

27.20 Recreational Groundfish and Associated Species Rulemaking  
 Attachment 1 – Final Statement of Reasons Summary and Response to Public Comment

| Comment Number | Name, Organization, Type, and Date   | Comment (s)  | Response(s)   |
|----------------|--|--|---|
| 1              | Edward Martinez III, angler, email dated 03/08/24                              | Expresses importance of providing recreational regulations that give opportunities for anglers fishing from non-motorized vessels.   | At the March 26, 2024 teleconference, the California Fish and Game Commission (Commission) adopted the recreational regulations for federal groundfish in 2024 as recommended by the California Department of Fish and Wildlife (CDFW). For boat-based fishing, which includes kayaks, the regulations were designed to allow as many months in nearshore waters (shoreward of the new 20-fathom (fm) boundary line in state waters) as the harvest limits suggest is possible and considered other opportunities that might be offered in months when nearshore waters are closed. Recreational anglers have consistently commented they prefer year-round fishing opportunities, so the recommendation to offer “offshore-only” opportunity in areas seaward of the 50-fm boundary line was developed considering this preference. The fishery for shore-based angling and spear diving remains open year-round providing additional opportunity. |
| 2a             | Wayne Blich, Operator of Flying Fish Sportfishing, oral testimony on 3/26/2024 | Expresses concern over potential negative economic impacts the greater than 50 fm fishery will have on businesses in the Morro Bay area in during October through December 2024. | Development of the regulations adopted by the Commission took place over several months with input from industry representatives from numerous port areas in the state, non-governmental organizations, and state and federal managing partners. The adopted amendments to California’s recreational groundfish regulations were designed to allow as many months in nearshore waters as the harvest limits suggest is possible and considered other opportunities that might be offered in months when nearshore waters are closed. As in any year, catch trends may be variable over the 2024 season, therefore there is no guarantee that any specific season dates or length can occur. If catches exceed harvest limits, inseason action to restrict or modify the fishery may be necessary.   |

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| 2b             | Wayne Blich, Operator of Flying Fish Sportfishing, oral testimony on 3/26/2024           | Recommends season structure for October through December would be shoreward of the 20 fm line instead.  | At the March 26, 2024 teleconference, the Commission adopted the recreational regulations for federal groundfish in 2024 as recommended by CDFW. The adopted regulations for the Central GMA – South of 36° N lat. provide for a season that is closed from January 1 through March 31, open in all depths from April 1 through June 30, open shoreward of the 50-fm boundary (as defined in federal regulations) from July 1 through September 30, and open seaward of the 50-fm boundary line for shelf and slope rockfishes, and lingcod from October 1 through December 31. Please see response 2a.   |
| 2c             | Wayne Blich, Operator of Flying Fish Sportfishing, oral testimony on 3/26/2024           | States that the requirement to fish outside 50 fm and catch two vermilion rockfish is absurd and that vermilion rockfish are abundant outside 50 fm.      | Vermilion rockfish can be found as shallow as 3 fm in depth and as deep as 238 fm but are most commonly found in water depths between 10 and 80 fm. Catches of vermilion rockfish continue to exceed federally established harvest limits for the area south of 40°10' N lat. and reductions to catch are needed. The regulations adopted by the Commission include time and depth restrictions, and reductions to the vermilion sub-limit, which when combined, are projected to reduce mortality of vermilion rockfish in this area to stay under the federal harvest limit. Copper rockfish, a deeper nearshore species, are commonly found in waters shallower than 50 fm, and also have restrictive harvest limits. Limiting access to waters shallower than the 50-fm boundary in some times of the year is necessary to prevent mortality of copper rockfish from exceeding the harvest limit. |
| 3a             | Wayne Kotow, Coastal Conservation Association of California, oral testimony on 3/26/2024 | Supports development of management actions that are designed to prevent unintended consequences that restrict fishing further like what occurred in 2023. | Support noted. See response 2a.   |

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| 3b                    | Wayne Kotow, Coastal Conservation Association of California, oral testimony on 3/26/2024                                     | Supports collaborative efforts between industry and state and federal agencies to collect data and manage the fisheries.                   | Support noted. Fishery dependent and independent data collections are outside the scope of this rulemaking.  |
| 3c                    | Wayne Kotow, Coastal Conservation Association of California, oral testimony on 3/26/2024                                     | Supports opening the Cowcod Conservation Areas   | Support noted. The Commission adopted the proposed changes repealing the Cowcod Conservation Areas and adding the Groundfish Exclusion Areas.  |
| 3d                    | Wayne Kotow, Coastal Conservation Association of California, oral testimony on 3/26/2024                                     | Filed a petition to require carrying descending devices.   | Support noted. The adopted modifications to state regulations require anglers to possess, and have available for immediate use, a descending device to assist in releasing rockfish to the depth of capture.         |
| 4a                    | Captain Smitty; Operates CPFV “Riptide” out of Half Moon Bay, speaking on behalf of other captains; oral testimony 3/26/2024 | Requests clarification on season opening date as regulations describe April 1, but amended regulations will not be effective by that time. | The federal regulations are expected to become effective in early April 2024 when the National Marine Fisheries Service final rule is published. State regulations are expected to be effective in early April 2024. |

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| 4b             | Captain Smitty;<br>Operates CPFV<br>“Riptide” out of Half Moon Bay, speaking on behalf of other captains; oral testimony 3/26/2024 | Between closures of both salmon and groundfish, business in Half Moon Bay is on the verge of collapse   | See response 2a.  |
| 4c             | Captain Smitty;<br>Operates CPFV<br>“Riptide” out of Half Moon Bay, speaking on behalf of other captains; oral testimony 3/26/2024 | Supports the use of descending devices  | Support noted. See response 3d.   |
| 5              | Chris Howard,<br>Representative of Del Norte County, oral testimony on 3/26/2024   | Del Norte County is supportive of the season structure presented to the Commission which will offer more fishing opportunity and allow local fishing economy to restart.              | Support noted. The Commission adopted the season structure as recommended by CDFW. See response 2a.   |
| 6a             | Merit McCrea,<br>PFMC Groundfish Advisory Subpanel Member, oral testimony on 3/26/2024   | Expresses support for CDFW recommendation. States that conservation measures for vermilion, copper and quillback rockfishes constrain access to many other healthy groundfish stocks. | Support noted. On March 26, 2024, the Commission adopted the regulations as recommended by CDFW.<br><br>Management measures for federal groundfish are designed to keep mortality of all species within established harvest limits. Some species with more restrictive harvest limits may result in more restrictive management measures for the entire fishery and may result in limiting access to otherwise healthy stocks. By offering time blocks throughout the year with differing depth limits and species retention limits, opportunities to access healthier stocks while avoiding overfished stocks are maximized to the extent practicable. |

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| 6b             | Merit McCrea, PFMC Groundfish Advisory Subpanel Member, oral testimony on 3/26/2024 | Supportive of the repeal of the Cowcod Conservation Areas and implementation of the new Groundfish Exclusion Areas.   | Support noted. See response 3c. |
| 7a             | Weston Rhodes, oral testimony on 3/26/24  | Supports comments made by Wayne Blich (See Comments 2a and 2b in this document) requesting modification of the season structure from October through December in South Central GMA and expressing concern about economic impacts.   | See Responses 2a and 2b.        |
| 7b             | Weston Rhodes, oral testimony on 3/26/24  | Stated that allowing fishing inside 20 fm in the South Central GMA would reduce the amount of vermilion bycatch and that there is no quillback rockfish in this region. He stated that they may encounter copper rockfish but they would be easier to release in 20 fm using descending devices compared to amount of vermilion rockfish bycatch in waters deeper than 50 fm. | See response 2c.                |
| 8a             | Paul Chang, angler, oral testimony on 3/26/2024                                     | Appreciates the nearshore fishing opportunities which will allow kayak anglers access to nearshore waters.  | Support noted. See Response 1.  |

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| 8b                    | Paul Chang, angler, oral testimony on 3/26/2024   | Supports descending device requirements.   | Support noted. See response 3d.  |
| 8c                    | Paul Chang, angler, oral testimony on 3/26/2024   | He hopes that kayak anglers could get a nine-month season in the future.   | See Response 1. This comment is outside the scope of this particular rulemaking.   |
| 9a                    | Larry Phillips American Sportfishing Association Member, oral testimony on 3/26/24        | Supports collaborative efforts to gather additional fishery independent data for stock assessments of nearshore species. | Support noted. See response 3b.  |
| 9b                    | Larry Phillips American Sportfishing Association Member, oral testimony on 3/26/24        | Supports a regulation that would require mandatory use of descending devices, and not just possession.                   | See Response 3d. CDFW may recommend changes to regulations for descending devices in a future rulemaking after evaluating the enforcement capabilities, needs, and requirements to regulate mandatory use and not just possession aboard a vessel with anglers targeting federal groundfish. |
| 10a                   | Geoff Shester, Oceana Conservation Organization Representative, oral testimony on 3/26/24 | Supports the use of descending devices.  | Support noted. See response 3d.  |
| 10b                   | Geoff Shester, Oceana Conservation Organization Representative, oral testimony on 3/26/24 | Supports continued collaborative efforts to collect nearshore groundfish data for use in future stock assessments.       | Support noted. See response 3b.  |