

STAFF SUMMARY FOR MAY 17, 2023

3. CALIFORNIA HALIBUT EMERGENCY**Today's Item****Information** ☐**Action** ☒

Discuss and consider adopting emergency regulations for California halibut to reduce daily bag and possession limits in anticipation of greater fishery pressure due to salmon fishing closures.

Summary of Previous/Future Actions (N/A)**Background**

Current recreational fishing regulations for California halibut specify a daily limit (encompassing both bag and possession) of three fish for the area north of Point Sur, Monterey County (subsection (a) of Section 28.15); the Department recommends emergency action to reduce the limit in this area from three to two fish (Exhibit 1).

Increased Effort and Emergency

The emergency action is proposed in response to the recently-announced closure of the 2023 ocean salmon fishing season, in conjunction with reductions in nearshore groundfish fishing opportunities. In response to these reduced fishing opportunities and access, recreational fishers are anticipated to shift their efforts to other species, notably California halibut. Such an effort shift to California halibut was documented in San Francisco Bay during the 2008 and 2009 salmon season closures and is anticipated to occur again this year. The recreational ocean salmon fishery typically begins in April and indications are that the effort shift towards halibut has begun already.

Additionally, in the course of recommending this emergency action, the Department provided data to the Commission showing a decrease in ocean temperatures over the past few years. California halibut egg and larval survival tends to be highest in warm-water periods, with lower survival as temperatures decrease, particularly if the cold-water period is prolonged.

The Department proposes emergency action by the Commission to reduce the halibut daily limit from three to two fish, in response to the greater anticipated fishery pressure resulting from the ocean salmon closure and groundfish sport fishing changes, coincident with a prolonged cold-water period in the region, as a necessary measure to safeguard California halibut stock. Modeling completed in March and provided to the Commission by the Department as part of the recommendation projects a significant reduction of California halibut take, offsetting the identified, upcoming impacts.

Significant Public Comments

1. The Department states that it has received several requests from commercial passenger fishing vessel operators and recreational anglers to proactively reduce the bag and possession limits for California halibut (Exhibit 2).
2. Several individuals and anglers call for the Commission to reduce California halibut bag and possession limit, as well as suggest other protective measures, in light of the salmon closure (exhibits 5 through 7); one shared a fishing magazine article reflecting broad support for the reduction (Exhibit 8).

STAFF SUMMARY FOR MAY 17, 2023

Recommendation

Commission staff: Adopt the proposed emergency action to reduce the bag and possession limit for California halibut as recommended by the Department.

Department: Reduce the bag and possession limit for California halibut from three fish to two in areas north of Point Sur, Monterey County, through emergency action for the reasons set forth in Exhibit 2.

Exhibits

1. [Department memo transmitting proposed emergency statement, received April 27, 2023](#)
2. [Draft emergency statement \(as amended by Commission staff\)](#)
3. [Draft emergency regulatory text](#)
4. [Draft Form 399](#)
5. [Email from Richard James, received March 10, 2023](#)
6. [Email from Stephen Tighe, received March 27, 2023](#)
7. [Email from Pasha Foroudi, received April 13, 2023](#)
8. [Email from David Hurley transmitting article from March edition of Western Outdoor News, received March 14, 2023](#)

Motion

The Commission determines, pursuant to Section 399 of the California Fish and Game Code, that adopting this regulation is necessary for the immediate conservation, preservation, or protection of birds, mammals, fish, amphibians, or reptiles, including but not limited to their nests or eggs, and for the immediate preservation of the public peace, health and safety, or general welfare.

The Commission further determines, pursuant to Section 11346.1 of the Government Code, that an emergency situation exists and finds this proposed regulation is necessary to address the emergency.

Moved by _____ and seconded by _____ that the Commission adopts the emergency regulation to amend subsection 28.15(a) related to California halibut.

Memorandum

Date: April 27, 2023

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

From: Charlton H. Bonham
Director

Subject: **Agenda item for May 2023 Fish and Game Commission teleconference.
Emergency Regulatory Action to Amend Subsection 28.15(a), Title 14, California
Code of Regulations; Re: California halibut recreational bag limit north of Point
Sur**

The California Department of Fish and Wildlife (Department) recommends that the Commission adopt an emergency amendment of subsection 28.15(a), Title 14, California Code of Regulations, to reduce the recreational daily bag and possession limit of California halibut (halibut) for areas north of Point Sur, Monterey County from three to two fish. The recent announcement of the 2023 salmon closure will limit fishing opportunities for this area, and an effort shift to halibut is expected. Urgent action is needed to lessen impacts to halibut population sustainability particularly because the anticipated effort shift is coupled with a cold-water period which limits halibut egg and larval survival.

The Department sees an immediate need for action, and requests the regulations become effective upon filing. The recreational salmon fishery typically begins in April and indications are that the effort shift towards halibut has begun.

If you have any questions on this item, please contact Dr. Craig Shuman, Marine Region Manager, at (805) 568-1246 or by email at R7RegionalMgr@wildlife.ca.gov.

Attachment: Finding of Emergency and Statement of Proposed Emergency
Regulatory Action

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

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

Kirsten Ramey, Environmental Program Manager
Marine Region

Paul Reilly, Senior Environmental Scientist Supervisor
Marine Region

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 27, 2023
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Travis Tanaka, Environmental Scientist
Marine Region

Kristine Lesyna, Environmental Scientist
Marine Region

Eric Kord, Assistant Chief
Law Enforcement Division

Brent Chase, Captain
Law Enforcement Division

Demitri Esquivel, Lt.
Law Enforcement Division

Nathan Goedde, Assistant Chief Counsel
Office of General Counsel

David Kiene, Attorney IV
Office of General Counsel

Ona Alminas, Env. Program Manager
Regulations Unit

Mike Randall, Analyst
Regulations Unit

David Thesell, Program Manager
Fish and Game Commission

David Haug, Analyst
Fish and Game Commission

State of California
Fish and Game Commission

Finding of Emergency and Statement of Proposed Emergency Regulatory Action

Emergency Action to Amend Section 28.15
Title 14, California Code of Regulations

Re: California halibut daily bag and possession limit reduction to two fish north of Point Sur

Date of Statement: April 14, 2023

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

Background

In order to protect the California halibut (halibut) resource, the California Department of Fish and Wildlife (Department) requests an emergency action that will reduce the recreational bag limit while not jeopardizing this popular recreational fishery. The current regulation §28.15, Title 14, California Code of Regulations (CCR), allows recreational anglers a daily bag and possession limit of three halibut for areas north of Point Sur, Monterey County. The Department proposes a daily bag and possession limit reduction from three to two fish for areas north of Point Sur, effective immediately.

This proposal is prompted by the recent announcement of the 2023 salmon fishery closure paired with additional changes to opportunity for groundfish fisheries. These changes limit fishing opportunities and change fishery accessibility. Recreational anglers will potentially shift their effort from the closed fisheries to halibut. This is particularly true in areas such as San Francisco Bay where some effort shift has already been documented this year.

There are two significant impacts to the halibut fishery anticipated in the 2023 season and subsequent years:

- With the change in concurrent fisheries, anglers will likely shift their attention to other available fishing opportunities, including halibut, particularly within San Francisco Bay. Based on the effort shift observed during the 2008 and 2009 salmon fishery closure, the Department anticipates the increase in recreational anglers targeting halibut will double compared to 2022.
- In the wild, halibut recruitment appears to be associated with warm water phases, while low recruitment is associated with cold water phases, particularly when these phases are prolonged. Over the past few years, the Department has noted a decrease in ocean temperatures.

Department staff have received requests from certain Commercial Passenger Fishing Vessel (CPFV) operators and recreational anglers to proactively consider a bag limit reduction to two fish to lessen the effect of the anticipated effort shift on the halibut resource and an anticipated decline in halibut fishing success in subsequent years. Recreational fishery participants expressed a decline in fishing success following the last salmon closure in 2008 and 2009.

During the 2008 and 2009 salmon closure, the estimated recreational take of halibut in northern

California surpassed 54,000 and 43,000 fish, respectively. In comparison, estimated recreational catch for halibut was 15,000 fish in 2007, prior to the salmon closure. In subsequent years following the closure, fishing success showed a steady decline and by 2013, catch dipped to just below 5,000 halibut. Average catch remained low for several years, but following warm-water periods that began in 2014, has steadily increased through 2022. Halibut egg and larval survival has shown high correlation with optimal environmental conditions associated with warm water. Unfortunately, the anticipated effort shift in 2023 will coincide with a cold-water period, which is correlated with lower halibut egg and larval survival and lower fishery recruitment.

Department staff monitor recreational fishery catch and effort estimates on a monthly basis as provided by the California Recreational Fisheries Survey. Based on fishing effort and total average annual catch estimates from recent years (2018, 2019, and 2021), reducing the daily bag and possession limit to two fish is estimated to result in a savings of 13% (approximately 7,450 fish) of the legal-sized halibut population in northern California for 2023 (Recreational Fisheries Information Network (RecFin) bag limit tool 2023).

The Department has considered a one-fish bag limit which is estimated to result in a greater decrease in halibut take compared to a two-fish limit. However, this was widely unsupported by CPFV operators who voiced concerns about economic impacts to their businesses, and recreational anglers who expressed opposition to the one-fish limit option. The bag limit reduction to two fish is supported by the recreational fishery and expected to support halibut population levels through this period of increased fishing pressure and coinciding cold-water, low recruitment cycle.

II. Proposed Emergency Regulations

Reduce the recreational fishery daily bag limit for halibut from three to two fish for areas north of Point Sur, Monterey County. This change would automatically trigger a reduction of the possession limit from three to two fish because no more than one daily bag limit may be possessed unless otherwise authorized (Title 14 CCR §1.17).

III. Findings for the Existence of an Emergency

The Commission considered the following factors in determining that an emergency does exist at this time.

The magnitude of potential harm:

Threats to stock stability will socioeconomically harm important recreational and commercial fisheries. Halibut is an important sport and commercial fish, and both fisheries positively contribute to California's economy. The recreational fishery comprises a significant CPFV and six-pack fleet in San Francisco Bay which primarily consists of small family-owned businesses. Halibut is also a popular target for many private boaters throughout northern California. If the sustainability of the halibut population is impacted, the viability of CPFV and six-pack operations that rely on halibut are threatened as well.

The repercussions of the magnitude of potential harm to stock stability also extend beyond just the recreational fishery. The halibut population supports a statewide commercial fishery with multiple socioeconomically important commercial sectors: open access commercial hook-and-line, restricted access commercial trawl, and restricted access commercial gill net (gill net only occurs

in southern California). The commercial fishery provides a fresh local source of seafood with most fish being sold within California at restaurants, grocery stores, farmers markets, and directly at the dock. The commercial fishery is also valuable, and in 2022, ex-vessel value totaled approximately \$5.5 million. If stock stability is threatened, the viability of these commercial fisheries that rely on halibut are threatened as well.

The existence of a crisis situation:

The sustainability of halibut is threatened by multiple factors, which cumulatively contribute to the existence of a crisis situation for 2023: anticipated commercial and recreational fishery effort shifts, environmental factors including cold-water conditions, and biological factors including area-based sex ratio bias.

Anticipated recreational fishery effort shifts

The sustainability of the halibut population is potentially threatened by a recreational effort shift as anglers turn to halibut to replace fishing opportunities for salmon, therefore increasing effort and ultimately take. This effort shift from salmon also occurred during the last closure in 2008 and 2009. Changes to other fishery regulations this year, which have reduced accessibility to nearshore fishery options, could also contribute to an even greater effort shift to halibut. Finally, with the increase in social media usage by the fishing community, there is a concern that effort shifts to halibut may result in greater successful take due to easier access of information regarding how and where to target halibut.

Anticipated commercial fishery effort shifts

Additionally, halibut sustainability is threatened by a potential shift in commercial fishing efforts. Displaced commercial salmon fishermen may participate in the open access commercial hook-and-line halibut fishery, which will also increase effort and ultimately take.

Environmental factors including cold-water conditions

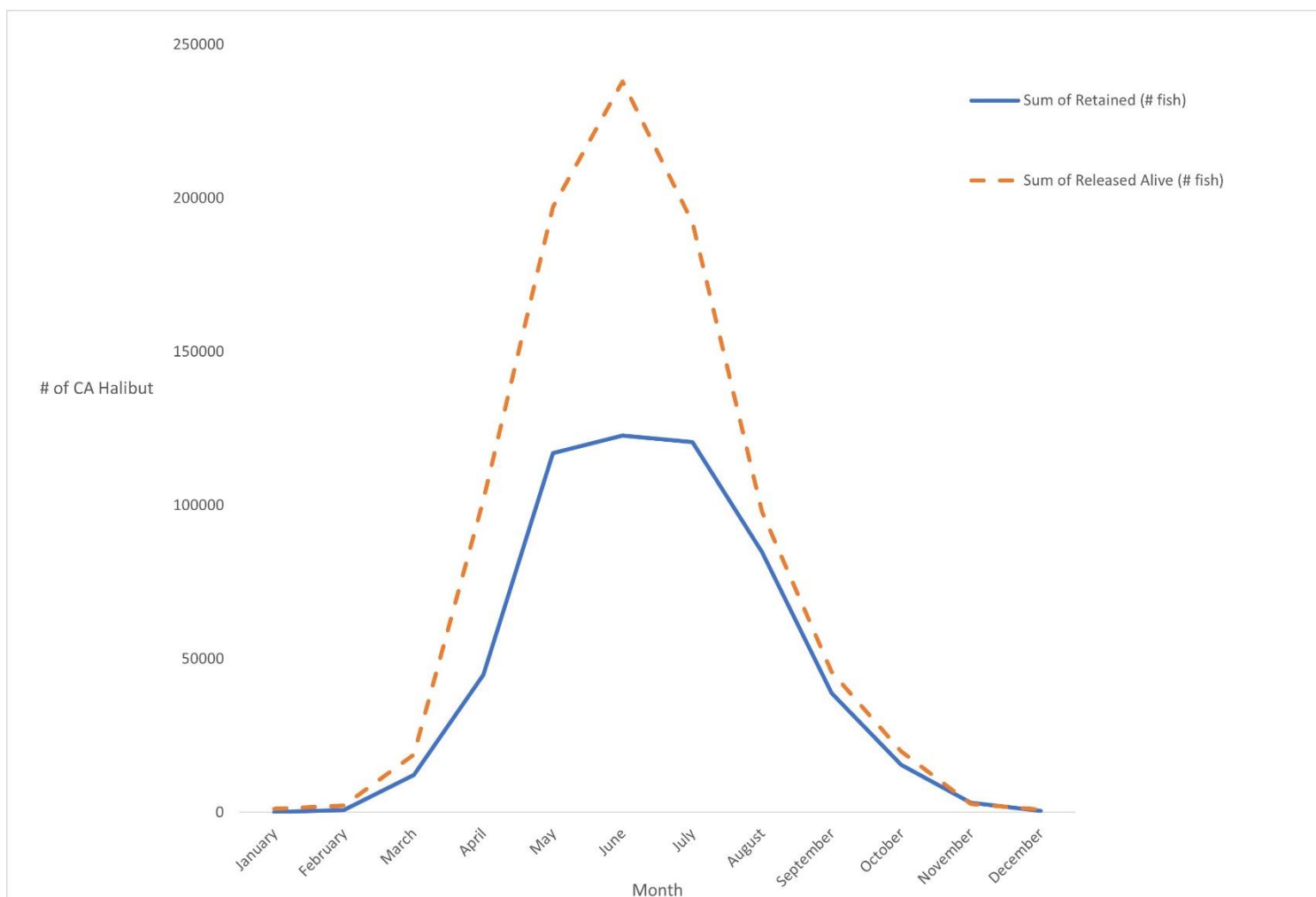
While halibut are regulated by a minimum size limit that protects immature individuals from take, cold-water periods limit the success of reproduction regardless of maturation status. Egg and larval survival diminish during cold water periods. According to the NOAA climate prediction center, the Oceanic Nino Index indicates that environmental conditions have primarily been classified as cold-water periods beginning halfway through 2020. This indicates that egg and larval survival for halibut have been low since that time, and the last warm-water period (which results in higher halibut egg and larval survival) was documented in 2019. Because there is a 3- to 4-year lag until halibut reach the minimum size limit, it is likely that the fishery will see limited recruitment with new individuals until 3 to 4 years after environmental conditions change and warm water periods are documented again. It is likely that many halibut (primarily females, due to sex specific growth rates) born in 2019 will be legal to take this year with fewer fish recruiting into the fishery in the coming years. With climate change, the prediction of environmental conditions has become increasingly difficult. The inability to forecast environmental conditions increases the magnitude of potential harm if cold-water conditions persist and regulations are not implemented to sustain the stock.

Biological factors including area-based sex ratio

Finally, there is a heavy sex ratio bias for the recreational fishery toward female fish. Most halibut caught by the recreational fishery are females (80% or more depending on the area) that are returning to nearshore areas to rest after a spawning event. Male halibut typically stay in deeper waters after they reach maturation, areas that are less frequently fished by recreational anglers. While halibut have high fecundity and are described as prolific spawners in optimal conditions, females are considered the limiting factor for reproduction over males.

The immediacy of the need:

There is an immediate need for action due to an anticipated increase in fishing pressure and take of halibut in 2023. The increase in fishing pressure on halibut is linked to reduction in fishing opportunities for other species, such as salmon. The closure of the recreational salmon fishery, which began in April, has already resulted in a shift towards halibut. Halibut are targeted by the recreational fishery in northern California during the spring through early fall with the majority of take documented during the summer (Figure 1). The San Francisco Bay area fishery is already underway, and the Monterey Bay area fishery typically begins in May. Therefore, the regular rulemaking process is inadequate to address the time-sensitive circumstances faced by California halibut. The requirements of the APA, the Commission's three separate bi-monthly public meetings required by Fish and Game Code Section 255, and OAL's 30 working day review period would implement the necessary regulatory changes, at the earliest, in approximately 8 months; well after intensified fishery pressure on California halibut.



*Figure 1. Estimated monthly **sum** (2005-2022) of retained recreationally caught halibut by number for all modes and gears for northern California (North of Point Conception) (RecFIN, March 2023).*

Whether the anticipation of harm has a basis firmer than simple speculation:

This is not the first time the halibut fishery has faced increased effort due to a salmon closure, paired with a cold-water period; however, this year there is an additional effort shift anticipated due to groundfish fishery changes. CPFV logbook data were used to graph the annual sum of the number of fishers (anglers) onboard CPFVs that retained halibut in northern California, from 2005-2022 (Figure 2). During the salmon closure in 2008, the number of fishers doubled compared to the previous year. The number of fishers retaining halibut in 2022 was slightly lower than the number retaining halibut in 2008; the 2023 effort could quite possibly double the already high effort experienced by the fishery in 2022 (Figure 2).

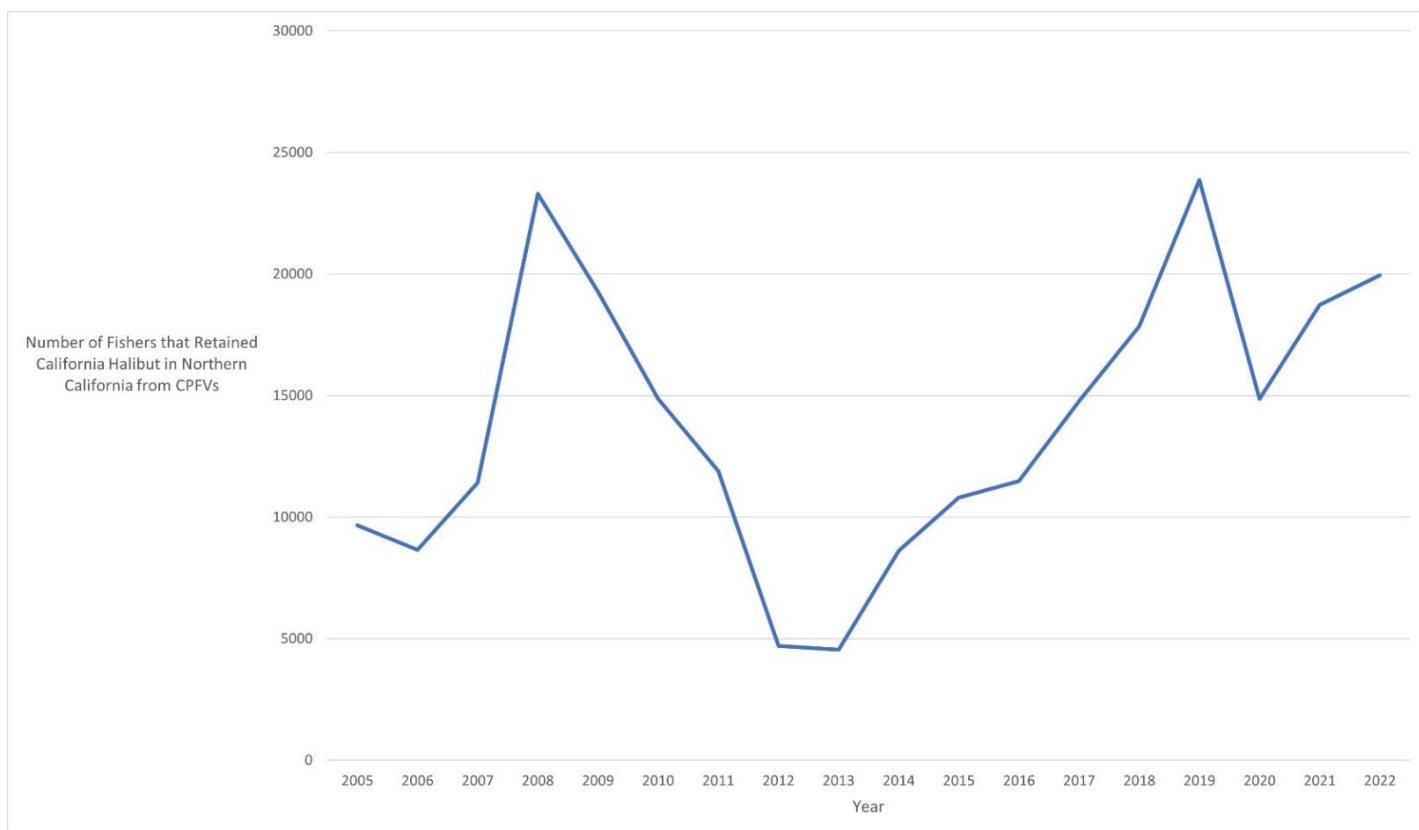


Figure 2. Number of fishers onboard CPFVs that retained halibut in northern California (North of Point Conception) (Marine Log System, April 2023).

During the salmon closure of 2008 and 2009, the recreational take estimates of California halibut in northern California surpassed 54,000 and 43,000 fish, respectively (Figure 3). In 2007, the year prior to the salmon closure, estimated catch for halibut was 15,000 fish. By 2013, four years after the closure, catch estimates dipped to just below 5,000 fish. Catch estimates remained low for six years (2011-2016) following the closure. Low fishing success during this time resulted in declines in fishing effort for halibut, and many CPFVs, six-packs, and commercial open access hook-and-line fishery participants withdrew from the fishery. The fishery began to rebound in 2017, due to warm water periods that began in 2014, which resulted in a recruitment pulse indicated by numbers of released (sublegal) halibut (Figure 4). While the fishery has shown the ability to rebound following similar events in the past, the viability of the recreational fishery was impacted during the following six-year low period due to stock instability. The goal with this regulation change is to lessen economic and environmental harm to the industry and halibut population

during the anticipated environmental conditions and increased fishing efforts. In 2022, the annual sum of the Oceanic Nino Index was the coldest since recreational catch estimates became available in 2005, and it is unknown when the next warm water period will occur. Climate change may be the driver behind more severe fishery cycles, and it is unknown what is necessary to ensure a rebound following a low period.

Reducing the daily bag and possession limit has been identified as a management tool to lessen the impacts of increased effort and take from displaced anglers and the magnitude of potential harm during this crisis situation. Based on preliminary modeling, a bag limit reduction from three fish to two fish could result in an estimated savings of 13% for northern California or 7,450 fish (RecFIN bag limit tool March 2023). This model estimate is based on total average annual catch and effort data collected by the California Recreational Fisheries Survey (CRFS) in 2018, 2019, and 2021.

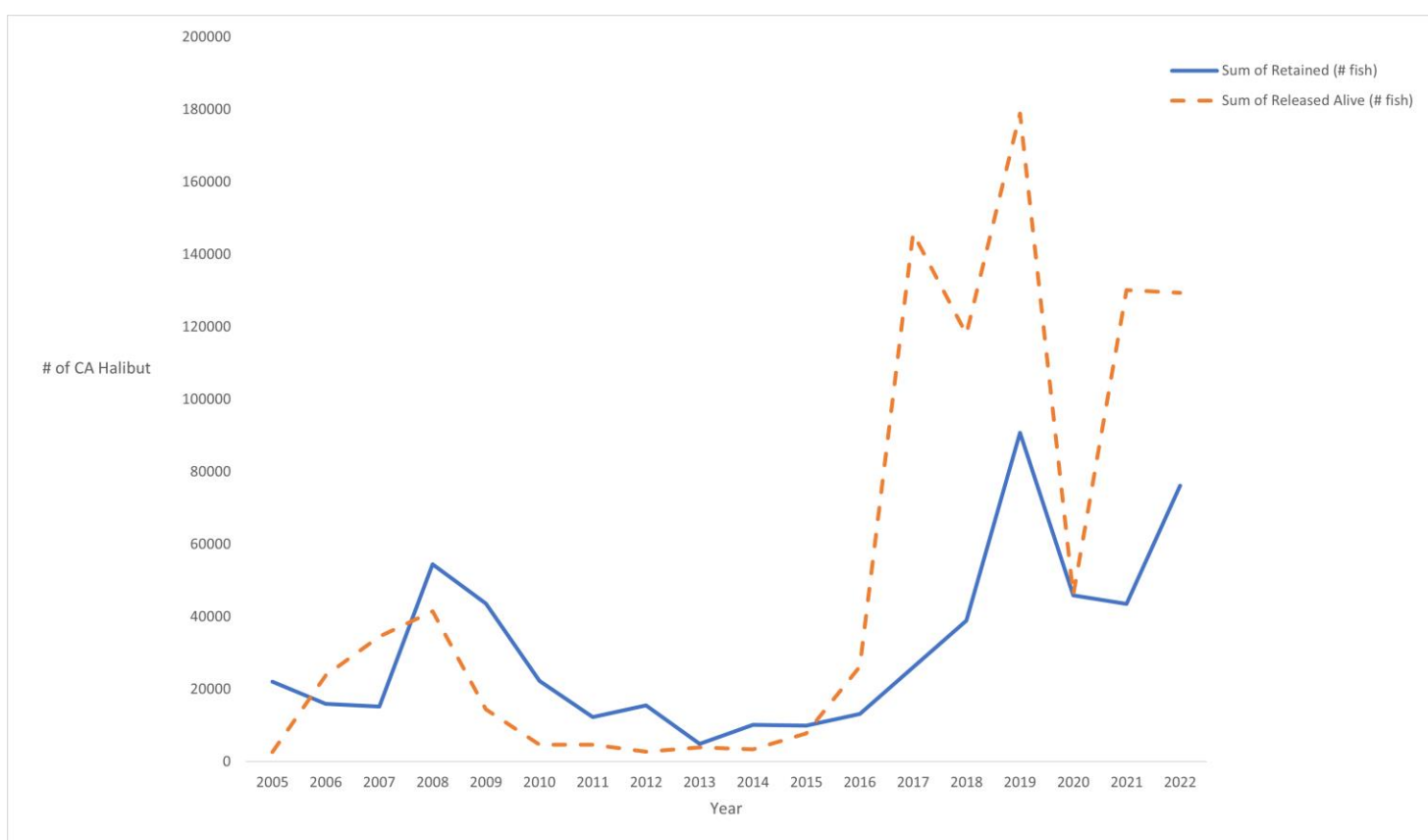


Figure 3. Annual CRFS estimates of kept (solid line) and released (dashed line) halibut by number of fish for all modes combined in northern California (North of Point Conception) (RecFIN, March 2023).

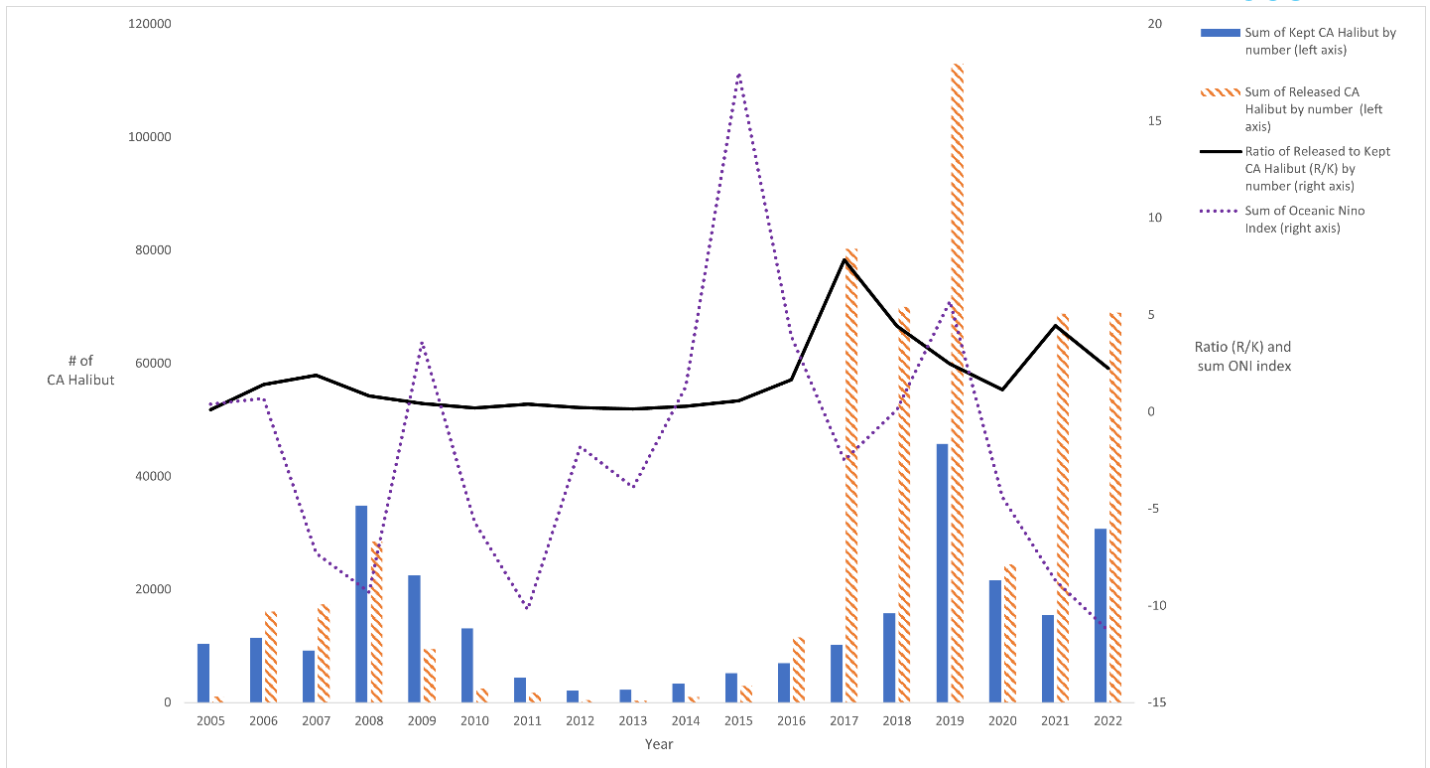


Figure 4. Bay Area (Sonoma, Marin, Solano, Napa, Contra Costa, Alameda, Santa Clara, San Mateo, San Francisco Counties) sum of the number of kept (K) and released alive (R) halibut by year for recreational private/rental boats are shown as solid and striped bars respectively (left axis). The ratio of released to kept halibut (released/kept) is shown as a solid black line and the sum of the Oceanic Niño Index is shown as a dotted purple line (right axis) (RecFIN, March 2023, [NOAA Climate Prediction Center](#)).

IV. 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) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

(b) Nondiscretionary Costs/Savings to Local Agencies: None.

(c) Programs Mandated on Local Agencies or School Districts: None.

(d) 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.

(e) Effect on Housing Costs: None.

V. Technical, Theoretical, and/or Empirical Studies, Reports, or Documents Relied Upon:

California Department of Fish and Wildlife. 2022. California halibut, *Paralichthys californicus*, Enhanced Status Report.

Marine Logs System. 2023. <https://apps.wildlife.ca.gov/marine/logs/cpfv>

NOAA National Weather Service. 2017. NOAA Center for Weather and Climate Prediction. Climate Prediction Center. Cold and warm episodes by season. https://origin.cpc.ncep.noaa.gov/products/analysis_monitoring/ensostuff/ONI_v5.php

RecFIN. 2023. Recreational Fisheries Information Network. Catch/Sample Data Reports. <https://www.recfin.org/>

VI. Authority cited: Sections 110, 200, 205, 265, 275, and 399 Fish and Game Code.
Reference: Sections 110, 200, 205, 265, 270 and 275, Fish and Game Code.

VII. Fish and Game Code Section 399 Finding

Delay in the amendments to bag and possession limits for halibut puts marine resources at risk. Emergency action is necessary to safeguard halibut stocks in a timely manner due to anticipated recreational fishery effort shifts from the 2023 salmon closure and additional restrictions to other fishery regulations; anticipated commercial fishery effort shifts from commercial salmon to open access commercial hook-and-line halibut; environmental factors including cold-water conditions; and biological factors including area-based sex ratio bias.

Pursuant to Section 399 of the Fish and Game Code, the Commission finds that adopting this regulation is necessary for the immediate conservation, preservation, or protection of California halibut.

Informative Digest/Policy Statement Overview

In order to protect the California halibut (halibut) resource the California Department of Fish and Wildlife (Department) requests an emergency action that will reduce the legal recreational catch limit while not jeopardizing this popular recreational fishery. The current regulation §28.15, Title 14, California Code of Regulations (CCR), allows recreational anglers a daily bag and possession limit of three halibut for areas north of Point Sur, Monterey County. The Department proposes a daily bag and possession limit reduction from three to two fish for areas north of Point Sur effective immediately.

This proposal is prompted by the recent announcement of the 2023 salmon fishery closure paired with changes to groundfish fishery regulations. These changes limit fishing opportunities and change fishery accessibility. It is anticipated that recreational anglers will shift their effort from closed fisheries to halibut. This is particularly true in areas such as San Francisco Bay where the effort shift has already been documented this year.

There are two significant impacts to the halibut fishery anticipated in the 2023 season and subsequent years. Delay in the amendments to bag and possession limits for halibut puts marine resources at risk. Emergency action is necessary to safeguard halibut stocks in a timely manner due to:

- Anticipated recreational fishery effort shifts from salmon and groundfish fisheries;
- Anticipated commercial fishery effort shifts;
- Environmental factors including cold-water conditions; and
- Biological factors including area-based sex ratio bias.

The Department recommends that the California Fish and Game Commission (Commission) amend subsection 28.15(a), Title 14, CCR, through emergency action. The proposal is necessary to safeguard the halibut fishery from overfishing and the detrimental environmental effects of a cold-water trend.

The stability of the stock is threatened by multiple factors this year which all contribute to the existence of a crisis situation: anticipated effort shifts due to the 2023 salmon closure and additional restrictions to other fisheries, and environmental and biological factors including cold-water conditions and an area-based sex ratio bias.

Benefits of the Regulation:

The Commission anticipates benefits to the State's environment by sustainably managing California's ocean resources and reducing bycatch. The environmental risks arising from the proposed rule are not regarded as significant, as the rule manages the resource more conservatively than existing regulation.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated authority to the Commission to promulgate

sport fishing regulations (Fish and Game Code sections 200 and 205). Commission staff has searched the California Code of Regulations and has found no other state regulations that address the recreational take of California halibut. The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other recreational fishing regulations and marine protected area regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Emergency Regulatory Language

Section 28.15, Title 14 CCR, is amended to read:

§ 28.15. Halibut, California.

(a) Limit: Five in waters south of a line extending due west magnetic from Point Sur, Monterey County, and ~~three~~ two in waters north of a line extending due west magnetic from Point Sur, Monterey County.

(b) Minimum size: Twenty-two inches total length.

NOTE: Authority: Sections 110, 200, 205, 265, ~~and 275,~~ and 399, Fish and Game Code.

Reference: Sections 110, 200, 205, 265, 270 and 275, Fish and Game Code.

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**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 Emergency Action: Amend Section 28.15, Title 14, CCR, Re: California halibut daily bag and possession limit			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:

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

Emergency action: no economic assessment only fiscal impact assessment***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

*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

*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



Comments for item 8, 14 March FGC-MRC meeting - recreational halibut emergency rules

Richard James [REDACTED]

Fri 03/10/2023 02:05 PM

To: FGC <FGC@fgc.ca.gov>

Cc: Ashcraft, Susan [REDACTED] Miller-Henson, Melissa [REDACTED]

[REDACTED] Lovell, Randy [REDACTED]

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hello all at FGC,

Please accept my comments below for the upcoming MRC meeting public comments.

I'd comment on item 6 (B) IV a, but there is nothing to comment on.

Given the likelihood of no, or severely limited recreational salmon fishing this year, I am asking the commission to put into effect the following emergency rules in order to protect the California Halibut from what will likely be a slaughter. Further, these rules should be adopted for the time. Perhaps, after populations are proven to have increased, the two fish limit might be raised back to three fish.

- 1 Reduce daily bag limit from three to two fish
- 2 Barbless hooks only may be used for halibut
- 3 Increase minimum size from 22" to 24"

With the increased halibut pressure, using barbed hooks, many salmon (both coho and chinook) will be caught in the process.

The past few years in Tomales Bay has seen many instances of very proficient halibut fishermen returning many times per week to take 3, 6, 9 fish each visit.

Thank you for your prompt. proactive adoption of these rules.

richard james

Halibut Season Temporary Daily Bag Limit Reduction Request - Waters of the SF Bay and Golden Gate

stighe [REDACTED]

Mon 03/27/2023 12:52 PM

To: FGC <FGC@fgc.ca.gov>

To the Commission,

As a retired State and Federal Fisheries Manager and recreational fisherman, I'd like to commend the Commission for temporarily suspending the 2023 salmon fishing season. To further protect our very unique and outstanding American fishery, I request that the Commission strongly consider temporarily reducing the current daily bag limit of three halibut over 22 inches to two halibut of the same 22 inch size in the waters of the SF Bay and Golden Gate areas as currently recommended by the Golden Gate Fishermen's Association.

Regards,
Stephen Tighe

Support for reducing NorCal California Halibut bag limit

Pasha Foroudi [REDACTED]

Thu 04/13/2023 04:16 PM

To: FGC <FGC@fgc.ca.gov>

Hello,

Concerned NorCal angler here.

I want to express my full support for the proposed bag limit reduction of California Halibut to two fish.

Some other ideas I'd like to see considered:

- increasing minimum size to 24 inches.
- requiring nets that are not likely to cause tail rot.
- allowing only single-point hooks.

Thank you for your consideration.

Best,

Pasha Foroudi
[REDACTED]

Halibut reduction

David Hurley [REDACTED]

Tue 03/14/2023 03:11 PM

To: FGC <FGC@fgc.ca.gov>



WHOPPERS

Freshwater

Angler	Location	Fish	Weight
Logan McDaniel	Lake Oroville	Largemouth Bass	12.86
Victor Hernandez	Hesperia Lake	Rainbow Trout	9
James Bogin	Lake Wohlford	Rainbow Trout	8.9
Ben Voight	Lake Amador	Amagold	8.08
Steven Latino	DVL	Smallmouth Bass	4

(Saltwater)

Angler	Location	Fish	Weight
"Darwin"	Baja Offshore	Yellowfin Tuna	330
Chris Hoehn	San Diego Bay	Halibut	15
Jason Prasad	Suisun Bay	Sturgeon	58in
Max Tholen	San Pablo Bay	Sturgeon	58in
Sallena Durrell	Suisun Bay	Sturgeon	55in

Caught a whopper?

Email editors@wonews.com with a photo and full catch details

Groundswell of angler support for two-fish halibut daily bag limit in light of salmon closure

BY DAVE HURLEY
WON Staff Writer

SAN FRANCISCO — As angling pressure is expected to increase exponentially on the California halibut population due to the closure of the salmon season, there is a groundswell of support for temporarily changing the current daily bag limit of three halibut over 22 inches to two fish. The Golden Gate Fishermen's Association (GGFA), a group of sport fishing professionals and concerned anglers dedicated to the preservation and enhancement of the marine fisheries in the San Francisco Bay/Golden Gate waters of the Central Pacific Coast, is taking the lead in advocating for the temporary change due to the anticipated pressure on the California halibut in San Francisco Bay and outside the Golden Gate. It will be necessary to convince the Department of Fish and Wildlife to take the proactive measures to

protect the species by changing the daily bag limit as soon as possible, and this will require anglers and fishing groups to petition the department to make the temporary change.

James Smith, owner/operator of the charter boats *California Dawn I* and *II* out of Berkeley Marina said, "We know there is going to be an effort shift from salmon to halibut, and the majority of charter boat and six-pack captains are in favor of a temporary change in the daily bag limit to two fish instead of three. We are taking somewhat of a financial risk since anglers are used to the opportunity for three legal halibut, but we all understand the importance of protecting the brood stock. The past few spring and summers of halibut fishing have been outstanding since the species are very good at survival when the water temperatures are over 50 degrees. Halibut are a warm-water species who thrive with the



Committing to a Voluntary
2 Fish Limit for 2023



Pass it on!

GROUNDWELL OF SUPPORT GROWING — A coalition of charter boat operators are leading the charge to protect California halibut broodstock.

right conditions, and after a few years of warmer temperatures in the bay, three-fish limits were not uncommon. They made a huge comeback due to the early El Nino years, however, the water in the bay have been cold in the high 40's for most of this spring, and the juveniles could be affected. We attempted to broach this concern in the past north of Point Conception, but halibut were not considered a priority species, and the department's biologists did not take a stance. During the last salmon closure in 2009, there is data to demonstrate the abundance of the species prior and the effect of the effort shift during the closure. It took years for the halibut population to recover to the point where it has been the past few years. We are asking for a reduction in the bag limit, but not the 22-inch size limit. Male halibut can reproduce at 15 inches while females reach fecundity at 20 inches. A 22-inch female could have already had a successful spawn."

Captain Jerad Davis of the *Salty Lady*, a board member of the GGFA, added, "The temporary reduction was a topic at our last board meeting, and we are asking for an emergency order from the Department of Fish and Wildlife to reduce the recreational daily bag limit to 2 on a temporary basis. The effort shift is real, and although my clientele has been primarily focused on salmon, I will also have to target halibut, striped bass, or rockfish during the salmon closure."

In addition to the recreational party boat fleet, halibut populations are affected by commercial drag boats, the growing number of commercial hook-and-line anglers who are able to use six rods, and skiff owners including the burgeoning number of kayak fishermen.

IT TAKES ONLY ONE
SMALL CHANGE TO
CATCH MORE FISH.

SO WE
ADDED
SIX.





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This is another example of fishermen whose livelihood depends upon a species to take measures to protect the species. Anglers interested in voicing their perspective on this issue are advised to write the California Fish and Game Commission at fgc@fgc.ca.gov or participate in an upcoming commission meeting during the public comment for items not on the agenda. There is an agenda item regarding California halibut fishery bycatch evaluation in the California halibut set gillnet fishery scheduled during the March 14-16 Marine Resources Committee meeting.

The agenda is available at fgc.ca.gov/Meetings/2023

