

NOTICE OF PROPOSED READOPTION OF EMERGENCY REGULATIONS
Amend Sections 150.06, and 150.16
Title 14, California Code of Regulations (CCR)
Re: Rescinding of Select Commercial Groundfish Management Measures

January 29, 2025

NOTICE IS HEREBY GIVEN

That the Department of Fish and Wildlife (Department) proposes readoption of the emergency regulations to amend sections 150.06, and 150.16, Title 14, California Code of Regulations (CCR). The emergency regulations rescinded application of the Commercial Groundfish Restriction Area (CGRA) and associated 20-fathom boundary line for commercial groundfish fisheries, as well as, extended federal trip limits for non-nearshore groundfish stocks into state waters north of 37° 07' N latitude (Año Nuevo). The emergency regulations, effective on August 21, 2025, will expire after 180 days. Through the Department's proposed readoption of the emergency regulations, an extension of 90 days will be provided. The Department does propose some amendments to the emergency regulatory text; however, these are either non-substantive or reduce regulatory complexity. As a result, the amendments proposed through this readoption do not materially change what was permitted to occur under the original emergency regulations.

THE DEPARTMENT IS PROVIDING NOTICE

Pursuant to the requirements of Government Code Section 11346.1, of proposed emergency action with regard to the above-entitled emergency regulation. The documents outlining the proposed emergency action can be found on the Department's webpage at:

<https://wildlife.ca.gov/Notices/Regulations/Commercial-Groundfish-2025>

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

WRITTEN COMMENT PERIOD

Any interested person may present statements, arguments, or contentions, in writing, submitted via U.S. mail or e-mail, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail or e-mail must be received at OAL within five days after the Department submits the emergency regulations to OAL for review.

Please reference submitted comments as regarding “CDFW Emergency Regulations: Rescinding of Select Commercial Groundfish Management Measures” addressed to:

Reference Attorney
Office of Administrative Law
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Sacramento, CA 95814
Email: staff@oal.ca.gov
Fax No.: 916-323-6826

Department of Fish and Wildlife
Marine Region - Groundfish
Attn: Andre Klein
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940
Email: groundfish@wildlife.ca.gov

The Department anticipates it will submit the rulemaking to OAL on or after January 28, 2026. For the status of the Department’s submittal to OAL for review, and the end of the five-day written submittal period, please consult OAL’s website at <http://www.oal.ca.gov> under the heading “Emergency Regulations.”

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

(Gov. Code, § 11346.5, subd. (a)(3))

The California Department of Wildlife (Department) proposes readoption of the emergency regulations which rescinded select commercial groundfish management measures that are no longer needed based upon updated scientific information. . If not re-adopted for an additional 90 days, o On February 17, 2026, the emergency regulations currently in place would revert back to the more constraining regulations which were in place previously.

With the Department’s proposed readoption, removal of the California Groundfish Restriction Area (CGRA) and associated 20-fathom boundary line would be maintained. Subsection (f) is proposed to be amended to extend federal trip limits for all non-nearshore groundfish into state waters. Due to a federal inseason regulatory change on September 18, 2025, the trip limits for lingcod and the other flatfish complex now apply to all federal waters, where previously, they only applied to a discrete portion. As a result, subsection (f), as proposed to be amended, continues to extend federal trip limits into state waters and applies to all non- nearshore federal groundfish.

The Department does propose some amendments to the emergency regulations which either reduce regulatory complexity or are non-substantive. Specifically, the proposed amendments either remove redundant references from the trip limit tables or remove specific versions of federal trip limit tables from the State’s regulatory text pretraining to lingcod and the other flatfish complex in Section 150.16. However, these amendments do not change what is currently permissible under the emergency regulations. As a result, the Department’s proposed amendments reduce regulatory complexity or are non-substantive. Through the Department’s proposed readoption, the emergency

regulations will be extended an additional 90 days. During this time, the Department intends is working towards a standard rulemaking (Certificate of Compliance) which would establish the emergency regulations permanently.

Background

Results of a 2021 quillback rockfish data-moderate stock assessment concluded that the population of quillback rockfish off California was in severe decline and estimated the population at only 14 percent of the unfished population. This data-moderate stock assessment utilized limited data sources and incorporated proxy data from other states. At the time, the 2021 stock assessment was deemed acceptable for use in federal management and NMFS subsequently declared the California stock of quillback rockfish as overfished, resulting in constraining state (e.g., CGRA, etc.) and federal regulations being implemented.

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 new scientific information provided by the 2025 quillback rockfish assessment indicated that the constraining regulations implemented to protect the stock were unwarranted. To reduce harm to the general welfare of the nearshore fishery, commercial groundfish fishery and coastal communities that rely upon them, the Department adopted emergency regulations to rescind the depth constraint and prohibition on the take of non-nearshore groundfish stocks in state waters. Through the proposed readoption, the Department is continuing the process to remove these unwarranted constraints permanently.

Benefits of the Proposed Regulation

This proposed readoption of the emergency regulation will have positive impacts on the commercial nearshore and non-nearshore fisheries and the coastal economies that rely upon them. Thus, this regulation will promote general welfare among Californians by increasing availability of sustainable seafood protein and reestablishing economic opportunities for commercial groundfish fishers and those that rely upon them. The current constraining regulations were put into place to protect quillback rockfish and are no longer needed based upon the latest updated science. By allowing these regulations to remain in place, impacted parties face unwarranted economic harm.

The proposed emergency regulations are informed by the most current understanding of the quillback rockfish stock, which indicates the stock is healthy. These regulations are designed to restore access, economic opportunity and relieve commercial groundfish participants of undue burden, while also not adversely impacting quillback rockfish. Commercial retention of quillback rockfish will remain prohibited under the proposed regulations and as a result there is little risk to the resource.

Consistency and Compatibility with Existing Regulations

The Legislature may delegate to Department such powers relating to the protection and propagation of fish and game as the Legislature sees fit. Department staff has searched the California Code of Regulations and has determined that other state regulations that apply to groundfish species are not inconsistent nor incompatible with the proposed regulations. The Department therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Proposed Regulation Does Not Differ or Conflict with Federal Law

The proposed regulation does not differ substantially or conflict with an existing comparable federal regulation or statute. Whereas the federal government has corresponding regulations for Nearshore Rockfish trip limits in federal waters, these trip limits will apply only in state waters. The Magnuson Stevens Act specifically reserves to the states jurisdiction to regulate fisheries in state waters. See 16 U.S.C. § 1856. The proposed regulations are designed to correspond with the federal regulations.