

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.

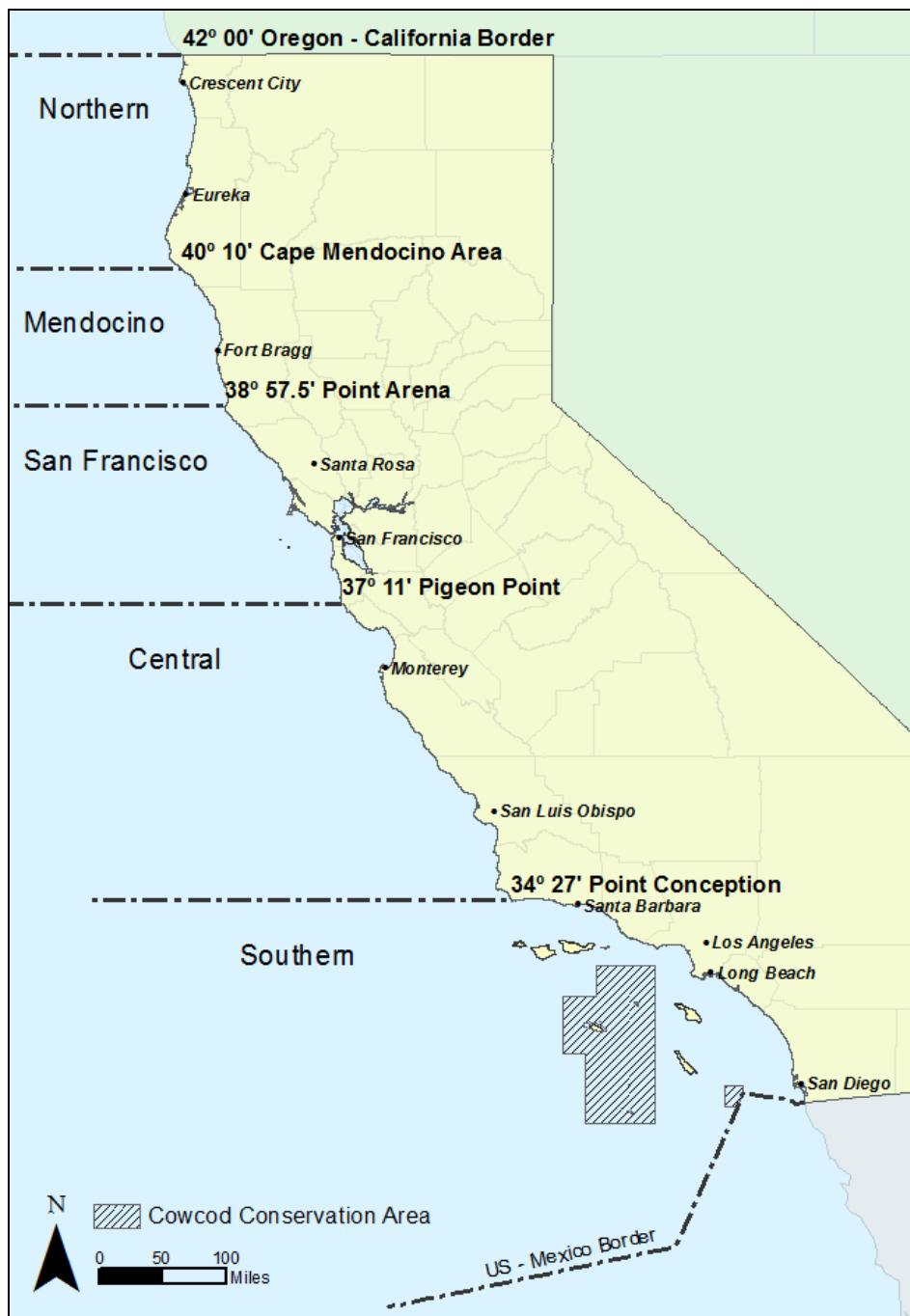


Figure 1. Map of five California recreational groundfish management areas.

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 (soupyfin 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)

Pacific Coast Groundfish Fishery 2023-2024 Harvest Specifications and Management Measures. September 2022. Pacific Fishery Management Council.

<https://www.pcouncil.org/documents/2022/08/draft-management-measure-analytical-document-the-preferred-alternative-september-2022.pdf/>

California Department of Fish and Wildlife Report on Final Preferred Management Alternatives for 2023-2024. Supplemental Revised CDFW Report 1. June 2022. Pacific Fishery Management Council.

<https://www.pcouncil.org/documents/2022/06/f-6-a-supplemental-cdfw-report-1.pdf/>

Pacific Coast Groundfish Fishery Management Plan for the California, Oregon, and Washington Groundfish Fishery. August 2022. Pacific Fishery Management Council.

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

Fisheries Economics of the United States, 2019. U.S. Dept. of Commerce, NOAA March 2022

<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.