

NOTICE OF PROPOSED EMERGENCY REGULATIONS

Commercial Groundfish Management Measures

January 26, 2024

NOTICE IS HEREBY GIVEN that the Department of Fish and Wildlife (Department) proposes to add Section 35.00, and amend sections 150.06, 150.16, and 189, Title 14, California Code of Regulations (CCR) to create a California Groundfish Restriction Area (CGRA) and establish trip limits for commercial take of nearshore rockfish, except for quillback rockfish (*Sebastes maliger*), and California scorpionfish in state waters outside of the CGRA. The goal of the CGRA is to minimize interaction with particular species of groundfish that cannot be selectively avoided and must be protected by limiting or prohibiting fishing in certain depths or areas for federal groundfish and all greenlings of the genus *Hexagrammos*.

The Department's proposed action would establish a 20-fathom boundary line approximating the 20-fathom depth contour because available fishery data indicate quillback rockfish off California are infrequently encountered in waters shallower 20-fathoms. This new CGRA 20-fathom boundary line would be available for use in management for both the commercial and recreational groundfish fisheries, as needed. Additionally, the proposed action would implement a commercial CGRA between the 20-fathom boundary line and the shoreward boundary of the EEZ north of 36° N latitude (i.e., would prohibit commercial groundfish fishing between the 20-fathom and the shoreward boundary of the EEZ in this area). The proposed action would establish trip limits for groundfish species authorized for take under a shallow or deeper nearshore permit, while also prohibiting commercial take of all other non-nearshore groundfish in state waters north of 36° N latitude. Further, the proposed action aims to clarify regulations statewide, while also reaffirming extension of federal commercial groundfish regulations into state waters south of 36° N latitude (e.g., the area that was unaffected by recent federal action).

Pursuant to the requirements of Government Code Section 11346.1, the Department is providing notice of proposed emergency action with regard to the above-entitled emergency regulation. The documents outlining the proposed emergency action can be found on the Department's webpage at <https://wildlife.ca.gov/Notices/Regulations/FederalGroundfish>.

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

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Any interested person may present statements, arguments, or contentions, in writing, submitted via U.S. mail or e-mail, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail or e-mail must be received at OAL within five days after the Department submits the emergency regulations to OAL for review.

Please reference submitted comments as regarding “CDFW Emergency Regulations: Commercial Groundfish Management Measures” addressed to:

Reference Attorney
Office of Administrative Law
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Sacramento, CA 95814

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Attn: Andre Klein
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The Department anticipates it will submit the rulemaking to OAL on or after February 2, 2024. For the status of the Department’s submittal to OAL for review, and the end of the five-day written submittal period, please consult OAL's website at <http://www.oal.ca.gov> under the heading “Emergency Regulations.”