



## Seasons and Depth Constraints

Based on a higher yelloweye rockfish harvest guideline for 2013-2014, the Council recommended extending the season length in the Mendocino Groundfish Management area (Table 1), to allow fishing through Labor Day. A minor adjustment to the opening date is also proposed for both the Northern and Mendocino Groundfish Management Areas from the second Saturday in May to a specified date of May 15<sup>th</sup> each year, to better ensure that catches for the month of May stay within projections.

Due to a higher number of cowcod encounters in the Southern Management Area, the Council recommended modifying the depth constraint from 60 fathoms to 50 fathoms. Cowcod are rarely encountered at depths shallower than 50 fathoms, therefore modifying the depth constraint is expected to reduce encounters. If the depth constraint remains at 60 fathoms, projected impacts for cowcod may exceed allowable limits as they did in 2012, which could require action on the part of the state to close the fishery before the scheduled season closing date.

Table 1. Season structure and depth constraints for the California recreational groundfish fishery 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>			Closed				
					May 15 – Sep 1, <20fm <sup>2</sup>							
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 size limit was intended to protect juveniles vulnerable to take around piers and jetties, where they are frequently encountered. However, data reveal that there have been very few encounters of small bocaccio, and even fewer discards of juvenile fish, suggesting the size limit has been ineffective in reducing total mortality by protecting small fish.

Based on a more optimistic outlook on stock status and the fact that the minimum size limit has been ineffective, the Council recommended removing the bocaccio minimum size limit as the regulation is no longer necessary. The corresponding fillet length limit regulation was also removed for consistency.

Based on improved stock status, the Council also recommended increasing the bocaccio sub-bag limit from two fish to three fish within the 10-fish Rockfish, Cabezon, Greenling (RCG) complex bag limit. Increasing the sub-bag limit to three fish is expected to reduce regulatorily-required discard of bocaccio, shorten time on the water, and reduce encounters with other overfished species.

Under current regulations, any fish caught in excess of the sub-bag limit must be discarded. While further increasing the bocaccio sub-limit beyond three fish or removing the sub-limit entirely would further reduce discarding, projected impacts under higher bocaccio bag limits exceed allowable harvest levels and could delay rebuilding. The proposed three fish sublimit is expected to provide greater fishing opportunity while keeping bocaccio catches within allowable harvest levels.

#### 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 CCA must be discarded. The Council recommended that take and possession of shelf rockfish be authorized in the CCA 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 CCA, as they are in all areas of the state. The rule change is expected to reduce regulatory discards of shelf rockfish without any increased impacts to cowcod.

Regulatory complexity would also be reduced because take and possession regulations of shelf rockfish would be consistent in all management areas.

#### **Present Regulations**

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 possession limits within the six groundfish management areas for all federal groundfish and associated species [Sections 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, and 28.58, Title 14, CCR].

#### Season Length and Depth Constraints

Current regulations specify seasons and depth constraints for the six groundfish management areas in ocean waters off California. These regulations serve as management tools that are adjusted biennially to ensure that mortality of both overfished and non-overfished stocks remain within allowable limits. The current seasons and depth constraints were

designed to maximize harvest of healthy stocks while staying within allowable limits for overfished species.

The Northern and Mendocino Management Areas have a 20 fathom depth constraint, with a season of five and a half months and three and a half months, respectively. The San Francisco Management Area has a six month season, with a depth constraint of 30 fathoms. The Central Management Area has a six month season, with a depth constraint of 40 fathoms. The Southern Management Area has the least restrictive regulations, with a 10 month season and a depth constraint of 60 fathoms.

The proposed regulatory changes would modify the season and/or depth constraints in three of the six management areas (Northern, Mendocino, Southern).

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

Present regulations establish a ten inch minimum size limit for bocaccio and a fillet length limit of five inches. A sub-limit of two bocaccio is allowed within the 10-fish RCG bag limit. The proposed regulatory changes would remove minimum size and fillet length limits, and increase the sub-bag limit to three fish in all groundfish management areas.

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

Present regulations allow anglers to take and retain nearshore rockfish, cabezon, California scorpionfish, lingcod, greenlings of the genus *Hexagrammos*, and several state-managed species when the season is open to recreational groundfish fishing within the CCAs. An additional exception exists for vessels targeting "other flatfish", which may be taken year round in any depth inside the CCAs. Various recreational state fisheries for sea bass, California halibut, barracuda, bonito, marlin, tunas, and sharks also occur within the CCAs, but are not subject to depth restrictions.

Take and possession of shelf rockfish, including bocaccio, bronzespotted rockfish, canary rockfish, cowcod, and yelloweye rockfish is currently prohibited in the CCAs. The proposed regulatory change would allow take and possession of shelf rockfish, except bronzespotted rockfish, canary rockfish, cowcod, and yelloweye rockfish, inside the CCA when the groundfish season is open, in depths 20 fathoms or less. Regulatory complexity will also be reduced because regulations for the take and possession of shelf rockfish will be consistent in all areas of the state.

#### **Summary of Proposed Amendments**

The following proposed amendments are consistent with Council recommendations and will bring state law into conformance with federal

law. In response to Council recommendations, the Department of Fish and Game (Department) has prepared the following proposal for consideration:

Amend Section 27.25, Northern Groundfish Management Area.

This Section would be amended to allow fishing for groundfish from May 15 through October 31.

Amend Section 27.30, Mendocino Groundfish Management Area.

This Section would be amended to allow fishing for groundfish from May 15 through September 2, 2013 and May 15 through September 1, 2014.

Amend Section 27.35, San Francisco Groundfish Management Area.

This Section would be amended to allow fishing for groundfish from June 1 through December 31, regardless of year. Removal of open season dates for prior years is proposed for clarity.

Amend Section 27.45, Southern Groundfish Management Area.

This Section would be amended to constrain the maximum allowable depth to 50 fathoms.

Amend Section 27.50, Cowcod Conservation Area.

This Section would be amended to allow the take and possession of shelf rockfish; retention of bronzespotted rockfish, canary rockfish, cowcod, and yelloweye rockfish would remain prohibited.

Amend Section 27.65, Filleting of Fish on Vessels.

The minimum bocaccio fillet length included in this Section would be repealed.

Amend Sections 28.26, California Sheephead; 28.27, Lingcod; 28.28, Cabezon; 28.29, Kelp Greenling, Rock Greenling; 28.49, Petrale Sole, Starry Flounder, Soupin Shark, Dover Sole, English Sole, Arrowtooth Flounder, Spiny Dogfish, Big Skate, California Skate, Longnose Skate, Ratfish, Rattails, Codlings, Pacific Cod, Pacific Whiting, Sablefish and Thornyheads; 28.54, California Scorpionfish (Sculpin); 28.56, Leopard Shark; 28.58, Ocean Whitefish.

These sections would be amended to replace season dates in each Management Area with those proposed above.

Amend Section 28.55, Rockfish (*Sebastes*).

This Section would be amended to replace season lengths in each Management Area with those proposed above; for bocaccio, allow for a three fish sub-bag limit within the RGC Complex, and repeal the minimum size limit.

**Benefits of the Proposed Regulation**

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport.

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.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 215, 220, 702, 7071, and 8587.1, Fish and Game Code.

Reference: Sections 200, 202, 205, 206, 215, 220, 1802, 5508, 5509, 7071, 8585.5, 8586, Fish and Game Code. 50 CFR Part 660, Subpart G; 50 CFR 660.384; and Title 14 CCR 27.20.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None

(d) Identification of Reports or Documents Supporting Regulation Change:

Proposed Harvest Specifications and Management Measures for the 2013 Pacific Coast Groundfish Fishery and Amendment 21-2 to the Pacific Coast Fishery Management Plan, SPEX DEIS, 2013-2014

[http://www.pcouncil.org/wp-content/uploads/May\\_2012\\_Main\\_Document\\_13-14\\_DEIS\\_SPEX.pdf](http://www.pcouncil.org/wp-content/uploads/May_2012_Main_Document_13-14_DEIS_SPEX.pdf)

SPEX DEIS, 2013-2014, Appendix C: Detailed Management Measure Analysis

[http://www.pcouncil.org/wp-content/uploads/May\\_2012\\_Appendix\\_C\\_13-14\\_DEIS\\_SPEX.pdf](http://www.pcouncil.org/wp-content/uploads/May_2012_Appendix_C_13-14_DEIS_SPEX.pdf)

Pacific Coast Groundfish Fishery Management Plan for the California, Oregon and Washington Groundfish Fishery. December 2011. Pacific Fishery Management Council.

[http://www.pcouncil.org/wp-content/uploads/GF\\_FMP\\_FINAL\\_Dec2011.pdf](http://www.pcouncil.org/wp-content/uploads/GF_FMP_FINAL_Dec2011.pdf)

Nearshore Fishery Management Plan. Adopted October 25, 2002. Department of Fish and Game.

<http://www.dfg.ca.gov/marine/nfmp/index.asp>

[Economic Impact Analysis](#)

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Pacific Fishery Management Council meetings where the proposed regulations for the 2013 and 2014 recreational groundfish and associated species were discussed:

- September 14-19, 2011, San Mateo, CA
- November 2-7, 2011, Costa Mesa, CA
- March 2-7, 2012, Sacramento, CA
- April 1-6, 2012, Seattle, WA
- June 21-26, 2012, San Mateo, CA

No state public meetings were held. The 45-day public comment period provides adequate time for review of the proposed amendments.

IV. 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 Area

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.

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 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

## 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, 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 2013-2014 (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			
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<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 Conservations Areas (CCAs)

Currently all shelf rockfish [as defined in, subsection 1.91(a)(3), Title 14, CCR] taken in the CCA must be discarded. The proposed regulation will authorize take and possession of shelf rockfish in the CCA 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 CCA, 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 Cowcod Conservation Area 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.