



Tracking Number: (2023-11)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Paul K Chang

Address: [REDACTED] 1

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 200, 205, 265, 270, 275, 702, 7071, 7110, and 8587.1, Fish and Game Code.

3. Overview (Required) - Summarize the proposed changes to regulations: Subject of Request - Recreational fishing: Groundfish - requiring the use of descending devices and non-motorized vessel exception to the 50-fathom depth restriction.

Add to sportfishing regulations Section 27.20(b)(1)(E) Title 14, CCR to read:

27.20(b)(1)(E) Non-motorized vessels or watercraft are limited to a maximum of 19 feet in length and may not possess motors of any kind, including but not limited to internal combustion or electric drive.

Amend sportfishing regulations 28.65.(d) and 27.30-45 Title 14, CCR to read:

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



capture must be on board vessels and rigged for immediate use when fishing for or possessing rockfish and used on any rockfish released.

27.30. MENDOCINO GROUND FISH MANAGEMENT AREA. This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus Hexagrammos. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

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

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

(1) January 1 through May 14: Closed.

(2) May 15 through July 15:

(A) Motorized vessel or watercraft

1. Take and/or possession of species and species groups listed in subsections **i. through iii.** is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).
 - i. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed
 - ii. Slope rockfish, as defined in subsection 1.91(a)(4)
 - iii. Lingcod
2. Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus Hexagrammos is prohibited in all waters of the San Francisco Groundfish Management Area.

(B) Non-motorized vessel or watercraft

1. Open for all species with no depth constraints.

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

27.35. SAN FRANCISCO GROUND FISH MANAGEMENT AREA. This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus Hexagrammos. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

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

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

(1) January 1 through May 14: Closed.

(2) May 15 through July 15:



(A) Motorized vessel or watercraft

1. Take and/or possession of species and species groups listed in subsections **i. through iii.** is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).
 - i. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed
 - ii. Slope rockfish, as defined in subsection 1.91(a)(4)
 - iii. Lingcod
2. Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the San Francisco Groundfish Management Area.

(B) Non-motorized vessel or watercraft

1. Open for all species with no depth constraints.

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

27.40. CENTRAL GROUND FISH MANAGEMENT AREA. This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

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

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

- (1) January 1 through April 30: Closed.
- (2) May 1 through September 30: Open for all species with no depth constraints.
- (3) October 1 through December 31:

(A) Motorized vessel or watercraft

1. Take and/or possession of species and species groups listed in subsections **i. through iii.** is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).
 - i. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed
 - ii. Slope rockfish, as defined in subsection 1.91(a)(4)
 - iii. Lingcod



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

(B) Non-motorized vessel or watercraft

1. Open for all species with no depth constraints.

27.45. SOUTHERN GROUND FISH MANAGEMENT AREA. This Section applies to take and/or possession of federal groundfish species and all greenlings of the genus *Hexagrammos*. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, bag and possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

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

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

- (1) January 1 through March 31: Closed.
- (2) April 1 through September 15: Open for all species with no depth constraints.
- (3) September 16 through December 31:

(A) Motorized vessel or watercraft

1. Take and/or possession of species and species groups listed in subsections **i. through iii.** is authorized seaward of a line approximating the 50-fathom depth contour along the mainland coast and along islands and offshore seamounts. Take and/or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). The 50-fathom depth contour is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).
 - i. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed
 - ii. Slope rockfish, as defined in subsection 1.91(a)(4)
 - iii. Lingcod
2. Nearshore species closure: Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the San Francisco Groundfish Management Area.

(B) Non-motorized vessel or watercraft

1. Open for all species with no depth constraints.

4. Rationale (Required) - Describe the problem and the reason for the proposed change:

In light of recent regulation changes restricting the take of groundfish shoreward of the 50-fathom line, the Kayak Angling community is hereby expressing its concern at the disproportional impact that these changes have on non-motorized vessel anglers.



A restriction that prohibits the take of groundfish shoreward of the 50-fathom line effectively ends the fishing season for non-motorized anglers. Non-motorized vessels are not able to safely reach the depths required by the new regulations and are, therefore, disproportionately impacted by this change; our goal is to advocate for equitable rules that take non-motorized anglers into consideration and preserve their ability to fish for the entirety of the season.

We request an exception for non-motorized vessels of up to 19 feet without motors of any kind. We believe this exception is justifiable because of the significantly lower environmental impact of non-motorized angling and the disproportional impact they suffer from these changes. Their lower environmental impact and more selective take, combined with mandatory descenders, would ensure minimal impact on threatened rockfish populations.

We also propose mandating an immediately operable descending device, similar to Oregon and Washington states, to reduce rockfish mortality rates and further protect our resources. According to data from the Groundfish Management Team, rockfish caught from typical depths accessible from non-motorized vessels (0-30 fathoms) have a lower mortality rate (3% to 16% depending on species) when descended, compared to rockfish caught from deeper depths reachable by motorized vessels, which suffer higher mortality rates.

Fishing from non-motorized vessels is a traditional and eco-friendly method that has been around for millennia - it should be encouraged, not penalized. The limited range and size of the vessels naturally reduce the environmental impact of this form of fishing on local ecosystems, not to mention zero carbon emissions. It is also more accessible to lower-income anglers.

Regulations should not be designed with only motorized vessels in mind. They must account for and respect more traditional fishing methods that predate motorized angling, have a lower impact on threatened rockfish populations, and are more accessible to a wider range of incomes and socioeconomic statuses.

Below, we list the key differences that set non-motorized angling apart and justify an exception:

- a. Non-motorized vessels are only inches above the water surface, allowing prohibited fish to be released with minimal trauma and often without being removed from the water at all.
- b. Other factors, such as the weather, limit non-motorized angling. Small, non-motorized vessels cannot safely go out in windy conditions or large swells. The environmental impact is, therefore, further reduced due to a lesser number of fishable days.
- c. This year, the effective opener for non-motorized vessels in the San Francisco management area was July 16, but the first fishable day was August 15 because of wind and swells. So, this year, the community had around 15 fishable days before the emergency closure on September 1st.
- d. Non-motorized anglers cannot move great distances, impacting smaller areas than motorized vessels. When a typical maximum range of three or four miles is factored from limited launch access points, vast areas of the coast are not accessible to non-motorized vessels.
- e. Non-motorized vessels cannot carry a large number of anglers, so the overall impact of a vessel on an ecosystem is smaller because the take is usually confined to one or two anglers.



- f. The non-motorized angling community is relatively small compared to motorized vessel numbers, so the exception would correct an unfair impact on a small but traditional fishing method and an active and passionate conservationist angler community.
- g. The 50-fathom depth constraint may create an incentive for non-motorized vessels to attempt to reach the RCA line. This would pose significant risks to anglers and costs associated with rescues. Given the difficulty of locating a small vessel, a rescue several miles offshore would be significantly more difficult, riskier, and costlier.

The ultimate goal of this petition is to ensure that the CDFW recognizes non-motorized vessel anglers and that the regulations put in place for 2024, including emergency closures, take this form of angling into consideration and make sufficient exemptions to prevent it from being disproportionately impacted.

We would like to thank the commission for taking the time to review this petition and for giving this matter the attention it deserves.

SECTION II: Optional Information

- 5. **Date of Petition:** September 15, 2023
- 6. **Category of Proposed Change**
 - Sport Fishing
 - Commercial Fishing
 - Hunting
 - Other, please specify: [Click here to enter text.](#)
- 7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
 - Amend Title 14 Section(s): 28.65.(d) and 27.30-45.
 - Add New Title 14 Section(s): [Click here to enter text.](#)
 - Repeal Title 14 Section(s): [Click here to enter text.](#)
- 8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)
Or Not applicable.
- 9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: Emergency – No consideration has been given to non-motorized vessel or watercraft anglers.
- 10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: GROUND FISH MANAGEMENT TEAM REPORT ON METHODOLOGY REVIEW-FINAL - Agenda Item H.4.a Supplemental GMT Report 3 November 2022
- 11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs,



other state agencies, local agencies, schools, or housing: Several businesses cater directly to non-motorized anglers: manufacturers and retailers of kayaks and canoes, campgrounds and launch facilities offering and charging for ocean access, bait shops and other local retail stores, and fishing guides and kayak rental businesses providing services to the non-motorized angling community. Recent changes to the regulations disproportionately impact these businesses. The proposed regulation change will remediate the negative impact.

12. Forms: If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: 9/15/2023

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- Denied by FGC
- Denied - same as petition _____
- Granted for consideration of regulation change

Tracking Number