



three miles from shore.

It is critical to have consistent State and federal regulations establishing season dates, depth constraints and other management measures, and also critical that the State and federal regulations be effective concurrently. Consistency with federal regulations is also necessary to maintain State authority over its recreational groundfish fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act [16 USC §1856 (b)(1)].

On June 24, 2014, the PFMC recommended changes for recreational groundfish fishing in California for 2015 and 2016. **On November 19, 2014, further recommendations were made based on newly available information to refine management measures and stay within allowable limits. All of the changes to the federal rules are expected to go into effect on or around March 1, 2015.**

### **Present Regulations**

Existing law authorizes the recreational take of groundfish 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 five groundfish management areas for all federal groundfish and associated species [sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58 and 28.90, Title 14, CCR].

### Species or Species Groups Which May be Taken or Possessed

Present regulations allow anglers to take and possess federally-managed groundfish species as defined in Section 1.91 when the fishing season is open. Regulations also establish that California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos*, which are State-managed species known to associate with federal groundfish, can be taken and possessed only when the season is open to recreational groundfish fishing.

### Season Length and Depth Constraints

Current regulations specify seasons and depth constraints for the five 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 seven month season, with a depth constraint of 30 fathoms. The Central Management Area has an eight month season, with a depth constraint of

40 fathoms. The Southern Management Area has the least restrictive regulations, with a ten month season and a depth constraint of 50 fathoms. The Cowcod Conservation Area provides discrete depth limits within the Southern Management Area.

Bag Limits

Present regulations establish bag limits which vary by species or species groups and are designed to keep harvest within allowable limits.

**Proposed Regulations**

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations for federal groundfish regulations in 2015 and 2016. This approach will allow the Commission to adopt State recreational groundfish regulations to timely conform to those taking effect in federal ocean waters **on or around March 1, 2015**.

The proposed regulatory changes modify season and/or depth constraints in four of the five management areas (Mendocino, San Francisco, Central, and Southern) (Figure 1). Based on slight increases to the allowable take of canary and yelloweye rockfishes, season lengths are proposed to be extended by two months in the Mendocino Management Area, by one and a half months in the San Francisco Management Area, and by one month in the Central Management Area. The depth constraint in the Southern Management Area season is proposed to be increased to 60 fathoms, due to a slight increase in the allowable limit of cowcod.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	Closed					May 15 – Oct 31 < 20 fm					Closed	
Mendocino	Closed					May 15 – Oct 31 < 20 fm					Closed	
San Francisco	Closed				April 15 – Dec 31 < 30 fm							
Central	Closed			April 1 – Dec 31 < 40 fm								
Southern	Closed		Mar 1 – Dec 31 < 60 fm									
Figure 1. Season structure and depth constraints for the California recreational groundfish fishery for 2015 and 2016 as recommended by the PFMC in June 2014.												

**The proposed regulations close the California scorpionfish fishery from September 1 through December 31, statewide. This closure is needed to remain within allowable limits.**

The proposed regulations increase the bag limit for lingcod from two to three fish. Lingcod is a healthy stock and an increased bag limit can be accommodated within allowable catch levels.

**The proposed regulations establish a sub-bag limit of five fish for black rockfish within the aggregate 10 fish Rockfish, Cabezon and Greenling bag limit. A sub-bag limit is needed to remain within allowable limits.**

The scientific name for soupfin shark is proposed to be changed to the correct name of *Galeorhinus galeus*.

The proposed regulatory changes would also re-define the species included in “skates” and “other fish” species groups to reflect additions to the FMP. The references to rattail are also proposed to change to the correct name of grenadier.

The references to Drake’s Estero Bay are proposed to change to the correct name of Drake’s Bay.

Subsection 27.35(b)(3) relating to the Cordell Bank Closure Area is proposed to be repealed since the Cordell Bank is not located in State waters.

Other changes are proposed to correct spelling errors and to simplify and clarify regulations.

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other 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 fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the ocean and other 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. Adoption of scientifically-based groundfish seasons, depth restrictions, size limits, and bag and possession limits provides for the maintenance of sufficient populations of groundfish species to ensure their continued existence.

The benefits of the proposed regulations are consistency with federal law, sustainable management of groundfish resources, protection for groundfish stocks that are overfished and rebuilding, and promotion of businesses that rely on recreational groundfish fishing.

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

Authority: Sections 200, 202, 205, 215, 220, 702, 5508, 5509, 7071 and 8587.1, Fish and Game Code.

Reference: Sections 200, 202, 205, 215, 220, 240, 1802, 5508, 5509, 7071 and 8585.5, Fish and Game Code; Title 50, Code of Federal Regulations, Part 660, Subpart G; and Section 27.20, Title 14, CCR.

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

None

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

Groundfish Harvest Specifications and Management Measures and Amendment 24: Draft Environmental Impact Statement

[http://www.pcouncil.org/wp-content/uploads/F7a\\_Att4\\_15-16\\_GFSpexEIS\\_ElectricOnly\\_JUNE2014BB.pdf](http://www.pcouncil.org/wp-content/uploads/F7a_Att4_15-16_GFSpexEIS_ElectricOnly_JUNE2014BB.pdf)

**Harvest Specifications and Management Measures for 2015-2016 and Biennial Periods Thereafter, Draft Environmental Impact Statement.**

<http://www.pcouncil.org/wp-content/uploads/1516spexdeis.pdf>

Pacific Coast Groundfish Fishery Management Plan for the California, Oregon, and Washington Groundfish Fishery. May 2014. Pacific Fishery Management Council.

[http://www.pcouncil.org/wp-content/uploads/GF\\_FMP\\_FINAL\\_May2014.pdf](http://www.pcouncil.org/wp-content/uploads/GF_FMP_FINAL_May2014.pdf)

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

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

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

Pacific Fishery Management Council meetings where the proposed regulations for the 2015 and 2016 recreational groundfish and associated species were discussed:

- September 12-17, 2013, Boise, ID
- November 1-6, 2013, Costa Mesa, CA
- March 8-13, 2014, Sacramento, CA
- April 5-10, 2014, Vancouver, WA
- June 20-25, 2014, Garden Grove, CA
- **November 14-19, 2014, Costa Mesa, CA**

No State public meetings were held prior to publication of the notice. The 45-day public comment period provides adequate opportunity for review and comment on the proposed amendments.

V. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(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. Additional opportunity expected to come with the federal regulation changes effective **on or around March 1, 2015** would not be realized. **Further, allowable limits for California scorpionfish and black rockfish may be exceeded in absence of these regulations.**

It is critical to have consistent State and federal regulations establishing season dates, depth constraints and other management measures, and also critical that the State and federal regulations be effective concurrently. Consistency with federal regulations is also necessary to maintain State authority over its recreational groundfish fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act [16 USC §1856 (b)(1)].

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to 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.

VI. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VII. 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 Department anticipates **some** increased opportunities for the recreational groundfish fishery in 2015-2016 compared to 2014.

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

The Commission does not anticipate any 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

## VII. Economic Impact Assessment

Recreational groundfish fisheries are broadly sub-divided between private anglers and commercial passenger fishing vessels. The economic impact of regulatory changes for recreational fisheries may be estimated by tracking the resulting changes in fishing effort, angler trips and length of stay in the fishery areas. Distance traveled affects gas and other travel expenditures. Daytrips and overnight trips involve different levels of spending for gas, food and accommodations at area businesses as well as different levels of sales tax impacts. Direct expenditures ripple through the economy, as receiving businesses buy intermediate goods from suppliers that then spend that revenue again. Business spending on wages is received by workers who then spend that income, some of which goes to local businesses. Recreational fisheries spending, thus multiplies throughout the economy with the indirect and induced effects of the initial direct expenditure.

The adoption of scientifically-based regulations provides for the maintenance of sufficient populations of groundfish to ensure their continued existence and future groundfish sport fishing opportunities that in turn support the fishery economy. In a 2012 Fisheries Economics Report by the National Marine Fisheries Service, all marine recreational anglers trip-related and equipment expenditures sum to approximately \$1.7 billion in California. Coupled with the indirect and induced effects of this \$1.7 billion direct revenue contribution, the total realized economic benefit to California is estimated at \$2.7 billion in total economic output annually. This corresponds with about \$630 million in total wages to Californians, which affects about 13,000 jobs in the State, annually. While the precise share of these expenditures attributed solely to groundfish anglers is not known, we do know that the groundfish fishery constitute a large share of the State's recreational angler activity.

The proposed regulations will modify State recreational groundfish regulations to conform to federal rules. Currently, State regulations for groundfish provide for: season lengths, depth restrictions, size limits, bag limits, and retention allowances. In adopting these conforming regulations the State relies on information in the federal Draft Environmental Impact Statement which includes analysis of impacts to California.

<http://www.pcouncil.org/wp-content/uploads/1516spexdeis.pdf>

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with Pacific Fishery Management Council recommendations for federal groundfish regulations in 2015 and 2016.

The proposed regulatory changes modify season or depth constraints in four of the five management areas (Mendocino, San Francisco, Central, and Southern). Season lengths are proposed to be extended by two months in the Mendocino Management Area, by one and a half months in the San Francisco Management Area, and by one month in the Central Management Area. The depth constraint in the Southern Management Area season is proposed to be increased from 50 fathoms to 60 fathoms.

The proposed regulations increase the bag limit for lingcod from two to three fish **and establish a sub-bag limit for black rockfish of five fish within the aggregate 10 fish Rockfish, Cabezon and Greenling Complex bag limit. Negative economic impacts are not expected from the black rockfish sub-bag limit as fishers will likely target other species after the black rockfish sub-bag limit is met.**

**The proposed regulations close the California scorpionfish fishery from September through December, statewide. While the closure may have some negative impact by eliminating directed California scorpionfish trips during those months, those impacts cannot be quantified. Businesses that previously operated targeted California scorpionfish trips will have to change their fishing strategy during these closed months and target other species.**

The estimated impact on angler trips by management area and the percent increase from the status quo is presented in Table 1. The economic impacts may be close to status quo; however, some increased revenues are expected, providing economic benefit to the greater community, particularly to the coastal communities in the Mendocino Management Area.

Table 1. Estimated Impact on Angler Trips by Management Area.

Management Area	Impact on Angler Trips	Percent Increase over Status Quo
Northern	Status Quo	Status Quo
Mendocino	Up to <b>1,600</b> more trips	Increase of approximately <b>20%</b>
San Francisco	Up to <b>5,600</b> more trips	Increase of approximately <b>11%</b>
Central	Up to <b>4,400</b> more trips	Increase of approximately <b>4%</b>
Southern	Status Quo*	Status Quo*

\*A 10 fathom increase in depth is recommended, however economic effects of such an increase cannot be quantified.

Sport fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that recreationally pursue groundfish off California may be positively affected to some degree from increases to business that may result under the range of proposed regulations. However, anticipated impacts may vary by geographic location. Additionally, economic impacts to these same

businesses may result from a number of factors unrelated to the proposed changes to groundfish fishing regulations, including weather, fuel prices, and success rates in other marine recreational fisheries such as salmon and albacore.

#### Effects of the regulation on the creation or elimination of jobs within the State

The cumulative effects of the changes statewide are estimated to be neutral to job elimination and potentially positive to job creation in California. No significant changes in fishing effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

#### Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State

The cumulative effects of the changes statewide are expected to be neutral to business elimination and have potentially positive impacts to the creation of businesses in California. No significant changes in fishing effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

#### Effects of the regulation on the expansion of businesses currently doing business within the State

The cumulative effects of the changes statewide are expected to be neutral to positive to the expansion of businesses currently doing business in California. No significant changes in fishing effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

#### Benefits of the regulation to the health and welfare of California residents

Providing increased fishing opportunities for groundfish encourages recreation, which can have a positive impact on the health and welfare of California residents. Groundfish taken in the sport fishery and later consumed may have positive human health benefits due to their concentration of omega III fatty acids.

#### Benefits of the regulation to worker safety

The proposed regulations are not anticipated to impact worker safety conditions.

#### Benefits of the regulation to the State's environment

It is the policy of this State to encourage the conservation, maintenance, and utilization of living marine resources under the jurisdiction and influence of the State for the benefit of all citizens (Section 7050, Fish and Game Code). Benefits of the proposed regulations include increased fishing opportunity, along with the continuation of the reasonable and sustainable management of recreational groundfish resources and the protection of listed and special status species. Adoption of scientifically-based seasons, depth restrictions, and recreational bag

limits provide for the maintenance of sufficient populations of groundfish to ensure their continued existence.

#### Other benefits of the regulation

##### Concurrence with Federal Law

The Pacific Fishery Management Council reviews the status of groundfish regulations biennially. As part of that process, it recommends regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Groundfish Fishery Management Plan. These recommendations coordinate management of recreational and commercial groundfish in the Federal waters (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. These recommendations are subsequently implemented as ocean fishing regulations by the National Marine Fisheries Service.

California's sport fishing regulations need to conform to, or be more restrictive than, federal regulations to ensure that biological and fishery allocation goals are not exceeded.

## **Amended Informative Digest/Policy Statement Overview**

Biennially, the Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations. As part of that process, it recommends groundfish fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan (FMP). These recommendations coordinate west coast management of recreational and commercial groundfish fisheries in the federal fishery management zone (3 to 200 miles offshore) off Washington, Oregon and California. These recommendations are subsequently implemented as federal fishing regulations by the National Marine Fisheries Service (NMFS).

For consistency, the California Fish and Game Commission (Commission) routinely adopts regulations to bring State law into conformance with federal law for groundfish and other federally-managed species.

### **Summary of Proposed Amendments**

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations for federal groundfish regulations in 2015 and 2016. This approach will allow the Commission to adopt State recreational groundfish regulations to timely conform to those taking effect in federal ocean waters **on or around March 1, 2015**.

The proposed regulatory changes extend the season length in the Mendocino, San Francisco, and Central Management Areas and increase the allowable depth in the Southern Management Area.

**The proposed regulations would close the California scorpionfish fishery from September 1 through December 31, statewide.**

The proposed regulations increase the bag limit for lingcod from two to three fish.

**The proposed regulations would establish a sub-bag limit of five fish for black rockfish within the aggregate 10 fish Rockfish, Cabezon and Greenling bag limit.**

The scientific name for soupfin shark is proposed to be changed to the correct name of *Galeorhinus galeus*.

The proposed regulatory changes would also re-define the species included in “skates” and “other fish” species groups to reflect additions to the FMP. The references to rattail are also proposed to change to the correct name of grenadier.

The references to Drake’s Estero Bay are proposed to change to the correct name of Drake’s Bay.

Subsection 27.35(b)(3) relating to the Cordell Bank Closure Area is proposed to be repealed.

Other changes are proposed to correct spelling errors and to simplify and clarify regulations.

The benefits of the proposed regulations are consistency with federal law, sustainable management of groundfish resources, protection for groundfish stocks that are overfished and rebuilding, and promotion of businesses that rely on recreational groundfish fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt sport fishing regulations (Fish and Game Code, sections 200, 202 and 205). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR), with Nearshore Fishery Management Plan regulations (Sections 52.00 through 52.10, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, 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.