaena guttata*). The proposed regulatory change would expand sport fishing opportunities for California scorpionfish in state waters in the Southern Rockfish and Lingcod Management Area (Point Conception to the US/Mexico border). The increased fishing opportunity is supported by a recently completed stock assessment that shows the stock to be healthy.

Currently, take and possession of California scorpionfish in the Southern Rockfish and Lingcod Management Area is allowed October through December. The Department is proposing to allow California scorpionfish to be taken and possessed whenever recreational groundfish harvest is allowed in that area. All other management measures, such as bag limit and the minimum size will remain the same as current regulations.

The proposed change could lengthen the scorpionfish season by seven months. The result will be a scorpionfish season that is aligned with the season and depths currently established for other groundfish species in the Southern Rockfish and Lingcod Management Area.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Farrant Hall, Museum of Natural History, 2559 Puesta del Sol Road, Santa Barbara, California on Friday, November 4, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in The James W. Kellogg Training Center, 935 Detroit Ave., Concord, California, on Friday, December 9, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before December 9, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than December 9, 2005, at the hearing in Concord, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Fischer or Jon Snellstrom at the preceding address or phone number. **Becky Ota, Marine Region, Department of Fish and Game, phone (650) 631-6789, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

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 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.

Proposed modifications to the seasonal depth restrictions will likely provide a positive economic benefit by allowing increased fishing opportunities for recreational fishermen.

- (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:

The proposed regulations will have no impact on the creation of jobs or businesses in the State, however, they will likely result in expanded business activity and opportunity for existing small businesses that cater to ocean anglers. Direct benefits of business activity and increased revenues would primarily accrue to the 138 commercial passenger fishing vessels (CPFV) in Southern California that reported taking California scorpionfish in 2004 in the Southern Rockfish and Lingcod Management Area. Indirect benefits will be gained by merchants that provide goods and services to recreational anglers using fishing modes other than CPFV.

- (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:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: October 4, 2005

Robert R. Treanor
Executive Director