

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

Amend Sections 27.60(b) and 28.00
Title 14, California Code of Regulations (CCR)
Re: California Grunion Limit and Season Changes

- I. Date of Initial Statement of Reasons: August 18, 2021
- II. Date of Pre-adoption statement of Reasons: January 31, 2022
- III. Date of Final statement of Reasons: March 2, 2022

IV. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: October 14, 2021 Location: Sacramento

(b) Discussion Hearing

Date: December 16, 2021 Location: Sacramento

(c) Adoption Hearing

Date: February 16, 2022 Location: Sacramento

V. Update:

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations

Responses to public comments received were included in the Pre-adoption Memo of Summarized Concerns and Responses and the attached table of responses to public comments (see attachment).

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Wildlife
715 P Street, 17th Floor
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

Shorten the existing open season from June 1 through March 31 (Section 28.00, Title 14, CCR) by two additional months.

Adding an additional two months of seasonal closure while keeping the unrestricted bag and possession limit was considered but rejected. While this alternative would enhance certain aspects of protection for California grunion (grunion), it would only allow fishers two months of access to the fishery as grunion typically spawn from March through August. This limited season would likely concentrate the number of fishers, and when coupled with unrestricted take, could negatively impact the grunion population leading to an unsustainable fishery. Take levels have been observed to be correlated with the size of spawning runs with fishers often taking hundreds of grunion during large runs. We do not know enough about grunion population dynamics to discount the possibility that these large runs are central to their overall population success. Since these large runs are unpredictable in time and space, it makes more sense to have a bag limit throughout the open season for grunion.

Shorten the open season from June 1 through March 31 (Section 28.00, Title 14, CCR) to September 1 through March 31 north of Point Conception.

This alternative was also brought forward by the initial petition #2019-014, and was suggested to provide extra protection for grunion that occur north of Point Conception. This is based on a few surveys that documented spawning activities in this area during recent years. Available data suggest the proposed statewide regulation changes would adequately protect grunion in all regions, and there is no need to make a more complex regulation.

No alternative considered by the Commission would be more effective in carrying out the purpose 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.

(b) No Change Alternative

If proposed amendments are not adopted, the grunion population may continue to decline and the fishery may not be sustainable.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

None.

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 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 equipment may be used in the take of grunion (Section 29.00 Title 14, CCR), so the new amendments to regulations will not result in the loss of revenue for tackle shops or other small businesses. The new amendments to regulations might result in a slight increase in sales for tackle and bait stores since some fishers might need to purchase bait or lures to replace grunion as a source of bait during the month of June.

- (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 Fish and Game Commission (Commission) does not anticipate any 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 does not anticipate any benefits to the health and welfare of California residents or worker safety.

The new regulations will benefit the environment by increasing the abundance of grunion. Grunion and their eggs are prey for many game fishes, birds, and other marine organisms, especially when they congregate for their spawning runs. Thus, increasing the grunion population should have positive impacts on the environment.

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

While many recreational grunion fishers (representative private persons) will not incur any change in costs, those who wish to substitute the bait uses of grunion that may no longer be harvested in June with another source of bait would incur new costs. The discretionary cost to fishers to purchase alternative forms of bait or artificial lures from tackle stores to replace grunion constitute the initial costs for an individual. A typical lure that imitates a grunion costs up to \$20.00, while frozen bait costs much less. Such lures generally last several years, so that the cost would be a one-time cost and not an annual cost. Bait and fishing tackle stores (representative businesses) would incur no new costs, but they would be the recipients of individual grunion fisher's expenditures on lures or bait.

- (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

Under current regulations grunion does not have a bag or possession limit (Section 27.60(b), Title 14, CCR), and the grunion fishery is open from June 1 through March 31 (Section 28.00, Title 14, CCR). Grunion may only be taken recreationally from June 1 through March 31 (Fish and Game Code section 8381) and no directed commercial fishery may be developed for grunion (Section 111, Title 14, CCR).

The proposed regulatory changes will establish a bag and possession limit of **30** grunion for recreational fishers and close the month of June to take of grunion, shortening the open season by one month, from July 1 through March 31, for recreational fishing.

Benefit of the Regulations:

The proposed regulatory action is designed to address concerns over the health and long-term sustainability of the grunion fishery. Grunion are an endemic and culturally iconic species known for their spawning behavior, where they “run” onto beaches. Recent data have shown that the abundance of grunion has declined over the past decade. Past regulations enabled recovery of the grunion population, and the proposed regulations should likewise help to protect and recover the grunion population, thereby benefitting the sustainability of the fishery. These proposed regulations will further benefit future Californians by preserving grunion populations for all to observe and enjoy.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, article IV, of the California Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to the **recreational** take of grunion.

Update: On February 16, 2022, the Commission adopted the proposed regulations as set forth in the Initial Statement of Reasons (ISOR) dated August 18, 2021. The adopted regulations establish a bag and possession limit of 30 grunion for recreational fishers and close the month of June to recreational take of grunion, shortening the open season by one month, from July 1 through March 31.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.