

## CONSISTENCY OF CALIFORNIA ROCKFISH SIZE LIMITS WITH GROUND FISH PLAN

Situation: The California State Legislature passed the Keeley Bill in 1998, which, among other things, imposes minimum size limits on eight nearshore species that are included in the Council's groundfish fishery management plan (FMP): black and yellow rockfish, gopher rockfish, kelp rockfish, china rockfish, grass rockfish, California scorpionfish (sculpin), kelp greenling, and cabezon. These minimum size limits apply to all commercial gears, except trawl.

California is requesting a consistency determination of these regulations with the groundfish FMP (Attachment G.5.a.). The groundfish FMP procedures for Council review of state regulations are in Attachment G.5.b. These procedures require that state regulations must be consistent with the FMP goals and objectives (Attachment G.5.c.) and the National Standards of the Magnuson-Stevens Act (Attachment G.5.d.).

At its March meeting, the Council reviewed an initial California Department of Fish and Game (CDFG) request and determined there was merit to proceed with the consistency review. At that time, the Scientific and Statistical Committee (SSC) raised several concerns, particularly the absence of any discussion or data supporting the assumption of negligible mortality of released, undersized fish. The SSC pointed out that significant "shaker" mortality could offset any conservation benefit from discarding sub-legal fish. Also, the SSC was concerned the new size regulations would be difficult to enforce in the live-fish fishery, which is distributed diffusely along the West Coast and involves many small-boat fishers. The SSC concluded CDFG's report in support of the consistency determination needed further documentation regarding the level of enforcement necessary to ensure the new size limit regulations are effective. The Council requested the CDFG address the SSC's concerns and the five criteria in the groundfish FMP (See Attachment G.5.c.) and return at the June meeting.

At this meeting, the Council will consider public testimony, public comment, advisory reports, and further state comments or reports, and determine whether or not the proposal is consistent with the FMP and whether or not to endorse state regulations as consistent with the FMP. CDFG is not requesting the Council issue parallel federal regulations.

**Council Action: Determine whether the California state regulations are consistent with the Groundfish FMP.**

### Reference Materials:

1. California Department of Fish and Game Report (Attachment G.5.a.).
2. Procedures for Review of State Regulations from the Groundfish FMP (Attachment G.5.b.).
3. Goals and Objectives of the Groundfish FMP (Attachment G.5.c.).
4. National Standards of the Magnuson-Stevens Fishery Conservation and Management Act (Attachment G.5.d.).

PFMC  
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