



County of Santa Cruz

Health Services Agency - Environmental Health



Fish and Wildlife Advisory Commission

701 Ocean Street, Room 312, Santa Cruz, CA 95060
(831) 454-2022 TDD/TTY - Call 711 <http://www.scceh.org>

AGENDA

February 1, 2024, 7:00 PM

Agenda Item #	Start Time	End Time	Description
1	7:00	7:10	Call to Order
2			Roll Call
3			Approval of Minutes
4			Public Comment for Items Not On The Agenda
5	7:10	7:20	Response to Invasive Species Letter
6	7:20	7:30	Update on Fish Descending Device regulation
7	7:30	8:15	Discuss Changes to Commissions Structure and Revisions to FWAC By-Laws
8	8:15	8:45	Discuss Workplan for 2024
9	8:45	9:00	Staff Reports Commissioner Reports and Announcements
10		9:00	Adjourn

Public Comment

None

Items of Interest:

[Ancient redwoods recover from fire by sprouting 1000-year-old buds | Science | AAAS](#)

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. This online meeting is available to anyone with a telephone. If you are a person with a disability and require special assistance in order to participate in the meeting, please contact Sean Abbey at (831) 454-2386 or TDD number (454-2123) at least 72 hours in advance of the meeting in order to make arrangements. Persons with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those affected, please attend the meeting smoke and scent free.

Commissioner and Public Participation Information

Commissioners meet in person at the **Solarium Conference Room, 1060 Emeline Avenue**. Members of the public can join in person but are encouraged to join virtually using the link below.

PLEASE NOTE: The meeting room is on the second floor, above the Water Quality Lab entrance. The door must remain locked after hours, but staff will be able to provide access to all attendees as they arrive.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 284 935 416 746

Passcode: qRwbua

[Download Teams](#) | [Join on the web](#)

Click the “Click here to join the meeting” link above. If you are asked to join Teams with an application, click on “No thanks” and open in the browser. You should not need to download the application to join the meeting.

Please join the meeting a few minutes BEFORE 7:00 pm so that we can start at 7:00 pm. Staff will open the video conference at 6:55 pm. Cameras are optional for members of the public.

If you have questions, please contact Sean Abbey at sean.abbey@santacruzcounty.us.

Meeting Roles and Rules:

Chris Berry, Chair, will lead the meeting. Chair Berry will announce each agenda item, identify who will be leading an item and introduce discussion and public comment periods.

Sean Abbey, staff, will assist with roll call, note taking, and tracking who wants to speak. Please allow time for staff to make notes about any decisions. Sean will monitor email during the meeting.

There will be a public comment period for each item and the Chair will invite the public to participate at the appropriate time.



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Meeting Minutes
December 7, 2023

1. **CALL TO ORDER** – 7:02 pm
2. **ROLL CALL**

District	Commissioner	Status	Commissioner	Status
I	Chris Berry	P	Samuel Adelson	P
II	Warren Barry	P	David Somerton	P
III	Liz Alter	P	Jon Jankovitz	P
IV	Brooke Sampson	P	Daniela Suarez	P
V	Jenni Gomez	P	Jen Michelsen	P

P = Present R = Remote E = Excused A = Absent

3. **APPROVAL OF MINUTES:** Com Berry suggested minor edits to commissioner report 10-1 and 10-2, which was regarding the San Lorenzo overflow pipe. The pipe was also damaged by winter storms and in the process of redesign and rebuild.
 - o **Motion to Approve Minutes:** Alter, **Second:** Somerton,
 - o **All Ayes:** Minutes approved
4. **PUBLIC COMMENTS:** NONE
5. **COTONI COAST DAIRIES PLANNING PROCESS DISCUSSION:** Commissioners discussed the status of the [Cotoni Coast Dairies project](#) being completed by the Bureau of Land Management. Zachary Ormsby, Central Coast Field Manager for the BLM, provided information on an upcoming 45-day review period for the parking lot placement, which could be opened by as early as 2024. Jonathan Wittmer of Friends of the North Coast expressed concern about a parking lot located on the second terrace, which may impact Monarch Butterfly habitat and the behavior of Mountain Lions. Staff will notify Commissioners once the review period is open.
 - o **Com Berry:** How do you establish a baseline of what unimpacted habitat looks like if trails are already being built?
 - **Zachary Ormsby:** Multiple areas within the park have been excluded from human use and trails were selected to be in areas that are already highly impacted by cattle grazing.
6. **DETERMINE PUBLIC GRANT RECIPIENTS AND AMOUNTS AWARDED:** Commissioners discussed the proposals and scored each proposal using the commissioner score sheet. These scores were then averaged, and that average score was used to rank the proposals. Commissioners voted to award full funding to the top three proposals (Jodi McGraw Consulting, Coastal Watershed Council, and Native Animal Rescue), with the remaining funding going to the fourth-place proposal (International Bird Rescue).
 - o **Motion to Recommend Funding as described:** Gomez, **Second:** Michelsen,
 - o **All Ayes:** Fundings awards to be recommended to the Board of Supervisors

- Commissioners then discussed the process of receiving funds with Captain Schindler of CDFW. Topics included; what limitations there are on issuing, and prosecuting, violations, significant streambed alterations being completed under the emergency conditions created by the 2023 atmospheric rivers, and how violation funds are allocated.
- Com Gomez requested that future summaries of the funds available to the FWAC grant program include a breakdown of what violations have gone into it. Staff will review available information and incorporate that in future budget summaries.

7. **UPDATED INVASIVE SPECIES LETTER APPROVAL:** Commissioners discussed final version and approved for release. Staff will provide it to the clerk of the board and notify commissioners of the date it will be going to the Supervisors. Commissioner Alter will notify Sup Cummings of the date the letter is coming.

- **Motion to Approve Letter for release:** Gomez, **Second:** Michelsen,
- **All Ayes:** Letter approved

8. **STAFF AND COMMISSIONER REPORTS AND ANNOUNCEMENTS:**

○ **Staff Reports:**

- The Community Development and Infrastructure Dept. will not be doing a revision of Title 16, Environmental and Resource Protection, of County Code in the next 12 months. This is the section of code that contains the Significant Tree Ordinance, which the Commission has recommended revisions to.
- CalTrout, which received a grant from the commission in 2022 to install a PIT tag antenna in Branciforte, has had difficulty with property owners no longer responding to communications from them. This has prevented them from installing the antenna in the proposed location and they are pursuing other possible locations.
 - (1) Com Jankovitz and Adelson know property owners in Branciforte that may be interested. Staff to direct Caltrout to those commissioners
- The elections department is recommending that Commissions update their By-Laws to reflect current standards. Our By-Laws have not been updated since 1998 and requires changes. The elections office will be providing training in early 2024 on how to update By-Laws, after which time, staff will begin that process.

○ **Commissioner Reports:**

- Com Jankovitz: Asked Cpt Schindler about the recently created low flow closure because he has noticed people catching fish in the San Lorenzo despite the low flow threshold being met. Asked about the possibility of placing signage.
 - (1) Cpt Schindler: Typically, there is a grace period on new laws like this. Will check in to make sure that wardens are aware that there is activity for them to act on. Signs are a good idea; however they do not deter everyone. Signage can help prosecute a case against an individual, but only if you can show they saw the sign.
- Com Sampson: February 3rd is World Wetlands Day and Watsonville Wetlands is hosting a clean-up event at Struve Slough
- **Com Berry:**
 - (1) COE and WAC felt that they should not be streamlined. The ICCWG will meet in January to discuss and come to an agreement so all three commissions can align.
 - (2) CA Fish and Wildlife Commission will bring up a ban on the sale of bull frogs on the 13th and 14th of December.

9. **ADJOURN.** **Motion to Adjourn:** Berry, **Second:** Somerton
All Aye: meeting adjourned at 9:05 pm

STAFF SUMMARY FOR DECEMBER 13-14, 2023

16. RECREATIONAL FISHING REGULATIONS FOR FEDERAL GROUND FISH**Today's Item**Information Action

Consider authorizing publication of notice of intent to amend (a) recreational fishing regulations for federal groundfish in state waters for consistency with federal rules in 2024, and (b) recreational groundfish seasons, bag and depth limits.

Summary of Previous/Future Actions

- | | |
|---------------------------------|-----------------------------|
| • Today's notice hearing | December 13-14, 2023 |
| • Discussion hearing | February 14-15, 2024 |
| • Adoption hearing | March 2024 |

Background***General Authority to Adopt Groundfish Regulations***

Regulatory authority for groundfish stocks is shared jointly between state and federal governments. Maintaining state groundfish regulations consistent with federal regulations that establish harvest limits, season dates, depth constraints and other management measures is important to allow for uniform enforcement, minimal confusion, and a comprehensive approach to resource management. Consistent regulations are necessary to maintain state authority over its recreational groundfish fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act.

Biennially, the Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations. As part of that process, it recommends groundfish fisheries harvest limits and regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan. The PFMC recommendations are subsequently reviewed for implementation as federal fishing regulations by the National Marine Fisheries Service.

Under the biennial cycle, eligible management measures are implemented for a two-year period (starting January 1 of odd-numbered years) and are adjusted through routine, in-season actions. Separate harvest specifications (overfishing limits, acceptable biological catches, and annual catch limits) are identified for actively managed stocks and stock complexes each year in the two-year period (Exhibit 1).

The Commission routinely adopts recreational fishing regulations for federal groundfish in state waters as necessary for consistency with federal regulations.

Department's Authority to Make In-Season Changes to Groundfish Regulations

Pursuant to subsection 27.20(e), when federal harvest limits are projected to be exceeded, the Department has authority to make in-season changes applicable in state waters, including adjustments to bag and sub-bag limits.

STAFF SUMMARY FOR DECEMBER 13-14, 2023

Commission Adoption of 2023-2024 Groundfish Regulations

Pursuant to the regular biennial rulemaking process, the Commission adopted recreational groundfish fishing regulations at its November 2022 meeting for consistency with federal rules that went into effect January 1, 2023.

Department's In-Season Changes to the 2023-2024 Groundfish Regulations

The Department has exercised its authority to make in-season changes three times during the current biennial cycle (Exhibit 2):

- On August 7, 2023, retention of quillback rockfish was prohibited statewide.
- On August 21, 2023, the recreational nearshore groundfish fishery in the Northern Groundfish Management Area (GMA) was closed.
- On September 1, 2023, the recreational nearshore groundfish fishery was closed in the Mendocino, San Francisco and Central GMAs.

Pacific Fishery Management Council In-Season Actions

At its November 2023 meeting, PFMC considered public comment on the 2021 quillback rockfish stock assessment, and postponed adopting the rebuilding analyses conducted in 2023 based on the assessment. PFMC requested that its [Scientific and Statistical Committee](#) review specific comments regarding the 2021 stock assessment and make recommendations for any changes. PFMC will consider the committee's recommendations at its March 5-11, 2024 meeting and will adopt harvest specifications at that time. Changes to the federal regulations — outside the regular biennial cycle — are expected to go into effect on or around April 1, 2024.

Commission Adoption of Proposed In-Season Regulations

The proposed PFMC action will require amending several state regulations to maintain consistency with federal regulations. In addition, the Department recommends modifications to state recreational fishing regulations for state-managed, groundfish-associated species.

The recommended regulation changes will close fishing for shelf rockfish, lingcod, and other federal groundfish fishing inside state waters to protect quillback rockfish; allow harvest of shallow and deeper nearshore species inside 20 fathoms; and establish new 20-fathom waypoints in state waters. The intent of the proposed changes is to minimize impacts to quillback rockfish and to provide continued opportunities for boat-based recreational angling inside 20 fathoms, where quillback encounters are reduced.

In order for the regulations to become effective April 1, 2024 (concurrent with the federal regulations), staff requests that the Commission schedule a teleconference in March 2024 to take action on the groundfish rulemaking.

The Department will provide additional information related to the recommended rulemaking at today's meeting.

STAFF SUMMARY FOR DECEMBER 13-14, 2023

Significant Public Comments

1. At its October 2023 meeting, the Commission received a regulation change petition (scheduled for action today under Agenda Item 22) and several comments opposing nearshore closures, requesting exemptions to the closures for non-motorized vessel- or boat-based anglers, and/or requiring the use of descending devices (October 2023 meeting materials, [exhibits 2.3, 2.8](#), and [25A.3](#)).
2. Under the general public comment agenda item for today's meeting, [exhibits 2.2, 2.6, and 2.14](#) include comments opposing nearshore closures, requesting exemptions to the closures for non-motorized vessel- or boat-based anglers, requesting exemptions to the closures for species other than quillback rockfish, recommending requiring the use of descending devices, and/or requesting zero retention of other rockfish species of concern.

Recommendation

Commission staff: Authorize publication of the notice as recommended by the Department and discussed today, and approve addition of a March 2024 teleconference (during Agenda Item 25C today).

Department: The Department will provide more information about its recommendation at today's meeting.

Exhibits

1. [PFMC Groundfish Fact Sheet, modified January 20, 2021](#)
2. [Department news release: Fish and Wildlife Closes Nearshore Groundfish Fishery in Mendocino, San Francisco and Central Management Areas, dated August 21, 2023](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend (a) recreational fishing regulations for federal groundfish in state waters for consistency with federal rules in 2024, and (b) recreational groundfish seasons, bag and depth limits as discussed today.

Fact Sheet: Groundfish

20 January 2021, Modified 20 January 2021

The fish

The Council's [Pacific Coast Groundfish Fishery Management Plan](#) (FMP) includes over 100 different species that, with a few exceptions, live on or near the bottom of the ocean. The FMP covers the following species:

- Rockfish. All West Coast rockfish are included in the plan. This diverse group includes both commercially and recreationally important species such as widow, yellowtail, canary, blue, black, yelloweye, and vermilion rockfish, plus two species of thornyheads.
- Flatfish. The plan covers 12 species of flatfish, including petrale sole, Dover sole, starry flounder, arrowtooth flounder, and Pacific sanddab.
- Roundfish. The plan includes six species of roundfish: lingcod, cabezon, kelp greenling, Pacific cod, Pacific whiting (hake), and sablefish.
- Sharks and skates: big skate, longnose skate, leopard shark, and spiny dogfish.
- Ecosystem component species. These species are not actively managed with annual catch limits, but they are monitored to ensure that harvest is not appreciably increasing. There are 12 ecosystem component species in the fishery management plan, including spotted ratfish, finescale codling, and all grenadier species that are endemic (unique to this area).

The fishery and gear



Many different types of gear are used to target the wide variety of groundfish managed by the Council. The dominant gears are trawl (net), longline, hook and line, and pots. The West Coast groundfish fishery is divided into five sectors:

- Limited entry trawl. This sector is composed of fishermen

with limited entry permits endorsed for trawl gear, including bottom and pelagic trawls. The limited entry program limits the number of vessels allowed to participate in this fishery. This sector uses a system of individual fishing quotas and harvest cooperatives.

- Limited entry fixed gear. This sector includes harvesters with limited entry permits endorsed for line or pot/trap gears. This sector mainly targets sablefish, but may also target other groundfish species such as rockfish. Limited entry fixed gear permit holders with a sablefish endorsement may target sablefish during the primary season (April through October) to catch individual vessel limits of sablefish.
- Open access. This sector of the groundfish fishery includes fishermen targeting groundfish without limited entry permits, and those who participate in non-groundfish fisheries that incidentally catch groundfish.
- Recreational. This sector includes anglers targeting groundfish species and others who target non-groundfish species but who incidentally take groundfish under recreational gears and regulations. Each West Coast state manages its own recreational fisheries, but coordinates with the Council process.
- Tribal. This sector is made up of tribal commercial fishers who have a federally recognized treaty right to fish for federally managed groundfish in their “usual and accustomed” fishing areas. These tribes, all located in Washington state, include the Quinault, Hoh, Quileute, and Makah. Formal allocations to these tribes exist for sablefish and Pacific whiting. Other groundfish species allocations for this sector are recommended in the Council biennial management process.

The management context

Groundfish are managed through a number of measures including harvest guidelines, quotas, trip and landing limits, area restrictions, seasonal closures, and gear restrictions. All sectors of the groundfish fishery are currently constrained by the need to rebuild groundfish species that are overfished and managed under rebuilding plans. Rebuilding plans specify the harvest control rules and target recovery years for these species. As of 2021, the only remaining species to rebuild is yelloweye rockfish.

The Pacific Coast Groundfish Fishery Management Plan contains the rules for managing the groundfish fishery. It outlines the areas, species, regulations, and methods that the Council and the Federal government must follow to make changes to the fishery. The plan also creates guidelines for the biennial

process of setting harvest levels. The three main processes used to regulate groundfish harvests are described below. Since these processes can take up to six months, they may be streamlined for some decisions.

The process for controversial or complex issues takes at least three Council meetings. Proposals for management measures may come from the public, from participating management agencies, from advisory groups, or from Council members. If the Council wants to pursue these proposals, it asks for other possible solutions to the problem being addressed and then directs the Groundfish Management Team (GMT), the National Marine Fisheries Service (NMFS), and/or Council staff to prepare an analysis. At the next meeting when such a proposal is on the agenda, the Council reviews the analysis and chooses a range of alternatives and possibly a preliminary preferred alternative. The analysis is then made available for public review, and the Council makes a final decision at the next meeting the item is scheduled.

The biennial management process was implemented in 2003 through Amendment 17 to the groundfish FMP and is detailed in Council Operating Procedure 9. Under the biennial cycle, eligible management measures are implemented for a two-year period and adjusted through routine inseason actions. Those management measures not eligible for implementation within the biennium can be considered for future action by the Council. Separate harvest specifications (overfishing limits [OFLs], acceptable biological catches [ABCs], and annual catch limits [ACLs]) are identified for actively managed stocks and stock complexes each year in the two-year period. This cycle provides more time for the Council and NMFS to work on other critical groundfish issues, and more time for public comment. A multi-meeting process (typically September, November, April, and June) is used to decide biennial harvest specifications and management measures:

September (in odd years): the Council adopts final OFLs , final ABCs, and a range of ACLs for stocks where a change in the harvest control rules is contemplated. The Council provides initial guidance, including a range of new management measures for preliminary analysis.

November (in odd years): the Council chooses (for public review) preliminary preferred ACLs for stocks where a change in the harvest control rules is contemplated, and adopts a range of management measures for more detailed analysis.

April (in even years): the Council decides on final harvest levels, and chooses preliminary preferred management measures for public review.

June (in even years): the Council decides on final management measures.

The Council reviews management performance (i.e., fishing-related mortality, including landings plus discard mortalities) and socioeconomic impacts relative to management objectives (e.g., rebuilding plans) during the two-year management period in order to consider modifying harvest specifications and management measures in the next biennial management period. New assessment results are also considered when deciding biennial harvest specifications and management measures.

Pacific whiting are managed annually, with harvest levels set each year under the terms of the U.S.-Canada Pacific Whiting Treaty.

After considering Council recommendations and public comments, NMFS publishes the adopted regulations, thereby putting them into effect. For non-routine and annual management decisions, NMFS publishes a *Federal Register* notice and provides a public comment period before finalizing the recommendations. The [Groundfish Management Team](#) (GMT) is involved throughout the decision-making process. The team is made up of staff from the three coastal state fishery management agencies (Washington, Oregon, and California), NMFS, and a representative for the tribes with a recognized treaty right to take federally-managed groundfish. Traditionally, the GMT monitors catch rates, recommends harvest regulations and annual limits, and analyzes the impacts of various management measures.

The GMT is composed of two representatives each from Washington, Oregon, and California fish and wildlife agencies, two representatives from the NMFS West Coast Regional office, three representatives from the NMFS Science Centers, and one tribal representative. GMT members perform analyses and make recommendations on proposed management measures, and present information to the Council, [Groundfish Advisory Subpanel](#) (GAP), and other Council advisory bodies.

The GAP advises the Council on policies and management decisions that affect the groundfish fishery and the public. The panel includes industry representatives of commercial and recreational groundfish sectors, a tribal representative, charterboat owners and operators, fishing organization representatives, processors, an environmental organization representative, and a public at-large representative. Each major commercial and recreational gear group is represented. Meetings are held at most Council meetings. The GAP operates by consensus and through majority and minority position statements that are offered as advice to the Council.

GMT and GAP meetings are open to the public, and public comment is generally accepted during the meetings.

For more information, contact [John DeVore](#) or [Todd Phillips](#).

Fish and Wildlife Closes Nearshore Groundfish Fishery in Mendocino, San Francisco and Central Management Areas

August 21, 2023



The California Department of Fish and Wildlife (CDFW) announced that as of 12:01 a.m. Friday, Sept. 1, 2023, the 50-fathom Rockfish Conservation Area (RCA) boundary line for the Mendocino Groundfish Management Area (GMA) (Cape Mendocino to Point Arena), San Francisco GMA (Point Arena to Pigeon Point) and Central GMA (Pigeon Point to Point Conception), will take effect.

In these GMAs, recreational boat-based groundfish fishing will be 'offshore only' and allowed only seaward (away from land) of the 50-fathom boundary line, defined by [straight lines connecting waypoints](#) (50 CFR Part 660, Subpart G). [Shelf rockfish, slope rockfish](#) and lingcod may be taken seaward of the 50-fathom boundary line, while it will be unlawful to take or possess nearshore rockfish as defined in Title 14, Section 1.91(a)(1), cabezon or greenlings at any depth. In the Southern GMA from Pt. Conception to the U.S.-Mexico border, these same 'offshore only' rules will take effect as originally planned on Sept. 16.

During the 'offshore only' fishery, fishing gear shall not be deployed shoreward of the 50-fathom RCA boundary line when shelf rockfish, slope rockfish or lingcod are possessed onboard the vessel, however vessels may transit shoreward of the 50-

fathom RCA boundary line with these species in possession if no gear is deployed. Additionally, vessels fishing in the adjacent Southern GMA and transiting back to the Central GMA must adhere to the 'offshore only' provisions effective in the Central GMA and shall not return with nearshore species aboard. These changes do not apply to shore-based anglers or divers.

CDFW is carefully monitoring the harvest of quillback rockfish from both the recreational and commercial fisheries throughout the state and has taken a series of steps in an effort to reduce quillback rockfish mortality. On Aug. 7, retention of quillback rockfish was prohibited statewide, followed by closure of the recreational nearshore fishery in the Northern GMA, on Aug. 21. Newly available recreational data from the Mendocino, San Francisco and Central GMAs for the second week of August showed double the estimated recreational take and indicated the 2023 quillback rockfish harvest limit specified in federal regulations has been exceeded. This additional in-season action authorized by Title 14, Section 27.20 (e) to adjust the fishing depth is necessary to prevent further overage.

CDFW urges anglers to use best fishing practices to reduce impacts to quillback rockfish and other prohibited groundfish species. These include reducing mortality when releasing fish by utilizing a [descending device \(PDF\)](#) and relocating to different fishing grounds or switching targets if quillback rockfish or other prohibited species are encountered. CDFW recommends reviewing the [Summary of Recreational Groundfish Fishing Regulations](#) page before each trip to ensure anglers are up to date on the most recent groundfish regulations, including a complete list of authorized species.

For details regarding the quillback population estimates and how these changes were developed, please see CDFW's [Quillback Rockfish In-Season Informational Briefing \(PDF\)](#). For information on all groundfish regulations visit [CDFW's Marine Region Groundfish page](#).

Pursuant to California Code of Regulations Title 14, section 27.20(e), when federal harvest limits are exceeded or projected to be exceeded, CDFW has authority to make in-season changes, including adjustments to bag and sub-bag limits, seasons and depths.

###

Media contacts:

[James Phillips](#), CDFW Marine Region, (707) 576-2893

[Jordan Traverso](#), CDFW Communications, (916) 212-7352

Memorandum

Date: December 12, 2023

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Craig Shuman, D. Env. 
Marine Regional Manager

Subject: **Agenda Item for the December 13-14, 2023 Fish and Game Commission Meeting,
Re: Recreational Fishing Regulations for Federal Groundfish for 2024**

To ensure revised state regulations are in place before recreational groundfish fishing begins in 2024, the Department of Fish and Wildlife (Department) requests the Fish and Game Commission authorize publication of notice of its intent to amend recreational regulations for federally managed groundfish at its December 13-14, 2023 meeting. Approval of this request will allow for discussion and possible adoption of the proposed regulatory changes in the winter of 2024, in time for the regulations to take effect by early April 2024.

The Pacific Fishery Management Council (PFMC) will recommend recreational fishing regulations for federally managed groundfish species for 2024 at its March 5-11, 2024 meeting. Based on these recommendations, federal regulations are expected to publish by early April 2024, requiring amendment of several state regulations to maintain consistency with and to complement the new federal regulations in state waters. The changes needed to state recreational regulations include seasons, depth limits and Rockfish Conservation Area (RCA) boundaries, and bag limit amendments for all Groundfish Management Areas. Species-specific regulation changes for many or all federal groundfish species are needed as well. Given the expected effective date of the 2024 federal regulations, the Department suggests the Commission consider the possibility of adopting the proposed regulations for state waters via a teleconference meeting in March, shortly after the conclusion of the PFMC meeting, which would allow both federal and state regulations to take effect at approximately the same time.

Federal groundfish regulations are adopted on a biennial cycle. However, adjustments are made inseason when necessary to keep fisheries within established limits, or in other cases to increase harvest opportunities when catch and bycatch is tracking below projections. Regulations currently in place for the 2023-2024 biennium were not successful in constraining catches of quillback rockfish to the federally-established catch limits for this species off California in 2023, requiring inseason closures for sport and commercial fisheries for much of the state. Consequently, significant changes to the 2024 regulations are needed to avoid exceeding these catch limits again.

In consultation with fishing industry representatives, the Department proposes modifications to the regulations that would allow, during different months of the year, in areas north of Lopez Point (36° N. lat., Monterey County), recreational fishing seasons that would be defined as *either* “nearshore-only” (inside an RCA boundary line

approximating 20 fathoms in depth) or “offshore-only” (outside an RCA boundary line). In combination, these fishing seasons would effectively eliminate recreational groundfish fishing in the primary depth zone where quillback rockfish reside, between 20 and approximately 50 fathoms in depth.

Inclusion of nearshore-only fisheries in state regulations in 2024 will restore fishing opportunities on healthy nearshore stocks in shallow waters in the northern areas of the state. For waters south of Lopez Point, fishing seasons may continue to include ‘all-depth’ fishing opportunities, given encounters with quillback rockfish are extremely rare.

Additionally, other new federal regulations take effect January 1, 2024, with the incorporation of Amendment 32 to the Pacific Coast Groundfish Fishery Management Plan. The amendments modify a number of longstanding closed areas for west coast groundfish fisheries. The action includes repeal of the Cowcod Conservation Areas off Southern California, replaced by a series of smaller closed areas (Groundfish Exclusion Areas) that are specifically designed to protect sensitive and abundant coral and sponge populations that are documented in these areas. See: [Long-Term Conservation Efforts Pay Off for Rockfish Along the West Coast | NOAA Fisheries](#). The Department proposes additional regulatory amendments to Title 14 for consistency with these new federal regulations.

Catches of vermilion rockfish continue to be at or projected to exceed federally established harvest limits, and additional reduction to the vermilion rockfish sub-bag limit from 4 fish to 2 or 3 fish is expected to be necessary to further reduce mortality of this species in 2024.

In response to public requests and statewide interest in minimizing barotrauma mortality to rockfish that are released and not retained, CDFW proposes a descending device capable of returning rockfish to the depth taken aboard any California recreational fishing vessel that is fishing for or possessing groundfish. Regulations would universally require the device be aboard statewide when fishing for or possessing any species of federal groundfish. There would not be exceptions for species such as lingcod, scorpionfish, cabezon, sanddabs, sharks or any other federal groundfish that do not have a swim bladder and thus are not subject to mortality from barotrauma.

Prohibiting quillback rockfish (Section 28.55 and others) and revising transit provisions (Section 27.20 and others) to align with the revised federal fishing seasons, depths and retention allowances will also be necessary in the proposed amendments.

Title 14 sections to be amended by this action are expected to include 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, and 28.56.

A description of the proposed regulatory amendments follows below:

§ 27.20, Groundfish Management Areas, Seasons, Depths, Exceptions, and Fishery Closure/Rule Change Process Described: Modify text to reference the new 20-fathom boundary line. As necessary, modify language defining the “offshore-only” boundary line, for consistency with federal regulations. As needed, update the general provisions for take and possession of federal groundfish, for consistency with new federal regulations and to clarify transit and other activities with fish in possession onboard. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish.

§ 27.25. Northern Groundfish Management Area: Modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “nearshore only” or “offshore only” or closed for different dates through the year.

§ 27.30. Mendocino Groundfish Management Area: Modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “nearshore only” or “offshore only” or closed for different dates through the year.

§ 27.35. San Francisco Groundfish Management Area: Modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “nearshore only” or “offshore only” or closed for different dates through the year.

§ 27.40. Central Groundfish Management Area: For waters North of Lopez Point, Modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “nearshore” or “offshore only” or closed for different dates through the year. For waters South of Lopez Point, specify fisheries as “all-depth,” “nearshore only,” “offshore only,” or closed for different dates through the year.

§ 27.45. Southern Groundfish Management Area: Modify the seasons, authorized species, and depth constraints for federal groundfish so that fisheries are specified as “all-depth,” “nearshore only,” “offshore only,” or closed for different dates through the year. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32.

§ 27.50. Cowcod Conservation Areas: Consistent with federal regulations implementing Amendment 32, repeal the Cowcod Conservation Area regulations and add language for consistency with new regulations establishing Groundfish Exclusion Areas closed to all groundfish fishing to protect coral and sponge aggregations.

§ 28.27. Lingcod: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including lingcod.

§ 28.28. Cabezon: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including cabezon.

§ 28.29. Kelp Greenling. Rock Greenling. (Genus Hexagrammos): Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including greenlings.

§ 28.47. Petrale Sole and Starry Flounder: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Add language regarding Groundfish Exclusion Areas consistent with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including Petrale sole and starry flounder.

§ 28.48. Pacific Sanddab, Rock Sole, Sand Sole, Butter Sole, Curlfin Sole, Rex Sole, and Flathead Sole: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Add language regarding Groundfish Exclusion Areas consistent with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including these federal flatfish species.

§ 28.49. Soupfin Shark, Dover Sole, English Sole, Arrowtooth Flounder, Spiny Dogfish, Skates, Ratfish, Grenadiers, Finescale Codling, Pacific Cod, Pacific Whiting, Sablefish and Thornyheads: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including these species.

§ 28.54. California Scorpionfish (Sculpin): Add language regarding Groundfish Exclusion Areas consistent with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including sculpin.

§ 28.55. Rockfish (Sebastes): Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Modify bag or sub-bag limit regulations for

consistency with federal rules, including reductions to the vermilion rockfish sublimit from 4 fish to 2 or 3 fish. Maintain the 0-fish sub bag limit on quillback rockfish, effective in 2023. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish.

§ 28.56. Leopard Shark: Modify fishery dates and depth constraints for each of the Groundfish Management Areas. Repeal language regarding Cowcod Conservation Areas and add language regarding Groundfish Exclusion Areas for consistency with Amendment 32. Add language requiring a descending device capable of returning rockfish to the depth taken be aboard any California recreational fishing vessel that is fishing for or possessing federal groundfish, including leopard shark.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov. The Department point of contact for this rulemaking is Senior Environmental Scientist Specialist, Melanie Parker, who can be contacted via email at Groundfish@wildlife.ca.gov.

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