

State of California  
Fish and Game Commission  
Final Statement of Reasons for Regulatory Action

Amend Sections 27.20, 27.40, 27.45, 27.50, 27.65, 28.27, 28.28, 28.29, 28.54, and 28.65  
Title 14, California Code of Regulations  
Re: Recreational Fishing Regulations for Federal Groundfish for 2025 and 2026, and Fillet  
Requirements at Sea

I. Dates of Statements of Reasons

- (a) Initial Statement of Reasons                      Date: June 28, 2024
- (b) Final Statement of Reasons                      Date: October 18, 2024

II. Dates and Locations of Scheduled Hearings

- (a) Notice Hearing  
                    Date: June 20, 2024                      Location: Mammoth Lakes, CA
- (b) Discussion Hearing  
                    Date: August 14, 2024                      Location: Fortuna, CA
- (c) Adoption Hearing  
                    Date: October 9, 2024                      Location: Sacramento, CA

III. Update

On October 9, 2024, the California Fish and Game Commission (Commission) adopted the regulations as described in the Initial Statement of Reasons. There have been no other changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

IV. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations

Comment: Merit McCrea, oral testimony at the August 14 Commission meeting.

Thanked Department staff for their work in developing these recommendations at the state and federal level, including analyzing proposals and demonstrating what would provide the most recreational fishing opportunity.

Response: Comment noted.

V. 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.

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.

(c) Consideration of Alternatives

In view of information currently possessed, no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

(d) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

Throughout the development of the proposed regulations in coordination with Federal agencies, consideration was given to limit the potential for adverse impacts on small businesses that could otherwise occur as a result of the need to reduce mortality for vermilion and copper rockfishes and stay within harvest guidelines for yelloweye rockfish and quillback rockfish. 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 commercial passenger fishing vessels (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 businesses throughout port localities and the state. Adjustment of season dates or depth restrictions to provide additional opportunity to anglers was not recommended by the Pacific Fishery Management Council (PFMC) at this time. Significant changes to season dates and depth restrictions were implemented for the 2024 fishing season, and data from 2024 are not yet available to fully analyze the impacts that current season structure regulations have on the resource. Allowing for data collection from at least one, but more ideally two or three, fishery seasons with the current season structure will enhance future analysis when determining if longer seasons or less restrictive depth restrictions can be accommodated while keeping mortality of overfished species and other species of concern within harvest limits. Consideration of alternative season date and depth restrictions for the 2027-28 biennium may be appropriate and would occur at the PFMC in 2025 and 2026.

## 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 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 Department anticipates similar opportunities for the recreational and commercial groundfish fishery in 2025-2026 compared to 2024. The impact on the entirety of marine sportfishing activity is not expected 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 adverse 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.

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.

## Updated 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).

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 (gear restrictions), as well as size, bag, and possession limits within the five groundfish management areas (GMAs) for all federal groundfish.

Present regulations allow anchoring and drifting in addition to transiting in a closed area and offer a provision 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 a nearshore closure area while groundfish legally taken in the “offshore only” fishery are aboard.

In addition, current regulations specify groundfish exclusion areas (GEAs) which are special closure areas within the Southern GMA, where take or possession of all federal groundfish is prohibited year-round, and requirements regarding filleting fish at sea.

The Pacific Fishery Management Council (PFMC) recommended recreational fishing regulations for federally managed groundfish species for the 2025-2026 management cycle at its June 8-12, 2024 meeting. Based on these recommendations, federal groundfish fishery regulations for 2025-2026 are expected to publish by January 1, 2025, requiring amendment of several state regulations for consistency with and to complement the new federal regulations in state waters.

The changes needed to state recreational regulations include repeal of minimum size limits for cabezon, greenlings of the genus *Hexagrammos*, and California scorpionfish; modification of fillet requirements for the aforementioned groundfish **and lingcod**; clarifying rules governing possession of groundfish aboard vessels when traveling through areas that are closed or have differential limits. Minor regulatory language amendments to multiple sections are also proposed.

The proposed changes are as follows:

Subsection 27.20(b)(1)(A) is proposed to be amended to add a new subsection (27.20(b)(1)(A)1.) to clarify it is unlawful to possess a groundfish species or species group within a GMA where the take and possession of those species are prohibited in all waters of that GMA or in excess of the bag limit of that GMA, regardless of if the groundfish species or species group were taken in a different GMA where the take or possession is authorized.

Subsection 27.50(b) is proposed to be amended to remove “notwithstanding subsection 27.20(b)(1)(A)” at the beginning of the sentence and to add “except for the purpose of transit as provided in subsection 27.20(b)(1)(A)” at the end of the sentence. Federal regulations allow for continuous transit across GEAs, while the current state regulations do not allow for this. This revision would make state regulations regarding transit across GEAs consistent with the federal regulations.

Subsection 27.65(b)(3) is proposed to be amended to remove the requirement that lingcod fillets bear a one-inch patch of skin and replace it with a requirement that lingcod fillets must have the entire skin attached.

Subsection 27.65(b)(8) is proposed to be amended to add cabezon and greenlings of the genus *Hexagrammos* to the list of species that may be filleted at sea and fillets of these species must have the entire skin attached.

Subsection 27.65(b)(9) is proposed to be amended to remove the minimum fillet size requirement for California scorpionfish, remove the requirement that each fillet bear a one-inch patch of skin, and replace it with a requirement that fillets must have the entire skin attached.

Subsection 28.28(c) is proposed to be amended to remove the minimum size limit for cabezon and to update the reference to fillet regulations.

Subsection 28.29(c) is proposed to be amended to remove the minimum size limit for greenlings of the genus *Hexagrammos*.

Subsection 28.54(c) is proposed to be amended to remove the minimum size limit for California scorpionfish and replace the reference to “fillet size limit” with “fillet regulations”.

Several non-substantive changes are proposed to correct errors or outdated terminology, provide consistency, and reduce redundancy between Title 14 sections, increase clarity, and enhance enforcement of the regulations. In sections 27.20, 27.40, and 27.45, “depth constraint” is proposed to be amended to read “depth restriction” for consistency with language used in these and other sections. In subsections 27.40(b)(2)(A) and 27.45(b)(4)(A), the duplicate word “the” is repealed. Subsection 28.27(c) (Lingcod) is proposed to be amended to add “and other fillet regulations” for clarity and consistency with other sections. Subsection 28.65(c) is proposed to be amended to replace “kelp or rock greenlings (*Hexagrammos decagrammus* and *Hexagrammos lagocephalus*)” with “greenlings of the genus *Hexagrammos*”.

#### Benefits 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 recreational groundfish fishing regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**On October 9, 2024, the Commission adopted the regulations as described in the Initial Statement of Reasons. There have been no other changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.**