

State of California  
Fish and Game Commission  
Finding of Emergency and Statement of Proposed Emergency Regulatory Action

Emergency Action to Amend Sections 1.91, 27.25, 27.30, 27.35, 27.40, and 28.55  
Title 14, California Code of Regulations  
Regarding Recreational Take of Rockfish, Cabezon, Greenling (RCG), and Lingcod

Date of Statement: July 28, 2025

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

***Background***

Regulatory authority for the rockfish, cabezon, greenling (RCG) complex and lingcod are shared jointly between state and federal governments. It is important to have complementary state and federal regulations establishing harvest limits, season dates, depth constraints and other management measures and also important that the state and federal regulations be effective concurrently. Consistent rules in adjacent waters allows for uniformity of enforcement, minimizes confusion which promotes compliance, and allows for a comprehensive approach to resource management.

Under California law (California Fish and Game Code sections 200 and 205), the California Fish and Game Commission (Commission) is authorized to and routinely adopts and amends regulations in Title 14 of the California Code of Regulations (CCR) for the recreational groundfish fisheries in state waters<sup>1</sup> zero to three miles from shore. Groundfish refers to bottom-dwelling fish that feed on or near the bottom of the ocean, and include roundfish, rockfish, flatfish, and other ground-dwelling fish.

The Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations through the use of stock assessments and recommends regulations to the National Marine Fisheries Service (NMFS). As part of the PFMC process, NMFS (acting under delegated authority from the U.S. Department of Commerce) manages the fishery in the Exclusive Economic Zone (3 to 200 miles offshore) off Washington, Oregon and California.

Quillback rockfish (*Sebastes maliger*) are a key recreational and commercial species among the RCG, and co-inhabit rocky reef habitats in nearshore waters, typically between 20 fathoms (fm)(approximately 120 feet) and 50 fathoms (approximately 300 feet), but often are found deeper with other recreational and commercially caught groundfish species.

Results of a 2021 data-moderate quillback rockfish stock assessment in California indicated the stock was in severe decline with only 14 percent of the unfished population estimated to remain, which presented a conservation emergency. The data-moderate assessment utilized limited data

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<sup>1</sup> The offshore boundary of the state's sovereign lands was established in 2014 by an order entered by the United States Supreme Court in the case of United States of America, Plaintiff v. State of California, 135 S. Ct. 563; 190 L. Ed. 2d 514; 2014 U.S. LEXIS 8436 (2014). This action by the United States Supreme Court permanently fixes the offshore boundary between the United States and California, resolving a dispute that began in 1935 with the discovery of oil in Wilmington, California. There is now a fixed boundary approximately 3 nautical miles off the coast of California extending from Mexico to Oregon, providing certainty to state and federal lessors, regulators, lessees, and operators of federal and state mineral and renewable-energy leasing programs

sources and incorporated some proxy data sources from other states. Initial emergency action was taken by the Commission in late 2021 which implemented a 1-fish sub-bag limit for quillback rockfish within the 10-fish RCG daily bag limit for the 2022 fishery to reduce catch. Further action was taken in 2022 to modify season structures for the 2023 and 2024 seasons to shift fishing effort away from the primary nearshore waters where quillback rockfish are found, and to continue reducing catch of quillback rockfish. Emergency action by the California Department of Fish and Wildlife (Department) was necessary in August 2023 to prohibit retention of quillback rockfish statewide and to limit fishing effort to waters shoreward of 20 fathoms (fm) as the federally established harvest limits had been exceeded. Further action was taken by the Commission in 2024 to continue the prohibited status of quillback rockfish statewide, and revise season structures for the areas north of Point Lopez (36° N. lat.) to prohibit fishing between the 20-fm (boundary line and 50-fm boundary line.

When recreational anglers fish for RCG species and lingcod in these depths, it is impossible to predict which species will be caught. Because quillback rockfish have historically comprised a small proportion of the catch, developing depth limits to avoid them also impacts other rockfish species that are highly targeted and attained. In a mixed stock fishery such as groundfish, minimizing catch of one species often requires closing fishing in areas and depths where other RCG species or lingcod are found. In this case, closing state waters to fishing for RCG and lingcod between the 20-fm and 50-fm boundary lines was necessary to minimize catch of quillback rockfish and stay within the restrictive harvest limits. Although fishing for RCG and lingcod has been closed between 20 fm and 50 fm since late 2023, those areas have remained open to fishing for other federal groundfish species (e.g. sablefish and sanddabs) and non-groundfish targets.

### ***Existing regulations***

Present regulations establish season dates and depth restrictions, and recreational bag limits which vary by species or species groups and are designed to keep harvest within federally established allowable limits. Sections 27.25, 27.30, 27.35 and 27.40 currently set forth season dates, and depth constraints for the four Groundfish Management Areas (GMAs) north of Point Conception (34°27' N. lat.). Section 28.55, Rockfish (Genus *Sebastes*), currently sets forth the bag limits, and methods of take for all rockfish species.

The boat-based RCG and lingcod fishery in the Northern, Mendocino, San Francisco, and Central GMAs is open seaward of the 50-fm boundary line from April 1 through April 30, October 1 through October 31, and December 1 through December 31, and shoreward of the 20-fm boundary line from May 1 through September 30, and November 1 through November 30. During the seaward-of-50-fm fishery, additional limitations on species or species groups applies.

As described in subsection 28.55(b), the RCG complex has a daily 10-fish bag and possession aggregate limit, 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 cannot accommodate the 10-fish bag limit being composed of a single species. Present regulations include a sub-bag limit for vermilion rockfish (4 fish in the Northern GMA, and 2 fish in all other GMAs) and copper rockfish (1 fish statewide). Bronzespotted rockfish, cowcod, quillback rockfish and yelloweye rockfish have bag limits of zero fish.

## ***New Information and Need for Emergency Action***

On June 9, 2025, a draft stock assessment for quillback rockfish off California became available. This new, more robust assessment considered all available data sources, including newly available California-specific life history information, and did not rely on proxy data from other states as the 2021 data-moderate assessment had. The 2025 assessment results indicate that the California quillback stock is healthy and not overfished, a major reversal from the 2021 data-moderate stock assessment.

The 2025 assessment indicates a substantially higher allowable harvest limit than the current allowable harvest limit. For example, the new stock assessment estimates an Overfishing Limit, which is the estimate of the amount that can be caught without risking depletion of the stock, of 13.52 metric tons (mt), a significant increase from the 1.50 mt set in federal regulations based on the 2021 data-moderate assessment. Despite the improved stock health, quillback rockfish retention will remain prohibited due to the stock's scale and expected harvest limits, which cannot be accommodated.

Therefore, the conservation emergency identified in 2021 no longer exists, and the associated depth-based fishery restrictions for other co-inhabiting groundfish species are unwarranted.

## ***Anticipated Federal Actions***

Following formal review and approval of the 2025 stock assessment for use in federal management (expected July/August 2025), NMFS plans to take a series of inseason regulatory actions to roll back the federal fishery depth restrictions in place since October 2023. The first action, expected in August 2025, will replace the current depths and season structure for boat-based RCG and lingcod fishing in federal waters (3-200 miles from shore) with all-depth fishing from Point Conception (34°27' N. lat.) to the California/Oregon border (42° N. lat.) from April 1 through December 31. The next NMFS action, expected in September 2025, would also implement a 2-fish sub-bag limit for canary rockfish within the 10-fish RCG daily limit. The canary rockfish sub-bag limit measure aims to keep catches of canary rockfish within the California recreational harvest guideline (HG). Further NMFS actions may be necessary in late 2025 and early 2026 to revise federal harvest limits and recreational management measures.

## ***Recommended State Emergency Action***

Based on the stock assessment and to maintain consistent and complementary regulations between state and federal jurisdictional waters, the Department recommends the Commission take emergency action to:

- Restore boat-based RCG and lingcod fishing in all depths of state waters (0-3 miles from shore) from Point Conception to the California/Oregon border. These emergency regulatory changes will restore recreational fishing opportunities, redistribute fishing efforts, and are necessary for the immediate preservation of the general welfare.
- Implement a 2-fish sub-bag limit for canary rockfish. While not part of the initial anticipated federal regulatory changes, this sub-bag limit in state waters is essential to keep catches of this species within the federally-established California recreational HG. This amendment is necessary for the immediate conservation and preservation of canary rockfish.

Implementing these regulatory changes as a package will also provide administrative efficiencies.

### ***Description of Proposed Amendments***

The proposed emergency regulations would amend sections 27.25, 27.30, 27.35, and 27.40 to authorize the take of RCG species and lingcod in all depths within state waters (0-3 miles from shore) during the open season through December 31. The current unwarranted restrictions highly constrain and concentrate recreational fishing access and efforts to a limited area of the state's waters. The proposed regulations would remove these unneeded constraints, thereby alleviating this risk of redirection of recreational fishing efforts and pressure on RCG and lingcod stocks in both federal and state waters.

The canary rockfish California recreational HG for 2025 is 46.7 mt. Canary rockfish catch in 2024 was 40.6 mt. Present regulations (Section 28.55) authorize up to 10 canary rockfish within the 10-fish RCG daily bag limit. The proposed emergency regulations described above to allow fishing in all state waters would allow anglers more access to the depth range where canary rockfish are commonly found, and the canary rockfish catch would exceed the HG. Thus, the proposed emergency regulations would also implement a recreational canary rockfish sub-bag limit of 2 fish within the 10-fish RCG daily bag limit. This sub-bag limit is necessary to prevent catches of canary rockfish from exceeding the 2025 federally-established California recreational HG.

In addition, the proposed regulations address an inconsistency between state regulations and federal groundfish regulations. For consistency with current federal regulations, the proposed regulations would amend Section 1.91 to add sunset rockfish (*Sebastes crocotulus*) to the list of federal groundfish species. Vermilion rockfish (*S. miniatus*) and sunset rockfish are cryptic species that are nearly identical in appearance, reliably differentiated only by DNA analysis. They are assessed and managed as a single species-unit in federal regulations.

Catches of vermilion/sunset rockfish have met or exceeded federally-set harvest limits in recent years. The 2021 stock assessment treated the vermilion/sunset rockfish stock as a single-species complex, and federal harvest limits and management measures reflect this. Proposed amendments to state regulations would modify Section 28.55 for consistency with federal regulations to specify that the vermilion rockfish sub-bag limits apply to the vermilion/sunset rockfish species-unit in aggregate, not to each cryptic species separately. This change addresses enforcement concerns about anglers attempting to "double-up" on sub-bag limits and will help prevent excessive catches of vermilion/sunset rockfish, which would pose an immediate conservation risk.

## **II. Proposed Emergency Regulations**

The Department is recommending the following emergency regulatory changes:

- ***Amend Section 1.91***

- Amend subsection 1.91(a)(3) to add sunset rockfish (*S. crocotulus*) to the list of shelf rockfish.

This change is necessary for consistency with federal regulations which manage "vermilion/sunset rockfish" as a single species-unit.

- ***Amend sections 27.25, 27.30, 27.35, and 27.40***

- Amend subsection 27.25(b)(2) and repeal subsection 27.25(b)(3) to repeal the shoreward-of-20-fm and seaward-of-50-fm times of the year in the Northern GMA and replace them with a season that is open April 1 through December 31 in all depths;
- Amend subsection 27.30(b)(2) and repeal subsection 27.30(b)(3) to repeal the shoreward-of-20-fm and seaward-of-50-fm times of the year in the Mendocino GMA and replace them with a season that is open April 1 through December 31 in all depths;
- Amend subsection 27.35(b)(2) and repeal subsection 27.35(b)(3) to repeal the shoreward-of-20-fm and seaward-of-50-fm times of the year in the San Francisco GMA and replace them with a season that is open April 1 through December 31 in all depths; and
- Amend subsection 27.40(b)(2) and repeal subsection 27.40(b)(3) to repeal the shoreward-of-20-fm and seaward-of-50-fm times of the year in the Central GMA and replace them with a season that is open April 1 through December 31 in all depths.

“Times of the year” refers to different depth restrictions within certain months of the open season. These changes are necessary as new science indicates the significant conservation risk to quillback rockfish no longer exists and restricting the fishery to only shoreward of the 20-fm boundary line or only seaward of the 50-fm boundary line is not necessary in each of these GMAs.

- ***Amend Section 27.40***

- Amend subsections 27.40(a) and 27.40(b) to remove references to areas north and south of 36° N. lat. and repeal subsection 27.40(c).

These changes are necessary because the line at 36° N. lat. is no longer pertinent as it was implemented to provide additional fishery access to the Morro Bay port area where quillback rockfish are not found.

- ***Amend Section 28.55***

- Amend subsections 28.55(b)(2)(A) and 28.55(b)(2)(B) to add the cryptic-species sunset rockfish.

This change is necessary for consistency with federal regulations, to address enforcement concerns about anglers attempting to “double-up” on sub-bag limits and will help prevent excessive catches of vermilion/sunset rockfish which would pose an immediate conservation risk.

- Add new subsection 28.55(b)(4) to include a sub-bag limit for canary rockfish of two fish within the daily 10-fish RCG bag and possession limit.

This change is necessary to keep catches within the federally established California recreational HG.

### III. Findings for the Existence of an Emergency

The Commission considered the following factors in determining that an emergency does exist at this time.

#### ***The magnitude of potential harm:***

The recreational groundfish fisheries are important ecological, cultural, and recreational resources in the State of California. It is important to have consistent state and federal regulations establishing harvest limits, season dates, depth constraints and other management measures, and it is also important that the state and federal regulations be effective concurrently. Inconsistency in state and federal rules hinders enforcement, increases angler confusion, and precludes 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 of management.

#### ***The existence of a crisis situation:***

As a result of a new stock assessment released on June 9, 2025 indicating quillback rockfish is at a healthy status, the current depth restrictions that were implemented to protect quillback rockfish are no longer needed. The proposed regulations would remove unneeded constraints, and be consistent with anticipated federal regulatory actions, thereby distributing effort and pressure on groundfish stocks, in both federal and state waters. The proposed action is based upon updated, more robust science and would prevent serious economic harm to the recreational fishery industry and coastal communities that rely upon it. The proposed actions would avoid serious harm to the general welfare of the state.

#### ***The immediacy of the need:***

The Commission routinely adopts consistent regulations for recreational groundfish for consistency with federal regulations. PFMC took action at its June 2025 meeting to approve the recommended fishing depth changes and will forward its recommendation to NMFS to implement those changes in the coming months.

#### ***Whether the anticipation of harm has a basis firmer than simple speculation:***

The proposed regulations are based upon updated, more robust science and would prevent serious economic harm to the coastal communities that rely upon recreational fisheries. The metric used to quantify recreational fishing effort is estimated angler trips. Between 2022 and 2024, estimated angler trips for bottomfish (the group of fish that includes RCG and lingcod) dropped nine percent in the Northern GMA, 33 percent in the Mendocino GMA, 36 percent in the San Francisco GMA, and 10 percent in the Central GMA; the reduction in angler trips during this time is expected to have been a direct result of the restrictive fishing depths in place in 2024 that were not in place in 2022. Since the depth restrictions in 2025 are the same as those in place in 2024, it is expected the estimated angler trips in 2025 will be similar to the estimates from 2024 – significantly reduced compared to 2022. The reduction in angler trips likely results in reduced revenue for local communities (e.g., hotels, tackle shops, bait, ice, fuel, slippage, etc.) that rely on recreational fishing. Restoring access to currently prohibited depths is expected to result in increases to angler trips, and direct benefits the general welfare.

#### IV. 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) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The Commission anticipates that the proposed emergency action will have no direct fiscal effect on state government in terms of changing the existing level of monitoring and enforcement activities for the Department. However, the proposed recreational groundfish emergency action may potentially affect license revenue if anglers who stopped purchasing licenses due to the current groundfish regulations decide to reactivate and participate in the fishery again. This is difficult to discern, as there is no specialized report card for groundfish and the only requirement to participate in the fishery is the purchase of a California fishing license, which can be used for other species. Due to this tracking limitation with licenses and a lack of specialized report card, it is unknown if these anglers decided to not pursue other species or shift their fishing efforts to other locations as a result of the current regulations, making it difficult to estimate the effect on license sales from the increased opportunity that the restored fishing depths for rockfish will provide. Additionally, the previous changes in groundfish regulations coincided with closures in the recreational salmon fishery, which impacted license sales independently and make it difficult to discern the exact magnitude of the impacts from the groundfish regulations. In any case, the expected impact to license sales will likely be neutral or positive.

Additionally, no other state agencies or programs would be affected by this regulatory action, nor is there any anticipated impact to federal funding to the state.

(b) Nondiscretionary Costs/Savings to Local Agencies

None.

(c) Programs Mandated on Local Agencies or School Districts

None.

(d) 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.

(e) Effect on Housing Costs

None.

#### V. Technical, Theoretical, and/or Empirical Studies, Reports, or Documents Relied Upon:

Langseth, B.J., M.H. Monk, J.H. Coates, 2025. Status of the Quillback rockfish stock in U.S. waters off the coast of California in 2025. Pacific Fishery Management Council, Portland, OR.

June 2025, Pacific Fishery Management Council, Decision Summary Document.

<https://www.pcouncil.org/june-2025-decision-summary-document/>

## VI. Authority and Reference

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; 50 CFR Part 660, Subpart G, Sections 660.350, 660.351, 660.352 and 660.360.

## VII. Fish and Game Code Section 399 Finding

In accordance with subdivision (b) of Section 399 of the Fish and Game Code, the Commission finds that adopting this regulation is necessary for the immediate conservation of species, preservation of the public peace, health and safety, or general welfare.



## Informative Digest/Policy Statement Overview

Current regulations establish season dates and depth restrictions, and recreational bag limits for federal groundfish species which vary by species or species groups and are designed to keep harvest within federally established allowable limits. Sections 27.25, 27.30, 27.35 and 27.40, Title 14, California Code of Regulations (CCR) currently set forth season dates, and depth constraints for the four Groundfish Management Areas north of Point Conception (34°27' N. lat.). Section 28.55, Rockfish (Genus *Sebastes*), currently sets forth the bag limits, and methods of take for all rockfish species.

### **Existence of an Emergency and Need for Immediate Action**

The California Department of Fish and Wildlife (Department) recommends that the California Fish and Game Commission (Commission) modify the recreational Rockfish, Cabezon, and Greenling (RCG) and lingcod season structure regulations to restore access to all depths in state waters through the end of 2025, implement a 2-fish sub-bag limit for canary rockfish, and add sunset rockfish to cryptic-species vermilion/sunset rockfish management unit. The proposal would amend sections 1.91, 27.25, 27.30, 27.35, 27.40, and 28.55, Title 14, CCR, through emergency action. The proposal is necessary for regulations in state waters (0-3 miles from shore) to be consistent and complementary with regulations in federal waters (3-200 miles from shore), to keep catches of canary rockfish, and vermilion/sunset rockfish within federally established harvest limits, and for the benefit of the general welfare.

On June 9, 2025, the Pacific Fishery Management Council (PFMC) posted online the draft quillback rockfish stock assessment in waters off California. This new, more robust assessment considered all available data sources, including newly available California-specific life history information. Results of the assessment indicate the California stock is healthy and not overfished as was indicated by the 2021 quillback rockfish data-moderate stock assessment. Therefore, the previous conservation emergency identified in 2021 no longer exists and the associated depth-based fishery restrictions are unwarranted. The National Marine Fisheries Service (NMFS) is expected to take inseason action that will restore boat-based RCG and lingcod fishing in federal waters (3-200 miles from shore) to all depths from Point Conception (34°27' N. lat.) to the California/Oregon border (42° N. lat.) through the end of the calendar year, reversing severe depth constraints on this fishery in place since October 2023. Emergency regulatory changes will restore recreational fishing opportunities to distribute recreational fishing efforts and are necessary for the immediate preservation of the general welfare.

It is important to have consistent state and federal regulations establishing harvest limits, season dates, depth constraints and other management measures, and it is also important that the state and federal regulations be effective concurrently. Inconsistency in state and federal rules hinders enforcement, increases angler confusion, and precludes a comprehensive approach to resource management.

To determine whether an emergency exists, the Commission considered the following factors: The magnitude of potential harm; the existence of a crisis situation; the immediacy of the need; and whether the anticipation of harm has a basis firmer than simple speculation.

### **Benefits of the Proposed Regulations**

The benefits of the proposed regulations are consistency with federal law, sustainable management of groundfish 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. The Legislature has delegated authority to the Commission to adopt recreational fishing regulations (Fish and Game Code, sections 200 and 205). The proposed regulations are consistent with the Commission's regulations in Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other state regulations related to the recreational take of groundfish.