

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

Re-adoption of Emergency Action to
Amend Sections 1.91, 27.25, 27.30, 27.35, 27.40, and 28.55
Title 14, California Code of Regulations

Re: Recreational Take of Rockfish, Cabezon, Greenling and Lingcod

Date of Statement: January 27, 2026

Throughout this document, Department refers to the California Department of Fish and Wildlife, and Commission refers to the California Fish and Game Commission. Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

I. Emergency Regulations in Effect to Date

The Commission adopted an emergency rulemaking amending sections 1.91, 27.25, 27.30, 27.35, 27.40, and 28.55 (Office of Administrative Law OAL) rulemaking file 2025-0822-02E). The emergency regulations were adopted in response to the determination that the quillback rockfish conservation emergency identified in 2021 no longer exists, and the associated depth-based fishery constraints for other co-inhabiting groundfish species are unwarranted.

The emergency regulations, which became effective August 28, 2025, included:

• ***Amend Section 1.91***

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

This change was necessary for consistency with federal regulations which manage “vermillion/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-fathoms (fm) and seaward-of-50-fm times of the year in the Northern Groundfish Management Area (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 were 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 were 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 was 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 vermillion/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 rockfish, cabezon, and greenling (RCG) bag and possession limit.

This change was necessary to keep catches within the federally established California recreational harvest guideline (HG).

Background

Regulatory authority for the RCG complex and lingcod is 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. Consistent and complementary rules in adjacent waters allows for uniformity of enforcement, minimizes confusion which promotes compliance, and allows for a comprehensive approach to resource management.

Pursuant to authority under California law (California Fish and Game Code sections 200 and 205), the Commission routinely adopts and amends regulations in Title 14, CCR, for the recreational groundfish fisheries in state waters 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*) is a key recreational and commercial species among the RCG complex, and co-inhabit rocky reef habitats in deeper nearshore waters, typically between 20 fm (approximately 120 feet) and 50 fm (approximately 300 feet), but are often found deeper with other recreational and commercially caught groundfish species.

Results of a 2021 federal stock assessment for quillback rockfish in California indicated the stock was in severe decline, with only 14 percent of the unfished population estimated to remain. While the stock assessment was considered “data-moderate,” relying on limited data sources and proxy data incorporated from other states, the results prompted a conservation emergency. 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 Department was necessary in August 2023 to prohibit retention of quillback rockfish statewide and to limit fishing effort to waters shoreward of 20 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 for RCG species and lingcod 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. Quillback rockfish have historically comprised a small proportion of the catch; however, 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.

On June 9, 2025, the PFMC posted online a draft stock assessment for quillback rockfish off California, an assessment that is more robust than the previous one conducted in 2021. The newest assessment considers 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 assessment had. Results of the 2025 assessment indicate that the California quillback stock is healthy and not overfished, a major reversal from the 2021 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. Therefore, the conservation emergency identified in 2021 no longer exists, and the associated depth-based fishery constraints for other co-inhabiting groundfish species are unwarranted.

Despite the improved stock health and scale of the stock, the expected harvest limits are not large enough to allow for quillback rockfish to be retained in the fishery; therefore, retention of quillback rockfish is not warranted.

Following formal review and approval of the 2025 stock assessment for use in federal management, which occurred between July and September 2025, NMFS took an in-season regulatory action to remove the federal fishery depth restrictions in place since October 2023. The federal action, effective September 18, 2025, replaced the depths and season structure for boat-based RCG and lingcod fishing in federal waters (3 to 200 miles from shore) with all-depth fishing from the California/Oregon border (42° N. lat.) to Point Conception (34°27' N. lat.) during the open season in these GMAs, April 1 through December 31. A second NMFS action, effective December 16, 2025, implemented 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 HG. Further NMFS actions may be necessary in early 2026 to revise federal harvest limits and recreational management measures.

II. Request for Approval of Readoption of Emergency Regulations

At its August 2025 meeting, the Commission took emergency action to amend recreational fishing regulations for RCG and lingcod as follows:

- Modified the recreational RCG and lingcod season structure regulations to restore access to all depths in state waters from the California/Oregon border (42° N. lat.) to Point Conception (34°27' N lat.) from April 1 through December 31
- Implemented a 2-fish sub-bag limit for canary rockfish
- Added sunset rockfish to the list of federal groundfish species and specified that the vermillion rockfish sub-bag limits apply to the vermillion /sunset rockfish species-unit in aggregate, not to each species separately.

Unless readopted, the current emergency regulations will expire February 25, 2026, reverting to the regulations in place at the beginning of 2025. The reverted regulations would:

- Unnecessarily constrain the fishery, causing harm to the fishing industry while not addressing any specific conservation benefit, and,
- Be inconsistent with federal regulations. Inconsistency in regulations would create confusion among the public and may result in laws that are difficult to enforce.

At its October 2025 meeting, the Commission authorized publication of a notice of its intent to adopt the regulations pursuant to the regular rulemaking process (OAL notice Z2025-1014-03). It is expected that the Commission will adopt the regulations at its February 2026 meeting and that the regulations will become effective by early May 2026.

III. Statement of Facts Constituting the Need for Readoption of the Emergency Regulatory Action

In response to the emergency situation, the proposed regulatory action readopts the amendment of sections 1.91, 27.25, 27.30, 27.35, 27.40, and 28.55 to modify recreational RCG and lingcod season structure regulations to restore access to all depths in state waters from the California/Oregon border (42° N. lat.) to Point Conception (34°27' N lat.) during the open season in these GMAs, April 1 through December 31; implement a 2-fish sub-bag limit for canary rockfish; and add sunset rockfish to the list of federal groundfish species and specify that the vermillion rockfish sub-bag limits apply to the vermillion /sunset rockfish species-unit in aggregate, not to each species separately. The proposed regulations for readoption are the same as the original emergency regulations.

The readoption will continue the replacement of restrictive measures that were put in place based on a 2021 quillback rockfish stock assessment with regulations that are based on the results of the 2025 quillback rockfish stock assessment that indicate that the California quillback stock is healthy and not overfished and the associated depth-based fishery restrictions for other co-inhabiting groundfish species are unwarranted. Additionally, the readoption will continue a 2-fish sub-bag limit for canary rockfish, the addition of sunset rockfish to the list of federal groundfish species, and the specification that the vermillion rockfish sub-bag limits apply to the vermillion /sunset rockfish species-unit in aggregate for consistency with federal regulations.

IV. Existence of an Emergency and Need for Immediate Action

The Commission considered the following factors in determining that an emergency exists:

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. Inconsistency in state and federal rules hinders enforcement, increases angler confusion, and precludes a comprehensive approach to resource management.

Existence of a Crisis Situation and Immediacy of Need:

As a result of a new stock assessment released on June 9, 2025 indicating quillback rockfish is at a healthy status, the depth restrictions that were implemented to protect quillback rockfish are no longer needed. The proposed regulations would continue the current emergency regulations that removed unneeded constraints, and are consistent with recent 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 Commission routinely adopts regulations for the recreational groundfish fishery for consistency with federal regulations. PFMC took action at its June 2025 meeting to approve the recommended fishing depth changes and federal regulations were modified by NMFS

effective September 18, 2025. A second NMFS action, effective December 16, 2025, implemented a 2-fish sub-bag limit for canary rockfish within the 10-fish RCG daily limit..

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.

V. Readoption Criteria

Same as or Substantially Equivalent

Pursuant to Government Code subdivision 11346.1(h), a readoption may be approved only if the regulation is “the same as or substantially equivalent to an emergency regulation previously adopted by that agency.” The language proposed for this rulemaking is the same as the language of the original emergency regulation.

Substantial Progress

California Government Code subdivision 11346.1(h) specifies “Readoption shall be permitted only if the agency has made substantial progress and proceeded with diligence to comply with subdivision (e)” [California Government Code sections 11346.2 through 11347.3, inclusive]. A regular rulemaking (certificate of compliance) is currently underway and was authorized for public notice by the Commission at its October 8-9, 2025 meeting (OAL Notice ID Z2025-1014-03).

Proposed Action by the Commission

The Commission proposed readoption of the emergency amendments to sections 1.91, 27.25, 27.30, 27.35, 27.40, and 28.55 are the same as previously effective.

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) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Commission anticipates that the extension of the emergency regulations will have no direct effect on the costs or savings in federal funding to the state in terms of

implementation, monitoring and enforcement activities for the Department; however, they could potentially affect annual license revenue if anglers previously stopped purchasing licenses as a result of depth restrictions enacted in October 2023 and decide to purchase licenses after the proposed amendments become effective.

Estimating effort is difficult, as there is no groundfish-specific report card. A general California fishing license covers multiple species and is valid for 365 days regardless of when the license is purchased. It's unclear whether anglers ceased fishing altogether or shifted to other available species as a result of the groundfish depth restrictions enacted in October 2023, since the groundfish depth restrictions coincided with closures in the recreational salmon fishery and new limitations in other fisheries, further complicating an impact analysis. Overall, any effect on license sales will likely be neutral or positive – if license sales go up by 0.1 percent as a result of these regulations, then the anticipated annual revenue increase would be approximately \$81,000. The expected increase in revenue to the Department for the 90-day period the emergency extension of the existing emergency regulations will be in effect is expected to be far less than the expected increase in annual revenue.

Additionally, no other state agencies or programs would be affected by this regulatory action.

- (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.pfcouncil.org/june-2025-decision-summary-document/>

VIII. Authority and Reference

Authority: 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.

IX. Fish and Game Code Section 399 Finding

In accordance with subdivision (b) of Section 399 of the California 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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

Current regulations establish season dates and depth constraints, and recreational bag limits for federal groundfish species that vary by species or species groups and are designed to keep harvest within federally established allowable limits. Section 1.91 defines the species considered federal groundfish. Sections 27.25, 27.30, 27.35 and 27.40 currently set forth season dates, and depth constraints for the four groundfish management areas (GMA) 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) readopt the emergency amendments to sections 1.91, 27.25, 27.30, 27.35, 27.40, and 28.55, Title 14, CCR, that went into effect on August 28, 2025 (OAL # #2025-0822-02E). The emergency amendments modified the recreational rockfish, cabezon, and greenling (RCG) and lingcod season structure regulations to restore access to all depths in state waters during the open season for these GMAs, April 1 to December 31, implemented a 2-fish sub-bag limit for canary rockfish, and added sunset rockfish to cryptic-species vermillion/sunset rockfish management unit. The proposed readoption is necessary for regulations in state waters (0 to 3 miles from shore) to be consistent and complementary with regulations in federal waters (3 to 200 miles from shore), to keep catches of canary rockfish and vermillion/sunset rockfish within federally established harvest limits, and for the benefit of the public's general welfare.

On June 9, 2025, the Pacific Fishery Management Council (PFMC) posted online a draft quillback rockfish stock assessment in waters off California, an assessment that is more robust than the previous one conducted in 2021. The newest assessment considers 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 stock assessment that was data-moderate. Therefore, the previous conservation emergency identified in 2021 no longer exists and the associated depth-based fishery constraints are unwarranted.

Following formal review and approval of the 2025 stock assessment for use in federal management, which occurred between July and September 2025, the National Marine Fisheries Service (NMFS) took an in-season federal regulatory action to remove the federal fishery depth restrictions in place since October 2023. The federal action, effective September 18, 2025, replaced the depths and season structure for boat-based RCG and lingcod fishing in federal waters (3 to 200 miles from shore) with all-depth fishing from the California/Oregon border (42° N. lat.) to Point Conception (34°27' N. lat.) during the open season in these GMAs, April 1 to December 31. A second NMFS action, effective December 16, 2025, implemented 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. Further NMFS actions may be necessary in early 2026 to revise federal harvest limits and recreational management measures.

The emergency regulatory changes 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 and complementary state and federal regulations establishing harvest limits, season dates, depth constraints, and other management measures.

Inconsistency in state and federal rules hinders enforcement, increases angler confusion, and precludes a comprehensive approach to resource management.

The current emergency regulations that amended sections 1.91, 27.25, 27.30, 27.35, 27.40, and 28.55 will expire on February 25, 2026 unless readopted. Readoption of the emergency action is needed to continue implementation of the regulations and to allow time for approval of a regular rulemaking to restore recreational fishing opportunities, remove unneeded constraints, and ensure consistency with federal regulations.

Benefits of the Regulation to the State's Environment:

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 California Legislature has delegated authority to the Commission to adopt recreational fishing regulations (California 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.