

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Sections 27.30, 27.35, 27.45, 28.27, 28.28, 28.54, 28.55, 28.65, 150.16
Title 14, California Code of Regulations

Re: Recreational and Commercial Fishing Regulations for Federal Groundfish and Associated
Species for Consistency with Federal Rules in 2021 and 2022

I. Date of Initial Statement of Reasons: July 1, 2020

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: June 24-25, 2020

Location: Webinar/Teleconference

(b) Discussion Hearing

Date: August 19-20, 2020

Location: Webinar/Teleconference

(c) Adoption Hearing

Date: October 14-15, 2020

Location: Webinar/Teleconference

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Biennially, the Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations. As part of that process, it recommends groundfish fisheries harvest limits and regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan (PCGFMP). These recommendations coordinate west coast management of recreational and commercial groundfish fisheries in the Exclusive Economic Zone (EEZ) (three to 200 miles offshore) off Washington, Oregon and California. These recommendations are subsequently reviewed for implementation as federal fishing regulations by National Oceanic and Atmospheric Administration (NOAA) Fisheries.

Under California law (California Fish and Game Code sections 200, 205, 7071, and 8587.1), the California Fish and Game Commission (Commission) adopts regulations in Title 14 of the California Code of Regulations (CCR) for the recreational and nearshore commercial groundfish fisheries in state waters zero to three miles from shore. Management authority for most nearshore stocks is shared jointly between state and federal governments in conjunction with the PCGFMP and the Nearshore Fishery Management Plan (NFMP).

Management of federal groundfish and associated species is based on PFMC-established federal annual catch limits (ACL); in the NFMP these state management limits are called total allowable catch (TAC). ACLs and TACs serve the same purpose of setting a limit on catch. Federal regulations establish management measures for most nearshore stocks but defer to state rules on commercial trip limits for cabezon and greenling.

The California Department of Fish and Wildlife (Department) actively manages cabezon and greenlings to stay within the TAC and recreational and commercial allocations. Although recent attainment of commercial allocations for cabezon and greenling have been low, trip limits have not been adjusted accordingly. Trip limit increases will benefit businesses that rely on commercial groundfish fishing.

It is important to have consistent state and federal regulations establishing harvest limits, season dates, depth constraints and other management measures, and also important that the state and federal regulations be effective concurrently. Consistency of rules in adjacent waters allows for uniformity of enforcement, minimizes confusion which promotes compliance, and allows for a comprehensive approach to resource management. 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 (MSA) [16 USC §1856 (b)(1)].

On June 18, 2020, the PFMC recommended changes for ACLs and recreational groundfish fishing in California for the 2021 and 2022 fishing seasons, which are expected to go into effect in federal regulation on or around January 1, 2021.

Present Regulations

Recreational

Existing law authorizes the recreational take of groundfish subject to regulations set forth by federal and state authorities. Current regulations establish season lengths, depth constraints, methods of take, as well as size, bag and possession limits within the five groundfish management areas for all federal groundfish and associated species [Sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 28.56, and 28.65 Title 14, CCR].

Present recreational regulations allow anglers to take and possess federally-managed groundfish species as defined in Section 1.91 of Title 14, CCR when the fishing season is open. Regulations also establish that California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*, which are state-managed species known to associate with federal groundfish, can be taken and possessed only when the season is open to recreational groundfish fishing.

Current regulations specify seasons and depth constraints for the five groundfish management areas in ocean waters off California (Figure 1). These regulations serve as management tools that are adjusted biennially and inseason through PFMC action to ensure that mortality of both overfished¹ and non-overfished stocks remain within allowable limits. The current seasons and depth constraints were designed to maximize harvest of healthy stocks while staying within allowable limits for overfished species.

¹ "Overfished" describes any stock or stock complex whose size is sufficiently diminished that a change in management practices is required to achieve an appropriate level and rate of rebuilding. The term generally describes any stock or stock complex determined to be below its overfished/rebuilding threshold. The default proxy is generally 25 percent of its estimated unfished biomass; however, other scientifically valid values are also authorized



Figure 1. Map of five California recreational groundfish management areas.

The Northern and Mendocino Groundfish Management Areas have an eight-month season with a depth constraint of 30 fathoms and 20 fathoms (respectively) from May to October, and no depth constraint during November and December. The San Francisco and Central Groundfish Management Areas have a nine-month season, with a depth constraint of 40 fathoms and 50 fathoms (respectively). The Southern Groundfish Management Area has the least restrictive regulations, with a 10-month season and a depth constraint of 75 fathoms. The Cowcod Conservation Areas (CCA) are within the Southern Groundfish Management Area but have a discrete depth constraint of 40 fathoms.

Present regulations establish recreational bag limits which vary by species or species groups, and are designed to keep harvest within allowable limits. The Rockfish, Cabezon, and Greenling complex (RCG) has a 10 fish bag aggregate limit [Section 28.55 Title 14, CCR] meaning that each angler's catch can be composed of any combination of rockfish, cabezon, or greenling, as long as total catch remains at or below 10 fish. Sub-bag limits are implemented when harvest guidelines can't accommodate the 10 fish bag limit being composed of a single species. Present regulations include sub-bag limits for canary rockfish (two fish), black rockfish (three fish), and cabezon (three fish). Bronzespotted rockfish, cowcod, and yelloweye rockfish have bag limits of zero fish.

Current regulations specify special gear restrictions for lingcod and groundfish species in the RCG complex (i.e. when angling, gear is restricted to not more than two hooks and one line).

Commercial

Current commercial regulations establish TACs, allocations, and trip limits for federal groundfish and associated species [sections 52.10, 150.16, Title 14, CCR]. Allocations of the TAC share for commercial fisheries are often made between the trawl and non-trawl sectors, but there is only a non-trawl fishery for cabezon and greenlings statewide. Trip limits are designed to spread allowable catches through the open season to the extent possible to prevent early attainment of annual limits.

Current regulations establish cumulative two-month trip limits for cabezon, California sheephead, and greenlings statewide. No changes are being proposed for California sheephead trip limits. Current cumulative limits for cabezon are 500 pounds per two-months and greenlings are 250 pounds per two-months.

Proposed Regulations

The Department is proposing the recreational regulatory changes to be consistent with PFMC recommendations for federal groundfish regulations in 2021 and 2022. Other changes are proposed to increase commercial trip limits for cabezon and greenling.

This approach will allow the Commission to adopt state groundfish regulations to timely conform to those taking effect in federal ocean waters in January 2021.

Recreational

The recreational depth restrictions in the Mendocino and San Francisco Groundfish Management Areas are proposed to change from 20 to 30 fathoms and 40 to 50 fathoms, respectively, because of increases in allowable take of yelloweye rockfish. These changes are reflected in sections 27.30 and 27.35, respectively. The latest rebuilding analysis for yelloweye rockfish, completed in December 2017, indicated the stock is rebuilding 47 years faster than estimated in 2011. Due to the estimated acceleration in the rebuilding progress of the stock, harvest limits have increased. Thus, the proposed depth changes are necessary to provide additional angling opportunity, and are not expected to impair the rebuilding process of this stock or the time needed to rebuild.

Moving the Mendocino Groundfish Management Area from 20 to 30 fathoms in Section 27.30 would also allow use of waypoints already in federal regulations that define the 30 fathom Rockfish Conservation Area (RCA) line, instead of the general depth contour line that is currently used in state regulation to define the 20 fathom line. Department law enforcement

prefers federal RCA lines defined by connecting waypoints over the use of general contour lines, and the change would eliminate the last use of the 20 fathom contour line in California’s recreational groundfish regulations.

This change is necessary for referencing the contour line in federal regulation. Amendment of these depth restrictions would align the Mendocino Groundfish Management Area RCA with the existing RCA for recreational fishing in the adjacent Northern Groundfish Management Area, and would align the San Francisco Groundfish Management Area RCA with the existing RCA in the adjacent Central Groundfish Management Area.

The recreational depth restriction in Section 27.45 for the Southern Groundfish Management Area is proposed to change from 75 to 100 fathoms. This change is necessary due to increases in allowable take of cowcod. The 2019 cowcod assessment indicates the stock has now attained a healthy and rebuilt status. The cowcod ACL south of Cape Mendocino will increase from 10 metric tons (mt) in 2020 to 84 mt in 2021 as a result of the health of the stock, and allows for the proposed Southern Groundfish Management Area depth restriction change. Note that retention of this species is not proposed, meaning that the increased harvest limits only need to cover potential increases in incidental cowcod take. Yelloweye impacts are expected to be negligible, as this area represents the extreme southern extent of the population range.

A summary of the proposed season and depth changes is provided in Table 1.

Table 1. California recreational groundfish season structure in 2021 and 2022 as recommended by the PFMC in June 2020. CCA = Cowcod Conservation Area

Management Area	Closed Season	Current Open & Depth	Proposed Open & Depth
Northern	Jan 1 – Apr 30	May 1 to Oct 31 < 30 fm Nov 1 to Dec 31 All Depth	No Change
Mendocino	Jan 1 – Apr 30	May 1 to Oct 31 < 20 fm Nov 1 to Dec 31 All Depth	May 1 to Oct 31 < 30 fm Nov 1 to Dec 31 All Depth
San Francisco	Jan 1 – Mar 31	Apr 1 to Dec 31 < 40 fm	Apr 1 to Dec 31 < 50 fm
Central	Jan 1 – Mar 31	Apr 1 to Dec 31 < 50 fm	No Change
Southern	Jan 1 – Feb 28	Mar 1 to Dec 31 < 75 fm	Mar 1 to Dec 31 < 100 fm
CCA	Jan 1 – Feb 28	Mar 1 to Dec 31 < 40 fm	No Change

The proposed regulations remove the recreational sub-bag limits for canary rockfish and black rockfish (subsection 28.55(b)), and cabezon (subsection 28.28(b)), which would have the effect of increasing their respective limits to 10 fish within the RCG aggregate limit of 10 fish. These changes are necessary to provide angling opportunity, and the proposed increase can be accommodated within the harvest guidelines for these species.

The proposed amendment to subsection 28.55(b) also creates a sub-bag limit of five fish for vermilion rockfish, within the RCG limit of 10 fish. The proposed change to be more restrictive is necessary due to increasing take of vermilion rockfish in recent years, without recent population information to justify such high harvest levels, therefore the precautionary reduction would help offset detrimental impacts in the absence of data.

The proposed amendment to Section 28.27 would increase the recreational bag limit for lingcod from one fish to two fish in the Mendocino, San Francisco, Central, and Southern Groundfish Management Areas (the bag limit in the Northern Groundfish Management Areas is currently two fish already). The proposed amendment to subsection 28.27(b) is necessary to simplify the limit for all five groundfish management areas, and be consistent with the current federal regulation, which has been in place since June 2019 as a result of PFMC inseason action. A two fish bag limit can be accommodated within the ACL.

The proposed amendments to Section 28.54 to add a new subsection (d), and to Section 28.65 add a method of take and restrictions for California scorpionfish. This addition is necessary to be consistent with federal regulations and with the method of take language used in state regulations for lingcod and groundfish species in the RCG complex (i.e. when angling, gear is restricted to not more than two hooks and one line).

Commercial

The proposed regulations in Section 150.16 double commercial trip limits for cabezon and greenling. Cabezon trip limits are currently 500 pounds every two months, and Greenling is 250 pounds every two months. Both stocks have been under-harvested in recent years. Offering a modest increase can be accommodated under federal harvest limits, and will uphold the Department’s obligation under the NFMP.

Table 2. Proposed commercial trip limits in pounds per individual two-month period for cabezon and greenling statewide

Species	Jan-Feb	Mar-Apr	May-Jun	Jul-Aug	Sep-Oct	Nov-Dec
Cabezon	1,000 lbs/ 2 months	1,000 lbs/ 2 months	1,000 lbs/ 2 months	1,000 lbs/ 2 months	1,000 lbs/ 2 months	1,000 lbs/ 2 months
Greenling	500 lbs/ 2 months	500 lbs/ 2 months	500 lbs/ 2 months	500 lbs/ 2 months	500 lbs/ 2 months	500 lbs/ 2 months

Non-substantive Changes

The proposed regulations will update authority and reference citations.

(b) Goals and Benefits of the Regulation

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport. Adoption of scientifically-based groundfish seasons, depth restrictions, size limits, and bag and possession limits provides for the maintenance of sufficient populations of groundfish species to ensure their continued existence.

The goals and benefits of the proposed regulations include consistency with federal law, sustainable management of groundfish resources, and promotion of businesses that rely on recreational and commercial groundfish fishing.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Sections 200, 205, 265, 270, 275, 702, 7071 and 8587.1, Fish and Game Code

Reference: Sections 200, 205, 265, 270, 275, 702, 1802, 7071, 8585.5, 8587, 8587.1, and 8588, Fish and Game Code; Title 50, Code of Federal Regulations, Part 660, Subpart G; and Section 27.20, Title 14, CCR.

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

June 2020 Pacific Fishery Management Council Decision Document

<https://www.pcouncil.org/documents/2020/06/june-2020-decision-document.pdf/>

Pacific Coast Groundfish Fishery 2021-2022 Harvest Specifications and Management Measures. May 2020. Pacific Fishery Management Council.

<https://www.pcouncil.org/documents/2020/05/f-1-attachment-8-pacific-coast-groundfish-fishery-2021-2022-harvest-specifications-and-management-measures-analytical-document-organized-as-a-draft-environmental-assessment-chapters-1-5-electroni.pdf/>

Pacific Coast Groundfish Fishery Management Plan for the California, Oregon, and Washington Groundfish Fishery. December 2019. Pacific Fishery Management Council.

<https://www.pcouncil.org/documents/2016/08/pacific-coast-groundfish-fishery-management-plan.pdf/>

Nearshore Fishery Management Plan. Adopted October 25, 2002. Department of Fish and Game. <https://wildlife.ca.gov/Conservation/Marine/NFMP>

National Marine Fisheries Service. 2018. Fisheries Economics of the United States, 2016. U.S. Dept. of Commerce, NOAA Tech. Memo. NMFS-F/SPO-187, 243 p.

<https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report-2016>

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

Pacific Fishery Management Council meetings where the proposed regulations for the 2021 and 2022 groundfish and associated species were discussed:

- September 11-18, 2019, Boise, ID
- November 14-20, 2019, Costa Mesa, CA
- March 3-9, 2020, Rohnert Park, CA
- April 4-10, 2020, webinar only due to COVID-19
- June 10-19, 2020, webinar only due to COVID-19

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

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 in January 2021 would not be realized.

It is critical to have consistent state and federal regulations establishing harvest limits, 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 and nearshore commercial groundfish fishery and avoid federal preemption under the MSA.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. 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. No significant changes in fishing effort and fishing expenditures are expected as a direct result of the proposed regulation changes.

(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. No significant changes in fishing effort and fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

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 and commercial 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

VII. Economic Impact Assessment

Recreational

The recreational groundfish fishery is broadly sub-divided between private anglers and commercial passenger fishing vessels. The economic impact of regulatory changes for each of these categories may be estimated by tracking the resulting changes in fishing effort, angler trips and length of stay in the fishery areas. Distance traveled affects gas and other travel expenditures. Daytrips and overnight trips involve different levels of spending for gas, food, and accommodations at area businesses as well as different levels of sales tax impacts. Direct expenditures ripple through the economy, as receiving businesses buy intermediate goods from suppliers that then spend that revenue again. Business spending on wages is received by workers who then spend that income, some of which goes to local businesses. Therefore, recreational fisheries spending multiplies throughout the economy with the indirect and induced effects of the initial direct expenditure.

The adoption of scientifically based regulations provides for the maintenance of sufficient populations of groundfish to ensure their continued existence and future groundfish sport fishing opportunities that in turn support the fishery economy. All marine recreational anglers' trip-related and equipment expenditures sum to approximately \$1.5 billion in California

(National Marine Fisheries Service, 2018)². Coupled with the indirect and induced effects of this \$1.5 billion direct revenue contribution, the total realized economic benefit to California is estimated at \$3.7 billion in total economic output annually.

This corresponds with about \$800 million in total wages to Californians, which affects about 17,000 jobs in the state, annually (National Marine Fisheries Service, 2018). While the precise share of these expenditures attributed solely to groundfish anglers is not known, we do know that the groundfish fishery constitutes a large share of the state's marine recreational angler activity (e.g., rockfishes, scorpionfishes, and greenling constituted approximately 64% of all recreationally harvested species in 2016) (National Marine Fisheries Service, 2018).

The proposed regulations will modify state recreational groundfish regulations to conform to federal rules regulations that are expected to be in effect for 2021 and 2022. Currently, state regulations for groundfish provide for: season lengths, depth restrictions, size limits, and bag and possession limits. In adopting these conforming regulations, the state relies on information provided in PFMC documents which includes analysis of impacts to California.

The proposed regulatory changes remove the sub-bag limits for canary rockfish (two fish), black rockfish (three fish) and cabezon (three fish) allowing 10 fish within the RCG complex aggregate limit of 10 fish, increase the bag limit for lingcod south of 40° 10' N. latitude from one to two fish, and create a new five fish sub-bag limit for vermilion rockfish within the 10 fish RCG aggregate limit.

The economic impacts of these bag limit changes cannot be quantified due to the fact that the RCG limit remains 10 fish even though several sub-bag limits have been removed. Since the overall number of rockfish, cabezon, and greenling that can be caught per day has not changed it could be assumed that the same number of anglers will go fishing.

Alternatively, it is possible that the quality of fishing may change as a result of the removal of these sub-bag limits. Higher quality fishing may attract more anglers which would have a positive economic impact. Unfortunately, the precise potential economic impact associated with these shifts in bag and sub-bag limits cannot be quantified. This is because the overall RCG bag limit will remain at 10 fish, meaning an angler's ability to take rockfish will remain the same, but there will be changes to what the composition of the 10 fish can be. The vermilion rockfish sub-bag limit is reduced, but the canary sub-bag limit is eliminated, meaning that anglers can now retain 10 canary rockfish within the RCG limit of 10 instead of just 2 canary rockfish.

The proposed changes of the depth restrictions outlined in Table 1 could result in minor economic impacts. However, the potential economic impact of depth increases cannot be quantified. It is possible that the increased area for fishing could result in increased potential fishing use that might translate to an increase in revenue associated with longer or more frequent angler trips, but precise potential impact is unknown, similar as for the bag limits described above.

² National Marine Fisheries Service. 2018. Fisheries Economics of the United States, 2016. U.S. Dept. of Commerce, NOAA Tech. Memo. NMFS-F/SPO-187, 243 p. Available from: <https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report-2016>

Sport fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that recreationally pursue groundfish off California may be positively affected to some degree from increases to business that may result under the range of proposed regulations. However, anticipated impacts may vary by geographic location. Additionally, potential economic impacts to these same businesses may result from a number of factors unrelated to the proposed changes to groundfish fishing regulations, including weather, fuel prices, and success rates in other marine recreational fisheries such as salmon and albacore.

Commercial

The economic impact of regulatory changes for commercial fisheries may be estimated by tracking the resulting changes in fishing effort, amount landed, price paid per pound, and employment generated through the catch or processing of the fish. Fishing effort affects fuel, and other trip expenditures. Landings and price paid per pound affect employment and income. Direct expenditures related to commercial fishing as well as business spending on wages received by workers ripple through the economy, some of which goes to local businesses. Therefore, commercial fisheries spending multiplies throughout the economy with the indirect and induced effects of the initial direct expenditure.

About \$216 million in total commercial fishing landings revenue generated about \$1.2 billion in sales throughout the state marine economy (National Marine Fisheries Service, 2018). The state marine economy includes several marine-related industries: commercial harvesters, seafood processors and dealers, seafood wholesalers and distributors, and retail seafood sales. Commercial fishing landings revenue also generates about \$450 million in total wages to Californians, which affects about 15,000 jobs in the state, annually (National Marine Fisheries Service, 2018). While the precise share of these expenditures attributed solely to nearshore groundfish fishermen is not known, the nearshore groundfish fishery plays an important role in the economy of several California communities.

The proposed regulations increase commercial trip limits for cabezon and greenling. Commercial fishing industry businesses and coastal communities may realize positive benefits from increased greenling and cabezon bimonthly trip limits and catches, and a decrease in regulatory discards; however the extent of anticipated impacts are speculative. Economic impacts to these same businesses may result from several factors unrelated to the proposed changes to groundfish fishing regulations that are similar to those described in the recreational section above.

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The cumulative effects of the changes statewide are estimated to be neutral to job elimination and potentially positive to job creation in California. No significant changes in fishing effort and fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The cumulative effects of the changes statewide are expected to be neutral to business elimination and to the creation of businesses in California. No significant changes in fishing

effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The cumulative effects of the changes statewide are expected to be neutral to business elimination and to the creation of businesses in California. No significant changes in fishing effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

Providing increased fishing opportunities for groundfish encourages recreation, which can have a positive impact on the health and welfare of California residents. Groundfish taken in the sport and commercial fishery and later consumed may have positive human health benefits due to their concentration of omega III fatty acids.

(e) Benefits of the Regulation to Worker Safety

The proposed regulations are not anticipated to impact worker safety conditions.

(f) Benefits of the Regulation to the State's Environment

It is the policy of this state to encourage the conservation, sustainable use, and where feasible, restoration of California's marine living resources for the benefit of all citizens of the state (Section 7050, Fish and Game Code). Benefits of the proposed management actions include increased fishing opportunity, along with the continuation of the reasonable and sustainable management of groundfish resources and the protection of listed and special status species. Adoption of scientifically-based seasons, depth restrictions, recreational bag limits, and commercial trip limits provide for the maintenance of sufficient populations of groundfish to ensure their continued existence.

(g) Other Benefits of the Regulation

This regulation would result in consistency with federal law. The PFMC reviews the status of groundfish regulations biennially. As part of that process, it recommends regulations aimed at meeting biological and fishery allocation goals specified in law or established in the PCGFMP. These recommendations coordinate management of recreational and commercial groundfish in the EEZ (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. These recommendations are reviewed by NOAA Fisheries for legal sufficiency and compliance with the standards of MSA, and the National Environmental Policy Act, and if approved they are subsequently implemented as ocean fishing regulations by NOAA Fisheries.

California's sport fishing regulations need to conform to, or be more restrictive than, federal regulations to ensure that biological and fishery allocation goals are not exceeded and to avoid federal preemption under the MSA.

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 harvest limits and regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan (PCGFMP).

These recommendations coordinate west coast management of recreational and commercial groundfish fisheries in the Exclusive Economic Zone (EEZ) (three to 200 miles offshore) off Washington, Oregon and California. These recommendations are reviewed by the National Oceanic and Atmospheric Administration (NOAA) Fisheries for legal sufficiency and compliance with the standards of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and other federal laws, and if approved they are subsequently implemented as ocean fishing regulations by NOAA Fisheries.

Regulatory authority for most nearshore stocks is shared jointly between state and federal governments. 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. Nearshore stocks are managed based on PFMC-established federal annual catch limits (ACL).

Current regulations establish recreational season lengths, depth constraints, methods of take, and size, bag and possession limits within the five groundfish management areas for all federal groundfish and associated species and special gear restrictions for lingcod and groundfish species in the Rockfish/Cabezon/Greenling complex.

Current state regulations also include trip limits for the commercial cabezon and greenling fisheries.

Summary of Proposed Amendments

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations from its June 18, 2020 meeting for federal groundfish regulations in 2021 and 2022. This approach will allow the Commission to adopt state recreational groundfish regulations to timely conform to those taking effect in federal ocean waters in January 2021.

The proposed regulatory changes will implement the following changes:

1. Increase the allowable depth for the recreational groundfish fishery in the Mendocino Groundfish Management Area from 20 to 30 fathoms;
2. Increase the allowable depth for the recreational groundfish fishery in the San Francisco Groundfish Management Area from 40 to 50 fathoms;
3. Increase the allowable depth for the recreational groundfish fishery in the Southern Groundfish Management Area from 75 to 100 fathoms;
4. Increase the recreational bag limit for lingcod from one to two fish in the Mendocino, San Francisco, Central, and Southern Groundfish Management Areas;
5. Increase the recreational bag limit for cabezon from three to 10 fish within the RCG bag limit of 10 fish;

6. Increase the recreational bag limit for canary rockfish from two to 10 fish within the RCG bag limit of 10 fish;
7. Increase the recreational bag limit for black rockfish from three to 10 fish within the RCG bag limit of 10 fish;
8. Decrease the recreational bag limit for vermilion rockfish from 10 to five fish within the RCG bag limit of 10 fish;
9. Add method of take restriction for California scorpionfish;
10. Increase commercial trip limits for cabezon from 500 to 1,000 pounds, and greenling from 250 to 500 pounds every two months;
11. Update authority and reference citations.

Benefits of the Proposed Regulations

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

Consistency and Compatibility with Existing Regulations

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Legislature has delegated authority to the Commission to adopt fishing regulations (Fish and Game Code, sections 200, 205 and 8587.1). The proposed regulations are consistent with regulations for 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 fishing regulations in Chapters 1, 4 and 6 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 take of groundfish.