

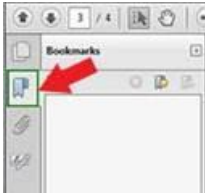
California Fish and Game Commission Meeting Binder



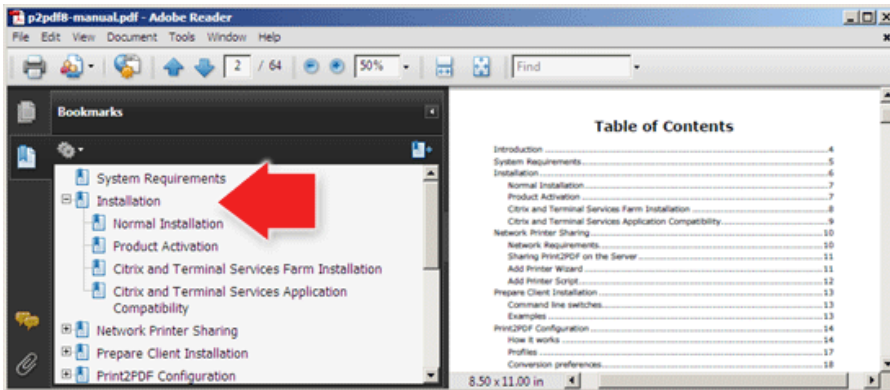
November 15, 2022
Webinar/Teleconference


EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It's helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line  located between the panels and using a long click /tap to move in either direction.
6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.
8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.
9. Do not hesitate to contact staff if you have any questions or would like assistance.

OVERVIEW OF CALIFORNIA FISH AND GAME COMMISSION TELECONFERENCE MEETING

- Welcome to a meeting of the California Fish and Game Commission. This is the 153rd year of operation for the Commission, in partnership with the California Department of Fish and Wildlife. Both organizations originated from the Board of Fish Commissioners and we collectively celebrated our 150th anniversary three years ago.
- The Commission's goals include preserving our wildlife heritage and conserving our natural resources through informed decision making. These meetings are vital in achieving those goals and, in that spirit, we provide the following information to be as effective and efficient toward that end.
- We are operating under the Bagley-Keene Open Meeting Act and these proceedings are being recorded and broadcast.
- In the unlikely event of an emergency, please note the location of the nearest emergency exits at your location.
- Items may be heard in any order pursuant to the determination of the presiding commissioner.
- The amount of time for each agenda item may be adjusted based on time available and the number of speakers.
- We will ask how many speakers we have before taking public comment; please be prepared and listen closely for your name or phone number to be called.
- When you speak, please state your name and any affiliation. Please be respectful and note that disruptions will not be tolerated. Time is precious so please be concise.
- To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, www.fgc.ca.gov, and sign up for our electronic mailing lists.
- If you want the Commission to consider a regulation change, note that all petitions for regulation change must be submitted in writing on the authorized form, FGC 1, Petition to the California Fish and Game Commission for Regulation Change, available on the Commission's website or directly from staff.
- For members of the public, if you have access to the Internet and are not planning to make public comment, you may listen to the meeting via our regular webcast by visiting the commission website at www.fgc.ca.gov (link is on right side). We ask that only those who plan to make public comment or who do not have Internet access to listen the meeting, participate by phone.
- **Reminder!** Please silence your mobile devices and computers to avoid interruptions.

INTRODUCTIONS FOR FISH AND GAME COMMISSION MEETINGS

Fish and Game Commission

Samantha Murray	President (La Jolla)
Erika Zavaleta	Vice President (Santa Cruz)
Jacque Hostler-Carmesin	Member (McKinleyville)
Eric Sklar	Member (Saint Helena)
Anthony Williams	Member (Huntington Beach)

Commission Staff

Melissa Miller-Henson	Executive Director
Rachel Ballanti	Deputy Executive Director
Mike Yaun	Legal Counsel
Susan Ashcraft	Marine Advisor
Chuck Striplen	Tribal Advisor and Liaison
Sherrie Fonbuena	Associate Analyst
Cynthia McKeith	Staff Services Analyst

California Department of Fish and Wildlife Staff

Chuck Bonham	Director
Wendy Bogdan	General Counsel
Chad Dibble	Deputy Director, Wildlife and Fisheries Division
David Bess	Deputy Director and Chief, Law Enforcement Division
Jordan Traverso	Deputy Director, Office of Communication, Education and Outreach
Craig Shuman	Regional Manager, Marine Region

I would also like to acknowledge special guests who are present:
(i.e., elected officials, including tribal chairpersons, and other special guests)

Commissioners
Samantha Murray, President
La Jolla
Erika Zavaleta, Vice President
Santa Cruz
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Anthony Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Gavin Newsom, Governor

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

MEETING AGENDA November 15, 2022, 8:30 a.m.

Teleconference (Zoom)

The meeting will be live streamed for listening purposes only; visit <http://www.fgc.ca.gov> the day of the meeting. To provide public comment during the meeting, please join via Zoom or telephone; [click here](#) for instructions on how to join.

Pursuant to California Government Code Section 11133, the California Fish and Game Commission is conducting this meeting by webinar/teleconference. The public may provide public comment during the public comment periods and otherwise observe remotely, consistent with the Bagley-Keene Open Meeting Act.

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 4. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

1. Consider approving agenda and order of items

GENERAL PUBLIC COMMENT

2. **General public comment for items not on the agenda**
Receive public comment regarding topics within the Commission's authority that are not included on the agenda. Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

DISCUSSION AND ACTION ITEMS

3. **Recreational fishing regulations for federal groundfish and associated species**
Discuss and consider adopting proposed amendments to (a) recreational regulations for federal groundfish for consistency with federal rules in 2023 and 2024, and (b) recreational seasons, bag and depth limits for associated species. (Amend sections 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65 and 28.90, Title 14, CCR)

Adjourn

California Fish and Game Commission Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations. All Commission meetings will include a webinar/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

Meeting Date	Commission Meeting	Committee Meeting
November 17		Marine Resources Handlery Hotel San Diego 950 Hotel Circle North San Diego, CA 92108
December 13		Tribal San Diego Area
December 14-15	San Diego Area	
January 12		Wildlife Resources Los Angeles Area
February 8-9	Sacramento	
March 16		Marine Resources Monterey/Santa Cruz area
April 18		Tribal Fresno or Bakersfield area
April 19-20	Fresno or Bakersfield area	
May 17	Teleconference	
May 17		Wildlife Resources
June 14-15	Sacramento	
July 20		Marine Resources Sonoma/SF Bay area
August 15		Tribal North coast area
August 16-17	North coast area	
September 21		Wildlife Resources Chico area
October 11-12	San Jose area	
November 16		Marine Resources San Diego area
December 12		Tribal San Diego area

Meeting Date	Commission Meeting	Committee Meeting
December 13-14	San Diego area	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 23-27; 2023 – Calgary, Alberta, Canada

Pacific Fishery Management Council

- March 2023 – Seattle, WA
- April 2023 – Foster City, CA
- June 2023 – Vancouver, WA
- September 2023 – Spokane, WA
- November 2023 – Garden Grove, CA

Pacific Flyway Council

- February 2023 – Location TBD
- August 2023 – Location TBD

Western Association of Fish and Wildlife Agencies

- Jan 4-10, 2023 – Santa Ana Pueblo, NM
- July 9-14, 2023 – Santa Fe, NM

Wildlife Conservation Board

- November 15, 2022 – Sacramento, CA
- February 2023 – Sacramento, CA
- May 2023 – Sacramento, CA
- August 2023 – Sacramento, CA
- November 2023 – Sacramento, CA

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks the 153rd year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal and we provide this information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Equal Employment Opportunity (EEO) Office at EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814. Materials provided to the Commission may be made available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on November 2, 2022**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on November 10, 2022**. Comments received by this deadline will be made available to Commissioners at or just prior the meeting. Written comments will not be accepted after the supplemental comment deadline.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change*, available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. Petitions for regulation change are traditionally held for receipt at regularly scheduled Commission meetings in February, April, June, August, October and December. Petitions submitted following the October 12-13, 2022 Commission meeting, or between October 6 at 12:01 p.m. and the October Commission meeting will be received at the next regularly scheduled business meeting on December 14-15, 2022, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

Non-Regulatory Requests

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. Non-regulatory requests are traditionally held for receipt at regularly scheduled Commission meetings in February, April, June, August, October and December. Non-regulatory requests submitted following the October 12-13, 2022 Commission meeting, or in writing between October 6 at 12:01 p.m. and the October Commission meeting, will be received at the next regularly scheduled business meeting on December 14-15, 2022.

Speaking at the Meeting

To speak on an agenda item, please “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

1. Speakers will be called one at a time; please pay attention to when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
 - b. Individuals participating via Zoom and ceding your time to another speaker, please notify the Commission at fgc@fgc.ca.gov prior to the start of the agenda item, including to whom you are ceding your time, and be present on Zoom during the agenda item.
 - c. Individuals may receive advance approval for additional time to speak if requests for additional time are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.
 - d. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
 - e. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Agenda items may be heard in any order pursuant to the discretion of the presiding commissioner.

Visual Presentations/Materials

All electronic presentations must be submitted by the **Supplemental Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov. If the presentation file is too large to send via email, contact staff to identify an alternative method for submitting the file.
2. All electronic formats must be Windows PC compatible.
3. If presenting at the in-person meeting location, it is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.

STAFF SUMMARY FOR NOVEMBER 15, 2022

2. GENERAL PUBLIC COMMENT**Today's Item****Information** **Action**

Receive verbal public comment regarding topics within FGC authority that are not included on the agenda.

Summary of Previous/Future Actions

- **Today receive verbal requests and comments** **Nov 15, 2022; Webinar/Teleconference**
- Consider granting, denying, or referring Dec 14-15, 2022; San Diego

Background

Today's agenda item is to receive verbal public comments for items not on the agenda. Under the Bagley-Keene Open Meeting Act, FGC cannot act on any matter not included on the agenda, except to schedule issues raised by the public for consideration at future meetings.

Comments submitted in writing, including regulation change petitions, are traditionally held for receipt at regularly-scheduled FGC meetings in Feb, Apr, Jun, Aug, Oct and Dec. All written comments submitted following the Oct 12-13, 2022 FGC meeting will be received at the Dec 14-15, 2022 meeting.

Significant Public Comments (N/A)**Recommendation**

FGC staff: Consider whether to add any future agenda items to address issues that are raised during public comment.

Exhibits (N/A)**Motion (N/A)**

STAFF SUMMARY FOR NOVEMBER 15, 2022

3. RECREATIONAL FISHING REGULATIONS FOR FEDERAL GROUND FISH AND ASSOCIATED SPECIES**Today's Item**Information Action

Discuss and consider adopting proposed amendments to (a) recreational regulations for federal groundfish for consistency with federal rules in 2023 and 2024, and (b) recreational seasons, bag and depth limits for associated species.

Summary of Previous/Future Actions

- | | |
|--|---|
| • MRC vetting of CA sheephead recreational regulations | Mar 24, 2022; MRC, Webinar/Teleconference |
| • Pacific Fishery Management Council (PFMC) action | Jun 13, 2022 |
| • Notice hearing | Jun 15-16, 2022; Los Angeles/Trinidad |
| • Discussion hearing | Oct 12-13, 2022; Kings Beach |
| • Today's adoption hearing | Nov 15, 2022; Webinar/Teleconference |

Background

FGC biennially adopts recreational fishing regulations for federal groundfish as necessary for consistency with federal rules that go into effect Jan 1 of odd-numbered years. Since 2004, FGC has adopted recreational regulations for state-managed species associated with federal groundfish species in the same rulemaking.

At its Jun 2022 meeting, PFMC recommended recreational fishing regulations for federally-managed groundfish species for the 2023-2024 seasons, expected to go into effect Jan 1, 2023, that impose a significant reduction in fishing time in nearshore waters. At FGC's Jun 2022 meeting, DFW proposed regulatory changes for recreational regulations in state waters to maintain consistency with federal regulations (Exhibit 1). In addition, DFW proposed to decouple the regulations for California sheephead and ocean whitefish from the regulations for federal groundfish.

FGC authorized the publication of notice as proposed and FGC staff published the notice Sep 23, 2022. Today, FGC may consider adopting the noticed regulations.

Proposed Amendments

The detailed proposed changes are summarized in Exhibit 2 and provided in the initial statement of reasons (ISOR, Exhibit 3). In general, the proposed changes include:

- Changes to seasons and depths for the recreational take of rockfish, cabezon, greenling and lingcod.
- In all management areas, other federal groundfish species, such as Pacific sanddab and other flatfish, are proposed to be open year-round at all depths.

STAFF SUMMARY FOR NOVEMBER 15, 2022

- Modification of recreational season dates, depth limits, and bag limits for state-managed California sheephead and ocean whitefish to sustainably manage these fisheries and angling opportunities independently from the regulations for federal groundfish.

This regular rulemaking will continue the emergency regulation change to reduce sub-bag limits for quillback rockfish (1 fish), copper rockfish (1 fish), and vermilion rockfish (4 fish) originally adopted by FGC in Dec 2021 and effective Jan 2022. FGC readopted the emergency action in Jun and Aug 2022; the emergency regulations will expire in early Jan 2023.

Significant Public Comments

No written comments have been received. Responses to oral comments at the Oct FGC meeting are provided in Exhibit 7.

Recommendation

FGC staff: Adopt the proposed regulations as recommended by DFW.

DFW: Adopt the proposed changes as described in the ISOR (exhibits 3 and 4).

Exhibits

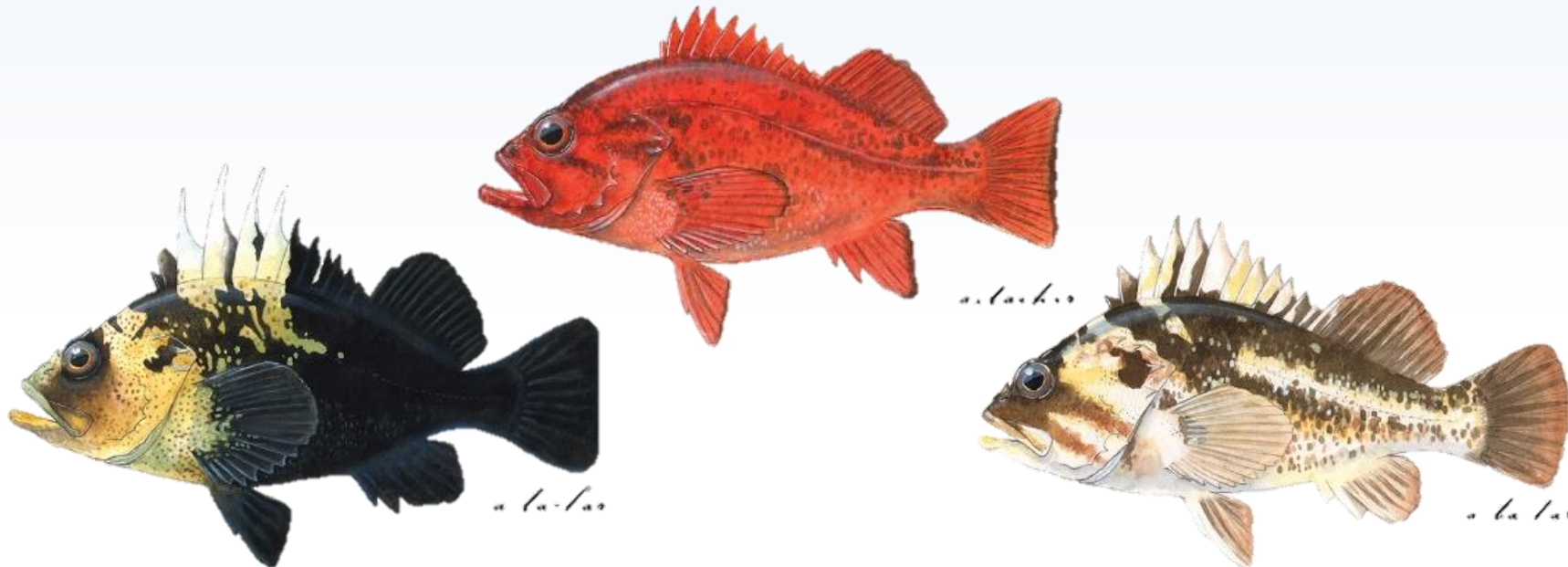
1. [DFW presentation, dated Jun 2022](#)
2. [DFW memo, received Sep 9, 2022](#)
3. [Initial statement of reasons](#)
4. [Proposed regulatory language](#)
5. [Economic and fiscal impact statement \(STD. 399\)](#)
6. [DFW news release: *Big Changes to Sport Groundfish Regulations Coming In 2023*, dated Jul 28, 2022](#)
7. [DFW memo, including summary and response to public comments, received Oct 28, 2022](#)

Motion

Moved by _____ and seconded by _____ that the Commission adopts the proposed changes to sections 1.91 et al., related to recreational fishing regulations for federal groundfish and associated species for 2023 and 2024.



Agenda Item 21: Recreational Fishing Regulations for Federal Groundfish and Associated Species for 2023 and 2024



16 June 2022

Presented to:

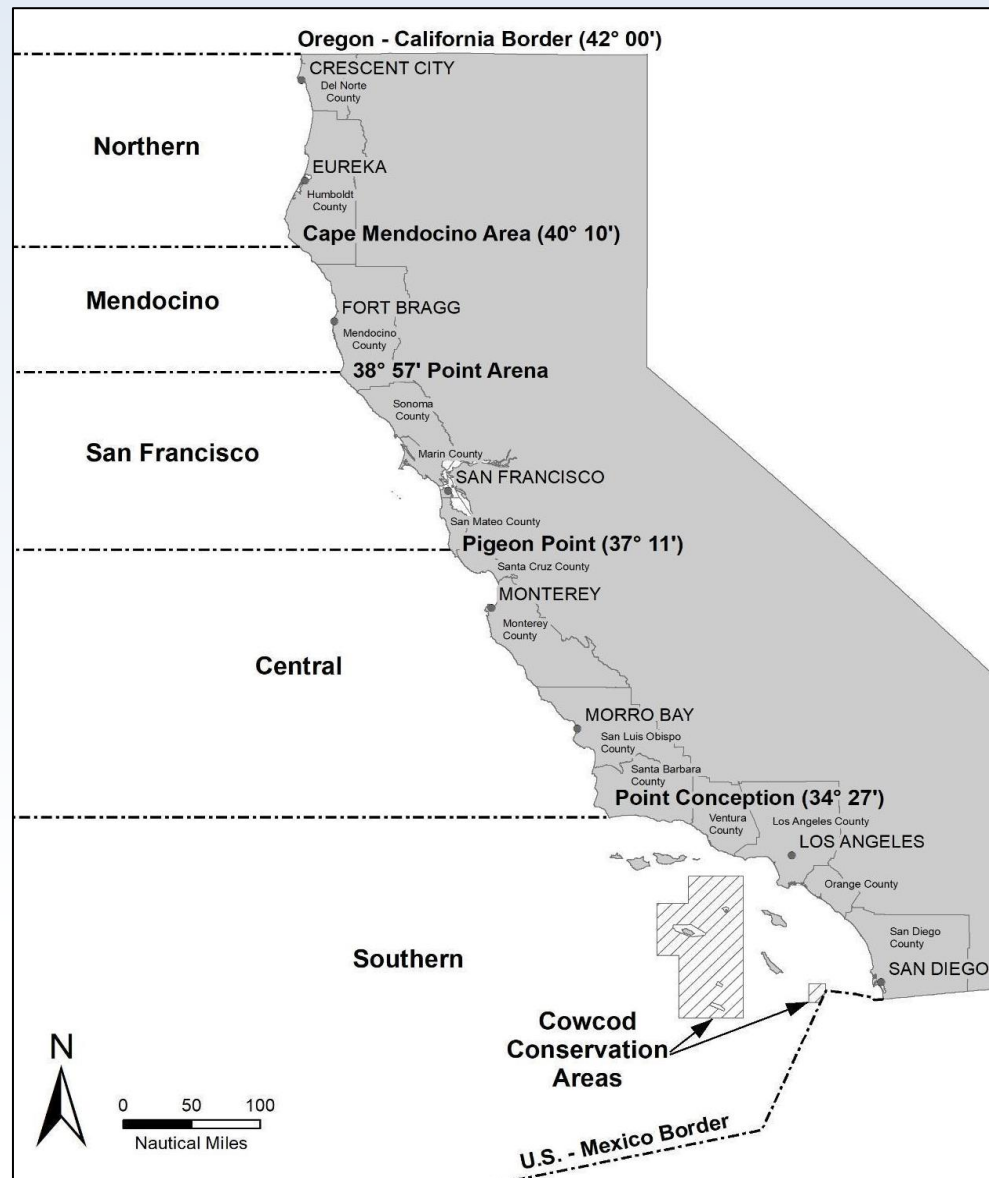
Fish and Game Commission

Presented by:

Melanie Parker
Environmental Scientist
Marine Region



Groundfish Management Areas





Recreational Season Structure

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	Closed				May 15-Oct 15 All Depths					Closed		
Mendocino	Closed				>50 fm		July 16-Dec 31 All Depths					
San Francisco	Closed				>50 fm		July 16-Dec 31 All Depths					
Central	Closed				May 1-Sep 30 All Depths					>50 fm		
Southern	Closed			Apr 1-Sep 15 All Depths					>50 fm			



Rockfish Bag Limits

- Maintains the changes made to bag limits through emergency action last December
- Within the 10-fish daily bag and possession limit for Rockfish, Cabezon and Greenling
 - A sub-bag limit of 1-fish for quillback rockfish
 - A sub-bag limit of 1-fish for copper rockfish
 - A sub-bag limit of 4-fish for vermilion rockfish



Associated Species

- Decouple regulations for California sheephead and ocean whitefish from those for federal groundfish
- California sheephead season would be open March 1 – December 31
 - Bag limit would be reduced from 5-fish to 2-fish
- Ocean whitefish would be open year-round

Thank You



Any Questions?

AskMarine@wildlife.ca.gov

Groundfish@wildlife.ca.gov

Memorandum

Date: September 6, 2022

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Initial Statement of Reasons for Regulatory Action, Re: Recreational Fishing Regulations for Federal Groundfish and Associated Species for 2023 and 2024**

The Pacific Fishery Management Council (PFMC) recommended recreational fishing regulations for federally managed groundfish species for the 2023-2024 management cycle at its June 9-14, 2022, meeting. Based on these recommendations, federal groundfish fishery regulations for 2023-2024 are expected to publish by January 1, 2023, requiring amendment of several state regulations to maintain consistency with the new federal regulations in state waters. To ensure consistent state regulations are in place before fishing begins in 2023, at the June 15-16, 2022 Fish and Game Commission (Commission) meeting, at the request of the Department of Fish and Wildlife (Department), the Commission authorized its staff to publish notice of Commission intent to amend recreational fishing regulations for federally managed groundfish and the associated species group, all greenlings of the genus *Hexagrammus*, as well as recreational fishing regulations for California sheephead and ocean whitefish.

Attached please find the Initial Statement of Reasons and proposed regulatory text for submission to the Office of Administrative Law to begin the public comment period.

The changes needed to state recreational fishing regulations include changes to seasons, depth limits, and bag limits, as well as minor regulatory clean-ups for many federal groundfish species. Substantial reductions to mortality of quillback and copper rockfishes are needed after the results of the 2021 stock assessments for these species off California indicated severe population declines. Additionally, the stock assessment for vermilion rockfish indicated recent catch of this species has been too high, prompting the need for a reduction to the sub-bag limit.

Quillback and copper rockfish are included as part of the 'nearshore rockfish' complex as defined in subsection 1.91(a)(1), Title 14, California Code of Regulations. They frequent water depths less than 50 fathoms and are taken recreationally by anglers and divers as part of the rockfish, cabezon, and greenling (RCG) aggregate bag limit. PFMC recommended significant reductions to recreational rockfish season lengths in order to reduce fishery mortality on these two species. Changes to depth limits are also proposed, and in some times and areas, fishing for groundfish is proposed to be prohibited in nearshore waters to reduce impacts on copper and quillback rockfish

Melissa Miller-Henson, Executive Director
Fish and Game Commission
September 6, 2022
Page 2

while authorized in deeper waters offshore, allowing fishing opportunity on healthy offshore and deep-water groundfish stocks.

Changes to bag limits for quillback rockfish, copper rockfish, and vermilion rockfish are also proposed, and this rulemaking would act as the certificate of compliance for the emergency regulation change to reduce limits for these species adopted by the Commission in December 2021. The emergency action established a 1-fish sub-bag limit each for quillback and copper rockfish, and a 4-fish vermilion sub-bag limit, first effective in January 2022. The Commission re-adopted the emergency action in June 2022 and again in August 2022. The emergency regulations will expire in early January 2023.

In addition, the Department is recommending modification of recreational season dates, depth limits, and bag limits for California sheephead and ocean whitefish. Since 2004, these species have been managed in accordance with federal groundfish regulations to reduce fishery impacts to overfished and rebuilding shelf rockfish species. As of 2022, all shelf rockfish stocks except for yelloweye rockfish have rebuilt, and there is no longer a need to couple California sheephead and ocean whitefish with federal regulations. Therefore, to increase angling opportunities and sustainably manage these fisheries independently, the Department is recommending to de-couple these species and establish separate regulations. California sheephead is managed with an annual Total Allowable Catch (TAC), which due to a recent increase in recreational landings has been exceeded the past two years. To prevent the TAC from continuing to be exceeded, the Department is recommending a reduction in the current California sheephead bag limit from 5 fish to 2 fish. Furthermore, the Department is recommending the current January-February boat-based seasonal closure stay in effect for California sheephead but not for ocean whitefish, and all other depth and area restrictions that currently apply to these species to protect shelf rockfishes be removed.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov. The Department point of contact for this rulemaking is Environmental Scientist, Melanie Parker, who can be contacted via email at Groundfish@wildlife.ca.gov.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env., Regional Manager
Marine Region

Marci Yaremko, Program Manager
Marine Region

Kirsten Ramey, Program Manager
Marine Region

Melissa Miller-Henson, Executive Director
Fish and Game Commission
September 6, 2022
Page 3

Rose Dodgen, Environmental Scientist
Regulations Unit

Caroline McKnight, Senior Environmental Scientist Supervisor
Marine Region (Region 7)

James Phillips, Senior Environmental Scientist Supervisor
Marine Region (Region 7)

Chuck Valle, Senior Environmental Scientist Supervisor
Marine Region (Region 7)

Melanie Parker, Environmental Scientist
Marine Region (Region 7)

Miranda Haggerty, Environmental Scientist
Marine Region (Region 7)

Eric Kord, Assistant Chief
Law Enforcement Division

David Kiene, Attorney
Office of General Counsel

Ona Alminas, Program Manager
Regulations Unit
Regulations@wildlife.ca.gov

Brian Owens, Acting Program Manager
Regulations Unit

David Thesell, Program Manager
Fish and Game Commission
fgc@fgc.ca.gov

Sherrie Fonbuena, Analyst
Fish and Game Commission
fgc@fgc.ca.gov

State of California
Fish and Game Commission
Initial 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, 28.26, 28.27, 28.28,
28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65 and 28.90

Title 14, California Code of Regulations

Re: Recreational Fishing Regulations for Federal Groundfish and Associated Species
for 2023 and 2024

I. Date of Initial Statement of Reasons: September 6, 2022

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: June 15, 2022

Location: Los Angeles

(b) Discussion Hearing

Date: October 12, 2022

Location: Kings Beach

(c) Adoption Hearing

Date: November 1, 2022

Location: 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

Unless otherwise specified, all section references in this document are to Title 14, California Code of Regulations (CCR).

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 the 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, 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).

It is important to have consistent state and federal regulations establishing harvest limits, season dates, depth constraints and other management measures, and to have 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) [United States Code (USC), Title 16, subsection 1856 (b)(1)].

Although not federally designated as groundfish, ocean whitefish and California sheephead are species which closely associate with groundfish species that have been subject to restrictive management measures since 2004. Particularly in recreational fisheries, where hook-and-line gear is predominantly used, it has been difficult to target these two species and not also catch certain federally-managed groundfish. For this reason, these species have been managed in accordance with federal seasons and depth constraints established for groundfish to reduce fishery impacts to overfished and rebuilding shelf rockfish species. As of 2022, all shelf rockfish stocks except for yelloweye rockfish have rebuilt, and there is no longer a need to couple ocean whitefish and California sheephead season structure to that of the Rockfish, Cabezon, and Greenling (RCG) complex.

The California Department of Fish and Wildlife (Department) actively manages California sheephead, cabezon and greenlings to stay within the Total Allowable Catch (TAC) and recreational and commercial allocations. Recent attainment of commercial allocations for cabezon and greenling have been low, although attainment of the California sheephead recreational allocation and TAC has been exceeded. The recreational California sheephead season structure has been the same as that for the RCG complex since 2004, which was intended to reduce fishing mortality on the overfished shelf rockfish stocks. The bag limit for California sheephead has remained the same since 2021, and the proposed reduction to this limit will result in decreases to mortality that will keep attainment within the TAC and the recreational allocation.

Present Regulations

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 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65 and 28.90].

Present recreational regulations allow anglers to take and possess federally-managed groundfish species as defined in Section 1.91, 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 in season 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.

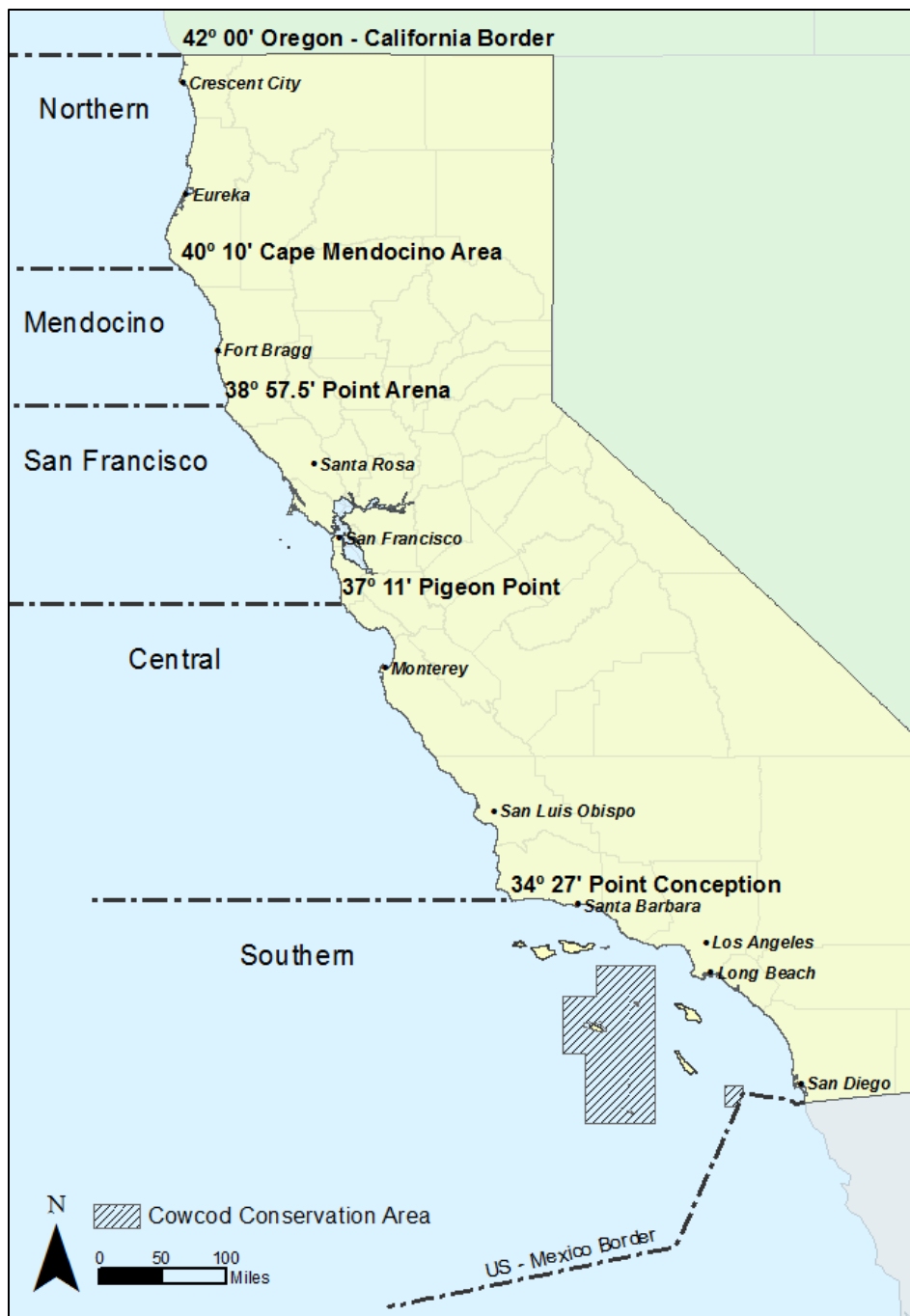


Figure 1. Map of five California recreational groundfish management areas.

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

The Northern and Mendocino groundfish management areas have an eight-month season with a depth constraint of 30 fathoms from May to October, and no depth constraint during November and December (Figure 2). The San Francisco and Central groundfish management areas have a nine-month season, with a depth constraint of 50 fathoms. The Southern Groundfish Management Area has the least restrictive regulations, with a 10-month season and a depth constraint of 100 fathoms. The Cowcod Conservation Areas (CCA) are within the Southern Groundfish Management Area but have a discrete depth constraint of 40 fathoms.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	Closed				May 1 - Oct 31 <30fm						All Depth	
Mendocino	Closed				May 1 - Oct 31 <30fm						All Depth	
San Francisco	Closed			Apr 1 - Dec 31 <50fm								
Central	Closed			Apr 1 - Dec 31 <50fm								
Southern	Closed		Mar 1 - Dec 31 <100fm									

Figure 2. Current recreational groundfish season structures and depths by management area and month.

Present regulations also establish recreational bag limits which vary by species or species groups and are designed to keep harvest within allowable limits. The RCG complex has a 10 fish bag aggregate limit (Section 28.55) 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 vermilion rockfish (four fish), quillback rockfish (one fish), and copper rockfish (one fish). These sub-bag limits were enacted through an emergency rulemaking, effective January 6, 2022, in response to new stock status information in 2021 for quillback and copper rockfishes indicating significant population declines, and unsustainably high catches of vermilion rockfish each year since 2015. Bronzespotted rockfish, cowcod, and yelloweye rockfish have bag limits of zero fish. California sheephead has a five-fish bag limit and ocean whitefish has a 10-fish bag limit.

Current regulations specify special gear restrictions for lingcod, California scorpionfish, and groundfish species in the RCG complex (i.e., when angling, gear is restricted to not more than two hooks and one line). California sheephead are also managed under an annual TAC limit of 205,500 pounds which is divided into two allocations: 130,300 pounds (63 percent) for the recreational fishery and 75,200 pounds (37 percent) for the commercial fishery.

Proposed Regulations

The Department is recommending the recreational regulatory changes for federal groundfish be consistent with PFMC recommendations in 2023 and 2024. Other changes are proposed to decouple the recreational regulations for California sheephead and ocean whitefish from those for federal groundfish.

This approach will allow the Commission to adopt state groundfish regulations to timely conform to those taking effect in federal ocean waters in January 2023.

Federal Groundfish

The PFMC approved season structures for 2023 and 2024 are a substantial departure from the status quo, in that each management area will incur a significant reduction in fishing time in nearshore waters. The severe reductions are necessary to incorporate the best scientific information available from the 2021 stock assessments for quillback and copper rockfishes off California and the rebuilding analysis for quillback rockfish off California. The Department worked with stakeholders to examine possible alternatives to mitigate for losses in nearshore fishery opportunities that are necessary to reduce catch and bycatch of these two nearshore rockfish species, such as an offshore fishery [a fishery that operates only seaward of a specified Rockfish Conservation Area (RCA) boundary line].

The proposed changes to seasons and depths (sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50 and 27.51) will impact each management area, revise the definition of depth constraints, and result in different closed and open periods.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	Closed				May 15-Oct 15			All Depths		Closed		
Mendocino	Closed				>50 fm		July 16-Dec 31			All Depths		
San Francisco	Closed				>50 fm		July 16-Dec 31			All Depths		
Central	Closed				May 1-Sep 30			All Depths		>50 fm		
Southern	Closed			Apr 1-Sep 15			All Depths			>50 fm		

Figure 3. Proposed recreational RCG complex and lingcod season structures for 2023 and 2024 by management area and month.

The CCA will be closed January 1 through March 31 in all depths, open April 1 through September 15 in waters shoreward of the 40-fathom depth contour, and closed September 16 through December 31 in all depths.

In any management area during the time the fishery is open only seaward of the 50 fathom RCA boundary line, as defined by connecting the series of waypoints, fishing for, take and possession of lingcod and shelf and slope rockfish (as defined in Section 1.91, except bronzed-spotted rockfish, cowcod, and yelloweye rockfish) are authorized only in waters seaward of the specified RCA boundary line. Vessels may transit through waters shoreward of the RCA line with no fishing gear in the water with the aforementioned species aboard. A nearshore rockfish (as defined in subsection 1.91(a)(1)), cabezon, and greenling closure is in effect during an offshore fishery for all boat-based anglers during the time that an offshore fishery occurs.

The seasons for California scorpionfish (Section 28.54); “other flatfish” as defined in Section 28.48; petrale sole and starry flounder (Section 28.47); leopard shark (Section 28.56); and the species listed in Section 28.49 (soupin shark, Dover sole, English sole, arrowtooth flounder, spiny dogfish, skates, ratfish, grenadiers, finescale codling, Pacific cod, Pacific whiting, sablefish and thornyheads) will be open year-round in all depths in all management areas.

Restrictions on methods of take are also added to Section 28.49 to provide for consistency with the method of take for rockfish, California scorpionfish, lingcod, cabezon and kelp and rock greenlings. When angling for these species, gear is restricted to not more than two hooks

and one line. This gear type is intended to minimize interaction with species of concern. The species listed in 28.49 are deep dwelling and with the new access to deeper waters granted to anglers by the opening of waters deeper than 40 fathoms, anglers will likely encounter these species more.

The sub-bag limits provided in Section 28.55 for quillback rockfish (1-fish), copper rockfish (1-fish), and vermilion rockfish (4-fish) that were implemented through emergency action effective January 6, 2022, will be maintained, and this rulemaking will serve as the certificate of compliance.

In subsection 27.20(a), “A depth constraint means that during the open season, the aforementioned species [federally-managed groundfish species, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*] may not be taken or possessed in water depths deeper than the specified depth.” is replaced with “In a GMA [groundfish management area] the take, retention and/or possession of certain federal groundfish and all greenlings of the genus *Hexagrammos* may be authorized or prohibited in waters shallower than, or deeper than, the identified depth constraint depending on the defined areas and seasons specified in sections 27.25 through 27.50.” This language change permits the flexibility to open deeper waters and close shallow waters to recreational fishing for federal groundfish at the stated restriction, rather than unilaterally closing deeper waters. This allows deep waters to be open during some parts of the season and allows shallow waters to be closed, creating new recreational fishing opportunity in deep areas where stocks have largely rebuilt to supplement loss of opportunity due to shallow water closures as nearshore stocks are evaluated.

In subsection 27.20(b)(1), “Take and Possession: During any open season in any Groundfish Management Area, in waters deeper than where fishing is authorized or within special closure areas established within a Groundfish Management Area, it is unlawful to take or possess the aforementioned species [federally-managed groundfish species, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*] except as provided in subsections (b)(1)(A) through (b)(1)(D) below and sections 27.25 through 27.50 of these regulations.” is replaced with “Take and/or possession of federal groundfish species or species groups and all greenlings of the genus *Hexagrammos* is authorized or prohibited as provided in subsections (b)(1)(A) through (b)(1)(D) below and sections 27.25 through 27.50 of these regulations.” This change is necessary for consistency with the new depth constraint definition, the decoupling of California sheephead and ocean whitefish from the regulations for federal groundfish and the allowance of take year-round at all depths of some federal groundfish species.

In subsection 27.20(b)(1)(A), “Transit: The aforementioned species [federally-managed groundfish species, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*] may be possessed aboard a vessel in transit through the closed area with no fishing gear deployed in the water.” is replaced with “Transit: The or species groups that are closed to take and/or possession in part of a GMA may be possessed aboard a vessel in transit through the closed area with no fishing gear deployed in the water.” This change is necessary for consistency with the decoupling of California sheephead and ocean whitefish from the regulations for federal groundfish and the allowance of take year-round at all depths of some federal groundfish species.

A subsection heading is added to subsection 27.20(b)(1)(B) for consistency with other subsections in subsection 27.20(b)(1). In addition, California scorpionfish, leopard shark and the species listed in Section 28.49 are added to the list of species exempt from depth constraints for consistency with the season changes described above.

In subsections 27.20(b)(1)(C) and 27.50(c)(1), “No vessel or watercraft (motorized or non-motorized) may be used to assist in taking or possessing these species while angling from shore under this provision.” is replaced with “No vessel or watercraft (motorized or non-motorized) may be used to assist in the take, transport and/or possession of these species under this provision.” This amendment is necessary to provide clarity in the regulatory language for an activity that is currently unlawful.

California Sheephead and Ocean Whitefish

The Department is recommending that the Commission decouple regulations for California sheephead and ocean whitefish from federal groundfish regulations as most of the shelf rockfish stocks have been rebuilt. Decoupling these two state-managed species will enable sustainable management of their fisheries while increasing angling opportunities and decreasing pressure on other nearshore stocks. Additionally, as the recreational fishery has exceeded the recreational allocation for California sheephead, resulting in exceeding the TAC in the past two years, the Department is recommending a reduction in the current recreational bag limit from 5 fish to 2 fish. Furthermore, the Department is recommending the current January-February boat-based seasonal closure stay in effect for California sheephead but not for ocean whitefish, while all other depth constraints and area restrictions that currently apply to these species to protect shelf rockfishes be removed.

New subsections are added to Section 28.26 for shore based angling and diving/spearfishing exceptions for California sheephead. These amendments are necessary due to the decoupling California sheephead regulations from those for federal groundfish currently specified in Section 27.20.

Non-substantive Changes

Several non-substantive changes are proposed to correct errors or outdated terminology, provide consistency, and reduce redundancy between Title 14 sections, and increase the clarity of the regulations.

- In all sections included in this rulemaking “take and possession” is updated to read “take and/or possession” for enhanced clarity and enforceability; the term “federally-managed groundfish” is changed to “federal groundfish”; and “possession limit” is changed to “bag and possession limit” for consistency.
- The scientific names of fish are updated to current accepted nomenclature and to correct spelling errors in Section 1.91.
- In Section 27.20, an abbreviation for groundfish management area is introduced.
- Subsection 27.20(b)(1)(C) is amended for regulatory clean-up and will provide consistency with language in Section 632, Marine Protected Areas.
- The web address provided in subsection 27.20(f) is updated as the current address is no longer functional.
- The groundfish call hotline is removed from subsection 27.20(f) because the public did

not use the hotline, and the Department webpage provides more timely and comprehensive updated regulatory information.

- A minor error in subsection 27.30(a) that was introduced through a copy and paste error several years ago is corrected.
- Clarifying language regarding the CCAs is added to Section 27.45.
- The formatting of a coordinate listed in subsection 27.50(a) is corrected to remove an unnecessary space and correct the direction of the seconds symbol.
- The organization of Section 27.50, and text is amended to enhance the clarity of the current regulations; no changes are proposed regarding to which species may or may not be retained within the CCAs.
- Section 27.51 is amended to reduce redundancy with subsection 27.20(d).
- Currently established fillet size limits and other fillet regulations (as established in Section 27.65) are added to relevant species-specific sections beginning with Section 28.26 for increased transparency and clarity of the regulations.

(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 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 constraints, 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 and associated species resources, and promotion of businesses that rely on recreational groundfish fishing.

(c) Authority and Reference Sections for Regulation

Authority: Sections 200, 205, 265, 270, 275, 702, 7071, 7710 and 8587.1, Fish and Game Code

Reference: Sections 200, 205, 265, 270, 275, 1802, 7071, 7710 and 8585.5, 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 2022 Decision Summary Document

[June 2022 Decision Summary Document - Pacific Fishery Management Council \(pcouncil.org\)](https://www.pcouncil.org/documents/2022/06/june-2022-decision-summary-document.pdf)

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<https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report-2019>

Preliminary Socioeconomic Analyses for the 2023-2024 Harvest Specifications and Management Measures. April 2022. Pacific Fishery Management Council.

<https://www.pcouncil.org/documents/2022/03/f-4-supplemental-attachment-3-preliminary-socioeconomic-analyses-for-the-2023-2024-harvest-specifications-and-management-measures.pdf/>

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

Pacific Fishery Management Council meetings where the proposed regulations for the 2023-2024 groundfish and associated species were discussed:

- September 9-11 and 13-15, 2021, webinar only due to COVID-19
- November 15-22, 2021, webinar only due to COVID-19
- March 8-14, 2022, San Jose, CA, and public webinar due to COVID-19
- April 8-13, 2022, Seattle, WA and public webinar due to COVID-19
- June 9-14, 2022, Vancouver, WA and public webinar 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. Additionally, state regulations cannot be less restrictive than federal regulations, and the federal regulation changes effective in January 2023 are more restrictive than current regulations.

It is critical to have consistent state and federal regulations establishing harvest limits, season dates, depth constraints and other management measures, and it's 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.

Furthermore, under the no change alternative, California sheephead and ocean whitefish will remain coupled to federal groundfish. This would prevent additional recreational opportunities intended to supplement the loss of opportunity in federal groundfish.

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

Throughout the development of the proposed regulations in coordination with Federal agencies, consideration was given to limit the potential for adverse impacts on small businesses that could otherwise occur as a result of the need to reduce mortality for quillback and copper rockfishes and stay within harvest guidelines for yelloweye rockfish and cowcod. Short-term and long-term impacts are expected to occur as the sportfish-related sectors adjust to new regulations and fishery operations. Reductions in groundfish angler days can translate to income and job losses for commercial passenger fishing vessels (CPFV) operators and crew as well as other sportfishing and travel-related businesses. At the same time, shifts in angler preferences for other target species could provide growth in opportunities for anglers and businesses throughout port localities and the state.

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. The Department anticipates decreased opportunities for the recreational and commercial groundfish fishery in 2023-2024 compared to 2022. However, the impact on the

entirety of marine sportfishing activity is not expected to be sufficient to significantly impact sportfishing expenditures to businesses within the state.

(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. However, some short-term job losses may occur as sportfish-related businesses adjust to changes in the composition of recreational fishing opportunities.

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 fishing resources.

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

The Commission 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 groundfish fishery activities are comprised of individual fisher trips and CPFVs providing boat trips to groups of anglers. Both modes of fishing involve travel expenditures and other associated expenditures on good and services. The economic impact of regulatory changes

on recreational fisheries are estimated by tracking the resulting changes in expenditures corresponding with changes in fishing effort, fisher 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. Recreational fisheries spending thus 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. In a 2022 Fisheries Economics Report² by NOAA Fisheries that reports 2019 data, all marine recreational anglers' trip-related and equipment expenditures sum to approximately \$1.0 billion in California. The total realized economic benefit to California is estimated at \$2.0 billion in total economic output annually resulting from the indirect and induced effects of this \$1.0 billion direct revenue contribution.

The proposed regulations will modify state recreational groundfish regulations to conform to federal rules that are expected to be in effect for 2023 and 2024. Currently, state regulations for groundfish provide for: season lengths, depth constraints, size limits, and bag and possession limits. In adopting these conforming regulations, the state relies on information provided in PFMC documents which includes socioeconomic analyses of impacts to California. PFMC researchers have conducted an extensive socioeconomic impact assessment to inform regulatory options in refining recommendations to the states³.

Additionally, fisheries management and socioeconomic considerations have prompted the recommendation to decouple regulations for two state-managed species (California sheephead and ocean whitefish) from federal groundfish regulations as most of the shelf rockfish stocks have been rebuilt, allowing for sustainable harvest, and increasing angling opportunities that may mitigate potential short-term adverse economic impacts.

The groundfish recreational fishery comprises a large share of all marine recreational fishing in the State of California. The potential for up to a 30 percent reduction in opportunity for a popular marine fishery could result in reduced sportfish expenditures in some sectors. But due to the likelihood of mode shifts and shifts to other available species, the proposed amendments are not anticipated to constitute a significant adverse economic impact to the state. A reduction in "opportunity" refers to the reduction in open days and may not translate directly to a corresponding reduction in fishing trips. Trips vary by mode: private boat, chartered boat or CPFV, shore-based, or artificial structures (such as piers). Fishing trips may shift to alternate modes to reach the deeper waters, with limits on nearshore fishing. Additionally, if fishing trips are shifted from months proposed to close to the remaining open months and/or the shifted toward other available species,

² National Marine Fisheries Service. 2022. Fisheries Economics of the United States, 2019. U.S. Dept. of Commerce, <https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report-2019>

³ Preliminary Socioeconomic Analyses for the 2023-2024 Harvest Specifications and Management Measures, April 2022.

<https://www.pcouncil.org/documents/2022/03/f-4-supplemental-attachment-3-preliminary-socioeconomic-analyses-for-the-2023-2024-harvest-specifications-and-management-measures.pdf/>

then in the total recreational fisher days and associated expenditures could be partially offset. Substitution toward other modes, the remaining open days, and/or the pursuit of other species is difficult to estimate due to data insufficiencies, but these responses could partially mitigate the impact of lost opportunity as a result of the proposed conformance with federal groundfish recommendations.

(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 creation or elimination within the state. No significant changes in total fishing effort and fishing expenditures to businesses are expected as a direct result of the proposed regulation changes. However, some short-term job losses may occur as sportfish-related businesses adjust to changes in the composition of recreational fishing opportunities.

(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 the creation or elimination of businesses in California. No significant changes in total 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 expansion of businesses currently doing business within the state. No significant changes in total 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 sustainable 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 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 preserving 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 constraints, and recreational bag limits

provides 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 (NEPA), and if approved they are subsequently implemented as ocean fishing regulations by NOAA Fisheries.

California's recreational fishing regulations for federal groundfish species 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

Unless otherwise specified, all section references in this document are to Title 14, California Code of Regulations (CCR).

The Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations biennially. As part of that process, it recommends groundfish 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 (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 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, 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.

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.

The California Department of Fish and Wildlife is recommending the recreational regulatory changes for federal groundfish be consistent with PFMC recommendations in 2023 and 2024. Other changes are proposed to decouple the recreational regulations for California sheephead and ocean whitefish from those for federal groundfish. This approach will allow the Commission to adopt state groundfish regulations to timely conform to those taking effect in federal ocean waters in January 2023.

The PFMC approved season structures for 2023 and 2024 (Figure 1) are a substantial departure from the status quo, in that each management area will incur a significant reduction in fishing time in nearshore waters. The severe reductions are necessary to incorporate the best scientific information available from the 2021 stock assessments for quillback and copper rockfishes off California and the rebuilding analysis for quillback rockfish off California. A new offshore-only fishery for shelf and slope rockfish and lingcod will be available in some areas of the state during certain months.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	Closed				May 15-Oct 15			All Depths			Closed	
Mendocino	Closed				>50 fm		July 16-Dec 31			All Depths		
San Francisco	Closed				>50 fm		July 16-Dec 31			All Depths		
Central	Closed				May 1-Sep 30			All Depths			>50 fm	
Southern	Closed			Apr 1-Sep 15			All Depths			>50 fm		

Figure 1. Proposed recreational seasons and depths for all species of rockfish, lingcod, cabezon, all greenlings of the genus *Hexagrammos* in 2023 and 2024 by management area.

The Cowcod Conservation Areas, which are within the Southern Groundfish Management Area but with a discrete depth limit of 40 fathoms, will be closed January 1 through March 31 in all depths, open April 1 through September 15 in waters shoreward of the 40-fathom depth contour, and closed September 16 through December 31 in all depths.

In all management areas, California scorpionfish, “other flatfish” as defined in Section 28.48, petrale sole, starry flounder, leopard shark, and the federal groundfish listed in Section 28.49 (soupin shark, Dover sole, English sole, arrowtooth flounder, spiny dogfish, skates, rattfish, grenadiers, finescale codling, Pacific cod, Pacific whiting, sablefish and thornyheads) are proposed to be open year-round at all depths.

Restrictions on methods of take are added to Section 28.49 to provide for consistency with the method of take for rockfish, California scorpionfish, lingcod, cabezon and kelp and rock greenlings.

The sub-bag limits for quillback rockfish (1-fish), copper rockfish (1-fish), and vermilion rockfish (4-fish) that were implemented through emergency action effective January 6, 2022, will be maintained.

Additionally, there is a proposal to decouple California sheephead and ocean whitefish regulations from those for federal groundfish. The Department is recommending a reduction in the current recreational bag limit for California sheephead from 5 fish to 2 fish. Furthermore, the Department is recommending the current January-February boat-based seasonal closure stay in effect for California sheephead but not for ocean whitefish, while all other depth constraints and area restrictions that currently apply to these species to protect shelf rockfishes be removed. The current shore based angling and diving/spearfishing exceptions for California sheephead currently specified in Section 27.20 will be added to Section 28.26.

The definition of depth constraint is revised in subsection 27.20(a).

Subsection 27.20(b)(1) is revised to reflect the new definition of depth constraint, the decoupling of California sheephead and ocean whitefish from the regulations for federal groundfish, and the allowance of take year-round at all depths of some federal groundfish species.

Subsection 27.20(b)(1)(A) is revised to reflect the decoupling of California sheephead and ocean whitefish from the regulations for federal groundfish and the allowance of take year-round at all depths of some federal groundfish species.

In subsection 27.20(b)(1)(B), California scorpionfish, leopard shark and the species listed in Section 28.49 are added to the list of species exempt from depth constraints for consistency with the season changes described above.

Subsections 27.20(b)(1)(C) and 27.50(c)(1) are revised to provide clarity that transportation by vessel of species taken under the shore based fishing exemption is unlawful.

Several non-substantive changes are proposed to correct errors or outdated terminology, provide consistency, and reduce redundancy between Title 14 sections, and increase the clarity of the regulations.

- In all sections included in this rulemaking “take and possession” is updated to read “take and/or possession”; the term “federally-managed groundfish” is changed to “federal groundfish”; and “possession limit” is changed to “bag and possession limit”.

- The scientific names of fish are updated to current accepted nomenclature and to correct spelling errors in Section 1.91.
- In Section 27.20, an abbreviation for groundfish management area is introduced.
- Subsection 27.20(b)(1)(C) is amended for regulatory clean-up and will provide consistency with language in Section 632, Marine Protected Areas.
- The web address provided in subsection 27.20(f) is updated.
- The groundfish call hotline is removed from subsection 27.20(f)
- A copy and paste error is corrected in subsection 27.30(a)
- Clarifying language regarding the CCAs is added to Section 27.45.
- The formatting of a coordinate listed in subsection 27.50(a) is corrected.
- The organization of Section 27.50, and text is amended to enhance the clarity of the current regulations; no changes to the species that can or cannot be retained within the CCAs are proposed.
- Section 27.51 is amended to reduce redundancy with subsection 27.20(d).
- Currently established fillet size limits and other fillet regulations (as established in Section 27.65) are added to relevant species-specific sections beginning with Section 28.26.

Benefits of the Proposed Regulations

Benefits of the proposed management actions include preserving fishing opportunity, along with the continuation of the reasonable and sustainable management of groundfish resources and the protection of listed and special status species.

This regulation would result in consistency with federal law. California's recreational fishing regulations for federal groundfish species 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 Magnuson-Stevens Fishery Conservation Act [United States Code, Title 16, subsection 1856 (b)(1)].

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 recreational fishing regulations (Fish and Game Code, sections 200 and 205). The proposed regulations are consistent with the Commission's regulations in Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other state regulations related to the recreational take of groundfish.

Proposed Regulatory Language

Section 1.91, Title 14, CCR, is amended to read:

§ 1.91. Federal Groundfish and Rockfish, Cabezon and Greenling (RCG) Complex.

(a) The species or species groups listed in subsections 1.91(a)(1) through 1.91(a)(12) constitute “federal groundfish” and are managed under the Federal Pacific Coast Groundfish Fishery Management Plan:

(1) “Nearshore Rockfish,” which means the following species of rockfish: black rockfish (*Sebastes melanops*), black and yellow rockfish (*S. chrysomelas*), blue rockfish (*S. mystinus*), brown rockfish (*S. auriculatus*), calico rockfish (*S. ~~dallidallii~~*), China rockfish (*S. nebulosus*), copper rockfish (*S. caurinus*), gopher rockfish (*S. carnatus*), grass rockfish (*S. rastrelliger*), kelp rockfish (*S. atrovirens*), olive rockfish (*S. serranoides*), quillback rockfish (*S. maliger*), treefish (*S. serriceps*)

(2) “California Scorpionfish” (*Scorpaena guttata*)

(3) “Shelf Rockfish” which means the following species of rockfish: bocaccio (*Sebastes paucispinis*), bronzespotted rockfish (*S. gilli*), canary rockfish (*S. pinniger*), chilipepper (*S. goodei*), cowcod (*S. levis*), dusky rockfish (*S. ciliatus*), flag rockfish (*S. rubrivinctus*), greenblotched rockfish (*S. rosenblatti*), greenspotted rockfish (*S. chlorostictus*), greenstriped rockfish (*S. elongatus*), harlequin rockfish (*S. variegatus*), honeycomb rockfish (*S. umbrosus*), Mexican rockfish (*S. macdonaldi*), pink rockfish (*S. eos*), redstripe rockfish (*S. proriger*), rosethorn rockfish (*S. helvomaculatus*), rosy rockfish (*S. rosaceus*), shortbelly rockfish (*S. jordani*), silvergray rockfish (*S. brevispinis*), speckled rockfish (*S. ovalis*), squarespot rockfish (*S. hopkinsi*), starry rockfish (*S. constellatus*), stripetail rockfish (*S. saxicola*), tiger rockfish (*S. nigrocinctus*), vermilion rockfish (*S. miniatus*), widow rockfish (*S. entomelas*), yelloweye rockfish (*S. ruberrimus*), yellowtail rockfish (*S. flavidus*)

(4) “Slope Rockfish” which means the following species of rockfish: aurora rockfish (*Sebastes aurora*), bank rockfish (*S. rufus*), blackgill rockfish (*S. melanostomus*), darkblotched rockfish (*S. crameri*), Pacific ocean perch (*S. alutus*), redbanded rockfish (*S. babcocki*), rougheyeye rockfish (*S. aleutianus*), sharpchin rockfish (*S. zacentrus*), shorttraker rockfish (*S. borealis*), splitnose rockfish (*S. diploproa*), yellowmouth rockfish (*S. reedi*)

(5) “Sharks”, including only leopard shark (*Triakis semifasciata*), soupfin shark (*Galeorhinus galeus*), and spiny dogfish (*Squalus ~~acanthias~~suckleyi*)

(6) “Skates”, which means big skate (*Raja binoculata*), California skate (*R. inornata*), longnose skate (*R. rhina*), Roughtail/black skate (*Bathyraja trachura*), Aleutian skate (*B. aleutica*), Bering/sandpaper skate (*R. interrupta*) and all other genera and species of skates in the families Arhynchobatidae and Rajidae that occur off California.

(7) “Roundfish”, including only cabezon (*Scorpaenichthys marmoratus*), kelp greenling (*Hexagrammos decagrammus*), lingcod (*Ophiodon elongatus*), Pacific cod (*Gadus macrocephalus*), Pacific whiting (*Merluccius productus*), and sablefish (*Anoplopoma fimbria*)

(8) “Thornyheads”, which means longspine thornyhead (*Sebastolobus altivelis*), and shortspine thornyhead (*Sebastolobus alascanus*)

(9) “Federally Managed Flatfish”, including only arrowtooth flounder (arrowtooth turbot) (*Atheresthes stomias*), Dover sole (*Microstomus pacificus*), English sole (*Parophrys vetulus*), petrale sole (*Eopsetta jordani*), and starry flounder (*Platichthys stellatus*).

(10) “Other Flatfish”, including only butter sole (*Isopsetta isolepis*), curlfin sole (*Pleuronichthys decurrens*), flathead sole (*Hippoglossoides elassodon*), Pacific sanddab (*Citharichthys sordidus*), rex sole (*Glyptocephalus zachirus*), rock sole (*Lepidopsetta bilineata*), and sand sole (*Psettichthys melanostictus*).

(11) “Other fish”, including only ratfish (*Hydrolagus colliei*), finescale codling (*Antimora microlepis*), Pacific grenadier (rattail) (*Coryphaenoides acrolepis*) and all other genera and species of grenadiers in the family Macrouridae that occur off California

(12) All genera and species of the family Scorpaenidae that occur off California and not specifically listed in (a)(1) through (a)(4) or (a)(8) above.

(b) “RCG Complex” means all species of rockfish (*Sebastes*), cabezon (*Scorpaenichthys marmoratus*), and kelp and rock greenlings (*genus Hexagrammos*).

NOTE: Authority cited: Sections 200, 265 and 8587.1, Fish and Game Code.
Reference: Sections 205 and 7071, Fish and Game Code.

Section 27.20, Title 14 CCR, is amended to read:

§27.20. Groundfish Management Areas, Seasons, Depths, Exceptions, and Fishery Closure/Rule Change Process Described.

Regulations that follow in sections 27.25 through 27.50 define fishing seasons and depth constraints that are effective within each Groundfish Management Area (GMA). These sections apply to take and possession of ~~federally-managed~~federal groundfish species as defined in Section 1.91 and ~~California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*, which are state-managed species known to associate with federal groundfish.~~

(a) Depth Constraints: In a GMA the take, retention and/or possession of certain federal groundfish and all greenlings of the genus *Hexagrammos* may be authorized or prohibited in waters shallower than, or deeper than, the identified depth constraint depending on the defined areas and seasons specified in sections 27.25 through 27.50. A depth constraint means that during the open season, the aforementioned species may not be taken or possessed in water depths deeper than the specified depth. Two specific definitions of “depth” apply off California. In waters shallower than 30 fathoms, “depth” is defined by general depth contour lines. In waters equal to or deeper than 30 fathoms, “depth” is defined by approximating a particular depth contour by connecting the appropriate set of waypoints adopted in Federal regulations (50 CFR Part 660, Subpart C).

(b) General Provisions.

(1) ~~Take and/or Possession~~possession: ~~During any open season in any Groundfish Management Area, in waters deeper than where fishing is authorized or within special closure areas established within a Groundfish Management Area, it is unlawful to take or possess the aforementioned species except~~ of federal groundfish species or species groups and all greenlings of the genus *Hexagrammos* is authorized or prohibited as provided in subsections (b)(1)(A) through (b)(1)(D) below and sections 27.25 through 27.50 of these regulations.

(A) Transit: ~~The aforementioned species or species groups that are closed to take and/or possession in part of a GMA~~ may be possessed aboard a vessel in transit through the closed area with no fishing gear deployed in the water.

(B) Federal groundfish exempt from seasons and depth constraints: "Other Flatfish" as defined in subsection 1.91(a)(10), petrale sole, and starry flounder, California scorpionfish, leopard shark, and the federal groundfish species listed in Section 28.49 may be taken and/or possessed in all GMAs and depths year-round except as described in subsections 28.49(a) and 28.56(a).

(C) Shore Based Angling: When angling from shore (includes beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore), all species may be taken and/or possessed year-round (See subsection 27.50(b)(1) for exceptions in the Cowcod Conservation Areas). No vessel or watercraft (motorized or non-motorized) may be used to assist in ~~taking the take, transport and/or possessing possession of these species while angling from shore~~ under this provision.

(D) Diving or Spearfishing: When diving or spearfishing, as authorized in Section 28.90, all species may be taken and/or possessed year-round (See subsection 27.50(b)(2) for exceptions in the Cowcod Conservation Areas). When boat-based groundfish fishing is closed, all types of fishing gear, except spearfishing gear, are prohibited to be aboard the vessel or watercraft (motorized or non-motorized) ~~while spearfishing for the purpose of~~ when taking and/or possessing these species under this provision.

(c) Closed Season: During any closed season in any ~~Groundfish Management Area~~ GMA, it is unlawful to take and/or possess the aforementioned species all species of rockfish, lingcod, cabezon, and greenlings of the genus *Hexagrammos* regardless of depth except as provided in subsections (b)(1)(A) through (b)(1)(D) above and sections 27.25 through 27.50 of these regulations.

(d) California Rockfish Conservation Area: Within any ~~Groundfish Management Area~~ GMA, waters that are closed for ~~these certain~~ species or species groups during specified times and/or closed in specified depths shall be known as the California Rockfish Conservation Area. See Section 27.51.

(e) Fishery closure and/or rule change: When the department determines, based on the best available scientific information, that an annual harvest limit [optimum yield (OY), annual catch limit (ACL), annual catch target (ACT), recreational harvest guideline, or recreational harvest target] established in regulation by the NOAA Fisheries (National Marine Fisheries Service) for any species of ~~federally-managed~~ federal groundfish or aggregate group of federal groundfish species has been exceeded or is projected to be exceeded prior to the end of the year or that catches are less than predicted, the following rule changes may occur:

(1) The department may modify the seasons and/or depth constraints for any species of ~~federally-managed~~ federal groundfish or aggregate group of federal groundfish species, ~~California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*~~. Season and/or depth modifications may differ by ~~Groundfish Management Area~~ area, time of year, mode of fishing, or gear utilized.

(2) The department may adjust existing bag or sub-bag limits or establish additional bag or sub-bag limits as needed for any species of ~~federally-managed~~ federal groundfish or aggregate

group of federal groundfish species, ~~California sheephead, ocean whitefish,~~ and all greenlings of the genus *Hexagrammos*. Bag limits may differ by ~~Groundfish Management Area~~area, time of year, mode of fishing, or gear utilized.

(3) The department may adjust existing size limits or establish additional size limits as needed for any species of ~~federally-managed~~ federal groundfish or aggregate group of federal groundfish species, ~~California sheephead, ocean whitefish,~~ and all greenlings of the genus *Hexagrammos*. Size limits may differ by ~~Groundfish Management Area~~area, time of year, mode of fishing, or gear utilized.

(f) Notice of closure and/or rule change: The department shall give the public and the NOAA Fisheries no less than 10 calendar days' notice of any fishery closure or rule change implemented pursuant to this Section via a department news release. Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: ~~www.dfg.ca.gov/marine/wildlife.ca.gov/Fishing/Ocean,~~ or by calling (831) 649-2801 for recorded information, or by contacting a department office.

NOTE: Authority cited: Sections 200, 205, 265, 702, 7071 and 8587.1, Fish and Game Code. Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; and 50 CFR Part 660, Subpart G.

Section 27.25, Title 14 CCR, is amended to read:

§ 27.25. Northern Groundfish Management Area.

This Section applies to take and/or possession of ~~federally-managed~~ federal groundfish species as ~~defined in Section 1.91, California sheephead, ocean whitefish,~~ and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Northern Groundfish Management Area means ocean waters between 42° 00' N. lat. (the Oregon/California border) and 40° 10' N. lat. (near Cape Mendocino, Humboldt County).

(b) Seasons and depth constraints ~~(except as provided in subsection (c) below)~~ effective for all species of rockfish, lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:

(1) January 1 through ~~April 30~~ May 14: Closed.

(2) May ~~1~~ 15 through October ~~31~~ 15: ~~Take of all species is prohibited seaward of a line approximating the 30-fathom depth contour along the mainland coast and along islands and offshore seamounts. The 30-fathom depth contour is defined by straight lines connecting the set of 30-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).~~ Open for all species with no depth constraints.

(3) ~~November 1~~ October 16 through December 31: ~~Open for all species with no depth restrictions.~~ Closed.

(c) ~~Leopard shark may be taken or possessed in Humboldt Bay year-round.~~

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 27.30, Title 14 CCR, is amended to read:

§ 27.30. Mendocino Groundfish Management Area.

This Section applies to take and/or possession of ~~federally-managed~~federal groundfish species as defined in Section 1.91, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Mendocino Groundfish Management Area means ocean waters between 40° ~~00~~10' N. lat. (near Cape Mendocino, Humboldt County) and 38° 57.50' N. lat. (at Point Arena, Mendocino County).

(b) Seasons and depth constraints effective for all species of rockfish, lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:

(1) January 1 through ~~April 30~~May 14: Closed.

(2) May ~~15~~ through ~~October 31~~July 15:

(A) Take and/or possession of all-species and species groups listed in subsections 1. through 3. is prohibited is authorized seaward of a line approximating the ~~3050~~-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The ~~3050~~-fathom depth contour is defined by straight lines connecting the set of ~~3050~~-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).

1. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed

2. Slope rockfish, as defined in subsection 1.91(a)(4)

3. Lingcod

(B) Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and all greenlings of the genus *Hexagrammos* is prohibited in all waters of the Mendocino Groundfish Management Area.

(3) ~~November 1~~July 16 through December 31: Open for all species with no depth restrictionsconstraints.

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 27.35, Title 14 CCR, is amended to read:

§ 27.35. San Francisco Groundfish Management Area.

This Section applies to take and/or possession of ~~federally-managed~~federal groundfish species ~~as defined in Section 1.91, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.~~

(a) The San Francisco Groundfish Management Area means ocean waters between 38° 57.50' N. lat. (at Point Arena, Mendocino County) and 37° 11' N. lat. (at Pigeon Point, San Mateo County).

(b) ~~Seasons and depth constraints (except as provided in subsection (c) below)~~effective for all species of rockfish, lingcod, cabezon and all greenlings of the genus *Hexagrammos*:

(1) ~~January 1 through March 31~~May 14: Closed.

(2) ~~April 1~~May 15 through ~~December 31~~July 15: ~~Take of all species is prohibited seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).~~

(A) Take and/or possession of species and species groups listed in subsections 1. through 3. is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).

1. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed

2. Slope rockfish, as defined in subsection 1.91(a)(4)

3. Lingcod

(B) Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the San Francisco Groundfish Management Area.

(3) July 16 through December 31: Open for all species with no depth constraints.

~~(c) Leopard shark may be taken or possessed in Drake's Bay, Bolinas Bay, Tomales Bay, Bodega Harbor, and San Francisco Bay year-round.~~

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 27.40, Title 14 CCR, is amended to read:

§ 27.40. Central Groundfish Management Area.

This Section applies to take and/or possession of ~~federally-managed~~federal groundfish species as defined in Section 1.91, ~~California sheephead, ocean whitefish,~~ and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Central Groundfish Management Area means ocean waters between 37° 11' N. lat. (at Pigeon Point, San Mateo County) and 34° 27' N. lat. (at Point Conception, Santa Barbara County).

(b) Seasons and depth constraints ~~(except as provided in subsection (c) below)~~effective for all species of rockfish, lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:

(1) January 1 through ~~March 31~~April 30: Closed.

(2) ~~April~~May 1 through ~~December 31~~September 30: ~~Take of all species is prohibited seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).~~Open for all species with no depth constraints.

(3) October 1 through December 31:

(A) Take and/or possession of species and species groups listed in subsections 1. through 3. is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).

1. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed

2. Slope rockfish, as defined in subsection 1.91(a)(4)

3. Lingcod

(B) Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the Central Groundfish Management Area.

~~(c) Leopard shark may be taken or possessed in Elkhorn Slough year-round.~~

NOTE: Authority cited: Sections 200, 205 and 265, Fish and Game Code.

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; and 50 CFR Part 660, Subpart G.

Section 27.45, Title 14 CCR, is amended to read:

§ 27.45. Southern Groundfish Management Area.

This Section applies to take and/or possession of ~~federally-managed~~federal groundfish species as defined in Section 1.91, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Southern Groundfish Management Area means ocean waters between 34°27' N. lat. (at Point Conception, Santa Barbara County) and the U.S./Mexico border. The Cowcod Conservation Areas are special closure areas within the Southern Groundfish Management Area, where species authorizations, prohibitions, depth constraints and seasons differ from those of the Southern Groundfish Management Area. See Section 27.50.

(b) Seasons and depth constraints ~~(except as provided in subsection (c) below)~~effective for all species of rockfish, lingcod, cabezon and all greenlings of the genus *Hexagrammos*:

(1) ~~January 1 through the last day in February~~March 31: Closed, ~~except take of California scorpionfish is prohibited seaward of a line approximating the 100-fathom depth contour, defined by connecting the appropriate waypoints adopted in Federal regulations (50 CFR Part 660, Subpart G.~~

(2) ~~March~~April 1 through December 31~~September 15~~: Take of all species is prohibited seaward of a line approximating the 100-fathom depth contour along the mainland coast and along islands and offshore seamounts. The 100-fathom depth contour is defined by straight lines connecting the set of 100-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G). Open for all species with no depth constraints.

(3) September 16 through December 31:

(A) Take and/or possession of species and species groups listed in 1. through 3. is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).

1. Shelf rockfish, as defined in section 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed

2. Slope rockfish, as defined in section 1.91(a)(4)

3. Lingcod

(B) Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the Southern Groundfish Management Area.

~~(c) Special exceptions to subsection (b) above:~~

~~(1) Regulations that apply to the Cowcod Conservation Areas are specified in Section 27.50.~~

~~(2) Leopard shark may be taken or possessed in Newport Bay, Alamitos Bay, Mission Bay, and San Diego Bay year-round.~~

NOTE: Authority cited: Sections 200, 205 and 265, Fish and Game Code.

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; and 50 CFR Part 660, Subpart G.

Section 27.50, Title 14 CCR, is amended to read:

§ 27.50. Cowcod Conservation Areas.

This Section applies to take and/or possession of ~~federally-managed~~federal groundfish species ~~as defined in Section 1.91, California sheephead, ocean whitefish,~~ and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Cowcod Conservation Areas are defined as ocean waters off southern California within each of the following two areas:

Area 1 is an area south of Point Conception that is bound by straight lines connecting the following points in the order listed:

33° 50' N. lat., 119° 30' W. long.;

33° 50' N. lat., 118° 50' W. long.;

32° 20' N. lat., 118° 50' W. long.;

32° 20' N. lat., 119° 37' W. long.;

33° 00' N. lat., 119° 37' W. long.;

33° 00' N. lat., 119° 53' W. long.;

33° 33' N. lat., 119° 53' W. long.;

33° 33' N. lat., 119° 30' W. long.; and

33° 50' N. lat., 119° 30' W. long.

Area 2 is a smaller area west of San Diego that is bound by straight lines connecting the following points in the order listed:

32° 42' N. lat., 118° 02' W. long.;

32° 42' N. lat., 117° 50' W. long.;

32° 36' 42" N. lat., 117° 50' W. long.;

~~32° 30' N. lat., 117° 53' 3" W. long.;~~

32° 30' N. lat., 117° 53' 3" W. long.;

32° 30' N. lat., 118° 02' W. long.; and

32° 42' N. lat., 118° 02' W. long.

(b) Seasons and depth constraints (except as provided in subsection (c) below):

~~(1) January 1 through the last day in February: Closed, except take of California scorpionfish is prohibited seaward of a line approximating the 40-fathom depth contour along islands and offshore seamounts, defined by connecting the appropriate waypoints adopted in Federal regulations (50 CFR Part 660, Subpart G). Take and/or possession of the following federal groundfish species is authorized year-round in all depths:~~

~~(A) California scorpionfish~~

~~(B) "Other flatfish" as defined in subsection 1.91(a)(10)~~

~~(C) Petrale sole~~

~~(D) Starry flounder.~~

~~(2) March 1 through December 31: Take of species or species groups listed in (A) through (G) below is prohibited seaward of a line approximating the 40-fathom depth contour along islands and offshore seamounts. The 40-fathom depth contour is defined by straight lines connecting the set of 40-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G). For nearshore rockfish, as defined in subsection 1.91(a)(1), cabezon, all greenlings of the genus *Hexagrammos*, lingcod, and shelf rockfish, as defined in subsection 1.91(a)(3):~~

~~(A) Nearshore rockfish, as defined in subsection 1.91(a)(1) From January 1 through March 31, take and/or possession is prohibited in all waters of the Cowcod Conservation Areas, except as provided in subsection 27.50(c).~~

~~(B) Cabezon From April 1 through September 15, take and/or possession is authorized in the Cowcod Conservation Areas shoreward of a line approximating the 40-fathom depth contour. The 40-fathom depth contour is defined by straight lines connecting the set of 40-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).~~

~~(C) Greenlings of the genus *Hexagrammos* From September 16 through December 31, take and/or possession is prohibited in all waters of the Cowcod Conservation Areas.~~

~~(D) California sheephead~~

~~(E) Ocean whitefish~~

~~(F) Lingcod~~

~~(G) Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed within the Cowcod Conservation Areas.~~

~~(3) Take and/or possession of the following species or species groups is prohibited year-round in all depths of the Cowcod Conservation Areas:~~

~~(A) Slope rockfish, as defined in subsection 1.91(a)(4)~~

~~(B) Leopard shark~~

~~(C) All federal groundfish species listed in Section 28.49~~

(D) Bronzespotted rockfish, cowcod, and yelloweye rockfish.

(c) Special exceptions to subsection (b) above:

(1) Notwithstanding subsection 27.20(b)(1)(C), when angling from shore (includes beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore), only the species identified in (b)(1) and (b)(2) above ~~and California scorpionfish~~ may be taken and/or possessed year-round. No vessel or watercraft (motorized or non-motorized) may be used to assist in the taking, transport and/or possessing ~~possession of~~ these species ~~while angling from shore~~ under this provision.

(2) Notwithstanding subsection 27.20(b)(1)(D), when diving or spearfishing, as authorized in Section 28.90, only the species identified in (b)(1) and (b)(2) above ~~and California scorpionfish~~ may be taken and/or possessed year-round. Except for spearfishing gear, all other types of fishing gear are prohibited to be aboard the vessel or watercraft (motorized or non-motorized) ~~while spearfishing for the purpose of~~ when taking and/or possessing these species under this provision.

NOTE: Authority cited: Sections 200, 205 and 265, Fish and Game Code.

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 27.51, Title 14 CCR, is amended to read:

§27.51. California Rockfish Conservation Area.

California Rockfish Conservation Area Areas (CRCA) ~~means the ocean waters that are closed to recreational groundfish fishing at specified times, or closed in specified depths or areas. CRCA's serve to minimize interaction with particular species of overfished groundfish that cannot be selectively avoided and thus must be protected from overharvest by closing times, depths, or areas to recreational fishing for federal groundfish and associated species~~ and all greenlings of the genus *Hexagrammos* managed by California. See Section 27.20 through Section 27.50.

~~(a) In the CRCA, take and possession is prohibited for federally managed groundfish species as defined in Section 1.91, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*.~~

~~(b) This regulation does not apply in cases where these species are possessed aboard a vessel in transit with no fishing gear deployed in the water.~~

Note: Authority: Section 205, Fish and Game Code.

Reference: Sections 200, 265 and 270, Fish and Game Code; and 50 CFR Part 660, Subpart G.

Section 28.26, Title 14 CCR, is amended to read:

§ 28.26. California Sheephead.

~~(a) Open areas, seasons, and depth constraints: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and possession is authorized as follows: Closed season: January 1 through the last day in February with the following exceptions:~~

~~(1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25. Shore Based Angling: When angling from shore (including beaches, banks,~~

piers, jetties, breakwaters, docks, and other artificial structures connected to the shore), California Sheephead may be taken and/or possessed year-round. No vessel or watercraft (motorized or non-motorized) may be used to assist in the take, transport and/or possession California Sheephead while angling from shore under this provision.

~~(2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30. Diving or Spearfishing: When diving or spearfishing, California Sheephead may be taken and/or possessed year-round. During the closed season, January 1 through the last day in February, all types of fishing gear, except spearfishing gear, are prohibited to be aboard the vessel or watercraft (motorized or non-motorized) when taking and/or possessing California sheephead under this provision.~~

~~(3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35.~~

~~(4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40.~~

~~(5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45.~~

~~(6) Cowcod Conservation Areas: Open and closed dates and depth constraints as defined by Section 27.50.~~

(b) Limit: ~~Five~~ Two.

(c) Minimum size: 12 inches total length. See subsection 27.65(b) for fillet size limit.

(d) Fishing rules for California sheephead may be changed during the year or in-season by the department under the authority of ~~subsection 27.20(e) or Section 52.10.~~ See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265, 702, 7071 and 8587.1, Fish and Game Code.
Reference: Sections 200, 205, 265, 1802 and 7071, ~~Fish and Game Code;~~ and 14 CCR 27.20.

Section 28.27, Title 14, CCR, is amended to read:

§ 28.27. Lingcod.

(a) Open areas, seasons, and depth constraints: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and/or possession is authorized as follows:

(1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25.

(2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30.

(3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35.

(4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40.

(5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45.

(6) Cowcod Conservation Areas: Open and closed dates and depth constraints as defined by Section 27.50.

(b) Limit: Two.

(c) Minimum size: 22 inches total length. See subsection 27.65(b) for fillet size limit.

(d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or double or treble hook with multiple points connected to a common shank.

(e) Fishing rules for lingcod may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265, 275, 702 and 8587.1, Fish and Game Code.
Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 28.28, Title 14 CCR, is amended to read:

§ 28.28. Cabezon.

(a) Open areas, seasons, and depth constraints: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and/or possession is authorized as follows:

(1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25.

(2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30.

(3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35.

(4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40.

(5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45.

(6) Cowcod Conservation Areas: Open and closed dates and depth constraints as defined by Section 27.50.

(b) Limit: 10 fish, within a Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) bag limit of 10 fish.

(c) Minimum size: 15 inches total length. See subsection 27.65(c) for fillet regulations.

(d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or double or treble hook with multiple points connected to a common shank.

(e) Fishing rules for cabezon may be changed during the year or in-season by the department under the authority of subsection 27.20(e) or Section 52.10. See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265, 702 and 8587.1, Fish and Game Code.

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 28.29, Title 14 CCR, is amended to read:

§ 28.29. Kelp Greenling. Rock Greenling. (Genus *Hexagrammos*).

(a) Open areas, seasons, and depth constraints for greenlings of the genus *Hexagrammos* (including kelp and rock greenlings): See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and/or possession is authorized as follows:

(1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25.

(2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30.

(3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35.

(4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40.

(5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45.

(6) Cowcod Conservation Areas: Open and closed dates and depth constraints as defined by Section 27.50.

(b) Limit: For greenlings of the genus *Hexagrammos*, ten fish within a Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) bag limit of 10 fish.

(c) Minimum size: 12 inches total length. See subsection 27.65(b) for fillet regulations.

(d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or double or treble hook with multiple points connected to a common shank.

(e) Fishing rules for greenlings of the genus ~~Hexagrammos~~ *Hexagrammos* may be changed during the year or in-season by the department under the authority of subsection 27.20(e) or Section 52.10. See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265, 702, 7071 and 8587.1, Fish and Game Code.
Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 28.47, Title 14, CCR, is amended to read:

§ 28.47. Petrale Sole and Starry Flounder.

Petrable sole and starry flounder are federal groundfish, as defined in subsection 1.91(a), and are subject to special regulations as follows. Regulations of this Section do not apply to other species of flounders or sole.

- (a) Open year-round in all depths.
- (b) Limit: There is no limit on petrale sole or starry flounder.
- ~~(c) Petrale sole and starry flounder may be taken in all depths.~~

~~(c)~~ Fishing rules for petrale sole and starry flounder may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.
Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 28.48, Title 14 CCR, is amended to read:

§ 28.48. Pacific Sanddab, Rock Sole, Sand Sole, Butter Sole, Curlfin Sole, Rex Sole, and Flathead Sole.

Pacific sanddab, rock sole, sand sole, butter sole, curlfin sole, rex sole, and flathead sole are federal groundfish, also known in the aggregate as “other flatfish” pursuant to subsection 1.91(a)(10) and are subject to special regulations as follows. Regulations of this Section do not apply to other species of sanddabs, flounders, or sole.

- (a) Open year-round in all depths.
- (b) Limit: There is no limit on Pacific sanddab. The general bag limit of not more than 20 finfish in combination of all species with not more than 10 of any one species applies to rock sole, sand sole, butter sole, curlfin sole, rex sole, and flathead sole.

(c) Fishing rules for Pacific sanddab, rock sole, sand sole, butter sole, curlfin sole, rex sole, and flathead sole may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.
Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 28.49, Title 14 CCR, is amended to read:

§ 28.49. Soupfin Shark, Dover Sole, English Sole, Arrowtooth Flounder, Spiny Dogfish, Skates, Ratfish, Grenadiers, Finescale Codling, Pacific Cod, Pacific Whiting, Sablefish and Thornyheads.

Soupfin shark, Dover sole, English sole, arrowtooth flounder, spiny dogfish, all skates, ratfish, all grenadiers, finescale codling, Pacific cod, Pacific whiting, sablefish, longspine thornyhead, and shortspine thornyhead are federal groundfish, as defined in subsection 1.91(a), and are subject to special regulations as follows. Regulations of this Section do not apply to other species of flounders, sole, sharks, or codlings unless otherwise specified.

~~(a) Open areas, seasons, and depth constraints: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and possession is authorized as follows:~~

~~(1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25.~~

~~(2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30.~~

~~(3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35.~~

~~(4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40.~~

~~(5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45.~~

~~(6) Cowcod Conservation Areas: Closed year-round in all depths, except in the Cowcod Conservation Areas where these species may not be taken or possessed at any time or depth, except for transit as provided in subsection 27.20(b)(1)(A). See section 27.50.~~

(b) Limit:

(1) The limit on soupfin shark is one fish.

(2) The general bag limit of not more than 20 finfish in combination of all species with not more than 10 of any one species applies to Dover sole, English sole, arrowtooth flounder, spiny dogfish, all skates, ratfish, all grenadiers, finescale codling, Pacific cod, Pacific whiting, sablefish, longspine thornyhead and shortspine thornyhead.

(c) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or a double or treble hook with multiple points connected to a common shank.

(ed) Fishing rules for soupfin shark, Dover sole, English sole, arrowtooth flounder, spiny dogfish, all skates, ratfish, all grenadiers, finescale codling, Pacific cod, Pacific whiting, sablefish, longspine thornyhead and shortspine thornyhead may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.

Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 28.54, Title 14 CCR, is amended to read:

§ 28.54. California Scorpionfish (Sculpin).

~~(a) Open areas, seasons, and depth constraints: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and possession is authorized as follows:~~

~~(1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25.~~

~~(2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30.~~

~~(3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35.~~

~~(4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40.~~

~~(5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45.~~

~~(6) Cowcod Conservation Areas: Open and closed dates and depth constraints as defined by Section 27.50. year-round in all depths.~~

(b) Limit: Five.

(c) Minimum size: 10 inches total length. See subsection 27.65(b) for fillet size limit.

(d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or double or treble hook with multiple points connected to a common shank.

(e) Fishing rules for California scorpionfish may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265, 702, 7071 and 8587.1, Fish and Game Code.

Reference: Sections 200, 205, 265, 275, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 28.55, Title 14 CCR, is amended to read:

§ 28.55. Rockfish (*Sebastes*).

(a) Open areas, seasons, and depth constraints: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and possession is authorized as follows:

(1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25.

(2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30.

(3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35.

(4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40.

(5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45.

(6) Cowcod Conservation Areas: Open and closed dates and depths constraints as defined by Section 27.50. Only Nearshore Rockfish, and Shelf Rockfish, as defined in subsections 1.91(a)(1) and 1.91(a)(3), may be taken and possessed, except as provided below in subsection (b)(1).

(b) Limit: Ten, within the Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) limit of 10 fish, in any combination of species, except as provided below.

(1) The limit on bronzespotted rockfish, cowcod, and yelloweye rockfish is zero. These species shall not be taken or possessed as part of the RCG limit.

(2) The limit on vermilion rockfish is ~~five~~four fish, within the RCG bag limit.

(3) The limit on quillback rockfish is one fish, within the RCG bag limit.

(4) The limit on copper rockfish is one fish, within the RCG bag limit.

~~(35)~~ In the Cowcod Conservation Areas (see Section 27.50), the limit on slope rockfish, as defined in subsection 1.91(a)(4), is zero. These species shall not be taken or possessed as part of the RCG limit in the Cowcod Conservation Areas.

(c) Size limit: None. See subsection 27.65(b) for fillet regulations.

(d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or a double or treble hook with multiple points connected to a common shank.

(e) Fishing rules for rockfish may be changed during the year or in- season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265, ~~399~~, 702, 7071 and 8587.1, Fish and Game Code. Reference: Sections 200, 205, 265, ~~399~~, 1802, 7071 and 8585.5, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 28.56, Title 14 CCR, is amended to read:

§ 28.56. Leopard Shark.

~~(a) Open areas, seasons, and depth constraints: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and possession is authorized as follows:~~

~~(1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25, except that take and possession is authorized year-round in Humboldt Bay.~~

~~(2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30.~~

~~(3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35, except that take and possession is authorized year-round in Drake's Bay, Bolinas Bay, Tomales Bay, Bodega Harbor, and San Francisco Bay.~~

~~(4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40, except that take and possession is authorized year-round in Elkhorn Slough.~~

~~(5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45, except that take and possession is authorized year-round in Newport Bay, Alamitos Bay, Mission Bay, and San Diego Bay.~~

~~(6) Cowcod Conservation Areas: Closed. year-round in all depths, except in the Cowcod Conservation Areas where leopard shark may not be taken or possessed at any time or depth except for transit as provided in subsection 27.20(b)(1)(A). See Section 27.50.~~

(b) Limit: Three.

(c) Minimum size: 36 inches total length. See subsection 27.65(b) for fillet regulations.

(d) Fishing rules for leopard shark may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.

Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G; and 14 CCR 27.20.

Section 28.58, Title 14 CCR, is amended to read:

§ 28.58. Ocean Whitefish.

~~(a) Open year-round in all depths. areas, seasons, and depth constraints: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and possession is authorized as follows:~~

~~(1) Northern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.25.~~

~~(2) Mendocino Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.30.~~

~~(3) San Francisco Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.35.~~

~~(4) Central Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.40.~~

~~(5) Southern Groundfish Management Area: Open and closed dates and depth constraints as defined by Section 27.45.~~

~~(6) Cowcod Conservation Areas: Open and closed dates and depth constraints as defined by Section 27.50.~~

(b) Limit: The general bag limit of not more than 20 finfish in combination of all species with not more than 10 of any one species applies to ocean whitefish. See subsection 27.65(b) for fillet size limit.

~~(c) Fishing rules for ocean whitefish may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.~~

NOTE: Authority cited: Sections 200, 205, 265, 270, 275 and 702, Fish and Game Code.

Reference: Sections 200, 205, 265, 270, 275 and 1802, Fish and Game Code; and 14 CCR 27.20.

Section 28.65, Title 14, CCR, is amended to read:

§ 28.65. General.

Except as provided in this article, fin fish may be taken only on hook and line or by hand. Any number of hooks and lines may be used in all ocean waters and bays except:

(a) San Francisco Bay, as described in Section 27.00, where only one line with not more than three hooks may be used.

(b) On public piers, no person shall use more than two rods and lines, two hand lines, or two nets, traps or other appliances used to take crabs.

(c) When rockfish (genus *Sebastes*), California scorpionfish (*Scorpaena guttata*), lingcod (*Ophiodon elongatus*), cabezon (*Scorpaenichthys marmoratus*), or kelp or rock greenlings (*Hexagrammos decagrammus* and *Hexagrammos lagocephalus*), or species listed in Section 28.49 are aboard or in possession, ~~where~~ only one line with not more than two hooks may be used pursuant to sections 28.55, 28.54, 28.27, 28.28 ~~or 28.29~~, or 28.49, respectively.

(d) No gaff hook shall be used to take or assist in landing any fin fish shorter than the minimum size limit. For the purpose of this section a gaff hook is any hook with or without a handle used to assist in landing fish or to take fish in such a manner that the fish does not take the hook voluntarily in its mouth. No person shall take fin fish from any boat or other floating device in ocean waters without having a landing net in possession or available for immediate use to assist in landing undersize fish of species having minimum size limits; the opening of any such landing net shall be not less than eighteen inches in diameter.

(e) North of Point Conception (34°27'00" N. lat.), where only one rod and line may be used by each angler fishing for salmon, or fishing from any boat or floating device with salmon on board.

(f) Mousetrap gear prohibited: It is unlawful to use, assist in using, or to possess aboard any vessel, hook-and-line gear commonly termed "mouse traps" constructed of a hook(s) or lure(s), attached to one end of a line that is attached to a float, or floats at the other end, and that when fished, is not attached directly to a person or vessel. Possession of such gear aboard a vessel shall be prima facie evidence that the gear is being used in violation of this regulation.

(g) North of Point Conception to 40°10'00" N. lat. (near Cape Mendocino), Section 27.80(a)(3) applies to each angler fishing for salmon or fishing from any boat or floating device with salmon on board.

NOTE: Authority cited: Sections 200, 205, 265, 270, 275, 7071 and 7110, Fish and Game Code.
Reference: Sections 200, 205, 265, 270, 275, 7110 and 8585.5, Fish and Game Code.

Section 28.90, Title 14, CCR, is amended to read:

§ 28.90. Diving, Spearfishing.

Persons who are floating or swimming in the water may use spearfishing gear and skin or SCUBA diving equipment to take fin fish other than giant (black) sea bass, garibaldi, gulf grouper, broomtail grouper, trout, salmon, or broadbill, except that:

(a) No person may possess or use a spear within 100 yards of the mouth of any stream in any ocean waters north of Ventura County.

(b) When spearfishing for or in possession of federal groundfish species or ~~associated species~~ all greenlings of the genus *Hexagrammos* as authorized pursuant to subsection 27.20(b)(1)(D), in an area or during a season closed to the take of these species, no fishing gear except spearfishing gear may be aboard the vessel or watercraft.

NOTE: Authority cited: Sections 200, 265 and 8587.1, Fish and Game Code.
Reference: Sections 205 and 7071, Fish and Game Code; and 50 CFR Part 660, Subpart G.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Sects. 27.20 et al., T. 14, CCR, Re: Rec. Fishing Regs. for Federal Groundfish & Assoc. Species 2023-24			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- a. Impacts business and/or employees
- b. Impacts small businesses
- c. Impacts jobs or occupations
- d. Impacts California competitiveness
- e. Imposes reporting requirements
- f. Imposes prescriptive instead of performance
- g. Impacts individuals
- h. None of the above (Explain below):

Conformance to Federal Rules (with no additional discretionary State restrictions) (50 CFR Part 660) See Addendum.

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.

If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- Below \$10 million
- Between \$10 and \$25 million
- Between \$25 and \$50 million
- Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly: _____

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____

4. Will this regulation directly impact housing costs? YES NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? YES NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? YES NO

***If YES, complete E2. and E3
If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

YES NO

If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

a. Implements the Federal mandate contained in _____

b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE


DocuSigned by:
 Dan Reagan

9/9/2022

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

DATE

DocuSigned by:
 Melissa A. Miller-Henson 9/16/2022

9/16/2022

Bryan Cash

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD 399 Addendum

Amend Sections 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65 and 28.90

Title 14, California Code of Regulations

Re: Recreational Fishing Regulations for Federal Groundfish and Associated Species
for 2023 and 2024

ECONOMIC IMPACT STATEMENT

The proposed regulations will modify state recreational groundfish season lengths, depth restrictions, size limits, and bag and possession limit regulations to conform to federal rules that are expected to be in effect for 2023 and 2024. 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) [United States Code (USC), Title 16, subsection 1856 (b)(1)].

Additionally, the proposed regulations will decouple regulations for two state-managed species (California sheephead and ocean whitefish) from federal groundfish regulations as stock assessments support increases in harvest.

In adopting these regulations, the state relies on information provided in Pacific Fishery Management Council (PFMC) documents which includes socioeconomic analyses of impacts to California. PFMC researchers have conducted an extensive socioeconomic impact assessment to inform regulatory options in refining recommendations to the states¹. A brief overview of the main factors and dynamics affecting anticipated socioeconomic outcomes is described below.

Overview

Recreational groundfish fishery activities are comprised of individual angler trips and commercial passenger fishing vessels (CPFV) providing boat trips to groups of anglers. Both modes for fishing involve travel expenditures and other associated expenditures on goods and services. The economic impact of regulatory changes on recreational fisheries are estimated by tracking the resulting changes in expenditures corresponding with 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

¹ Preliminary Socioeconomic Analyses for the 2023-2024 Harvest Specifications and Management Measures, April 2022. (<https://www.pcouncil.org/documents/2022/03/f-4-supplemental-attachment-3-preliminary-socioeconomic-analyses-for-the-2023-2024-harvest-specifications-and-management-measures.pdf/>)

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. Recreational fisheries spending thus 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. In a 2022 Fisheries Economics Report² by the National Oceanic and Atmospheric Administration (NOAA) Fisheries that reports 2019 data, all marine recreational anglers' trip-related and equipment expenditures sum to approximately \$1.0 billion in California. The total realized economic benefit to California is estimated to be \$2.0 billion in total economic output annually resulting from the indirect and induced effects of this \$1.0 billion direct revenue contribution.

The recreational groundfish fishery comprises a large share of all marine recreational fishing in the state. The potential for up to a 30 percent reduction in opportunity for a popular marine fishery could result in reduced sportfish expenditures in some sectors. But due to the likelihood of mode shifts and shifts to other available species, the proposed amendments are not anticipated to constitute a significant adverse economic impact to the state. A reduction in "opportunity" refers to the reduction in open days and may not translate directly to a corresponding reduction in fishing trips. Trips vary by mode: private boat, chartered boat or CPFV, shore-based, or man-made structures (such as piers). Fishing trips are anticipated to shift from private boats to chartered boats or other alternate modes to reach the deeper waters, due to limits on nearshore fishing. Additionally, if fishing trips shift from months proposed to close to the remaining open months and/or shift toward other available species, then the total recreational angler days and associated expenditures could be partially offset. Substitution toward other modes, the remaining open days, and/or the pursuit of other species is difficult to estimate due to model limitations, but these responses could partially mitigate the impact of lost opportunity as a result of the proposed conformance with federal groundfish recommendations³.

Effort Projections

Estimated angler effort is generated by the California Department of Fish and Wildlife's (CDFW or Department) California Recreational Fishery Survey (CRFS) program. Using

² National Marine Fisheries Service. 2022. Fisheries Economics of the United States, 2019. U.S. Dept. of Commerce, <https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report-2019>.

³ Pacific Coast Groundfish Fishery 2023-2024 Harvest Specifications and Management Measures, April 2022, (see pp. 7-3 to 7-5), <https://www.pcouncil.org/documents/2022/03/f-4-attachment-2-2023-2024-management-measure-analytical-document-electronic-only.pdf/>.

the average estimated angler trips from 2017-2019, and 2021 for the “bottomfish” trip type (which includes federal groundfish, Pacific halibut, and some state-managed species), a baseline of fishing effort in estimated angler trips by mode and Management Area was generated (Table 1). Based on the proposed reductions in fishing season length (open fishing days) for the boat-based groundfish fishery for 2023 and 2024, estimated effort in angler trips is also expected to decrease but may be partially offset by the decoupling of state-managed species (Table 2).

Table 1. Fishing Trips by Mode and Port Area: Baseline

Management Area	PC	PR	MM	All Modes Total
Northern	3,632	21,340	9,712	34,684
Mendocino	9,351	9,232	1,159	19,741
San Francisco	41,886	32,314	11,167	85,367
Central	47,388	47,259	9,797	104,444
Channel	69,987	17,050	4,172	91,208
South	316,121	63,766	35,005	414,891
Totals	488,364	190,960	71,012	750,336

Source: CDFW Marine Logs System

PC = Private Charter, PR = Private Boat, MM = Man-Made

Beach/Bank fishing is not included as a trip type as data cannot differentiate between bottomfish trips or other targeted species trips.

Table 2. Fishing Trips by Mode and Port Area: Proposed 2023-24 Season Structures

Management Area	PC	PR	MM*	All Modes Total	% Loss by Port**
Northern	3,347	17,871	9,712	30,930	-11%
Mendocino	8,901	8,668	1,159	18,727	-5%
San Francisco	38,898	29,314	11,167	79,380	-7%
Central	42,303	42,527	9,797	94,627	-9%
Channel	64,395	15,842	4,172	84,409	-7%
South	291,214	56,729	35,005	382,947	-8%
Totals	449,057	170,951	71,012	691,019	-8%

Source: CDFW Marine Logs System

PC = Private Charter, PR = Private Boat, MM = Man-Made

Beach/Bank fishing is not included as a trip type as data cannot differentiate between bottomfish trips or other targeted species trips.

*MM remain the same across alternatives since the season is open year-round for shore and man-made modes. Changes in values for PR and PC reflect the changes in season length across alternatives.

**Percent estimated loss for all modes combined by port area.

While it is expected that decreases in groundfish fishing effort will occur in all management areas during an offshore-only fishery (waters seaward of the 50 fm depth contour) compared to the baseline, the extent of decrease cannot be quantified as the model cannot parse estimates of angler trips into depth bins. Additionally, any changes to angler effort in response to the proposed new all-depth fishery opportunities cannot be parsed into depth bins, nor can opportunities for other species be parsed out from the bottomfish trip type. Shifts between fishing modes may moderate impacts of changes in depth restrictions, but bottomfish trips are still estimated to be reduced substantially.

Commercial Passenger Fishing Vessels (CPFV)

The Department has data on CPFVs that provide chartered trips that target rockfish or lingcod. A stable majority of over 60 percent of CPFVs reported trips that target rockfish or lingcod over recent years. CPFVs may experience an increase in demand for trips as fishery participants shift from private boats to CPFVs to reach further offshore areas more easily. However, any increase in CPFV effort is unlikely to compensate for the loss of private boat modes, especially in the more northern parts of the state where CPFVs are generally smaller vessels than in Southern California. Even though an increase in CPFV effort may occur in some areas of the state, it is unclear how changes such as longer run times to fishing grounds, changes in the species compositions of bags and the additional effort to reel in fish from deeper depths will have on the fishery. Higher fuel costs and other drawbacks associated with accessing offshore fishing grounds may also result in unknown shifts in effort to other fisheries such as Pacific halibut, salmon, scorpionfish, highly migratory species, coastal pelagic species, California sheephead, California halibut, striped bass, kelp bass and others as anglers search for other available fishing targets. In the short-term, shorter seasons and the various drawbacks associated with fishing in deeper waters may result in significant decreases in private boat and CPFV effort as a whole.

Table 3. CPFVs that Reported Targeting Rockfish or Lingcod by Port: 2011- 2020

Port	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Crescent City	2	2	1	3	5	4	4	4	3	4
Eureka	9	9	11	17	13	12	13	14	16	15
Shelter Cove	2	2	3	3	3	3	2	3	2	1
Fort Bragg	6	6	6	8	10	9	9	10	9	7
Bodega	8	9	10	16	16	10	13	14	10	18
San Francisco	27	36	42	61	53	48	42	43	36	50
Half Moon Bay	11	11	11	12	12	13	11	10	7	8
Santa Cruz	6	7	9	8	8	5	7	6	7	6
Monterey	9	8	9	10	7	9	10	7	6	6
Morro Bay	14	11	10	14	15	17	10	11	10	10
Santa Barbara	27	26	30	33	31	30	33	28	31	23
Los Angeles	60	59	63	76	78	73	73	74	68	77
San Diego	47	55	55	75	76	74	62	76	82	84
Total	228	241	260	336	327	307	289	300	287	309

Source: CDFW Marine Logs System. Registered CPFVs that submitted logs. Port area often encompasses more than one individual port.

Throughout the development of the proposed regulations in coordination with federal agencies, consideration was given to limit the potential for negative economic impacts

that could otherwise occur as a result of the need to reduce mortality for quillback and copper rockfishes and stay within harvest guidelines for yelloweye rockfish and cowcod. Short-term and long-term impacts are expected to occur as the sportfish-related sectors adjust to new regulations and fishery operations. Reductions in groundfish angler days can translate to income and job losses for CPFV operators and crew as well as other sportfishing and travel-related businesses. At the same time, shifts in angler preferences for other target species could provide growth in opportunities for anglers and sportfishing-related businesses throughout port localities and the state.

A. ESTIMATED PRIVATE SECTOR COSTS IMPACTS

1. h. None of the above (explain below) *If box 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

The proposed regulations conform state regulations for federal groundfish species to the recently issued federal regulations establishing harvest limits, season dates, depth constraints and other management measures for federal groundfish. The proposed regulations also decouple regulations for state-managed groundfish species (California sheephead and ocean whitefish) from those for federal groundfish. Federal regulatory bodies have performed the socioeconomic impact assessment to inform and refine recommendations to the states. (<https://www.pcouncil.org/documents/2022/03/f-4-supplemental-attachment-3-preliminary-socioeconomic-analyses-for-the-2023-2024-harvest-specifications-and-management-measures.pdf/>)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT

Answer: 5. No fiscal impact. No nondiscretionary costs, or savings are anticipated for local agencies as a result of this regulation change.

B. FISCAL EFFECT ON STATE GOVERNMENT

Answer: 3. No fiscal impact.

No additional nondiscretionary costs, or savings are anticipated for State agencies as a result of this regulation change. The Department law enforcement costs are not anticipated to change from the existing level of monitoring and enforcement in the affected areas in the current fiscal year or in the next two fiscal years.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS

Answer: 3. No fiscal impact.

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Big Changes To Sport Groundfish Regulations Coming In 2023

July 28, 2022



Significant changes to California's groundfish sport fishing regulations are expected starting next year, in response to recent scientific information suggesting some nearshore groundfish species are in decline. To reduce pressure on these stocks, fishing seasons will be shorter in nearshore waters, but new opportunities in deeper water are anticipated.

The upcoming changes were developed by the Pacific Fishery Management Council (PFMC) over the past year and reflect outcomes of a public decision-making process where the California Department of Fish and Wildlife (CDFW) worked with fishing industry representatives, non-governmental organizations, and state, federal and tribal governments to balance the need for fishing season closures in nearshore waters with the needs of these communities and industries. The PFMC approved the recommendations for 2023 and 2024 at its June meeting.

Based on these recommendations, the National Marine Fisheries Service has begun the process of amending federal regulations, which are expected to take effect in January 2023. The California Fish and Game Commission is considering the same changes to ocean sport fishing regulations for state waters.

California's sport groundfish regulations divide the state into five "Groundfish Management Areas" – in which the fishing seasons, Rockfish Conservation Areas or depth constraints, and bag limits may differ. In 2022, nearshore groundfish fishing season lengths ranged from eight to 10 months, but in 2023, they are expected to shrink to not more than five and a half months in all areas.

Within the 10-fish daily combined rockfish, cabezon and greenling bag limit, the sub-bag limits of one fish each for quillback and copper rockfish, and four fish for vermilion rockfish will continue in 2023. These sub-bag limits have been in effect since January 2022 and were necessary because new information in 2021 indicated severe declines in the populations of quillback and copper rockfish off California, and recreational vermilion rockfish catch continued to be greater than sustainable harvest limits.

Both the sub-bag limits and shortened fishing seasons are expected to achieve necessary reductions in copper, vermilion and quillback rockfish catch.

While groundfish fishing seasons will be shorter for nearshore waters and some bag limits are reduced, new opportunities to fish in deeper water beginning in 2023 will allow anglers to target healthy populations of shelf and slope rockfish in deeper waters, like schooling mid-water widow and yellowtail rockfish, or bottom-dwelling blackgill rockfish. Additionally, the sport fishing seasons for some other federally managed groundfish species like sablefish (sometimes called "black cod" or "butterfish") will be open year-round without depth constraints. Access to these previously closed depths means new experiences for anglers as they explore new habitats, new fishing locations, new target species, and new gear configurations to assemble and deploy.

"Next year is expected to bring a momentous shift in the sport groundfish fishery as all but one of the overfished shelf species that drove management decisions for the better part of the past two decades are now healthy," said CDFW Environmental Program Manager Marci Yaremko. "While concerns for quillback and copper rockfish will impact the nearshore fishery in the coming years, there are also a number of new opportunities for anglers, and CDFW looks forward to supporting their development."

To stay informed of in-season regulatory changes, please call the Recreational Groundfish Hotline at (831) 649-2801 or visit CDFW's [summary of recreational groundfish fishing regulations](#).

Memorandum

Date: October 21, 2022

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the November 1, 2022, Fish and Game Commission Meeting**
Re: 2022-23 Recreational Groundfish Fishing Regulations

The Department of Fish and Wildlife (Department) has prepared this memo to inform the Fish and Game Commission (Commission) and the public of the potential adoption of the proposal to amend sections 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65 and 28.90, Title 14, California Code of Regulations regarding recreational fishing regulations for federal groundfish and associated species for 2023-24. There have been no substantive comments received, amendments to the regulatory text, or additional information gathered for this rulemaking.

Public comments received between September 23 and October 13, 2022, are summarized, and responded to below.

- **Comment 1: October 13, 2022 – Tim Gillespie (oral comment)**

Expressed concern the proposed greater than 50-fathom depth restriction would jeopardize the lives of kayak anglers and those who are disabled. Does not support shorter seasons. Does support allowing take of black cod, and continued sub-bag limits for quillback, copper, and vermilion rockfish.

Response: The fishery for shore-based angling and spear diving remains open year-round. The Department assessed these nearshore activities and determined they can occur with zero or de minimis impact to copper and quillback rockfishes. For boat-based fishing, which includes kayaks, the regulations were designed to allow as many months in nearshore waters as the limits suggest is possible. Also considered during the regulation development process were other opportunities that might be offered in months when nearshore waters are closed. The Department has consistently been reminded by recreational anglers that they prefer to have year-round fishing opportunities, so the recommendation to offer some “offshore-only fisheries” in areas seaward of the 50-fathom rockfish conservation area line was developed considering this preference. Take of black cod (sablefish) and several other species will be allowed year-round in all depths.

- **Comment 2: October 13, 2022 – Devin O’Dea (oral comment)**

Would like to know if the Department considered spear fishermen and shore-based and kayak anglers when developing these regulations, including the shorter seasons. Supports the sub-bag limits for quillback, copper, and vermilion rockfish.

Response: See response to Comment 1.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov. The Department point of contact for this rulemaking is Environmental Scientist, Melanie Parker, who can be contacted via email at Groundfish@wildlife.ca.gov.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env., Regional Manager
Marine Region

Marci Yaremko, Program Manager
Marine Region

Kirsten Ramey, Program Manager
Marine Region

Caroline McKnight, Senior Environmental Scientist Supervisor
Marine Region (Region 7)

James Phillips, Senior Environmental Scientist Supervisor
Marine Region (Region 7)

Chuck Valle, Senior Environmental Scientist Supervisor
Marine Region (Region 7)

Melanie Parker, Environmental Scientist
Marine Region (Region 7)

Miranda Haggerty, Environmental Scientist
Marine Region (Region 7)

Eric Kord, Assistant Chief
Law Enforcement Division

David Kiene, Attorney
Office of General Counsel

Melissa Miller-Henson, Executive Director
Fish and Game Commission
October 21, 2022
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Rose Dodgen, Environmental Scientist
Regulations Unit

Ona Alminas, Program Manager
Regulations Unit
Regulations@wildlife.ca.gov

David Thesell, Program Manager
Fish and Game Commission
fgc@fgc.ca.gov

Sherrie Fonbuena, Analyst
Fish and Game Commission
fgc@fgc.ca.gov