

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

Amend Section 28.30
Title 14, California Code of Regulations
Re: Recreational Take of Barred Sand Bass

I. Date of Initial Statement of Reasons: December 11, 2024

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: December 11, 2024

Location: Sacramento

(b) Discussion Hearing:

Date: February 12-13, 2025

Location: Sacramento

(c) Adoption Hearing:

Date: April 16-17, 2025

Location: Sacramento

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). Commission refers to the California Fish and Game Commission unless otherwise specified. Department refers to the California Department of Fish and Wildlife unless otherwise specified.

The proposed changes focus on Section 28.30(b), which defines a minimum size limit and a bag and possession limit for kelp bass, barred sand bass, and spotted sand bass combined for recreational fishers. The last time these regulations were subject to major amendment was March 2013 which decreased the bag limit from ten to five in aggregate of the three jointly managed saltwater bass species (*Paralabrax sp.*) and increased the minimum size limit from 12 to 14 inches. Reduced bag and possession limits for barred sand bass during the spawning season were also recommended as an option, but the species-specific regulation was not adopted. The stock of barred sand bass has shown slow signs of recovery since 2013. This could be due to several factors including continued fishing pressure during the summer spawning months when barred sand bass are most vulnerable to fishing and intermittent recruitment of young-of-the-year. The proposed amendment represents the cumulation of the Department's internal discussion as well as input from industry representatives, fishery researchers, fishing communities, and the California Fish and Game Commission Marine Resources Committee (MRC). The proposed changes are necessary to preserve fishing opportunity and ensure the sustainable management of barred sand bass.

BACKGROUND

Barred sand bass (*Paralabrax nebulifer*) are one of the most common sea basses inhabiting southern California coastal waters along with the two other species of bass: kelp bass (*Paralabrax clathratus*) and spotted sand bass (*Paralabrax maculatofasciatus*). Barred sand bass are generalist mesopredators and range from southern Baja California, Mexico to central California, though are rare north of Point Conception. Juveniles can be found over shallow sandy bottoms in bays and estuaries, while adults tend to inhabit the ecotone where sand meets rocky reef. Barred sand bass have a small home range; however, in the months of June through August have been observed and tracked making large migratory movements to spawning grounds tens of kilometers away from their home reef where they form large spawning aggregations. This historically happens over soft bottom habitat though the past couple of years has been observed over hard bottom. They mature between two to five years, can live up to 25 years, and can grow up to 67 centimeters (cm) (26 inches) in length.

For decades, barred sand bass ranked as one of the most commonly caught and retained marine sport fishes in southern California. In the summer months, commercial passenger sport fishing vessels (CPFVs) and private fishing boats targeted the large spawning aggregations, as this is when the fish are easily found and caught. From the 1990s through early 2000s, annual landings of barred sand bass exceeding 500,000 were not uncommon from CPFVs logs (Figure 1). CPFV landings declined in the late 2000s and have remained a fraction of the previous decade's landings. Regulations were passed in 2013 that decreased the bag limit from ten to five in aggregate of the three jointly managed saltwater bass species (*Paralabrax sp.*) and increased the minimum size limit from 12 to 14 inches. Reduced bag and possession limits for barred sand bass during the spawning season were also recommended as an option, but the species-specific regulation was not adopted. Unlike kelp bass, the stock of barred sand bass has shown slow signs of recovery since the 2013 regulation implementation. This slow recovery could be due to several factors, including continued fishing pressure during the summer months when barred sand bass form spawning aggregations and intermittent recruitment of young-of-the-year.

Barred sand bass aggregating behavior during spawning season makes them particularly vulnerable to fishing. These summertime aggregations are well known by the fishing fleet and have been targeted for decades. This aggregating behavior masks decreases in the population while giving the illusion that the stock is healthy since catch rates are stable and landings are high (Erisman et al 2011). Over time, the population can become so small that not enough members of the population remain to continue to form aggregations. This has been the case for barred sand bass in southern California for nearly the past decade, but in the last couple of years signs of these aggregations returning at their historic locations have begun to show (Figure 2).

The increase in barred sand bass landings in 2023 and 2024 are most likely a result of a large larvae recruitment event. In the last 60 years, there have been four major recruitment pulses for barred sand bass, with the last one occurring in the mid-2010s (Jarvis Mason et al. 2024). It takes approximately eight years for a barred sand bass to reach 14 inches to enter the fishery. Starting in 2017, the Department initiated scuba surveys in barred sand

bass preferred habitat in which staff count and size barred sand bass and other fishes. These annual surveys capture the cohorts of barred sand bass getting larger each year (Figure 3). While these observations of the increasing population size of barred sand bass is a promising sign that the population is recovering, it is apparent that there have been no large recruitment events after the pulse in the mid-2010s. The proposed sunset regulation provisions are intended to reduce the overall number of barred sand bass taken by reducing fishing effort during their spawning season when they are most susceptible to fishing. These three years of reduced fishing effort allows for the development of future regulations that use best available science to guide a sustainable measure that takes into consideration what is best for the fishery.

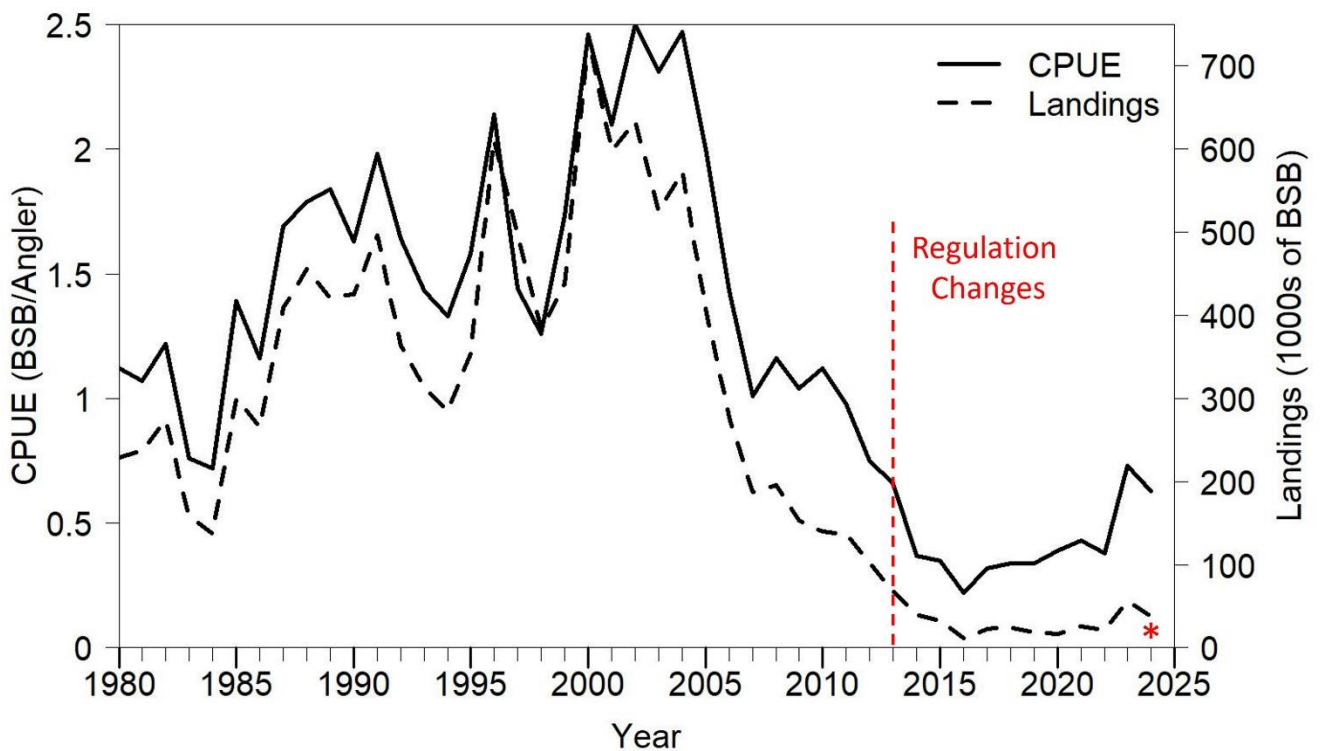


Figure 1. Catch per unit effort (CPUE, solid line) and landings (hashed line) of barred sand bass retained on CPFV trips from 1980 to 2024 (CDFW Marine Log System 2024). The red hashed line denotes the 2013 regulation changes, and the red asterisk denotes the 2024 data is preliminary and only contains data from January through September.

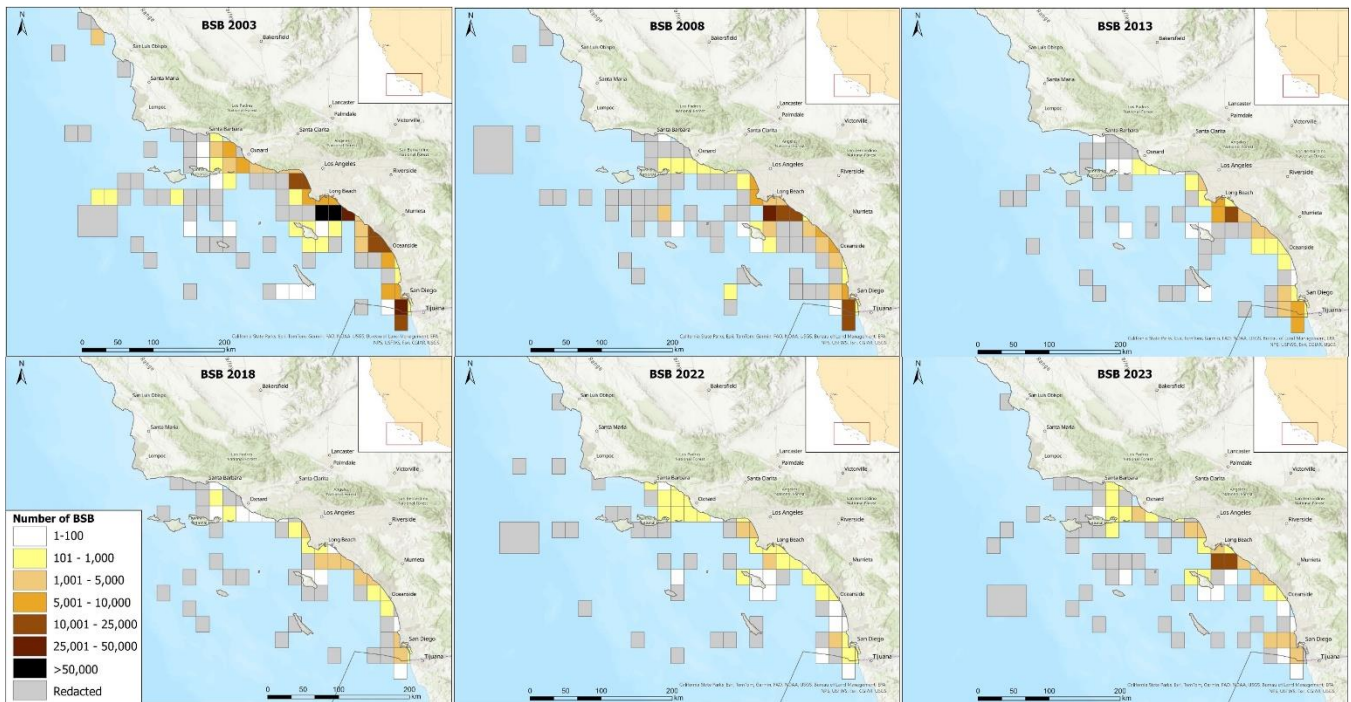


Figure 1. Heat maps of barred sand bass landings by CDFW fishing block for the years of 2003, 2008, 2013, 2018, 2022, and 2023 (CDFW Marine Log System 2024).

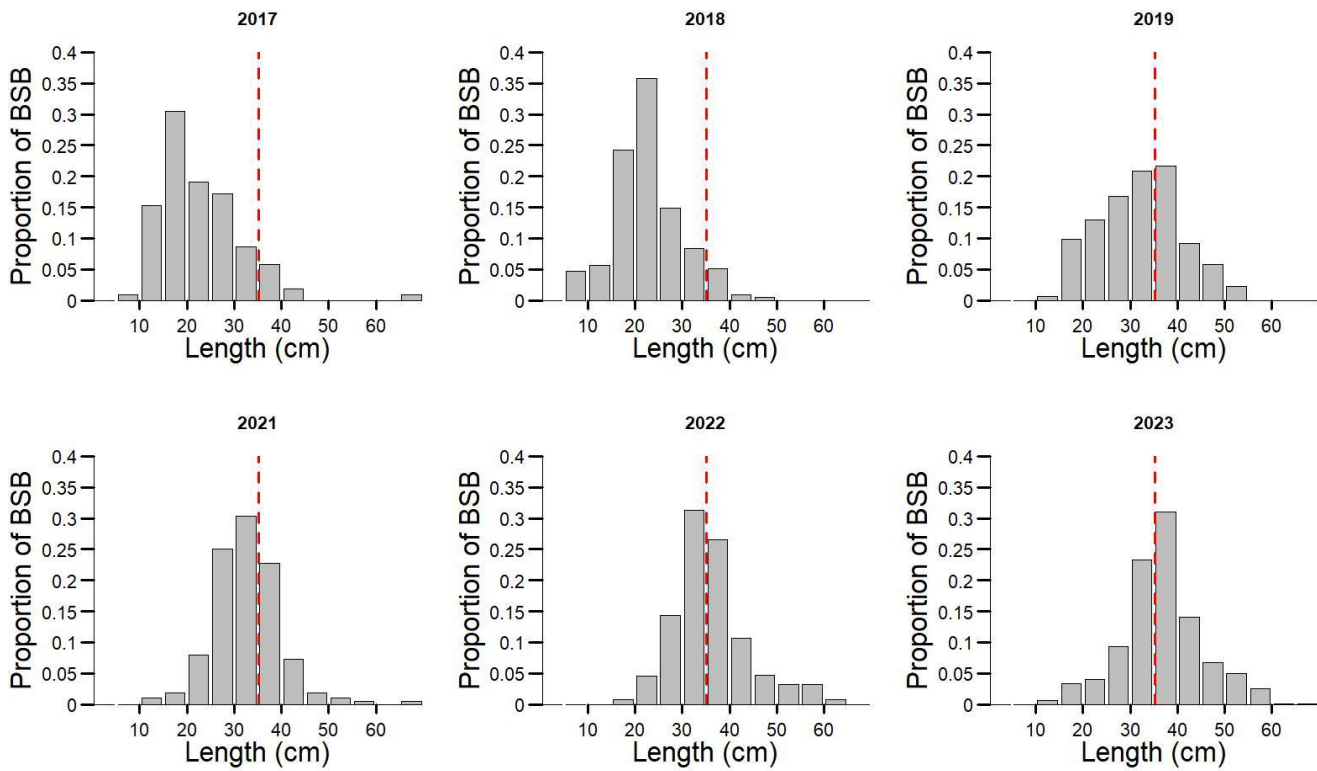


Figure 2. Size distribution data (5 cm bins) from CDFW barred sand bass scuba surveys (CDFW unpublished data 2024).

CURRENT REGULATIONS

Current laws governing barred sand bass are as follows:

Section 28.30 defines a minimum size limit and a bag and possession limit for kelp bass, barred sand bass, and spotted sand bass combined for recreational fishers. Current laws specify that the minimum size limit for the three species is 14 inches total length or ten inches alternate length (§28.30(a)). The bag and possession limit is five in any combination of species (§28.30(b)).

PROPOSED REGULATIONS

Proposed language in Section 28.30 includes a range of options for a sub-bag and possession limit for barred sand bass within the overall five-fish combined limit for kelp bass, barred sand bass and spotted sand bass, to be decided through the Commission public noticing process. The options are a range of bag and possession limits of 0-5 barred sand bass, varying seasonally, with a sunset provision ending June 1, 2028. Per direction from the MRC, a range of bag and possession limit options to consider in amending Title 14, Section 28.30 is described below:

Subsection 28.30(c)(1) is proposed to be added, which would create a limit within the spawning season on barred sand bass, which typically occurs from June to August. The bag and possession limit (0-5) for the spawning season (June 1-August 31) and for the will be determined by the Commission. This is necessary to reduce the overall number of barred sand bass taken by the fishery, specifically during the summer spawning months when barred sand bass are most vulnerable to fishing while forming spawning aggregations.

Subsection 28.30(c)(2) is proposed to be added, which would create a limit during all other months on barred sand bass (i.e., non-spawning seasons September 1-May 30). The bag and possession limit (1-5) will be determined by the Commission for these months. This is necessary to define the bag and possession for the months outside of the summer spawning season.

Subsection 28.30(d) is proposed to be added to provide for a sunset provision for subsection 28.30(c), repealing it as of June 1, 2028. The sunset provision is necessary to allow for conservation of barred sand bass while the Department works with partners on further reviewing data and developing models to evaluate potential future regulations that will help increase and sustain the barred sand bass population and support public fishing opportunities.

No changes are proposed for subsection 28.30(a) or 28.30(b).

(b) Goals and Benefits of the Regulation

The policy of this state is “to ensure the conservation, sustainable use, and, where feasible, restoration of California’s marine living resources for the benefit of all the citizens of the State” (Fish and Game Code Section 7050(b)). Additionally, The Marine Life Management Act (MLMA) is intended to ensure the conservation, sustainable use, and restoration of California’s marine living resources. In 2019, the Department assessed the state’s fisheries

under the 2018 Master Plan for Fisheries framework (Department 2018). A prioritization process identified barred sand bass as a high priority species in need of management attention. Adoption of the proposed bag and possession limits, and seasonal restrictions provides for the sustainable management of barred sand bass while preserving fishing opportunity.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Sections 200, 205, 219, 265 and 275, Fish and Game Code.

Reference: Sections 110, 200, 205, 219, 255, 265, 270 and 275, Fish and Game Code.

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

(e) Identification of Reports or Documents Supporting Regulation Change

California Department of Fish and Wildlife. 2018. [California Marine Life Management Act Master Plan](#).

California Department of Fish and Wildlife. 2024. [Barred Sand Bass, *Paralabrax nebulifer*, Enhanced Status Report](#).

Erisman BE, Allen LG, Claisse JT, Pondella DJ, Miller EF, Murray JH, Walters C. 2011. The illusion of plenty: hyperstability masks collapses in two recreational fisheries that target fish spawning aggregations. *Canadian Journal of Fisheries and Aquatic Sciences* 68: 1705-1716.

Jarvis ET, Gliniak HL, Valle CF. 2014. Effects of fishing and the environment on the long-term sustainability of the recreational saltwater bass fishery in southern California. *California Fish and Game* 100(2): 234-259.

Jarvis Mason ET, Watson W, Ward EJ, Thompson AR, Semmens BX. 2024. Environment-driven trends in fish larval abundance predict fishery recruitment in two temperate reef congeners: Mechanisms and implications for fishery recovery under a changing ocean. *bioRxiv*, 2023-10.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

- February 20, 2024, presentation and discussion with representatives of the fishing community, remote attendance
- February 21, 2024, presentation and discussion with representatives of the research community, remote attendance
- April 30, 2024, presentation and discussion with representatives of the fishing community, remote attendance
- July 17-18, 2024, Marine Resources Committee meeting, update and discussion, Sacramento
- September 4, 2024, Barred Sand Bass Working Group meeting, Seal Beach
- October 7, 2024, Barred Sand Bass Working Group meeting update, remote attendance
- November 7, 2024, Marine Resources Committee meeting, update and recommendations, Sacramento

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

Without the proposed changes, the outstanding issues concerning the regulations currently governing barred sand bass would remain unaddressed.

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 that the impact of the proposed regulations on the entirety of marine sport fishing activity is not expected to be sufficient to significantly impact sport fishing 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 businesses, the elimination of existing businesses, or the expansion of businesses in California. Sport fish-related businesses may have to adjust to changes in the composition of recreational fishing opportunities, but these changes are not expected to be substantial due to the fishery being kept open and from the sufficient substitutability of kelp bass as an alternative species.

(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 sport fish-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 encourages recreation, which can have a positive impact on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate impacts to worker safety from the proposed regulations.

(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 barred sand bass resources.

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).

The barred sand bass fishery is a historic recreational fishery in southern California that is open year-round and managed collectively with kelp bass and spotted sand bass. Current regulations include a five-fish bag limit (in any combination of the three species) and a minimum size limit of 14 inches (35.6 centimeters); these were established in 2013 due to concerns about the status of kelp bass and barred sand bass stocks. While no formal stock assessment exists for barred sand bass, abundance estimates, based on fishery independent data, suggest a severely depressed population in southern California. The presumed decline is likely due to a combination of environmental conditions, poor recruitment, and fishing pressure on easily targeted spawning aggregations.

In consultation with fishing industry representatives, fishery researchers, and stakeholders, and with guidance from the Commission's Marine Resources Committee (MRC), the Department proposes modifications to Title 14, Section 28.30. Proposed language in 28.30, intended to limit take and possession of barred sand bass, includes a range of options for a sub-bag and possession limit for barred sand bass within the overall five-fish combined limit for kelp bass, barred sand bass and spotted sand bass, to be decided through the Commission public noticing process. The options are a range of bag and possession limits of 0-5 barred sand bass, varying seasonally, with a sunset provision ending June 1, 2028. This sunset provision allows for conservation of barred sand bass while the Department works with stakeholders on further reviewing data and developing models to evaluate potential future regulations that will help increase and sustain the barred sand bass population and support public fishing opportunities. The proposed regulation amendment is intended to reduce the overall number of barred sand bass taken by the fishery, specifically during the spawning months when barred sand bass are most vulnerable to fishing.

The proposed changes are as follows:

Subsection 28.30(b) is proposed to be amended to specify bag limit changes to one species, barred sand bass, within the salt water basses complex. This amendment is necessary to further protect barred sand bass spawning aggregations.

Add subsection (c)(1) which would create a limit within the spawning season on barred sand bass (June 1 through August 31) and (c)(2) which would create a limit during all other months. The square brackets indicate a range within which a final number will be determined by the Commission. Add subsection (d) which would provide for a sunset provision for subsection (c), repealing it as of June 1, 2028.

The subsections would read as follows:

(c) Barred Sand Bass Limit: Notwithstanding subsection (b):

(1) From June 1-August 31 a maximum of [0-5] barred sand bass may be taken or possessed.

(2) From September 1-May 31 a maximum of [1-5] barred sand bass may be taken or possessed.

(d) Sunset Provision: Subsection (c) shall remain in effect until June 1, 2028, and as of that date is repealed.

Benefit of the Regulations:

The Commission anticipates benefits to the State's environment by sustainably managing California's ocean resources. The barred sand bass population would benefit from reduced fishing effort during their spawning season when they are most susceptible to fishing, which ultimately supports a more sustainable fishery in the long term. The adoption of scientifically based limits provides for the maintenance of sufficient populations of barred sand bass to ensure their continued existence for the environment and for the businesses that rely on recreational barred sand bass fishing.

Consistency and Compatibility with Existing Regulations:

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Commission such powers related to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated authority to the Commission to promulgate recreational fishing regulations (Fish and Game Code sections 200 and 205). Commission staff has searched the California Code of Regulations and has found no other state regulations that address the recreational take of barred sand bass. The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other recreational fishing regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulation.