

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT  
ON PHASE 2 STOCK DEFINITIONS

The California Department of Fish and Wildlife (CDFW) provides this report in response to numerous inquiries from stakeholders during California State Delegation meetings and in other venues concerned with management of nearshore groundfish stocks off California should they be removed from the Pacific Coast Groundfish Fishery Management Plan (PCGFMP) following action under this agenda item.

CDFW recognizes guidance from National Marine Fisheries Service (NMFS) that the agency is not able to manage stocks where there is not a need for conservation and management in the Exclusive Economic Zone. Moreover, under the Magnuson-Stevens Act (MSA), NMFS does not have ability to promulgate regulations in state waters to implement federal management. In CDFW's case, this does not come as news to us. Since 2021 and even earlier, in our ongoing efforts to coordinate groundfish management and regulations across state and federal waters jurisdictions, CDFW was made aware of the need for state waters regulations to implement measures consistent with federal management– in other words, federal MSA regulations cannot extend into state waters.

As one example, federal Rockfish Conservation Area (RCA) waypoints defined by a latitude and longitude falling within state waters require state rules to implement measures consistent with the federal management for those portions of the RCA. In a much earlier case, where the Council recommended NMFS implement fishing closures within 10 fathoms around the Farallon Islands, NMFS notified both the Council and CDFW that MSA authority could not be used to implement such a measure, given the application was exclusively in state waters.

In a different example where the state has exercised its independent authority over groundfish fishing in California state waters, around year 2000, at the advice of CDFW, the California Fish and Game Commission established “shore-based” groundfish fishing regulations for its coastline, allowing year-round take from shore that is exempt from the groundfish seasons otherwise established for boat-based vessels under the MSA. The shore-based provision is contained entirely within California state regulations, while federal regulations are silent on shore-based fishing. California also has many of its own statutory and regulatory requirements that apply to all fishing (including fishing for and take of federal groundfish) such as license requirements, district regulations, marine protected areas, possession limits, fillet requirements and others – none of which are incorporated into federal groundfish regulations for federal waters implemented under MSA.

In CDFW's view, this is what co-management has been about – ensuring state and federal statutes and regulations work in tandem with one another to achieve and implement the goals and objectives of management under the PCGFMP concurrently with California's fishery management goals and objectives.

In a scenario without federal co-management and with no federal regulations governing California nearshore stocks in federal waters, CDFW and the state's regulatory authorities that already exist for our nearshore stocks will become the only set of rules on point. As with other state-managed species that are not managed as part of a federal FMP, it would be CDFW's intent that the state's rules would extend into federal waters in the absence of said federal rules or federal management. Essentially, nearshore groundfish stocks would be no different than other state managed species and fisheries that extend somewhat into federal waters, such as Dungeness crab.

CDFW notes that California's nearshore management and regulatory framework has existed many years, following the California Fish and Game Commission's adoption of the Nearshore Fishery Management Plan, and there is a growing body of regulations that already address many of the fundamental components of California's nearshore groundfish management, which should allow for a relatively seamless transfer of authority once removed from the PCGFMP.

State commercial regulations already establish similar provisions to those that are in place federally. Currently, in Title 14, California Code of Regulations, [Section 35.00](#) coupled with [Section 150.06](#) establishes a framework for area management, while [Section 150.16](#) provides trip limit tables for nearshore groundfish and crossover provisions, and Section 52.10 specifies some total allowable catch limits and a mechanism for fishery closures when total allowable catches are attained. While the state's regulations will need some additional language and modifications should nearshore stocks be removed from the PCGFMP, the framework already exists. Simply put, in CDFW's view, discontinuing federal management of these nearshore stocks does not pose undue risk or concern for resource conservation or management.

While state management in California does not currently have the resources to be as real-time or responsive in its science or management compared to the Council process and NMFS, CDFW notes that continuous changes to regulations and fishery management measures can have a number of downsides. When rules change too often, they can lose the effect they were designed to accomplish. In the Council process, there have been comments under other agenda items that when limits change up and down, or rules change repeatedly, the outcome results in instability, insecurity and confusion. Using the recent California quillback rockfish example, the Council, NMFS, CDFW and the California Fish and Game Commission each built a very elaborate set of rules to keep some fishing activities going near to shore and far offshore while enacting the requisite suite of protections to avoid this species. With the outcome of the 2025 full benchmark assessment, many Californians are happy to find the stock is in fact healthy, and other Californians are happy to be back on the water. However, the long-term consequences of this regulatory volatility will continue to be felt, and recovery will take time.

Reflecting on management actions beginning in 2021 in response to the data-moderate quillback rockfish assessment, followed by the actions needed to restore fishing access to healthy stocks following this year's full benchmark quillback rockfish assessment, the coordination necessary between state and federal agencies has been costly, complicated, time intensive and difficult for fishing communities and other stakeholders to follow. With both state and federal rules rapidly changing in response to the California quillback rockfish assessments since 2021, CDFW recognizes potential benefits to removing nearshore species from the federal FMP in the cost-savings and efficiencies gained by eliminating the need to coordinate to ensure both state and

federal rules are implemented concurrently to manage these same stocks across both jurisdictions.

On the specific topic of California's management of nearshore stocks, it is important to reflect on state actions taken over 20 years ago now, recognizing the state's growing fishing capacity at that time to harvest these species in near-coastal waters. At the time, commercial live-fish fisheries were gaining prominence, market demand was increasing, and vessels were successfully learning how to catch and deliver large volumes of fish in live condition for a much higher price. California's commercial restricted access permit programs established for both shallow and deeper nearshore species in the 2000's have served the state and industry well, capping participation levels while allowing transfer of permits to new owners. Actions on quillback and copper rockfish aside, the nearshore fishery has generally been stable and productive at precautionary harvest levels that have been determined using best available science.

CDFW intends to implement the annual allowable catch limit values for nearshore stocks that are currently established by NMFS through the biennial specifications process in state regulations, just as has been done previously for cabezon and kelp greenling (and an associated state-managed species, California sheephead). CDFW intends to continue to use the traditional management tools: commercial trip limits, regional management, and recreational seasons and bag limits, to ensure catch of these nearshore stocks remain within these limits over time on post-season review. CDFW further notes this state framework of managing nearshore groundfish fishery sectors within scientifically-based limits is management that is and will be considerably more 'active' than for many other target species and fisheries currently managed under the jurisdictions of California.

Transfer of management authority for nearshore groundfish stocks to the three states has been under discussion for many years. CDFW believes that if NMFS has determined that it has little ability to manage and regulate these particular stocks and fisheries, and since the Council is advisory only to NMFS, CDFW believes the Council should follow NMFS' lead and focus its resources on content that is fully within the scope of NMFS' authority.

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