



### Response

Support noted. Descending devices and survivorship credits are outside the scope of this rulemaking package; comment noted.

### Comment 2

Ken Franke, Sportfishing Association of California. Oral comment given at the December 12, 2012 Commission meeting.

*Commenter voiced support of allowing take and possession of shelf rockfish inside the Cowcod Conservation Areas. Shared his experience participating in a study that examined the effectiveness of descending devices to decrease mortality of released rockfish.*

### Response

Support noted. Descending devices are outside the scope of this rulemaking package; comment noted.

### Comment 3

Paul Weakland. Oral comment given at the December 12, 2012 Commission meeting.

*Commenter voiced concern about management of the abalone fishery.*

### Response

This comment is outside the scope of this rulemaking package.

### Comment 4

John Gebers, North Coast Fishing Association and owner of Noyo Fishing Center. Oral comment given at the December 12, 2012 Commission meeting.

*Commenter supports increased season length in the Mendocino Management Area, also expressed usefulness and value of descending devices.*

### Response

Support noted. Descending devices are outside the scope of this rulemaking package; comment noted.

## VI. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:

California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(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.

Season for All Groundfish and Associated Species

The No Change Alternative would retain inconsistent opening dates for the Northern Management area and unnecessarily short recreational fishery seasons in the Mendocino Management Area. Additional opportunity expected under federal regulation changes would not be realized.

Depth Constraints

The No Change Alternative would retain the 60 fathom maximum depth constraint in the Southern Management Area. This depth restriction would be more liberal than the federal regulations and is expected to result in increased cowcod encounters which would exceed specified limits in federal law.

Bocaccio Minimum Size and Fillet Length Limits

The No Change Alternative would maintain the bocaccio minimum size and fillet length limit at ten inches and five inches, respectively. This regulation is no longer necessary and status quo would create inconsistencies with federal regulations.

Bocaccio Sub-Bag Limit

The No Change Alternative would maintain a two fish sub-bag limit for bocaccio. Additional opportunity expected under federal regulation changes would not be realized.

## Shelf Rockfish Retention in the Cowcod Conservation Areas (CCAs)

The No Change Alternative would continue to prohibit take and possession of shelf rockfish in CCAs. Additional opportunity expected under federal regulation changes would not be realized.

(c) Consideration of Alternatives:

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

IX. 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 proposed changes are consistent with the continued preservation of the resource and therefore should prevent adverse economic impacts.

(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 business, the elimination of existing businesses or the expansion of businesses in California. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes which may or may not include changes to fishing regulations. Additionally, the long-term intent of the proposed action is to provide for increased opportunity for sustainable harvest of fishable stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of California's wildlife.

The Commission does not anticipate any non-monetary 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 agency 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

Under California law (California Fish and Game Code sections 200 and 205), the California Fish and Game Commission (Commission) adopts regulations for recreational groundfish fishing in state waters zero to three miles from shore. The Pacific Fishery Management Council (Council) recommends management measures for jointly managed fisheries operating in federal waters three to 200 miles from shore. These measures are then implemented into federal law. For consistency the Commission routinely adopts regulations to bring state law into conformance with federal law for groundfish and other federally-managed species, a regular process which occurs biennially.

Existing law authorizes the recreational take of groundfish with a sport license subject to regulations set forth by federal and state authorities. Current regulations establish season lengths, depth constraints, methods of take, and size and bag limits within the six groundfish management areas for all federal groundfish and associated species.

At its June 2012 meeting in San Mateo, CA, the Council recommended regulatory changes for recreational groundfish fishing in California in 2013 and 2014. These changes were intended to provide additional opportunities where appropriate or constrain catches to keep within allowable limits.

### Proposed Amendments to Season Length and Depth Constraints

The proposed changes to seasons for 2013 and 2014 (Table 1) will reduce regulatory complexity in the Northern and Mendocino Management Areas by providing consistent opening dates in each year. The Mendocino Management Area will also receive increased opportunities from a longer season that extends through Labor Day, based on a small increase in the allowable take level for yelloweye rockfish.

The proposed regulation modifies the Southern Management Area depth constraint from 60 fathoms to 50 fathoms.

Table 1. Season structure and depth constraints for the California recreational groundfish fishery proposed for 2013 and 2014, as recommended by the Council in June 2012.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	Closed				May 15 – Oct 31, <20fm						Closed	
Mendocino	Closed				May 15 – Sep 2, <20fm <sup>1</sup>		May 15 – Sep 1, < 20fm <sup>2</sup>		Closed			
San Francisco	Closed				Jun 1 – Dec 31, <30fm							
Central	Closed				May 1 – Dec 31, <40fm							
Southern	Closed		Mar 1 – Dec 31, <50fm									
CCA	Closed		Mar 1 – Dec 31, <20fm									

<sup>1</sup> Fishing is allowed from May 15 Through September 2, 2013, in the Mendocino Management Area.

<sup>2</sup> Fishing is allowed from May 15 Through September 1, 2014, in the Mendocino Management Area.

## Bocaccio Recreational Size Limit, Fillet Length Limit and Bag Limit

Bocaccio are the only rockfish in the recreational fishery with a minimum size limit, which is ten inches [subsection 28.55 (c), Title 14, California Code of Regulations (CCR)]. The proposed regulation will repeal the bocaccio minimum size limit and the corresponding fillet length limit.

The proposed regulation will increase the bocaccio sub-bag limit increase from two fish to three fish within the 10-fish Rockfish, Cabezon, Greenling (RCG) complex bag limit.

## Species or Species Groups which may be Taken or Possessed in Cowcod Conservation Areas (CCAs)

Currently all shelf rockfish [as defined in subsection 1.91(a)(3), Title 14, CCR] taken in the CCAs must be discarded. The proposed regulation will authorize take and possession of shelf rockfish in the CCAs during the open season for groundfish in depths shallower than 20 fathoms. Retention of bronzespotted rockfish, canary rockfish, cowcod, and yelloweye rockfish will remain prohibited in the CCAs, as they are in all areas of the state.

### Summary of Proposed Amendments

1. Season structure and depth constraints will be amended as outlined in Table 1.
2. Regulations regarding bocaccio minimum size limit and fillet length limit would be repealed.
3. Regulation regarding the bocaccio sub-bag limit within the RGC complex will be amended to allow for a three fish sub-bag limit.
4. Regulations regarding take and possession of species and/or species groups in the CCAs will be amended to allow take and possession of shelf rockfish. Take and possession of bronzespotted rockfish, canary rockfish, cowcod, and yelloweye rockfish will remain prohibited.

The Commission anticipates benefits to the environment by the sustainable management of California's groundfish resources.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of California's wildlife.

The Commission does not anticipate any non-monetary benefits to worker safety, the prevention of discrimination, the promotion of fairness or social equity, or the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing regulations.

## **Commission Action**

**At its December 12, 2012 meeting in San Diego, CA, the Commission adopted the proposed regulatory amendments. A punctuation error was corrected in subsection 27.50(b)(2)(H). No other modifications were made to the originally proposed regulatory language of the Initial Statement of Reasons.**