

State of California  
Fish and Game Commission  
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 overfished<sup>1</sup> 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.

---

<sup>1</sup> "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

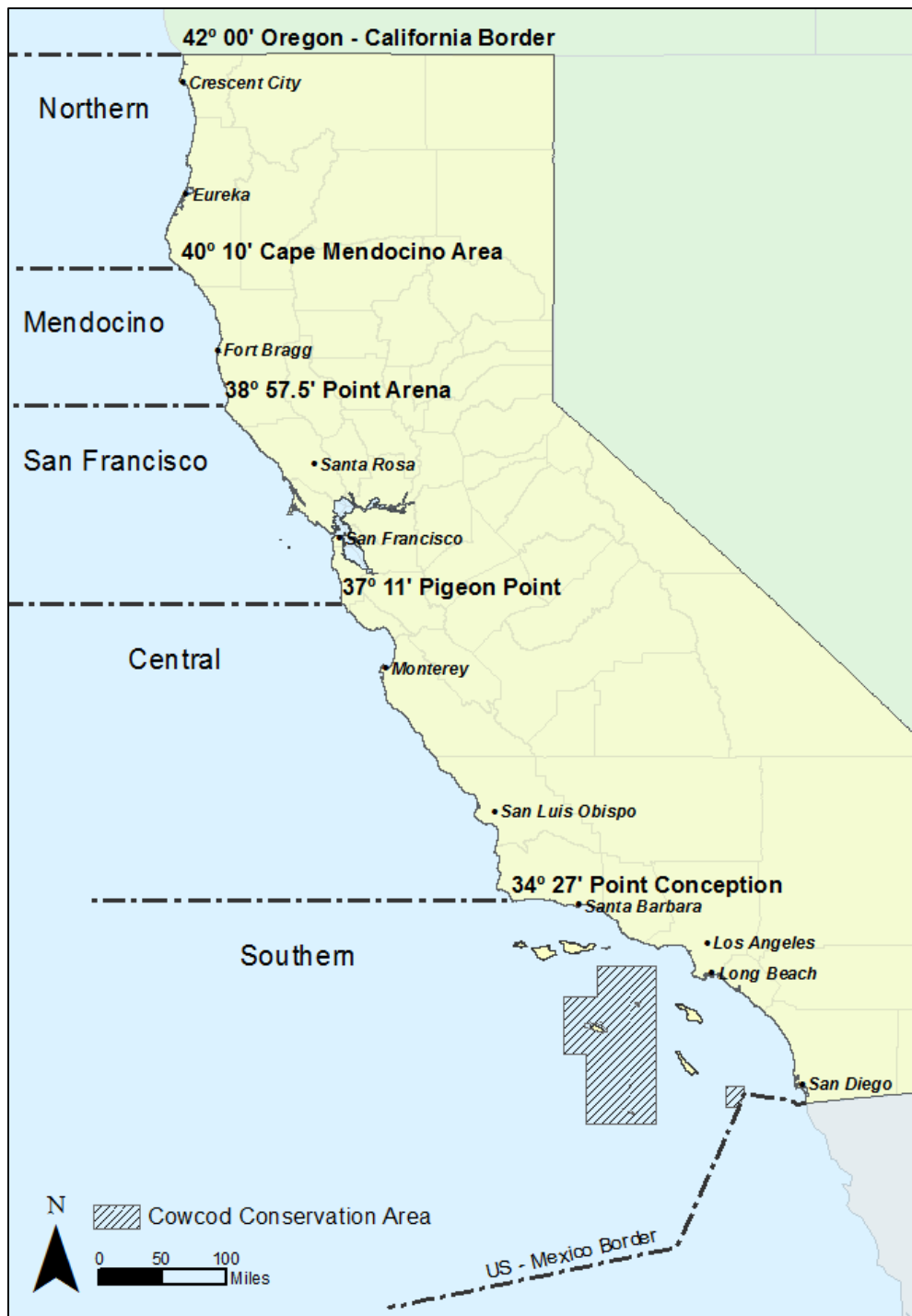


Figure 1. Map of five California recreational groundfish management areas.

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 decreased opportunities for the recreational and commercial 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.