

Staff Summary for February 14-15, 2024

7. Recreational Fishing Regulations for Federal Groundfish**Today's Item****Information** ☒**Action** ☐

Discuss proposed amendments to (a) recreational fishing regulations for federal groundfish in state waters for consistency with federal rules in 2024, and (b) recreational groundfish seasons, bag and depth limits.

Summary of Previous/Future Actions

- | | |
|-------------------------------------|-----------------------------|
| • Notice hearing | December 13-14, 2023 |
| • Today's discussion hearing | February 14-15, 2024 |
| • Adoption hearing | March 26, 2024 |

Background***General Authority to Adopt Groundfish Regulations***

Regulatory authority for groundfish stocks is shared jointly between state and federal governments. Maintaining state groundfish regulations consistent with federal regulations that establish harvest limits, season dates, depth constraints and other management measures is important to allow for uniform enforcement, minimal confusion, and a comprehensive approach to resource management. Consistent regulations are also important to maintain state authority over its recreational groundfish fishery. Federal regulations are established on a biennial cycle; in-season changes may be necessary to adjust harvest according to established harvest limits. See Exhibit 1 for additional background information.

Pacific Fishery Management Council (PFMC) In-Season Actions

At its March 5-11, 2024 meeting, PFMC is expected to recommend in-season recreational fishing regulation changes for federally-managed groundfish species to ensure that harvest of quillback rockfish remains within established annual limits in 2024. The in-season changes to federal regulations are proposed to go into effect on or around April 1, 2024.

Commission Adoption of Proposed In-Season Regulations

The proposed PFMC action will require amending several state regulations to maintain consistency with federal regulations. In December, the Commission authorized notice of its intent to amend state regulations to ensure changes would be in place on a similar timeline as the federal regulations, and to make Department-recommended modifications to state recreational fishing regulations for state-managed, groundfish-associated species (Exhibit 2).

The recommended regulation changes will include changes to seasons, bag limits, and depth limits, closing fishing for shelf rockfish, lingcod, and other federal groundfish fishing inside state waters to protect quillback rockfish, and opening near-shore harvest of shallow and deeper nearshore species inside a new 20-fathom depth limit, using new 20-fathom waypoints established in state waters. The intent of the proposed changes is to minimize impacts to quillback rockfish and to provide continued opportunities for boat-based recreational angling inside 20 fathoms, where quillback encounters are reduced. See exhibits 3 and 4 for more details.

Staff Summary for February 14-15, 2024

Today is an opportunity to discuss the proposed regulation changes. Note that the adoption hearing (teleconference) for this rulemaking has been changed from March 17, 2024 to March 26, 2024.

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

1. [Staff summary from December 13-14, 2023 Commission meeting, Agenda Item 16 \(for background purposes only\)](#)
2. [Department memo, received December 12, 2023](#)
3. [Department memo transmitting initial statement of reasons, received January 30, 2024](#)
4. [Initial statement of reasons](#)
5. [Proposed regulatory language](#)
6. [Economic and fiscal impact statement \(Std 399\) and addendum](#)

Motion (N/A)

STAFF SUMMARY FOR DECEMBER 13-14, 2023*For background purposes only***16. RECREATIONAL FISHING REGULATIONS FOR FEDERAL GROUND FISH****Today's Item**Information ☐Action ☒

Consider authorizing publication of notice of intent to amend (a) recreational fishing regulations for federal groundfish in state waters for consistency with federal rules in 2024, and (b) recreational groundfish seasons, bag and depth limits.

Summary of Previous/Future Actions

- | | |
|---------------------------------|-----------------------------|
| • Today's notice hearing | December 13-14, 2023 |
| • Discussion hearing | February 14-15, 2024 |
| • Adoption hearing | March 2024 |

Background***General Authority to Adopt Groundfish Regulations***

Regulatory authority for groundfish stocks is shared jointly between state and federal governments. Maintaining state groundfish regulations consistent with federal regulations that establish harvest limits, season dates, depth constraints and other management measures is important to allow for uniform enforcement, minimal confusion, and a comprehensive approach to resource management. Consistent regulations are necessary to maintain state authority over its recreational groundfish fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act.

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. The PFMC recommendations are subsequently reviewed for implementation as federal fishing regulations by the National Marine Fisheries Service.

Under the biennial cycle, eligible management measures are implemented for a two-year period (starting January 1 of odd-numbered years) and are adjusted through routine, in-season actions. Separate harvest specifications (overfishing limits, acceptable biological catches, and annual catch limits) are identified for actively managed stocks and stock complexes each year in the two-year period (Exhibit 1).

The Commission routinely adopts recreational fishing regulations for federal groundfish in state waters as necessary for consistency with federal regulations.

Department's Authority to Make In-Season Changes to Groundfish Regulations

Pursuant to subsection 27.20(e), when federal harvest limits are projected to be exceeded, the Department has authority to make in-season changes applicable in state waters, including adjustments to bag and sub-bag limits.

STAFF SUMMARY FOR DECEMBER 13-14, 2023*For background purposes only****Commission Adoption of 2023-2024 Groundfish Regulations***

Pursuant to the regular biennial rulemaking process, the Commission adopted recreational groundfish fishing regulations at its November 2022 meeting for consistency with federal rules that went into effect January 1, 2023.

Department's In-Season Changes to the 2023-2024 Groundfish Regulations

The Department has exercised its authority to make in-season changes three times during the current biennial cycle (Exhibit 2):

- On August 7, 2023, retention of quillback rockfish was prohibited statewide.
- On August 21, 2023, the recreational nearshore groundfish fishery in the Northern Groundfish Management Area (GMA) was closed.
- On September 1, 2023, the recreational nearshore groundfish fishery was closed in the Mendocino, San Francisco and Central GMAs.

Pacific Fishery Management Council In-Season Actions

At its November 2023 meeting, PFMC considered public comment on the 2021 quillback rockfish stock assessment, and postponed adopting the rebuilding analyses conducted in 2023 based on the assessment. PFMC requested that its [Scientific and Statistical Committee](#) review specific comments regarding the 2021 stock assessment and make recommendations for any changes. PFMC will consider the committee's recommendations at its March 5-11, 2024 meeting and will adopt harvest specifications at that time. Changes to the federal regulations — outside the regular biennial cycle — are expected to go into effect on or around April 1, 2024.

Commission Adoption of Proposed In-Season Regulations

The proposed PFMC action will require amending several state regulations to maintain consistency with federal regulations. In addition, the Department recommends modifications to state recreational fishing regulations for state-managed, groundfish-associated species.

The recommended regulation changes will close fishing for shelf rockfish, lingcod, and other federal groundfish fishing inside state waters to protect quillback rockfish; allow harvest of shallow and deeper nearshore species inside 20 fathoms; and establish new 20-fathom waypoints in state waters. The intent of the proposed changes is to minimize impacts to quillback rockfish and to provide continued opportunities for boat-based recreational angling inside 20 fathoms, where quillback encounters are reduced.

In order for the regulations to become effective April 1, 2024 (concurrent with the federal regulations), staff requests that the Commission schedule a teleconference in March 2024 to take action on the groundfish rulemaking.

The Department will provide additional information related to the recommended rulemaking at today's meeting.

STAFF SUMMARY FOR DECEMBER 13-14, 2023*For background purposes only***Significant Public Comments**

1. At its October 2023 meeting, the Commission received a regulation change petition (scheduled for action today under Agenda Item 22) and several comments opposing nearshore closures, requesting exemptions to the closures for non-motorized vessel- or boat-based anglers, and/or requiring the use of descending devices (October 2023 meeting materials, [exhibits 2.3, 2.8](#), and [25A.3](#)).
2. Under the general public comment agenda item for today's meeting, [exhibits 2.2, 2.6, and 2.14](#) include comments opposing nearshore closures, requesting exemptions to the closures for non-motorized vessel- or boat-based anglers, requesting exemptions to the closures for species other than quillback rockfish, recommending requiring the use of descending devices, and/or requesting zero retention of other rockfish species of concern.

Recommendation

Commission staff: Authorize publication of the notice as recommended by the Department and discussed today, and approve addition of a March 2024 teleconference (during Agenda Item 25C today).

Department: The Department will provide more information about its recommendation at today's meeting.

Exhibits

1. [PFMC Groundfish Fact Sheet, modified January 20, 2021](#)
2. [Department news release: *Fish and Wildlife Closes Nearshore Groundfish Fishery in Mendocino, San Francisco and Central Management Areas*, dated August 21, 2023](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend (a) recreational fishing regulations for federal groundfish in state waters for consistency with federal rules in 2024, and (b) recreational groundfish seasons, bag and depth limits as discussed today.

Memorandum

Date: December 12, 2023

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

From: Craig Shuman, D. Env. 
Marine Regional Manager

Subject: **Agenda Item for the December 13-14, 2023 Fish and Game Commission Meeting,
Re: Recreational Fishing Regulations for Federal Groundfish for 2024**

To ensure revised state regulations are in place before recreational groundfish fishing begins in 2024, the Department of Fish and Wildlife (Department) requests the Fish and Game Commission authorize publication of notice of its intent to amend recreational regulations for federally managed groundfish at its December 13-14, 2023 meeting. Approval of this request will allow for discussion and possible adoption of the proposed regulatory changes in the winter of 2024, in time for the regulations to take effect by early April 2024.

The Pacific Fishery Management Council (PFMC) will recommend recreational fishing regulations for federally managed groundfish species for 2024 at its March 5-11, 2024 meeting. Based on these recommendations, federal regulations are expected to publish by early April 2024, requiring amendment of several state regulations to maintain consistency with and to complement the new federal regulations in state waters. The changes needed to state recreational regulations include seasons, depth limits and Rockfish Conservation Area (RCA) boundaries, and bag limit amendments for all Groundfish Management Areas. Species-specific regulation changes for many or all federal groundfish species are needed as well. Given the expected effective date of the 2024 federal regulations, the Department suggests the Commission consider the possibility of adopting the proposed regulations for state waters via a teleconference meeting in March, shortly after the conclusion of the PFMC meeting, which would allow both federal and state regulations to take effect at approximately the same time.

Federal groundfish regulations are adopted on a biennial cycle. However, adjustments are made inseason when necessary to keep fisheries within established limits, or in other cases to increase harvest opportunities when catch and bycatch is tracking below projections. Regulations currently in place for the 2023-2024 biennium were not successful in constraining catches of quillback rockfish to the federally-established catch limits for this species off California in 2023, requiring inseason closures for sport and commercial fisheries for much of the state. Consequently, significant changes to the 2024 regulations are needed to avoid exceeding these catch limits again.

In consultation with fishing industry representatives, the Department proposes modifications to the regulations that would allow, during different months of the year, in areas north of Lopez Point (36° N. lat., Monterey County), recreational fishing seasons that would be defined as *either* “nearshore-only” (inside an RCA boundary line

approximating 20 fathoms in depth) or “offshore-only” (outside an RCA boundary line). In combination, these fishing seasons would effectively eliminate recreational groundfish fishing in the primary depth zone where quillback rockfish reside, between 20 and approximately 50 fathoms in depth.

Inclusion of nearshore-only fisheries in state regulations in 2024 will restore fishing opportunities on healthy nearshore stocks in shallow waters in the northern areas of the state. For waters south of Lopez Point, fishing seasons may continue to include ‘all-depth’ fishing opportunities, given encounters with quillback rockfish are extremely rare.

Additionally, other new federal regulations take effect January 1, 2024, with the incorporation of Amendment 32 to the Pacific Coast Groundfish Fishery Management Plan. The amendments modify a number of longstanding closed areas for west coast groundfish fisheries. The action includes repeal of the Cowcod Conservation Areas off Southern California, replaced by a series of smaller closed areas (Groundfish Exclusion Areas) that are specifically designed to protect sensitive and abundant coral and sponge populations that are documented in these areas. See: [Long-Term Conservation Efforts Pay Off for Rockfish Along the West Coast | NOAA Fisheries](#). The Department proposes additional regulatory amendments to Title 14 for consistency with these new federal regulations.

Catches of vermilion rockfish continue to be at or projected to exceed federally established harvest limits, and additional reduction to the vermilion rockfish sub-bag limit from 4 fish to 2 or 3 fish is expected to be necessary to further reduce mortality of this species in 2024.

In response to public requests and statewide interest in minimizing barotrauma mortality to rockfish that are released and not retained, CDFW proposes a descending device capable of returning rockfish to the depth taken aboard any California recreational fishing vessel that is fishing for or possessing groundfish. Regulations would universally require the device be aboard statewide when fishing for or possessing any species of federal groundfish. There would not be exceptions for species such as lingcod, scorpionfish, cabezon, sanddabs, sharks or any other federal groundfish that do not have a swim bladder and thus are not subject to mortality from barotrauma.

Prohibiting quillback rockfish (Section 28.55 and others) and revising transit provisions (Section 27.20 and others) to align with the revised federal fishing seasons, depths and retention allowances will also be necessary in the proposed amendments.

Title 14 sections to be amended by this action are expected to include 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, and 28.56.

A description of the proposed regulatory amendments follows below:

§ 27.20, Groundfish Management Areas, Seasons, Depths, Exceptions, and Fishery Closure/Rule Change Process Described: Modify text to reference the new 20-fathom boundary line. As necessary, modify language defining the “offshore-only” boundary line, for consistency with federal regulations. As needed, update the general provisions for take and possession of federal groundfish, for consistency with new federal regulations and to clarify transit and other activities with fish in possession onboard. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish.

§ 27.25. Northern Groundfish Management Area: Modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “nearshore only” or “offshore only” or closed for different dates through the year.

§ 27.30. Mendocino Groundfish Management Area: Modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “nearshore only” or “offshore only” or closed for different dates through the year.

§ 27.35. San Francisco Groundfish Management Area: Modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “nearshore only” or “offshore only” or closed for different dates through the year.

§ 27.40. Central Groundfish Management Area: For waters North of Lopez Point, Modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “nearshore” or “offshore only” or closed for different dates through the year. For waters South of Lopez Point, specify fisheries as “all-depth,” “nearshore only,” “offshore only,” or closed for different dates through the year.

§ 27.45. Southern Groundfish Management Area: Modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “all-depth,” “nearshore only,” “offshore only,” or closed for different dates through the year. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32.

§ 27.50. Cowcod Conservation Areas: Consistent with federal regulations implementing Amendment 32, repeal the Cowcod Conservation Area regulations and add language for consistency with new regulations establishing Groundfish Exclusion Areas closed to all groundfish fishing to protect coral and sponge aggregations.

§ 28.27. Lingcod: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including lingcod.

§ 28.28. Cabezon: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including cabezon.

§ 28.29. Kelp Greenling. Rock Greenling. (Genus Hexagrammos): Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including greenlings.

§ 28.47. Petrale Sole and Starry Flounder: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Add language regarding Groundfish Exclusion Areas consistent with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including Petrale sole and starry flounder.

§ 28.48. Pacific Sanddab, Rock Sole, Sand Sole, Butter Sole, Curlfin Sole, Rex Sole, and Flathead Sole: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Add language regarding Groundfish Exclusion Areas consistent with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including these federal flatfish species.

§ 28.49. Soupfin Shark, Dover Sole, English Sole, Arrowtooth Flounder, Spiny Dogfish, Skates, Ratfish, Grenadiers, Finescale Codling, Pacific Cod, Pacific Whiting, Sablefish and Thornyheads: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including these species.

§ 28.54. California Scorpionfish (Sculpin): Add language regarding Groundfish Exclusion Areas consistent with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including sculpin.

§ 28.55. Rockfish (Sebastes): Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Modify bag or sub-bag limit regulations for

consistency with federal rules, including reductions to the vermilion rockfish sublimit from 4 fish to 2 or 3 fish. Maintain the 0-fish sub bag limit on quillback rockfish, effective in 2023. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish.

§ 28.56. Leopard Shark: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including leopard shark.

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

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Memorandum

Date: January 30, 2024

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

From: Charlton H. Bonham
Director

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

The Pacific Fishery Management Council (PFMC) will recommend recreational fishing regulations for federally managed groundfish species for 2024 at its March 5-11, 2024 meeting in Fresno, California. Based on these recommendations, federal groundfish fishery regulations are expected to publish by early April 2024, requiring amendment of several state regulations to maintain consistency with and to complement the new federal regulations in state waters. At the request of the Department of Fish and Wildlife (Department), the Commission authorized its staff to publish notice of Commission intent to amend recreational fishing regulations for federally managed groundfish and all greenlings of the genus *Hexagrammos* to ensure state regulations are in place on a similar timeline as the federal regulations, at the December 14, 2023 Fish and Game Commission (Commission) meeting.

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

The changes needed to state recreational fishing regulations include changes to seasons, depth limits, and bag limits, as well as minor regulatory clean-ups for many federal groundfish species. Regulations currently in place for the 2023-2024 biennium were not successful in constraining catches of quillback rockfish to the federally-established catch limits for this species off California in 2023, requiring inseason closures for sport and commercial fisheries for much of the state. Consequently, significant changes to the 2024 regulations are needed to avoid exceeding these catch limits again. Additionally, recent catch of this vermilion rockfish continues to be too high, prompting the need for a reduction to the sub-bag limit.

Proposed modifications to the regulations would allow, during different months of the year, in areas north of 36° N. lat. (near Point Lopez, Monterey County), recreational fishing seasons that would be defined as *either* “nearshore-only” (shoreward of the 20-fathom boundary line as defined in Section 35.00) *or* “offshore-only” (seaward of either the 50-fathom boundary line as defined in federal regulations or the state waters boundary line as defined in Section 35.00). In combination, these fishing seasons would effectively eliminate recreational groundfish fishing in the primary area (north of 36° N. lat.) and depth zone (between 20 and approximately 50 fathoms in depth) where quillback rockfish reside.

Proposed modifications also allow anchoring and drifting in addition to transiting in a closed area and add a provision to allow hoop nets, crab traps, and dip nets as specified within closed areas shoreward of an “offshore only” boundary line while groundfish legally taken in the “offshore only” fishery are aboard. These provisions are proposed to be added to ensure fishing opportunities for other species are not impacted by a nearshore fishery closure. Current regulations allow transit through a closed area with legally retained groundfish (i.e., taken in the open offshore areas); however, gear cannot be deployed during transit through the closed area. The proposed modification provides exceptions to this rule to allow use of hoop nets, Dungeness crab traps, and dip nets for take of select non-groundfish invertebrate species while groundfish are onboard a vessel that is anchoring, drifting, or transiting through the nearshore closure.

In response to public requests and statewide interest in minimizing barotrauma mortality to rockfish that are released and not retained, the Department proposes a descending device capable of returning rockfish to the depth taken aboard any California recreational fishing vessel that is fishing for or possessing groundfish. Regulations would universally require the device be aboard statewide when fishing for or possessing any species of federal groundfish. There would be no exceptions for species such as lingcod, scorpionfish, cabezon, sanddabs, sharks or any other federal groundfish that do not have a swim bladder and thus are not subject to mortality from barotrauma.

Additionally, other new federal regulations took effect January 1, 2024, with the incorporation of Amendment 32 to the Pacific Coast Groundfish Fishery Management Plan. The amendments modify a number of longstanding closed areas for west coast groundfish fisheries. The action includes repeal of the Cowcod Conservation Areas off Southern California, replaced by a series of smaller closed areas (Groundfish Exclusion Areas) that are specifically designed to protect sensitive and abundant coral and sponge populations that are documented in these areas.

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

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Initial Statement of Reasons for Regulatory Action

Amend Sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.29, 28.47, 28.48,
28.49, 28.54, 28.55, and 28.56

Title 14, California Code of Regulations
Re: Recreational Fishing Regulations for Federal Groundfish for 2024

I. Date of Initial Statement of Reasons: January 29, 2024

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: December 14, 2023

Location: San Diego, CA

(b) Discussion Hearing:

Date: February 14, 2024

Location: Sacramento, CA

(c) Adoption Hearing:

Date: March 26, 2024

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 of the California Code of Regulations (CCR).

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)].

PFMC Regulatory Outlook and Necessity for the Proposed Regulations

Federal groundfish regulations are typically adopted on a biennial cycle. However, adjustments are made inseason when necessary to keep fisheries within established limits, or in other cases to increase harvest opportunities when catch and bycatch is tracking below projections. Regulations currently in place for the 2023-2024 biennium were not successful in constraining catches of quillback rockfish to the federally-established catch limits for this species off California in 2023, requiring inseason closures for sport and commercial fisheries for much of the state. Consequently, significant changes to the 2024 regulations are necessary to avoid exceeding these catch limits again.

The PFMC will recommend recreational fishing regulations for federally managed groundfish species for 2024 at its March 5-11, 2024 meeting. Based on these recommendations, federal regulations are expected to publish by early April 2024, requiring amendment of several state regulations to maintain consistency with and to complement the new federal regulations in state waters. The changes necessary to state recreational regulations include seasons, depth restrictions, and bag limit amendments for all Groundfish Management Areas (GMAs). Species-specific regulation changes for many or all federal groundfish species are necessary as well.

CURRENT 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 restrictions, methods of take, as well as size, bag, and possession limits within the five groundfish management areas for all federal groundfish (sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, and 28.56).

Current regulations specify seasons and depth restrictions for the five GMAs in ocean waters off California (Figure 1). These regulations serve as management tools that are adjusted biennially and inseason 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.

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



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

Seasons and depths in the five GMAs were designed pre-season and provided:

- In the Northern GMA, a five-month season with no depth restrictions from May 15 through October 15.
- In the Mendocino and San Francisco GMAs, a seven-and-a-half-month season, with a depth restriction greater than 50 fathoms (“offshore only” fishery) from May 15 through July 15, and no depth restriction from July 16 through December 31.

- In the Central GMA, an eight-month season with no depth restriction from May 1 through September 30, and a depth restriction greater than 50 fathoms from October 1 through December 31.
- And in the Southern GMA, a nine-month season with no depth restriction from April 1 through September 15 and a depth restriction greater than 50 fathoms from September 16 through December 31.
- The Cowcod Conservation Areas (CCA) are two special closure areas within the Southern Groundfish Management Area but have a discrete depth restriction of 40 fathoms.

Present regulations also establish recreational bag limits which vary by species or species groups and are designed to keep harvest within allowable limits. The Rockfish Cabezon Greenling (RCG) complex has a 10 fish bag aggregate limit (Sections 28.28, 28.29, and 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, quillback rockfish, and copper rockfish. Bronzespotted rockfish, cowcod, and yelloweye rockfish have bag limits of zero fish.

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).

EMERGENCY REGULATIONS ADOPTED

The Department of Fish and Wildlife (Department) adopted [emergency regulations](#) effective on October 30, 2023 (OAL matter 2023-1020-01), amending sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, and 28.55. These changes prohibited the take of quillback rockfish statewide, set up a nearshore fishery closure shoreward of the 50-fathom boundary line in management areas North of Point Conception, and authorized the use of certain gear when legally taken groundfish are aboard vessels in closed areas. The emergency action was necessary to amend recreational regulations for federal groundfish and were designed to mirror federal regulations that were published in October 2023.

As these amendments to regulations were implemented through an emergency process, they are scheduled to expire on April 30, 2024. The proposed regulations (discussed below) are anticipated to become effective prior to the expiration date of the emergency rules and would supersede them.

PROPOSED REGULATIONS

Proposed changes to regulations described are necessary to maintain consistency with and to complement the new federal regulations in state waters that are expected to become effective in early April 2024.

As part of an emergency Department rulemaking noticed to the public on January 26, 2024, Section 35.00 is added to state regulations that defines the 20-fathom boundary line using a series of connecting waypoints along the mainland coast and offshore islands. Prior to

this action, depth in state waters shallower than 30 fathoms have been defined by actual depth. Addition of a 20-fathom boundary line defined by waypoints provides a consistent set of regulations to be used by fishery participants and enforcement.

The proposed range of season date and depth boundary regulatory options available for the Commission's consideration are designed to encompass the range of options that will be under consideration by the PFMC at its March 5-11, 2024 meeting. The regulatory options are shown as ranges encompassed by [brackets] within the proposed regulatory text. A final suite of season dates and depth constraints in each GMA will be available for the Commission at its March 26 teleconference Adoption hearing. It is necessary to amend state regulations for consistency with federal regulations, as further described below.

Proposed modifications to the regulations would allow, during different months of the year, in areas north of 36° N. lat. (near Point Lopez, Monterey County) (Figure 2), recreational fishing seasons that would be defined as *either* "nearshore only" or "offshore only." For areas south of 36° N. lat., proposed modifications to regulations would allow during different months of the year fishing seasons that would be defined as "nearshore only," "offshore only," or "all depth." Combining "nearshore only," "offshore only," and for areas south of 36° N. lat. "all depth" fisheries in different times of the year are expected to provide maximum fishing opportunities in each GMAs while minimizing impacts to quillback rockfish in the areas north of 36° N. lat. where quillback rockfish reside.

A "nearshore only" fishery authorizes take or possession of all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos* shoreward of the 20-fathom boundary line as defined in Section 35.00. Inclusion of "nearshore only" fisheries utilizing the new 20-fathom boundary line in state regulations in 2024 is necessary to restore fishing opportunities on healthy nearshore stocks in shallow waters in the northern areas of the state, while continuing to reduce quillback rockfish encounters and mortality.

An "offshore only" fishery authorizes take or possession of shelf rockfish, as defined in subsection 1.91(a)(3) (except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed), slope rockfish (as defined in subsection 1.91(a)(4)), and lingcod seaward of a line approximating the either 50-fathom boundary line as defined in federal regulations or the state waters boundary line 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 boundary line is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal Regulations (50 CFR Part 660, Subpart G). The state waters boundary line is defined in Section 35.00. An "offshore only" fishery also prohibits take or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and all greenlings of the genus *Hexagrammos*. Offering "offshore only" fishing opportunities is necessary to restore fishing access to healthy shelf and slope rockfish stocks and lingcod while minimizing encounters and mortality with quillback rockfish which typically are found in waters shallower than 50-fathoms in depth.

An "all depth" fishery authorizes take or possession of all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus

Hexagrammos with no depth constraints.

Proposed modifications also allow anchoring and drifting in addition to transiting in a closed area and add a provision to allow hoop nets, crab traps, and dip nets as specified within closed areas shoreward of an “offshore only” boundary line while groundfish legally taken in the “offshore only” fishery are aboard. These provisions are proposed to be added to ensure fishing opportunities for other species are not impacted by a nearshore fishery closure. Current regulations allow transit through a closed area with legally retained groundfish (i.e., taken in the open offshore areas); however, gear cannot be deployed during transit through the closed area. The proposed modification provides exceptions to this rule to allow use of hoop nets, Dungeness crab traps, and dip nets for take of select non-groundfish invertebrate species while groundfish are onboard a vessel that is anchoring, drifting, or transiting through the nearshore closure.



Figure 2. Map of five California recreational groundfish management areas, including the proposed line at 36° N. lat. (near Point Lopez, Monterey County) and the repeal of the CCAs. Prohibiting take or possession of quillback rockfish (Section 28.55 and others) is necessary to incorporate the changes made through the emergency rulemaking in October 2023 as permanent changes. Catches of vermilion rockfish continue to be at or projected to exceed federally established harvest limits, and additional reduction to the vermilion rockfish sub-bag limit from 4 fish to 2 or 3 fish is necessary to further reduce mortality of this species in 2024 and for consistency with federal regulations.

In response to public requests and statewide interest in minimizing barotrauma mortality to

rockfish that are released and not retained, the Department proposes a requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing groundfish. Regulations would universally require the device be aboard statewide when fishing for or possessing any species of federal groundfish. There would be no exceptions for species such as lingcod, scorpionfish, cabezon, sanddabs, sharks or any other federal groundfish that do not have a swim bladder and thus are not subject to mortality from barotrauma.

Additionally, other new federal regulations took effect January 1, 2024, with the incorporation of Amendment 32 to the Pacific Coast Groundfish Fishery Management Plan. The amendments modify a number of longstanding closed areas for west coast groundfish fisheries. The action includes repeal of the Cowcod Conservation Areas off Southern California, replaced by a series of smaller closed areas (Groundfish Exclusion Areas) that are specifically designed to protect sensitive and abundant coral and sponge populations that are documented in these areas. See: [Long-Term Conservation Efforts Pay Off for Rockfish Along the West Coast | NOAA Fisheries](#). Regulatory amendments to Title 14 are necessary for consistency with these new federal regulations.

A description of the proposed regulatory amendments to Title 14 follows below:

Subsection 27.20(a), is proposed to be amended to modify how “depth” is defined, and to reference the new Title 14 Section 35.00 defining the 20-fathom boundary line. This amendment is necessary to allow for use of the new 20-fathom boundary line to restore fishing opportunities on healthy nearshore stocks in shallow waters while minimizing catch of quillback rockfish.

Subsection 27.20(b)(1)(A) is proposed to be amended to allow anchoring and drifting in addition to transiting in a closed area and add a provision to allow hoop nets, crab traps, and dip nets as specified within closed areas shoreward of an “offshore only” boundary line while groundfish legally taken in the “offshore only” fishery are aboard. The amendment provides exceptions to allow use of hoop nets, Dungeness crab traps, and dip nets for take of select non-groundfish invertebrate species while groundfish are onboard a vessel that is anchoring, drifting, or transiting through the nearshore closure. This amendment is necessary to incorporate an emergency provision into the regulations as a permanent change.

Subsection 27.20(b)(2) is added requiring a descending device be in possession and available for immediate use to assist in releasing rockfish to the depth of capture. Subsections 28.27(d), 28.28(d), 28.29(d), 28.47(c), 28.48(c), 28.49(c), 28.54(d), 28.55(d), and 28.56(d) are proposed to be amended to reference the descending device requirement as specified in subsection 27.20(b)(2). These amendments are necessary for consistency with federal regulations.

Subsections 27.25(b), 27.30(b), 27.35(b) are proposed to be amended to modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “nearshore only” or “offshore only” or closed for different dates through the year. The number of paragraphs under each of these subsections will depend on the combination of season, species, depth constraints and opening following

PFMC recommendation at its March 2024 meeting. For any season where the “offshore fishery” is chosen, the offshore boundary of either the 50-fathom boundary line (defined by federal waypoints) OR the state waters boundary line will be designated by federal authorities. These proposed amendments are necessary for consistency with federal regulations.

Subsections 27.40(a), 27.40(b) are amended and 27.40(c) is added to define a sub-management area boundary line at 36° N. lat. (near Point Lopez), and to authorize the seasons, species and depth constraints for each area north and south of 36° N. lat. Fisheries in the area north of 36° N. lat. are specified as “nearshore only,” “offshore only,” or closed for different dates through the year. Fisheries in the area south of 36° N. lat. are specified as “nearshore only,” “offshore only,” “all depth,” or closed for different dates through the year. These changes are necessary for consistency with state management objectives and federal regulations.

Subsection 27.45(b) is proposed to be amended to modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “nearshore only,” “offshore only,” “all depth,” or closed for different dates through the year. This amendment is necessary for consistency with federal regulations.

Section 27.50, and subsections 27.20(b)(1)(C) and (D), 27.45(a), 28.27(a)(7), 28.28(a)(7), 28.29(a)(7), 28.47(a), 28.48(a), 28.49(a), 28.54(a), 28.55(a)(7), 28.55(b)(5) and 28.56(a) are proposed to be modified to repeal the Cowcod Conservation Area regulations and to add language for consistency with new regulations establishing Groundfish Exclusion Areas closed to all groundfish fishing. These amendments are necessary for consistency with federal regulations implementing Amendment 32 of the PCGFMP.

Subsections 28.55(b)(1) through (4) are proposed to be amended to add quillback rockfish to the list of prohibited species, repeal the 1-fish quillback rockfish sub-bag limit, and reduce the vermilion rockfish sub-bag limit. These amendments are necessary to reduce catches of quillback and vermilion rockfish and for consistency with federal bag-limit regulations for rockfish.

Non-substantive changes:

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

- Subsections 27.20(b)(1)(C) and (D), 27.25(b), 27.30(b), 27.35(b), 27.40(b), and 27.45(b) are proposed to be amended for increased clarity on species that are otherwise prohibited to take.
- In sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 28.27, 28.28, 28.29, and 28.55 “depth constraint” is updated to read “depth restriction” for enhanced clarity and consistent terminology usage.
- Subsections are renumbered as appropriate when other subsections are added or repealed.
- In all sections included in this rulemaking “take and/or possession” is updated to read “take or possession” for enhanced clarity and enforceability.

- In all sections, references in the “note” of each section are updated for increased clarity.

(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 from Fish and Game Code for Regulation

Section 27.20

Authority cited: Sections 200, 205, 265, 702, 7071 and 8587.1, Fish and Game Code.
Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 27.25

Authority cited: Sections 200, 205, 265, 702, 7071 and 8587.1, Fish and Game Code.
Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 27.30

Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.
Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 27.35

Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.
Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 27.40

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 27.45

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 27.50

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 28.27

Authority cited: Sections 200, 205, 265, 275, 702 and 8587.1, Fish and Game Code.

Reference: Sections 200, 205, 265 and 1802, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 28.28

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 28.29

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 28.47

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

Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 28.48

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

Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 28.49

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

Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 28.54

Authority cited: Sections 200, 205, 265, 702, 7071 and 8587.1, Fish and Game Code.
 Reference: Sections 200, 205, 265, 275, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 28.55

Authority cited: Sections 200, 205, 265, 702, 7071 and 8587.1, Fish and Game Code.
 Reference: Sections 200, 205, 265, 1802, 7071 and 8585.5, Fish and Game Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

Section 28.56

Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.
 Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change

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/>

Pacific Fishery Management Council's Groundfish Management Team Report:
<https://www.pcouncil.org/documents/2023/09/g-8-a-supplemental-gmt-report-5.pdf/>

Status of Quillback Rockfish off California in 2021:
<https://www.pcouncil.org/documents/2021/12/status-of-quillback-rockfish-sebastes-maliger-in-u-s-waters-off-the-coast-of-california-in-2021-using-catch-and-length-data-december-2021.pdf/>

NOAA Fisheries announces overfished determination for quillback rockfish off California:

<https://www.fisheries.noaa.gov/bulletin/noaa-fisheries-announces-overfished-determination-quillback-rockfish-california>

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 2024 groundfish recreational regulations were or will be discussed:

- November 3-8, 2023, Garden Grove, CA and public webinar
- March 5-11, 2024, Fresno, CA and public webinar

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 to be effective in April 2024 are expected to be more restrictive than current regulations. Federal regulations will also be silent on allowed/prohibited activities within state waters; if state regulations are not amended to specific what is allowed/prohibited in state waters additional recreational opportunities would not be realized.

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.

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 Commission anticipates changes in opportunities for the recreational groundfish fishery in 2024-2025 compared to 2023. 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

- (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 of the California Code of Regulations (CCR).

Federal groundfish regulations are typically adopted on a biennial cycle. However, adjustments are made inseason when necessary to keep fisheries within established limits, or in other cases to increase harvest opportunities when catch and bycatch is tracking below projections. Regulations currently in place for the 2023-2024 biennium were not successful in constraining catches of quillback rockfish to the federally-established catch limits for this species off California in 2023, requiring inseason closures for sport and commercial fisheries for much of the state. Consequently, significant changes to the 2024 regulations are necessary to avoid exceeding these catch limits again.

The Pacific Fishery Management Council (PFMC) will recommend recreational fishing regulations for federally managed groundfish species for 2024 at its March 5-11, 2024 meeting. Based on these recommendations, federal regulations are expected to publish by early April 2024, requiring amendment of several state regulations to maintain consistency with and to complement the new federal regulations in state waters. The changes necessary to state recreational regulations include seasons, depth limit and Rockfish Conservation Area (RCA) boundaries, and bag limit amendments for all Groundfish Management Areas (GMAs). Species-specific regulation changes for many or all federal groundfish species are necessary as well.

The proposed changes are as follows:

Subsection 27.20(a), is proposed to be amended to modify how “depth” is defined, and to reference the new Title 14 Section 35.00 defining the 20-fathom boundary line. This amendment is necessary to allow for use of the new 20-fathom boundary line to restore fishing opportunities on healthy nearshore stocks in shallow waters while minimizing catch of quillback rockfish.

Subsection 27.20(b)(1)(A) is proposed to be amended to allow anchoring and drifting in addition to transiting in a closed area and add a provision to allow hoop nets, crab traps, and dip nets as specified within closed areas shoreward of an “offshore only” boundary line while groundfish legally taken in the “offshore only” fishery are aboard. The amendment provides exceptions to allow use of hoop nets, Dungeness crab traps, and dip nets for take of select non-groundfish invertebrate species while groundfish are onboard a vessel that is anchoring, drifting, or transiting through the nearshore closure.

Subsection 27.20(b)(2) is proposed to be amended to add language requiring a descending device be in possession and available for immediate use to assist in releasing rockfish to the depth of capture. Subsections 28.27(d), 28.28(d), 28.29(d), 28.47(c), 28.48(c), 28.49(c), 28.54(d), 28.55(d), and 28.56(d) are proposed to be amended to reference the descending device requirement as specified in subsection 27.20(b)(2).

Subsections 27.25(b), 27.30(b), 27.35(b) are proposed to be amended to modify the seasons, authorized species, and depth restrictions in for federal groundfish so that

fisheries are specified as “nearshore only” or “offshore only” or closed for different dates through the year.

Subsections 27.40(a), 27.40(b) are amended and 27.40(c) is added to define a sub-management area boundary line at 36° N. lat. (near Point Lopez), and to authorize the seasons, species and depth restrictions for each area north and south of 36° N. lat. Fisheries in the area north of Point Lopez are specified as “nearshore only,” “offshore only,” or closed for different dates through the year. Fisheries in the area south of Point Lopez are specified as “nearshore only,” “offshore only,” “all depth,” or closed for different dates through the year.

Subsection 27.45(b) is proposed to be amended to modify the seasons, authorized species, and depth restrictions for federal groundfish so that fisheries are specified as “nearshore only,” “offshore only,” “all depth,” or closed for different dates through the year.

Section 27.50, and subsections 27.20(b)(1)(C) and (D), 27.45(a), 28.27(a)(7), 28.28(a)(7), 28.29(a)(7), 28.47(a), 28.48(a), 28.49(a), 28.54(a), 28.55(a)(7), 28.55(b)(5) and 28.56(a) are proposed to be modified to repeal the Cowcod Conservation Area regulations and to add language for consistency with new regulations establishing Groundfish Exclusion Areas closed to all groundfish fishing.

Subsections 28.55(b)(1) through (4) are proposed to be amended to add quillback rockfish to the list of prohibited species, repeal the 1-fish quillback rockfish sub-bag limit, and reduce the vermilion rockfish sub-bag limit.

Several non-substantive changes are proposed to provide consistency, and reduce redundancy between Title 14 sections, and increase the clarity of the regulations. Subsections 27.20(b)(1)(C) and (D), 27.25(b), 27.30(b), 27.35(b), 27.40(b), and 27.45(b) are proposed to be amended for increased clarity on species that are otherwise prohibited to take. In sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 28.27, 28.28, 28.29, and 28.55 “depth constraint” is updated to read “depth restriction” for enhanced clarity and consistent terminology usage. Subsections are renumbered as appropriate when other subsections are added or repealed. In all sections included in this rulemaking “take and/or possession” is updated to read “take or possession” for enhanced clarity and enforceability. In all sections, references are updated for increased clarity.

Benefit of the Regulations:

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.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing recreational fishing (California Fish and Game Code sections 200 and 205). No other state agency has the authority to adopt regulations governing recreational fishing. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of [topic] regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Proposed Regulatory Language

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

Regulations that follow in sections 27.25 through 27.50 define fishing seasons and depth constraints that are effective within each Groundfish Management Area (GMA). These sections apply to take and possession of federal groundfish species as defined in Section 1.91 and all greenlings of the genus *Hexagrammos*.

- (a) ~~Depth Constraints~~Restrictions: In a GMA the take, retention ~~and/or~~ possession of certain federal groundfish and all greenlings of the genus *Hexagrammos* may be authorized or prohibited in waters shallower than, or deeper than, the identified depth ~~constraint~~restriction depending on the defined areas and seasons specified in sections 27.25 through 27.50. ~~Two specific definitions of “depth” apply off California. In waters shallower than 30 fathoms, “depth” is defined by general depth contour lines. In waters equal to or deeper than 30 fathoms, “depth~~Depth” is defined by approximating a particular depth contour by connecting the appropriate set of waypoints adopted in Section 35.00 of these regulations for the 20-fathom boundary line, and Federal regulations (50 CFR Part 660, Subpart C) for all other depth boundary lines.

- (b) General Provisions.

- (1) 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.

- (A) ~~Transit~~Anchoring, drifting, or transiting in closed areas: ~~The species or species groups that are closed to take and/or possession in part of a GMA may be possessed aboard a vessel in transit through a closed area with no fishing gear deployed in the water. In waters where groundfish species or species groups are closed to take or possession but authorized for take or possession in other areas, those species or species groups may be~~ possessed aboard a vessel that is anchored, drifting, or transiting in or through that closed area. While anchored, drifting, or transiting through an area closed to take or possession of these groundfish species or species groups, no gear may be deployed other than for the take of crustaceans with hoop nets used pursuant to subsection 29.80(b), Dungeness crab traps used pursuant to subsection 29.80(c), and dip nets used pursuant to Section 28.80.
- (B) Federal groundfish exempt from seasons and depth constraints: “Other Flatfish” as defined in subsection 1.91(a)(10), petrale sole, starry flounder, California scorpionfish, leopard shark, and the federal groundfish species

listed in Section 28.49 may be taken ~~and/or~~ possessed in all GMAs and depths year-round except as described in subsections 28.49(a) and 28.56(a).

(C) Shore Based Angling: When angling from shore (includes beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore), all species, except those listed in subsection 28.55(b)(1), may be taken ~~and/or~~ possessed year-round ~~(See subsection 27.50(b)(1) for exceptions in the Cowcod Conservation Areas)~~. No vessel or watercraft (motorized or non-motorized) may be used to assist in the take, transport ~~and/or~~ possession of these species under this provision.

(D) Diving or Spearfishing: When diving or spearfishing, as authorized in Section 28.90, all species, except those listed in subsection 28.55(b)(1), may be taken ~~and/or~~ possessed year-round ~~(See subsection 27.50(b)(2) for exceptions in the Cowcod Conservation Areas)~~. When boat-based groundfish fishing is closed, all types of fishing gear, except spearfishing gear, are prohibited to be aboard the vessel or watercraft (motorized or non-motorized) when taking ~~and/or~~ possessing these species under this provision.

(2) Descending Devices: No person shall take or possess any federal groundfish as defined in Section 1.91 and all greenlings of the genus *Hexagrammos* from any boat or other floating device in ocean waters without having a descending device in possession and available for immediate use to assist in releasing rockfish to the depth of capture.

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

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

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

(1) The department may modify the seasons ~~and/or~~ depth constraints for any species of federal groundfish or aggregate group of federal groundfish species,

and all greenlings of the genus *Hexagrammos*. Season ~~and/or~~ depth modifications may differ by area, time of year, mode of fishing, or gear utilized.

- (2) The department may adjust existing bag or sub-bag limits or establish additional bag or sub-bag limits as needed for any species of federal groundfish or aggregate group of federal groundfish species, and all greenlings of the genus *Hexagrammos*. Bag limits may differ by area, time of year, mode of fishing, or gear utilized.
- (3) The department may adjust existing size limits or establish additional size limits as needed for any species of federal groundfish or aggregate group of federal groundfish species, and all greenlings of the genus *Hexagrammos*. Size limits may differ by area, time of year, mode of fishing, or gear utilized.
- (f) Notice of closure ~~and/or~~ rule change: The department shall give the public and the NOAA Fisheries no less than 10 calendar days' notice of any fishery closure or rule change implemented pursuant to this section via a department news release. Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: wildlife.ca.gov/Fishing/Ocean.

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game ~~Code~~Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

§ 27.25. Northern Groundfish 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 Northern Groundfish Management Area means ocean waters between 42° 00'N. lat. (the Oregon/California border) and 40° 10'N. lat. (near Cape Mendocino, Humboldt County).
- (b) Seasons and depth ~~constraints~~restrictions effective for all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:
 - (4)~~1-7, as needed - following recommendations from the March 5-11, 2024 PFMC meeting]~~ January 1 through May 14: Closed. [varied dates within the range from January 1 - December 31 to be open or closed and may include full months or partial months that may be open in non-concurrent depths defined as "nearshore only," or "offshore only." A "nearshore only" fishery authorizes take or possession

of all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos* shoreward of the 20-fathom boundary line as defined in Section 35. An “offshore only” fishery is defined as:]

(A) Take or possession of species and species groups listed in subsections 1. through 3. is authorized seaward of a line approximating [either the 50-fathom boundary line as defined by federal waypoints or the state waters boundary line] along the mainland coast and along islands and offshore seamounts. Take or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). [The 50-fathom boundary line is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal Regulations (50 CFR Part 660, Subpart G). The state water boundary line is defined in Section 35.00.]

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

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

3. Lingcod

(B) Nearshore species closure: Notwithstanding subsection 27.20(b)(1)(A), take or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and all greenlings of the genus *Hexagrammos* is prohibited in all waters of the Northern Groundfish Management Area.

~~(2) May 15 through October 15: Open for all species with no depth constraints.~~

~~(3) October 16 through December 31: Closed.~~

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360; and 14 CCR 27.20.

§ 27.30. Mendocino Groundfish 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~~restrictions effective for all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:

~~(4) 1-7, as needed - following recommendations from the March 5-11, 2024 PFMC meeting]~~ January 1 through May 14: Closed. [varied dates within the range from January 1 – December 31 to be open or closed and may include full months or partial months that may be open in non-concurrent depths defined as “nearshore only,” or “offshore only.” A “nearshore only” fishery authorizes take or possession of all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos* shoreward of the 20-fathom boundary line as defined in Section 35.00. An “offshore only” fishery is defined as]

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

(A) Take ~~and/or~~ possession of species and species groups listed in subsections 1. through 3. is authorized seaward of a line approximating the ~~50-fathom depth contour~~ [either the 50-fathom boundary line as defined by federal waypoints or the state waters boundary line] 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).~~ [The 50-fathom boundary line is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal Regulations (50 CFR Part 660, Subpart G). The state water boundary line is defined in Section 35.]

1. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed
2. Slope rockfish, as defined in subsection 1.91(a)(4)
3. Lingcod

(B) Nearshore species closure: Notwithstanding subsection 27.20(b)(1)(A), ~~Take~~take ~~and/or~~ possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and all greenlings of the genus *Hexagrammos* is prohibited in all waters of the Mendocino Groundfish Management Area.

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

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game ~~Code~~Code, and 50

CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360; and 14 CCR 27.20.

§ 27.35. San Francisco Groundfish 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~~restrictions effective for all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon and all greenlings of the genus *Hexagrammos*:

~~(4)~~1-7, as needed - following recommendations from the March 5-11, 2024 PFMC meeting] ~~January 1 through May 14: Closed. [varied dates within the range from January 1 through December 31, may include open or closed periods for full or partial months that may be open in non-concurrent depths defined as “nearshore only,” or “offshore only.” A “nearshore only” fishery authorizes take or possession of all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos* shoreward of the 20-fathom boundary line as defined in Section 35.00. An “offshore only” fishery is defined as]~~

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

(A) Take and/or possession of species and species groups listed in subsections 1. Through 3. Is authorized seaward of a line approximating the ~~50-fathom depth contour~~either the 50-fathom boundary line as defined by federal waypoints or the state waters boundary line] 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).~~ [The 50-fathom boundary line is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal Regulations (50 CFR Part 660, Subpart G). The state waters boundary line is defined in Section 35.00.]

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

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

3. Lingcod

(B) Nearshore species closure: Notwithstanding subsection 27.20(b)(1)(A), Take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the San Francisco Groundfish Management Area.

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

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.
Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; Code, and 50 CFR Part 660, Subpart G; Sections 660.350, 660.351, 660.352, and 660.360; and 14 CCR 27.20.

§ 27.40. Central Groundfish 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). Within the Central Groundfish Management Area, seasons and depth restrictions may differ north and south of a line extending west of 36° N. lat. (near Point Lopez, Monterey County). The areas north and south of this line are referred to as the Central Groundfish Management Area – North 36° N. lat. and the Central Groundfish Management Area – South of 36° N. lat.

(b) Central Groundfish Management Area – North 36° N. lat. Seasons and depth constraints/restrictions effective for all species of rockfish, lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:

~~(4) 1-7, as needed - following recommendations from the March 5-11, 2024 PFMC meeting]~~ January 1 through April 30: Closed. [varied dates within the range from January 1 through December 31, may include open or closed periods for full or partial months that may be open in non-concurrent depths defined as “nearshore only,” or “offshore only.” A “nearshore only” fishery authorizes take or possession of all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos* shoreward of the 20-fathom boundary line as defined in Section 35.00. An “offshore only” fishery is defined as]

~~(2) May 1 through September 30: Open for all species with no depth constraints.~~

~~(3) October 1 through December 31:~~

(A) Take ~~and/or~~ possession of species and species groups listed in subsections 1. Through 3. ~~is~~ authorized seaward of a line approximating the ~~50-fathom depth contour~~ either the 50-fathom boundary line as defined by federal waypoints or the state waters boundary line 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).~~ The 50-fathom boundary line is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal Regulations (50 CFR Part 660, Subpart G). The state waters boundary line is defined in Section 35.00.

1. Shelf rockfish, as defined in subsection 1.91(a)(3), except bronzespotted rockfish, cowcod, and yelloweye rockfish which may not be taken or possessed
2. Slope rockfish, as defined in subsection 1.91(a)(4)
3. Lingcod

(B) Nearshore species closure: Notwithstanding subsection 27.20(b)(1)(A), Take take and/or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the Central Groundfish Management Area – North of 36° N. lat.

(c) Central Groundfish Management Area – South of 36° N. lat. Seasons and depth restrictions effective for all species of rockfish, lingcod, cabezon, and all greenlings of the genus *Hexagrammos*:

([1-7, as needed - following recommendations from the March 5-11, 2024 PFMC meeting]) [varied dates within the range from January 1 through December 31, may include open or closed periods for full or partial months that may be open in non-concurrent depths defined as “all depth,” “nearshore only,” or “offshore only.” An “all depth” fishery authorizes take or possession of all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos* in all depths. A “nearshore only” fishery authorizes take or possession of all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos* shoreward of the 20-fathom boundary line as defined in Section 35.00. An “offshore only” fishery is defined as]

(A) Take or possession of species and species groups listed in subsections 1. through 3. is authorized seaward of a line approximating [either the 50-

fathom boundary line as defined by federal waypoints or the state waters boundary line] along the mainland coast and along islands and offshore seamounts. Take or possession of these species is prohibited shoreward of this line, except as provided in subsection 27.20(b). [The 50-fathom boundary line is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal Regulations (50 CFR Part 660, Subpart G). The state waters boundary line is defined in Section 35.00.]

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

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

3. Lingcod

(B) Nearshore species closure: Notwithstanding subsection 27.20(b)(1)(A), take or possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and all greenlings of the genus *Hexagrammos* is prohibited in all waters of the Central Groundfish Management Area – South of 36° N. lat.

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game Code; Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

§ 27.45. Southern Groundfish 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~~ Groundfish Exclusion 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~~ take or possession of all federal groundfish is prohibited year-round. See Section 27.50.

(b) Seasons and depth ~~constraints~~ restrictions effective for all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon and all greenlings of the genus *Hexagrammos*:

(41-7, as needed - following recommendations from the March 5-11, 2024 PFMC meeting)) January 1 through March 31: Closed. [varied dates within the range

from January 1 through December 31, may include open or closed periods for full or partial months that may be open in non-concurrent depths defined as “all depth,” “nearshore only,” or “offshore only.” An “all depth” fishery authorizes take or possession of all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos* in all depths. A “nearshore only” fishery authorizes take or possession of all species of rockfish (except as specified in subsection 28.55(b)(1)), lingcod, cabezon, and all greenlings of the genus *Hexagrammos* shoreward of the 20-fathom boundary line as defined in Section 35.00. An “offshore only” fishery is defined as:]

~~(2) April 1 through September 15: Open for all species with no depth constraints.~~

~~(3) September 16 through December 31:~~

(A) Take ~~and/or~~ possession of species and species groups listed in 1. Through 3. Is authorized seaward of a line approximating the ~~50-fathom depth contour~~ either the 50-fathom boundary line as defined by federal waypoints or the state waters boundary line 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).~~ The 50-fathom boundary line is defined by straight lines connecting the set of 50-fathom waypoints as adopted in Federal Regulations (50 CFR Part 660, Subpart G). The state waters boundary line is defined in Section 35.00.]

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

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

3. Lingcod

(B) Nearshore species closure: Notwithstanding subsection 27.20(b)(1)(A), ~~Take~~take ~~and/or~~ possession of nearshore rockfish as defined in subsection 1.91(a)(1), cabezon, and greenlings of the genus *Hexagrammos* is prohibited in all waters of the Southern Groundfish Management Area.

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game ~~Code~~Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360.

§ 27.50. ~~Cowcod Conservation Areas~~ Groundfish Exclusion Areas.

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 ~~Cowcod Conservation Areas~~ Groundfish Exclusion Areas are defined as ocean waters off southern California within each of the following ~~two~~ eight areas:

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

~~33° 50' N. lat., 119° 30' W. long.;~~
~~33° 50' N. lat., 118° 50' W. long.;~~
~~32° 20' N. lat., 118° 50' W. long.;~~
~~32° 20' N. lat., 119° 37' W. long.;~~
~~33° 00' N. lat., 119° 37' W. long.;~~
~~33° 00' N. lat., 119° 53' W. long.;~~
~~33° 33' N. lat., 119° 53' W. long.;~~
~~33° 33' N. lat., 119° 30' W. long.; and~~
~~33° 50' N. lat., 119° 30' W. long.~~

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

~~32° 42' N. lat., 118° 02' W. long.;~~
~~32° 42' N. lat., 117° 50' W. long.;~~
~~32° 36' 42" N. lat., 117° 50' W. long.;~~
~~32° 30' N. lat., 117° 53' 3" W. long.;~~
~~32° 30' N. lat., 118° 02' W. long.; and~~
~~32° 42' N. lat., 118° 02' W. long.~~

- (1) Hidden Reef is an area that is bound by straight lines connecting the following points in the order listed:

33°46.14' N lat., 119°10.45' W long.;
33°46.14' N lat., 119°05.96' W long.;

33°41.40' N lat., 119°05.96' W long.;

33°41.40' N lat., 119°10.45' W long.; and

33°46.14' N lat., 119°10.45' W long.

- (2) West of Santa Barbara is an area that is bound by straight lines connecting the following points in the order listed:

33°33.64' N lat., 119°18.54' W long.;

33°33.64' N lat., 119°07.57' W long.;

33°27.90' N lat., 119°07.57' W long.;

33°27.90' N lat., 119°18.54' W long.; and

33°33.64' N lat., 119°18.54' W long.

- (3) Potato Bank is an area that is bound by straight lines connecting the following points in the order listed:

33°21.00' N lat., 119°53.00' W long.;

33°21.00' N lat., 119°45.67' W long.;

33°11.00' N lat., 119°45.67' W long.;

33°11.00' N lat., 119°53.00' W long; and

33°21.00' N lat., 119°53.00' W long.

- (4) 107/118 Bank is an area that is bound by straight lines connecting the following points in the order listed:

33°05.51' N lat., 119°41.29' W long.;

33°08.64' N lat., 119°36.71' W long.;

33°03.50' N lat., 119°31.69' W long.;

33°00.36' N lat., 119°36.27' W long.; and

33°05.51' N lat., 119°41.29' W long.

- (5) Cherry Bank is an area that is bound by straight lines connecting the following points in the order listed:

32°50.86' N lat., 119°29.40' W long.;

32°56.96' N lat., 119°19.82' W long.;

32°54.69' N lat., 119°17.78' W long.;

32°48.59' N lat., 119°27.35' W long.; and

32°50.86' N lat., 119°29.40' W long.

- (6) Seamount 109 is an area that is bound by straight lines connecting the following points in the order listed:

32°43.75' N lat., 119°37.00' W long.;

32°43.75' N lat., 119°34.29' W long.;

32°31.95' N lat., 119°26.94' W long.;

32°30.47' N lat., 119°29.71' W long.;

32°39.54' N lat., 119°37.00' W long.; and

32°43.75' N lat., 119°37.00' W long.

- (7) 43-Fathom Spot is an area that is bound by straight lines connecting the following points in the order listed:

32°42.00' N lat., 118°00.05' W long.;

32°42.00' N lat., 117°50.00' W long.;

32°36.70' N lat., 117°50.00' W long.;

32°36.18' N lat., 117°50.27' W long.;

32°36.18' N lat., 118°00.05' W long.; and

32°42.00' N lat., 118°00.05' W long.

- (8) Northeast Bank is an area that is bound by straight lines connecting the following points in the order listed:

32°27.39' N lat., 119°37.00' W long.;

32°27.39' N lat., 119°31.60' W long.;

32°20.00' N lat., 119°31.60' W long.;

32°20.00' N lat., 119°37.00' W long.; and

32°27.39' N lat., 119°37.00' W long.

- (b) Notwithstanding subsection 27.20(b)(1)(A), take or possession of all federal groundfish species or species groups as defined in Section 1.91 are prohibited year-round in the Groundfish Exclusion Areas. Seasons and depth constraints (except as provided in subsection (c) below):

- ~~(1) Take and/or possession of the following federal groundfish species is authorized year-round in all depths:~~

~~(A) California scorpionfish~~

- ~~(B) "Other flatfish" as defined in subsection 1.91(a)(10)~~
- ~~(C) Petrale sole~~
- ~~(D) Starry flounder.~~
- ~~(2) For nearshore rockfish, as defined in subsection 1.91(a)(1), cabezon, all greenlings of the genus Hexagrammos, lingcod, and shelf rockfish, as defined in subsection 1.91(a)(3):~~
 - ~~(A) From January 1 through March 31, take and/or possession is prohibited in all waters of the Cowcod Conservation Areas, except as provided in subsection 27.50(c).~~
 - ~~(B) From April 1 through September 15, take and/or possession is authorized in the Cowcod Conservation Areas shoreward of a line approximating the 40-fathom depth contour. The 40-fathom depth contour is defined by straight lines connecting the set of 40-fathom waypoints as adopted in Federal regulations (50 CFR Part 660, Subpart G).~~
 - ~~(C) From September 16 through December 31, take and/or possession is prohibited in all waters of the Cowcod Conservation Areas.~~
- ~~(3) Take and/or possession of the following species or species groups is prohibited year-round in all depths of the Cowcod Conservation Areas:~~
 - ~~(A) Slope rockfish, as defined in subsection 1.91(a)(4)~~
 - ~~(B) Leopard shark~~
 - ~~(C) All federal groundfish species listed in Section 28.49~~
 - ~~(D) Bronzespotted rockfish, cowcod, and yelloweye rockfish.~~
- ~~(c) Special exceptions to subsection (b) above:~~
 - ~~(1) Notwithstanding subsection 27.20(b)(1)(C), when angling from shore (includes beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore), only the species identified in subsections (b)(1) and (b)(2) above may be taken and/or possessed year-round. No vessel or watercraft (motorized or non-motorized) may be used to assist in the take, transport and/or possession of these species under this provision.~~
 - ~~(2) Notwithstanding subsection 27.20(b)(1)(D), when diving or spearfishing, as authorized in Section 28.90, only the species identified in subsections (b)(1) and (b)(2) above may be taken and/or possessed year-round. Except for spearfishing gear, all other types of fishing gear are prohibited to be aboard the vessel or watercraft (motorized or nonmotorized) when taking and/or possessing these species under this provision.~~

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game ~~Code; Code, and 50~~ CFR Part 660, Subpart G; Sections 660.350, 660.351, 660.352, and 660.360; ~~and 14 CCR 27.20.~~

§ 28.27. Lingcod.

- (a) Open areas, seasons, and depth ~~constraints~~restrictions: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take ~~and~~or possession is authorized as follows:
 - (1) Northern Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.25.
 - (2) Mendocino Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.30.
 - (3) San Francisco Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.35.
 - (4) Central Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.40.
 - (5) Southern Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.45.
 - (6) ~~Cowcod Conservation Areas~~Groundfish Exclusion Areas: ~~dates and depth constraints as defined~~ Closed to take of lingcod year-round as specified by Section 27.50.
- (b) Limit: Two.
- (c) Minimum size: 22 inches total length. See subsection 27.65(b) for fillet size limit.
- (d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or double or treble hook with multiple points connected to a common shank. See subsection 27.20(b)(2) for descending device regulations.
- (e) Fishing rules for lingcod may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265, 275, 702 and 8587.1, Fish and Game Code.

Reference: Sections 200, 205, 265 and 1802, Fish and Game ~~Code; Code, and 50~~ CFR Part 660, Subpart G; 660.350, 660.351, 660.352, and 660.360; ~~and 14 CCR 27.20.~~

§ 28.28. Cabezon.

- (a) Open areas, seasons, and depth ~~constraints~~restrictions: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and/or possession is authorized as follows:
- (1) Northern Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.25.
 - (2) Mendocino Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.30.
 - (3) San Francisco Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.35.
 - (4) Central Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.40.
 - (5) Southern Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.45.
 - (6) ~~Cowcod Conservation Areas~~Groundfish Exclusion Areas: ~~Open and closed dates and depth constraints as defined~~ Closed to take of cabezon year-round as specified by Section 27.50.
- (b) Limit: 10 fish, within a Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) bag limit of 10 fish.
- (c) Minimum size: 15 inches total length. See subsection 27.65(c) for fillet regulations.
- (d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or double or treble hook with multiple points connected to a common shank. See subsection 27.20(b)(2) for descending device regulations.
- (e) Fishing rules for cabezon may be changed during the year or in-season by the department under the authority of subsection 27.20(e) or Section 52.10. See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265, 702 and 8587.1, Fish and Game Code.
Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game ~~Code~~Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360; ~~and 14 CCR 27.20~~

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

- (a) Open areas, seasons, and depth ~~constraints~~restrictions for greenlings of the genus *Hexagrammos* (including kelp and rock greenlings): See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take ~~and~~ or possession is authorized as follows:
- (1) Northern Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.25.
 - (2) Mendocino Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.30.
 - (3) San Francisco Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.35.
 - (4) Central Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.40.
 - (5) Southern Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.45.
 - (6) ~~Cowcod Conservation Areas~~Groundfish Exclusion Areas: ~~Open and closed dates and depth constraints as defined~~ Closed to take of greenlings of the genus *Hexagrammos* year-round as specified by Section 27.50.
- (b) Limit: For greenlings of the genus *Hexagrammos*, ten fish within a Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) bag limit of 10 fish.
- (c) Minimum size: 12 inches total length. See subsection 27.65(b) for fillet regulations.
- (d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or double or treble hook with multiple points connected to a common shank. See subsection 27.20(b)(2) for descending device regulations.
- (e) Fishing rules for greenlings of the genus *Hexagrammos* may be changed during the year or in-season by the department under the authority of subsection 27.20(e) or Section 52.10. See subsection 27.20(f) for additional information.

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

Reference: Sections 200, 205, 265, 1802 and 7071, Fish and Game ~~Code~~Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360, ~~and 14 CCR 27.20.~~

§ 28.47. Petrale Sole and Starry Flounder.

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

- (a) Open year-round in all depths, except in the Groundfish Exclusion Areas where these species may not be taken or possessed at any time. See section 27.50.
- (b) Limit: There is no limit on petrale sole or starry flounder.
- (c) Method of take: See subsection 27.20(b)(2) for descending device regulations.
- (e) Fishing rules for petrale sole and starry flounder may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.
Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360; ~~and 14 CCR 27.20.~~

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

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

- (a) Open year-round in all depths, except in the Groundfish Exclusion Areas where these species may not be taken or possessed at any time. See section 27.50.
- (b) Limit: There is no limit on Pacific sanddab. The general bag limit of not more than 20 finfish in combination of all species with not more than 10 of any one species applies to rock sole, sand sole, butter sole, curlfin sole, rex sole, and flathead sole.
- (c) Method of take: See subsection 27.20(b)(2) for descending device regulations.
- (e) Fishing rules for Pacific sanddab, rock sole, sand sole, butter sole, curlfin sole, rex sole, and flathead sole may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.
Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360; ~~and 14 CCR 27.20.~~

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

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

- (a) Open year-round in all depths, except in the ~~Cowcod Conservation Areas~~Groundfish Exclusion Areas where these species may not be taken or possessed at any time or depth, ~~except for transit provided in subsection 27.20(b)(1)(A).~~ See section 27.50.
- (b) Limit:
 - (1) The limit on soupfin shark is one fish.
 - (2) The general bag limit of not more than 20 finfish in combination of all species with not more than 10 of any one species applies to Dover sole, English sole, arrowtooth flounder, spiny dogfish, all skates, ratfish, all grenadiers, finescale codling, Pacific cod, Pacific whiting, sablefish, longspine thornyhead and shortspine thornyhead.
- (c) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or a double or treble hook with multiple points connected to a common shank. See subsection 27.20(b)(2) for descending device regulations.
- (d) Fishing rules for soupfin shark, Dover sole, English sole, arrowtooth flounder, spiny dogfish, all skates, ratfish, all grenadiers, finescale codling, Pacific cod, Pacific whiting, sablefish, longspine thornyhead and shortspine thornyhead may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

NOTE: Authority cited: Sections 200, 205, 265 and 702, Fish and Game Code.
Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360; and ~~14 CCR 27.20.~~

§ 28.54. California Scorpionfish (Sculpin).

- (a) Open year-round in all depths, except in the Groundfish Exclusion Areas where these species may not be taken or possessed at any time. See section 27.50.
- (b) Limit: Five.
- (c) Minimum size: 10 inches total length. See subsection 27.65(b) for fillet size limit.
- (d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or double or treble hook with multiple points connected to a common shank. See subsection 27.20(b)(2) for descending device regulations.
- (e) Fishing rules for California scorpionfish may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

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

Reference: Sections 200, 205, 265, 275, 1802 and 7071, Fish and Game Code; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360; ~~and 14 CCR 27.20.~~

§ 28.55. Rockfish (Sebastes).

- (a) Open areas, seasons, and depth ~~constraints~~restrictions: See Section 27.20 through Section 27.50 for definitions, special closure areas, and exceptions. Take and possession is authorized as follows:
 - (1) Northern Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.25.
 - (2) Mendocino Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.30.
 - (3) San Francisco Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.35.
 - (4) Central Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.40.
 - (5) Southern Groundfish Management Area: Open and closed dates and depth ~~constraints~~restrictions as defined by Section 27.45.
 - (6) ~~Cowcod Conservation Areas: Open and closed dates and depths constraints as defined by Section 27.50. Only Nearshore Rockfish, and Shelf Rockfish, as defined in subsections 1.91(a)(1) and 1.91(a)(3), may be taken and possessed, except as provided below in subsection (b)(1).~~ Groundfish Exclusion Areas:

Take or possession of all rockfish is prohibited within the Groundfish Exclusion Areas as specified by Section 27.50.

- (b) Limit: Ten, within the Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) limit of 10 fish, in any combination of species, except as provided below.
 - (1) The limit on bronzespotted rockfish, cowcod, quillback rockfish, and yelloweye rockfish is zero. These species shall not be taken or possessed as part of the RCG limit.
 - (2) The limit on vermilion rockfish is ~~four~~one to four fish, within the RCG bag limit.
 - ~~(3) The limit on quillback rockfish is one fish, within the RCG bag limit.~~
 - (43) The limit on copper rockfish is one fish, within the RCG bag limit.
 - ~~(5) In the Cowcod Conservation Areas (see Section 27.50), the limit on slope rockfish, as defined in subsection 1.91(a)(4), is zero. These species shall not be taken or possessed as part of the RCG limit in the Cowcod Conservation Areas.~~
- (c) Size limit: None. See subsection 27.65(b) for fillet regulations.
- (d) Method of take: When angling, gear is restricted to not more than two hooks and one line. For purposes of this section, a hook is a single hook, or a double or treble hook with multiple points connected to a common shank. See subsection 27.20(b)(2) for descending device regulations.
- (e) Fishing rules for rockfish may be changed during the year or inseason by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

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

Reference: Sections 200, 205, 265, 1802, 7071 and 8585.5, Fish and Game Code; Code, and 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360; ~~and 14 CCR 27.20.~~

§ 28.56. Leopard Shark.

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

- (c) Minimum size: 36 inches total length. See subsection 27.65(b) for fillet regulations.
- (d) Method of take: See subsection 27.20(b)(2) for descending device regulations.
- (e) Fishing rules for leopard shark may be changed during the year or in-season by the department under the authority of subsection 27.20(e). See subsection 27.20(f) for additional information.

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

Reference: Sections 200, 205, 265 and 1802, Fish and Game Code; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352, and 660.360; ~~and 14 CCR 27.20~~

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

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Sects. 27.20...et seq. 28.56 Title14, CCR, re: Recreational Fishing Regs. for Federal Groundfish 2024-25			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 checked="" type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input checked="" type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below): |

*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 **Fish and Game Commission** 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: **300 CPFVs+fisher!**Describe the types of businesses (Include nonprofits): **Commercial Passenger Fishing Vessels (CPFV)**Enter the number or percentage of total businesses impacted that are small businesses: **about 80%**4. Enter the number of businesses that will be created: **none anticipated** eliminated: **none anticipated**

Explain: _____

5. Indicate the geographic extent of impacts: ☐ Statewide
☒ Local or regional (List areas): **Areas near marine groundfish fisheries**6. Enter the number of jobs created: **none anticipated** and eliminated: **none anticipated**

Describe the types of jobs or occupations impacted: _____

Jobs in supporting businesses: retail bait and tackle, commercial passenger fishing vessels, fuel, food & lodging.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? \$ \$155,000
- a. Initial costs for a small business: \$ 200 Annual ongoing costs: \$ 100 Years: 1
- b. Initial costs for a typical business: \$ 200 Annual ongoing costs: \$ 100 Years: 1
- c. Initial costs for an individual: \$ 30 Annual ongoing costs: \$ 10 Years: 1
- d. Describe other economic costs that may occur: Descending device costing from \$4 (handmade) or from \$8 to \$60 (purchased)
each shall be in possession. Annual ongoing costs are for repair and/or replacement of the device(s).
2. If multiple industries are impacted, enter the share of total costs for each industry: N/A
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: To conform state regulations to 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: aintains recreational angler opportunity while
keeping groundfish catch within federally-set harvest limits. Harvest limits & descending devices help to maintain the
long-term sustainability of the fishery that may benefit the health and welfare of California residents.
2. Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?
Explain: The Fish and Game Commission has the legislated authority to promulgate fishing regulations.
3. What are the total statewide benefits from this regulation over its lifetime? \$ 9M
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: No expansion

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: No alternatives were considered
because this regulatory action is needed to preserve the resource while being consistent with recent changes to federal
regulations.

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE
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: \$ 9M Cost: \$ 155,000

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:

Costs are for the descending devices and benefits are to sustain rockfish fisheries into the future.

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: The proposed regulation sets season, depth, total catch limits and specifies that a descending device be in possession, but the exact design of the equipment is not prescribed.

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

DocuSigned by:



Melissa A. Miller-Henson

2/1/2024

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

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD 399 Addendum

Amend Sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, and 28.56
Title 14, California Code of Regulations
Regarding Recreational Fishing Regulations for Federal Groundfish for 2024

ECONOMIC IMPACT STATEMENT

Federal groundfish regulations are typically adopted on a biennial cycle. However, adjustments are made inseason when necessary to keep fisheries within established limits, or in other cases to increase harvest opportunities when catch and bycatch is tracking below projections. Regulations currently in place for the 2023-2024 biennium were not successful in constraining catches of quillback rockfish to the federally-established catch limits for this species off California in 2023, requiring inseason closures for sport and commercial fisheries for much of the state. Consequently, significant changes to the 2024 regulations are necessary to avoid exceeding these catch limits again.

The Pacific Fishery Management Council (PFMC) will recommend recreational fishing regulations for federally managed groundfish species for 2024 at its March 5-11, 2024 meeting. Based on these recommendations, federal regulations are expected to publish by early April 2024, requiring amendment of several state regulations in state waters to complement the new federal regulations. The changes necessary to state recreational regulations include seasons, depth restrictions, and bag limit amendments for all groundfish management areas (GMAs). Species-specific regulation changes for many or all federal groundfish species are necessary as well. A final suite of season dates and depth constraints in each GMA will be available for the Commission at its March 26 teleconference meeting. To maintain consistency with federal regulations, the Commission proposes amending state regulations as further described in the initial statement of reasons.

The proposed amendments to state recreational regulations for consistency with federal regulations are to minimize impacts to quillback rockfish. The amendments would reference new 20-fathom waypoints in state waters and allow harvest of shallow and deeper nearshore species within 20 fathoms.

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

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

Recreational Fishery Economics Overview

Recreational groundfish fishery activities are comprised of individual angler trips and commercial passenger fishing vessels (CPFV) providing boat trips to groups of anglers. Both modes for fishing involve travel expenditures and other associated expenditures on goods and services. The economic impact of regulatory changes on recreational fisheries are estimated by tracking the resulting changes in expenditures corresponding with changes in fishing effort, angler trips and length of stay in the fishery areas. Distance traveled affects gas and other travel expenditures. Daytrips and overnight trips involve different levels of spending for gas, food, and accommodations at area businesses as well as different levels of sales tax impacts. Direct expenditures ripple 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 most recent NOAA Fisheries Economics Report² (2022) reports that the grand total of all marine recreational anglers' trip-related and equipment expenditures sum to approximately \$1.0 billion for the state of California. The total realized economic benefit to California is estimated to be \$2.0 billion in total economic output annually resulting from the indirect and induced effects of this \$1.0 billion direct revenue contribution.

The recreational groundfish fishery comprises a large share of all marine recreational fishing in the state. The potential for a reduction in opportunity for this popular marine fishery could result in reduced sportfish trip expenditures in some sectors. A reduction in "opportunity" refers to the reduction in areas open for fishing and may not translate directly to a corresponding reduction in fishing trips. Trips vary by mode: private boat, chartered boat or CPFV, shore-based, or man-made structures (such as piers). Fishing trips are anticipated to shift from private boats to chartered boats or other alternate modes to reach the deeper waters, due to limits on depths to avoid harm to certain species. Nearshore opportunity is maintained to provide more options.

Substitution toward other modes, the remaining open days, and/or the pursuit of other species is difficult to estimate due to data limitations, but these responses could partially mitigate the impact of changes in opportunity³. Thus, due to the likelihood of mode shifts and shifts to other available species, the proposed amendments are anticipated to maintain sufficient opportunity to not induce significant adverse economic impact to the state.

Commercial Passenger Fishing Vessels (CPFV)

California Department of Fish and Wildlife (Department) data show that a stable majority of over 60 percent of CPFVs reported trips that target rockfish or lingcod over recent years.

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

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

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

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

A. ESTIMATED PRIVATE SECTOR COSTS IMPACTS

1. a. Impacts Businesses and/or employees; and g. Impacts Individuals

Direct Costs

The proposed regulatory amendment (Section 27.20) includes the specification that anyone taking federal groundfish have a descending device in possession and available for immediate use to assist in releasing rockfish to the depth of capture. Exact materials or design for the descending device are not specified. Many fishers fashion handmade descending devices with common items (hooks, weights, crates, clamp and fishing line, etc.) valued at about \$4 and others may purchase devices at a wide range of market prices, starting at \$8 to \$60 each. Thus, individual fishers and/or CPFV operators would need to possess a descending device at a cost of \$4 to \$60 per device.

Indirect Costs

The proposed amendments to recreational groundfish regulations are to address adverse impacts to quillback rockfish. Part of this effort involves establishing new 20-fathom waypoints in state waters to demarcate harvest of shallow and deeper nearshore species within 20 fathoms. Individuals and CPFV operators will have to adapt rockfish trips to the newly defined areas at different season times. Some indirect cost may be incurred in the adjustment period.

Due to the likelihood of mode shifts and shifts to other available species, the proposed amendments are anticipated to maintain opportunity to recreational fishing.

B. ESTIMATED COSTS

1a – d Statewide dollar costs = **\$80,000** annually

$(300 \text{ CPFVs} \times \$100/\text{yr}) + (\$10/\text{yr} \times 12,500 \text{ groundfish fishers}) = \$155,000$

1b. Descending device initial costs typical and/or small business = **\$200**; annual replacement costs - **\$100**.

1c. Descending device initial costs for individual fisher = \$20; annual costs = \$10.

C. ESTIMATED BENEFITS

2. Statewide costs and benefits

Regulation: Benefit = \$9M in recreational groundfish sportfish fishery economic impact.

The proposed regulatory amendments are anticipated to shift angler effort in the immediate term to alternate modes and/or species. In the long run these actions are to preserve the health of the groundfish fishery and the contributions of recreational sportfishing to the economy. Data collected by the Department California Recreational Fishery Survey (CRFS) program are used to estimate that these actions support the continuation of 25,140 fishing trips by 12,500 fishers spending \$179 per trip (USFWS, National Survey of Fishing Hunting, and Wildlife Associated Recreation, 2014) that contribute \$4.5 million in direct expenditures that with indirect and induced impacts sums to \$9 million in total economic impact benefit to the state.

Cost: Descending device costs = \$155,000 in direct costs for businesses and individuals.

$(300 \text{ CPFVs} \times \$100/\text{yr}) + (\$10/\text{yr} \times 12,500 \text{ groundfish fishers}) = \$155,000$

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT

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

B. FISCAL EFFECT ON STATE GOVERNMENT

Answer: 3. No fiscal impact.

No additional nondiscretionary costs, or savings are anticipated for State agencies as a result of this regulation change. While initially, Department law enforcement will likely shift effort to more fielding of questions about the regulation changes, Department costs are not

anticipated to change from the existing level of monitoring and enforcement in the affected areas in the current fiscal year or in the next two fiscal years.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS

Answer: 3. No fiscal impact.