

ADDENDUM TO
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Sections 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45,
27.50, 27.51, 27.65, 28.26, 28.27, 28.28, 28.29,
28.48, 28.49, 28.54, 28.55, 28.56, 28.58 and 28.90,
Title 14, California Code of Regulations

Re: Recreational Fishing Regulations for Federal Groundfish and Associated Species
for Consistency with Federal Rules for 2015 and 2016

The Commission is severing section 27.25(c)(2) because it does not align with federal regulation.

The scorpionfish season closure of September 1 through December 31 in sections 27.45(c)(3) and 27.50(c)(1) does not align with published federal regulation which allows for a year round season. However, Kevin Duffy, Groundfish Branch Chief, National Marine Fisheries Service, assured Commission staff that omission of the season closure was a typographical error which the federal government intends to correct such that the fishery will be closed September 1 through December 31, as soon as practicable.

Fonbuena, Sherrie@FGC

From: Klein, Andrew@Wildlife
Sent: Tuesday, March 10, 2015 2:54 PM
To: Storm, Mark@OAL; Fonbuena, Sherrie@FGC
Subject: FW: CA scorpionfish - omission in the spex final rule

From: Kevin Duffy - NOAA Federal [<mailto:kevin.duffy@noaa.gov>]
Sent: Tuesday, March 10, 2015 2:44 PM
To: Yaremko, Marci@Wildlife
Cc: Bob Turner - NOAA Federal; Gretchen Hanshew - NOAA Federal; Sarah Williams - NOAA Federal; Grebel, Joanna@Wildlife; Frank Lockhart - NOAA Federal; Ryan Couch - NOAA Federal
Subject: Fwd: CA scorpionfish - omission in the spex final rule

Below is the explanation of the error that we will correct as soon as possible. We are still getting the public notice for the final rule out the door today. In that public notice, we will identify this omission. Next, we will turn to resolving this matter through either a correcting amendment or an inseason action (based on advice from general counsel). Either way, we will publish the correction in the Federal Register and distribute a public notice concurrent with the federal register notice. If you need further information, contact me directly. Kevin C. Duffy, Groundfish Branch Chief, Sustainable Fisheries Division, NMFS West Coast Region.

----- Forwarded message -----

From: Gretchen Hanshew - NOAA Federal <gretchen.hanshew@noaa.gov>
Date: Tue, Mar 10, 2015 at 2:36 PM
Subject: CA scorpionfish - omission in the spex final rule
To: Kevin Duffy <kevin.duffy@noaa.gov>

In the 2015-2016 spex final rule we included inseason changes (from the Nov 2014 PFMC meeting) to the CA recreational fishery, including closing the CA recreational fishery for CA scorpionfish for Sept-December. This season change was omitted for one management area; so the CA scorpionfish season in the southern management area is still open all year.

To remedy this omission, it will take publication of a Federal Register notice (either a Correcting Amendment or an Inseason package) and then we'll publicly notice it (via e-mail and website) once we know when that correction will be effective.

After very preliminary review of some of the documents, it appears the error was made by our shop alone and no further Council action is necessary.

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Gretchen Hanshew
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Seattle, WA
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