

REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2017-0725-13	REGULATORY ACTION NUMBER 2018-0112-035	EMERGENCY NUMBER
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California**FEB 27 2018**

1:57pm

For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

2018 JAN 12 P 3:03
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S) 14	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2017, 31-2	PUBLICATION DATE 8/4/2017

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Nearshore Fishery Regulations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND 150, 150.02, 150.03, 705
REPEAL 14

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
 Effective on filing with Secretary of State
 §100 Changes Without Regulatory Effect
 Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)
 Fair Political Practices Commission
 State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Sheri Tiemann	TELEPHONE NUMBER 916-654-9872	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) sheri.tiemann@fgc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Melissa A. Miller-Henson</i>	DATE 1/12/18
TYPED NAME AND TITLE OF SIGNATORY Melissa Miller-Henson, Deputy Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**FEB 27 2018****Office of Administrative Law**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-2013) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

Regulatory Language

Section 150, Title 14, CCR is amended as follows:

§ 150. Nearshore Fishery Restricted Access Program.

[...No proposed changes to subsection (a)]

(b) The department shall issue a Nearshore Fishery Permit for a regional management area described in Section 52.04, ~~Title 14, CCR~~ to each nearshore fishery permittee who meets the regional qualifying criteria below. A person will receive only one Nearshore Fishery Permit for use in only one regional management area and cannot hold a valid permit for more than one regional management area. A person meeting the qualifications for more than one regional management area must make a permanent, irrevocable decision prior to obtaining a Nearshore Fishery Permit for the 2003-2004 permit year to fish in one regional management area. The permit shall not be changed to another regional management area under any circumstances.

[...No proposed changes to subsections (c) through (d)]

(e) Initial Qualification for 20-year California Commercial Fishermen. During the initial year of the nearshore restricted access program, any person who has been licensed as a California commercial fisherman for at least 20 years at the time of application, and who does not qualify for a permit in (d)(1), (2), (3), or (4) above, and who has participated in the commercial nearshore fishery for at least one of those years as documented by department fish landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046, upon application shall be issued a Non-Transferable Nearshore Fishery Permit for one regional management area, based on the following minimum landing requirements in subsection (e)(1), (2), (3), or (4) below:

(1) landed at least 200 pounds of nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in any one calendar year between January 1, 1994 and December 31, 1999.

(A) landings used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, ~~Title 14, CCR~~.

(B) Nearshore Fishery Permits issued pursuant to subsection (e)(1) are designated Non-Transferable North Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in the North Coast Region only.

(2) landed at least 650 pounds of nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in any one calendar year between January 1, 1994 and December 31, 1999.

(A) landings used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, ~~Title 14, CCR~~.

(B) Nearshore Fishery Permits issued pursuant to subsection (e)(2) are designated Non-Transferable North-Central Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in the North-Central Coast Region only.

(3) landed at least 1,050 pounds of nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in any one calendar year between January 1, 1994 and December 31, 1999.

(A) landings used to qualify must have been made at ports located within the South-Central Coast Region as defined in Section 52.04, ~~Title 14, CCR~~.

(B) Nearshore Fishery Permits issued pursuant to subsection (e)(3) are designated Non-Transferable South-Central Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in the South-Central Coast Region only.

(4) landed at least 800 pounds of nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in any one calendar year between January 1, 1994 and December 31, 1999.

(A) landings used to qualify must have been made at ports located within the South Coast Region as defined in Section 52.04, ~~Title 14, CCR~~.

(B) Nearshore Fishery Permits issued pursuant to subsection (e)(4) are designated Non-Transferable South Coast Nearshore Fishery Permits and authorize the holder to take, possess aboard a vessel, or land nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in the South Coast Region only.

~~(5) A non-transferable Nearshore Fishery Permit shall become null and void upon the death of the permit holder.~~

[... No proposed changes to subsection (f)]

(g) Permit Transfers, Procedures and Timelines.

~~(1) If the combined total of transferable and non-transferable Nearshore Fishery permits in a regional management area is greater than the capacity goal for that regional management area on or after April 1, 2003, the following provisions for permit transfers are in effect:~~

~~(A) A Nearshore Fishery Permit issued pursuant to this section may be voluntarily transferred by the permittee, if the transferee (person to whom the permit is to be issued) has never been convicted of a violation of any provision of these regulations or of the Fish and Game Code pertaining to the commercial take of nearshore fish stocks as described in Section 150.01, Title 14, CCR. Until the number of permits in a regional management area equals or falls below the capacity goal for that regional management area, a permit may only be transferred if one additional transferable permit for the same regional management area is surrendered to the department for cancellation at the same time the application for the transfer is submitted to the department.~~

~~(B) A Nearshore Fishery Permit may be transferred pursuant to this section to a person only if that person holds a commercial fishing license issued pursuant to Fish and Game Code Section 7850 and submits to the department a notarized letter from each of the permittees described in subdivision (A), that each includes a statement identifying the person to whom the Nearshore Fishery Permit is to be transferred and setting forth the conditions of the transfer.~~

~~(C) Application for transfer of a Nearshore Fishery Permit, in the form of a notarized letter, shall be submitted to the department by the transferee.~~

~~(D) Upon determining that the transferee of the Nearshore Fishery Permit is qualified to receive a Nearshore Fishery Permit and upon payment of all permit and transfer fees, the department shall issue a Nearshore Fishery Permit for that regional management area to the transferee that is valid for the remainder of the then current fishing season. At the time the permit transfer is complete the additional transferable Nearshore Fishery Permit is required to be surrendered by the transferee pursuant to subsection (g)(1)(A). If the transferee holds a Non-Transferable Nearshore Fishery Permit, that permit shall be cancelled.~~

~~(E) After the transfer of a person's Nearshore Fishery Permit, the former permit holder may not take, possess, transfer, or sell any nearshore fish stocks as described in Section 150.01, Title 14, CCR, for commercial purposes unless otherwise permitted by law.~~

~~(2) Should the combined total of transferable and non-transferable Nearshore Fishery Permits in a regional management area fall below the capacity goal, the commission may prescribe criteria for the transfer of permits or the issuance of additional permits pursuant to the Administrative Procedure Act following public notice and not less than one public hearing.~~

~~(3) A transferable Nearshore Fishery Permit issued pursuant to this section may be transferred to the estate of a permittee who has died only for the purpose of transferring the Nearshore Fishery Permit to another person.~~

~~(A) Such transfer may be considered if the estate makes application, in the form of a notarized letter, for the transfer within one year of the date of death as listed on the death certificate.~~

~~(B) The estate is responsible for any permit renewal fees under subsection (n) of this Section or Section 150.03, Title 14, CCR.~~

~~(4) The Nearshore Fishery Permit in the estate of a deceased permittee may be transferred to any person who meets all of the following qualifications:~~

~~(A) The person, at that time, holds a commercial fishing license issued pursuant to Fish and Game Code Section 7850.~~

~~(B) The person has never been convicted of a violation of any provision of these regulations or of the Fish and Game Code pertaining to the commercial take of nearshore fish stocks.~~

~~(C) The transfer of the permit is subject to subsection (g)(1) and (2) above.~~

~~(5) A Nearshore Fishery Permit in the estate of a deceased permittee that is transferred to an immediate family member (spouse, child, grandchild, parent, or sibling) or to a~~

partner as described in Fish and Game Code Section 8402 is exempt from the requirements in subsection (g)(1) and (2) above.

(1) Pursuant to Fish and Game Code Section 8587.1(b), Fish and Game Code Section 7857(j) is made inoperative as applied to the commercial nearshore fishery.

(2) A person with a valid transferable nearshore fishery permit that has not been suspended or revoked may transfer his/her permit to a licensed California commercial fisherman. The permit shall be transferred for use in the same regional management area listed on the permit.

(3) Upon the death of a person with a valid transferable nearshore fishery permit, that person's estate shall immediately, temporarily relinquish the permit to the department's License and Revenue Branch. The estate may renew the permit as provided for in this section if needed to keep the permit valid. The estate of the decedent may transfer the permit pursuant to this section no later than two (2) years from the date of death of the permit holder as listed on the death certificate.

(4) The permit holder or the estate of the deceased permit holder shall submit the notarized transfer application and the nonrefundable permit transfer fee specified in Section 705 for each permit transfer. The transfer shall take effect on the date on the written notice of approval of the application given to the transferee by the department. The nearshore fishery permit shall be valid for the remainder of the permit year and may be renewed in subsequent years pursuant to this section.

(5) An application for a transfer of a nearshore fishery permit shall be deferred when the current permit holder is awaiting final resolution of any pending criminal, civil and/or administrative action that could affect the status of the permit.

(6) If a transferable nearshore fishery permit is transferred to a person with a valid non-transferable nearshore fishery permit, the non-transferable nearshore fishery permit shall become null and void and the permit shall be immediately surrendered to the department's License and Revenue Branch.

(7) Upon the death of a person with a valid non-transferable nearshore fishery permit, the permit shall become null and void and the estate shall immediately surrender the permit to the department's License and Revenue Branch.

[... No proposed changes to subsections (h) through (l)]

(m) Appeals.

(1) Any applicant who is denied initial issuance of a Nearshore Fishery Permit for any reason may appeal to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, no later than March 31, 2004. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.

(2) Renewal Appeals. Late renewal appeal provisions are specified in Fish and Game Code Section 7852.2.

(3) ~~Any applicant who is denied transfer of a Nearshore Fishery Permit may appeal to the department in writing describing the basis for the appeal. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.~~ Any person who is denied transfer of a transferable nearshore fishery permit may submit a written request for an appeal to the commission within 60 calendar days of the date of the department's denial.

(n) Fees. Notwithstanding Fish and Game Code Section 8587, the fees for a Nearshore Fishery Permit under the restricted access program shall be as follows:

(1) The department shall charge an annual fee for each transferable Nearshore Fishery Permit as specified in Section 705.

(2) The department shall charge an annual fee for each Non-Transferable Nearshore Fishery Permit as specified in Section 705.

(3) The department shall charge a non-refundable fee for each permit transfer as specified in Section 705. ~~If more than one permit is required for the transfer, the fee specified in Section 705 shall be charged.~~

[...No proposed changes to subsection (o)]

Note: Authority cited: Sections 713, 1050, 7071 and 8587.1, Fish and Game Code.
Reference: Sections 713, 1050, 7071, 7850, 7852.2, 7857, 7858, 8043, 8046, 8102, 8587, 8587.1, ~~8588~~, 8589.5 and 8589.7, Fish and Game Code.

Section 150.02, Title 14, CCR is amended as follows:

§ 150.02. Deeper Nearshore Species Fishery Permits; Control Date for Other Nearshore Species. Control Dates for Other Nearshore Species; Permits to Commercially Take Deeper Nearshore Fish Species.

[...No proposed changes to subsections (a) through (c)]

(d) Fees.

(A) The fee for a deeper nearshore species fishery permit is specified in Section 705.

(B) The nonrefundable fee to transfer a deeper nearshore species fishery permit is specified in Section 705.

[...No proposed changes to subsections (e) through (i)]

(i) Permit Transfers, Procedures, and Timelines.

- (1) Pursuant to Fish and Game Code Section 8587.1(b); Fish and Game Code Section 7857(i) is made inoperative as applied to the commercial deeper nearshore fishery.
- (2) Upon the effective date of these regulations, each person possessing a valid deeper nearshore species fishery permit that has not been suspended or revoked shall have his or her permit designated by the department as a transferable deeper nearshore species fishery permit.
- (3) A person with a valid transferable deeper nearshore species fishery permit that has not been suspended or revoked may transfer his/her permit to a licensed California commercial fisherman.
- (4) Upon the death of a person with a valid transferable deeper nearshore species fishery permit, the estate of a person with a valid transferable deeper nearshore species fishery permit shall immediately temporarily relinquish the permit to the department's License and Revenue Branch. The estate may renew the permit as provided for in this section if needed to keep the permit valid. The estate of the decedent may transfer the permit pursuant to this section no later than two (2) years from the date of death of the permit holder as listed on the death certificate.
- (5) The permit holder or the estate of the deceased permit holder shall submit the notarized transfer application and the nonrefundable permit transfer fee specified in Section 705 for each permit transfer. The transfer shall take effect on the date of the written notice of approval of the application given to the transferee by the department. The deeper nearshore species fishery permit shall be valid for the remainder of the permit year and may be renewed in subsequent years pursuant to this section.
- (6) An application for a transfer of a deeper nearshore species fishery permit shall be deferred when the current permit holder is awaiting final resolution of any pending criminal, civil and/or administrative action that could affect the status of the permit.
- (7) Any applicant who is denied transfer of a deeper nearshore species fishery permit may submit a written request for an appeal to the commission within 60 calendar days of the date of the department's denial.

Note: Authority cited: Sections 713, 1050, 7071 and 8587.1, Fish and Game Code.
Reference: Sections 1050, 7071, 7852.2, 7857, 7858, 8585.5 and 8587.1, Fish and Game Code.

Section 150.03, Title 14, CCR is amended as follows:

§ 150.03. Nearshore Fishery Gear Endorsement Program.

[...No proposed changes to subsections (a) through (b)]

(c) Qualifications for Gear Endorsement. A transferable gear endorsement shall be issued upon application only to a person who has a valid 2003-2004 transferable Nearshore Fishery Permit, issued pursuant to Section 150, Title 14, CCR, for a specific regional management area as defined in Section 52.04, Title 14, CCR. A non-transferable gear endorsement shall be issued upon application only to a person who has a valid 2003-2004 non-transferable Nearshore Fishery Permit, Issued pursuant to

Section 150, ~~Title 14, CCR~~, for a specific regional management area as defined in Section 52.04, ~~Title 14, CCR~~. The following qualifying criteria shall be used to determine eligibility for either a transferable or non-transferable trap endorsement:

(1) North Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in addition to gear authorized under Section 150(I), ~~Title 14, CCR~~. A trap endorsement shall be attached to the North Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 general trap permit that has not been suspended or revoked, and

(B) has landed at least 1,000 pounds of nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, between January 1, 1994 and October 20, 2000 that were taken with trap gear.

(C) landings of nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, used to qualify must have been made at ports located within the North Coast Region as defined in Section 52.04, ~~Title 14, CCR~~, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(2) North-Central Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in addition to gear authorized under Section 150(I), ~~Title 14, CCR~~. A trap endorsement shall be attached to the North-Central Coast Region Nearshore Fishery Permit issued to a person who has satisfied the following requirements:

(A) has a valid 2002-2003 general trap permit that has not been suspended or revoked, and

(B) has landed at least 1,000 pounds of nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, between January 1, 1994 and October 20, 2000 that were taken with trap gear.

(C) landings of nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, used to qualify must have been made at ports located within the North-Central Coast Region as defined in Section 52.04, ~~Title 14, CCR~~, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(3) South-Central Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, ~~Title 14, CCR~~, in addition to gear authorized under Section 150(I), ~~Title 14, CCR~~. A trap endorsement shall be attached to the South-Central Coast Region Nearshore Fishery Permit issued to a person who has satisfied the requirements of either (A), or (B) and (C) below:

(A) has a valid 2002-2003 finfish trap permit that has not be suspended or revoked, or

(B) has a valid 2002-2003 general trap permit that has not been suspended or revoked, and has landed at least 500 pounds of nearshore fish stocks as described in Section

150.01, Title 14, CCR, in each of 3 calendar years during the period January 1, 1994 through October 20, 2000 that were taken with trap gear.

(C) landings of nearshore fish stocks as described in Section 150.01, Title 14, CCR, used to qualify must have been made at ports located within the South-Central Coast Region as defined in Section 52.04, Title 14, CCR, as documented by department landing receipts submitted in his name and commercial fishing license identification number pursuant to Fish and Game Code Section 8046.

(4) South Coast Region Trap Endorsement. A trap endorsement allows the permittee to use trap gear when taking nearshore fish stocks as described in Section 150.01, Title 14, CCR, in addition to gear authorized under Section 150(l), Title 14, CCR. A trap endorsement shall be attached to the South Coast Region Nearshore Fishery Permit issued to a person who has a valid 2002-2003 finfish trap permit that has not been suspended or revoked.

~~(5) A non-transferable trap endorsement issued under this Section shall become null and void upon the death of the permit holder.~~

~~(d) Transfer of Nearshore Fishery Permit Gear Endorsements. The transfer of a Nearshore Fishery Permit gear endorsement is subject to the provisions of Section 150(g), Title 14, CCR. Only one Nearshore Fishery Permit gear endorsement is required to transfer the gear endorsement to a new permittee.~~
Gear Endorsement Transfers, Procedures, and Timelines.

(1) Pursuant to Fish and Game Code Section 8587.1(b), Fish and Game Code Section 7857(j) is made inoperative as applied to the commercial nearshore fishery.

(2) A person with a valid transferable nearshore fishery gear endorsement that has not been suspended or revoked may transfer his/her nearshore fishery gear endorsement to a licensed California commercial fisherman with a valid Nearshore Fishery Permit for the same regional management area. The nearshore fishery gear endorsement shall be transferred for use in the same regional management area listed on the nearshore fishery gear endorsement.

(3) Upon the death of a person with a valid transferable nearshore fishery gear endorsement, the estate of a person with a valid transferable nearshore fishery gear endorsement shall immediately, temporarily relinquish the nearshore fishery gear endorsement to the department's License and Revenue Branch. The estate may renew the nearshore fishery gear endorsement as provided for in this section if needed to keep the nearshore fishery gear endorsement valid. The estate of the decedent may transfer the nearshore fishery gear endorsement pursuant to this section no later than two years from the date of death of the nearshore fishery gear endorsement holder as listed on the death certificate.

(4) The nearshore fishery gear endorsement holder or the estate of the deceased nearshore fishery gear endorsement holder shall submit the notarized transfer application and the nonrefundable nearshore fishery gear endorsement transfer fee specified in Section 705 for each gear endorsement transfer. The transfer shall take effect on the date of the written notice of approval of the application given to the

transferee by the department. The nearshore fishery gear endorsement shall be valid for the remainder of the permit year and may be renewed in subsequent years pursuant to this section.

(5) An application for a transfer of a nearshore fishery gear endorsement shall be deferred when the current nearshore fishery gear endorsement holder is awaiting final resolution of any pending criminal, civil and/or administrative action that could affect the status of the nearshore fishery gear endorsement.

(6) Upon the death of a person with a valid non-transferable nearshore fishery gear endorsement, the nearshore fishery gear endorsement shall become null and void and the estate shall immediately surrender the nearshore fishery gear endorsement to the department's License and Revenue Branch.

[...No proposed changes to subsections (e) through (g)]

(h) Appeals.

(1) Any applicant who is denied initial issuance of a Nearshore Fishery Permit gear endorsement for any reason may appeal to the department in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked, no later than March 31, 2004. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.

(2) Renewal Appeals. Late renewal appeal provisions are specified in Fish and Game Code Section 7852.2.

~~(3) Any applicant who is denied transfer of a Nearshore Fishery Permit gear endorsement may appeal to the department in writing describing the basis for the appeal. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's denial.~~ Any applicant who is denied transfer of a transferable nearshore fishery gear endorsement may submit a written request for an appeal to the commission within 60 calendar days of the date of the department's denial.

[...No proposed changes to subsections (i) through (k)]

Note: Authority cited: Sections 713, 1050 and 8587.1, Fish and Game Code. Reference: Sections 1050, 7852.2, 8046, 8589.5, 8589.7, 9001 and 9001.5, Fish and Game Code.

Subsection 705(b), Title 14, CCR is amended as follows:

§ 705 Commercial Fishing Applications, Permits, Tags and Fees.

Fees (US\$)

[...No proposed change to subsection (a)]

(b) Transfer, Upgrade, or Change of Ownership

[...No proposed changes to subsections (b)(1) through (b)(4)]

(5) Nearshore Fishery Permit And Nearshore Fishery
Trap Endorsement Transfer Application DFW 1045
(New 4/2017), incorporated by reference herein.

(A) Nearshore Fishery Permit Transfer

5001,500.0

0

~~(6)~~(B) Nearshore Fishery Trap Endorsement Transfer

75.00

(6) Deeper Nearshore Species Fishery Permit Transfer
Application DFW 1048 (New 4/2017) incorporated by
reference herein.

(A) Deeper Nearshore Species Fishery Permit Transfer

1,500.00

[...No proposed changes to subsections (b)(7) through (b)(11), (c) and (d)]

NOTE: Authority cited: Sections 713 and 1050, Fish and Game Code. Reference: Sections 713 and 1050, Fish and Game Code.



State of California – Department of Fish and Wildlife
NEARSHORE FISHERY PERMIT AND NEARSHORE FISHERY TRAP ENDORSEMENT TRANSFER APPLICATION

DFW 1045 (New 4/2017)

Nearshore Fishery Permit Transfer Fee: \$1,500.00

Nearshore Fishery Trap Endorsement Transfer Fee: \$75.00

GENERAL PROVISIONS

Pursuant to Section 150(g)(2), Title 14, of the California Code of Regulations (CCR), any commercial fisherman with a valid transferable Nearshore Fishery Permit may transfer his/her permit to any person, who is licensed as a California commercial fisherman. The transfer shall be for the same regional management area as listed on the permit.

Pursuant to Section 150.03(d)(2), Title 14, of the CCR, any commercial fisherman with a valid transferable Nearshore Fishery Trap Endorsement may transfer his/her endorsement to a licensed commercial fisherman with a valid Nearshore Fishery Permit. The transfer shall be for the same regional management area as listed on the endorsement.

A Nearshore Fishery Permit or Nearshore Fishery Trap Endorsement may be transferred by the permit holder or the permit holder's estate, if the permit holder has no pending Fish and Wildlife violations, suspension or revocation that would affect the status of the permit or endorsement.

Check regional area management:

- North Coast Region South Coast Region
 North-Central Coast Region South-Central Coast Region
 Trap Endorsement

Permit holder must complete the application and submit the required documentation. See instructions required for transfer.

CURRENT PERMIT HOLDER

COMMERCIAL FISHING LICENSE NUMBER		NEARSHORE FISHERY PERMIT NUMBER		NEARSHORE FISHERY TRAP ENDORSEMENT NUMBER	
FIRST NAME		M.I.	LAST NAME		
MAILING ADDRESS					
CITY				STATE	ZIP CODE
DAY TELEPHONE		EMAIL ADDRESS		GO ID NUMBER	

PROPOSED PERMIT HOLDER

COMMERCIAL FISHING LICENSE NUMBER		GO ID NUMBER		
FIRST NAME		M.I.	LAST NAME	
MAILING ADDRESS				
CITY			STATE	ZIP CODE
DAY TELEPHONE		EMAIL ADDRESS		

SAMPLE

I agree to renew the permit before the expiration date, if the transfer takes place during the annual permit renewal period. I certify that I have read, understand, and agree to abide by all conditions of the applicable provisions of the Fish and Game Code (FGC), and the regulations promulgated thereto. I agree that if I make any false statement as to any fact required as a prerequisite to the review, approval of this transfer application, the permit will be surrendered, and I understand that I may be subject to prosecution pursuant to FGC Section 1054 or to other administrative actions pursuant to Section 746, Title 14, of the CCR. I certify under penalty of perjury that the included information is true to the best of his or her information and belief.

SIGNATURE OF PERMIT HOLDER	DATE
X	

DEATH OF PERMIT HOLDER

I agree to renew the permit before the expiration date, if the transfer takes place during the annual permit renewal period. I hereby certify that I am the I am the Executor/Executrix/Authorized Representative of _____, deceased, who was the holder of a valid Nearshore Fishery Permit and/or Nearshore Fishery Trap Endorsement immediately preceding his/her death, and that the information provided by me in connection with this application is true and accurate to the best of my knowledge. I further understand that, in the event of making any such false statement, as to any fact required as a prerequisite to the review, approval of this transfer application, the permit will be surrendered, and I understand that I may be subject to prosecution pursuant to FGC Section 1054 or to other administrative actions pursuant to Section 746, Title 14, of the CCR.

APPLICANT'S PRINTED NAME	APPLICANT'S SIGNATURE	DATE

INSTRUCTION FOR TRANSFER OF NEARSHORE FISHERY PERMIT AND/OR NEARSHORE FISHERY TRAP ENDORSEMENT

The current permit holder must submit documentation to show proof of the facts stated in support of this transfer application with the original notarized signed transfer application.

APPLYING TO TRANSFER A NEARSHORE FISHERY PERMIT

The following items must be submitted with the transfer application:

- Original notarized Nearshore Fishery Permit and Nearshore Fishery Trap Endorsement Transfer Application.
- The original valid transferable Nearshore Fishery Permit.
- A copy of the proposed permit holder's valid California Commercial Fishing License.
- Nonrefundable Nearshore Fishery Permit transfer fee of \$1,500.00.

APPLYING TO TRANSFER A NEARSHORE FISHERY TRAP ENDORSEMENT

- Original notarized Nearshore Fishery Permit and Nearshore Fishery Trap Endorsement Transfer Application.
- The original valid transferable Nearshore Fishery Trap Endorsement
- A copy of the proposed permit holder's valid Nearshore Fishery Permit and General Trap Permit.
- Nonrefundable Nearshore Fishery Trap Endorsement transfer fee of \$75.00.

DEATH OF PERMIT HOLDER

In the event of the death of the permit holder, the estate of the holder of a transferable Nearshore Fishery Permit or Nearshore Fishery Trap Endorsement may renew that permit and/or endorsement if needed to keep it valid. The estate of the decedent may transfer the transferrable Nearshore Fishery Permit and/or Nearshore Fishery Trap Endorsement not later than two years from the date of death of the permit holder as listed on the death certificate, pursuant to Sections 150(g)(3) and 150.03(d)(3), Title 14 of the CCR.

The estate must submit all of the following with the transfer application for the transfer of a Nearshore Fishery Permit:

- Original notarized Nearshore Fishery Permit and Nearshore Fishery Trap Endorsement Transfer Application.
- A court document naming the executor/executrix of the estate of the deceased permit holder or other evidence that the person signing the transfer application is an authorized representative of the deceased.
- Copy of the death certificate of the permit holder.
- The deceased's original valid transferable Nearshore Fishery Permit.
- Copy of the proposed permit holder's valid California Commercial Fishing License.
- Nonrefundable Nearshore Fishery Permit transfer fee of \$1,500.00.

The estate must submit all of the following with the transfer application for the transfer of a Nearshore Fishery Trap Endorsement:

- Original notarized Nearshore Fishery Permit and Nearshore Fishery Trap Endorsement Transfer Application.
- A court document naming the executor/executrix of the estate of the deceased permit holder or other evidence that the person signing the transfer application is an authorized representative of the deceased.
- Copy of the death certificate of the permit holder.
- The deceased's original valid transferable Nearshore Fishery Trap Endorsement.
- Copy of the proposed permit holder's valid Nearshore Fishery Permit and General Trap Permit.
- Nonrefundable Nearshore Fishery Trap Endorsement transfer fee of \$75.00.

A nontransferable Nearshore Fishery Permit and/or Nearshore Fishery Trap Endorsement becomes null and void upon the death of the permit holder and the estate shall immediately surrender the permit and/or endorsement to the Department's License and Revenue Branch, pursuant to Sections 150(g)(7) and 150.03(d)(6), Title 14, of the CCR.

IDENTIFICATION REQUIREMENTS

If the transferee is applying for the first time for a commercial fishing license they must provide valid identification as defined in Section 700.4, Title 14, of the CCR.

If you have any questions regarding the transfer process, please contact License and Revenue Branch, at (916) 928-5822 or via e-mail LRB@wildlife.ca.gov.

MAIL APPLICATION, TRANSFER FEE AND SUPPORTING DOCUMENTATION TO:

California Department of Fish and Wildlife
License and Revenue Branch
1740 N. Market Blvd.
Sacramento, California 95834



State of California – Department of Fish and Wildlife
DEEPER NEARSHORE SPECIES FISHERY PERMIT TRANSFER APPLICATION
 DFW 1048 (New 4/2017)
DEEPER NEARSHORE SPECIES FISHERY PERMIT TRANSFER FEE: \$1,500.00

GENERAL PROVISIONS

Pursuant to Section 150.02, Title 14, of the California Code of Regulations (CCR), each person possessing a valid deeper nearshore species fishery permit that has not been suspended or revoked shall have his or her permit designated by the Department as a transferable deeper nearshore species fishery permit.

Pursuant to Section 105.02, Title 14, of the CCR, any commercial fisherman with a valid Deeper Nearshore Species Fishery Permit may transfer his/her permit to any person, who is licensed as a California commercial fisherman, subject to the following conditions:

A Deeper Nearshore Species Fishery Permit may be transferred by the permit holder or the permit holder's estate if the permit holder, has no pending Fish and Wildlife violations, suspension or revocation that would affect the status of the permit.

Permit holder must complete the application and submit the required documentation. See instructions and documents required for transfer.

CURRENT PERMIT HOLDER

COMMERCIAL FISHING LICENSE NUMBER		DEEPER NEARSHORE SPECIES FISHERY PERMIT NUMBER		GO ID NUMBER
FIRST NAME	M.I.	LAST NAME		
MAILING ADDRESS				
CITY			STATE	ZIP CODE
DAY TELEPHONE		E-MAIL ADDRESS		

PROPOSED PERMIT HOLDER

COMMERCIAL FISHING LICENSE NUMBER		GO ID NUMBER		
FIRST NAME		LAST NAME		
MAILING ADDRESS				
CITY			STATE	ZIP CODE
DAY TELEPHONE		E-MAIL ADDRESS		

I agree to renew the permit before the expiration date, if the transfer takes place during the annual permit renewal period. I certify that I have read, understand, and agree to abide by all conditions of the applicable provisions of the Fish and Game Code (FGC), and the regulations promulgated thereto. I agree that if I make any false statement as to any fact required as a prerequisite to the review, approval of this transfer application, the permit will be surrendered, and I understand that I may be subject to prosecution pursuant to FGC Section 1054 or to other administrative actions pursuant to Section 746, Title 14, of the CCR. I certify under penalty of perjury that the included information is true to the best of his or her information and belief.

SIGNATURE OF PERMIT HOLDER

<input checked="" type="checkbox"/>	DATE
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DEATH OF PERMIT HOLDER

I agree to renew the permit before the expiration date, if the transfer takes place during the annual permit renewal period. I hereby certify that I am the Executor/Executrix/Authorized Representative of _____, deceased, who was the holder of a valid Deeper Nearshore Species Fishery Permit immediately preceding his/her death, and that the information provided by me in connection with this application is true and accurate to the best of my knowledge. I further understand that, in the event of making any such false statement, as to any fact required as a prerequisite to the review, approval of this transfer application, the permit will be surrendered, and I understand that I may be subject to prosecution pursuant to FGC Section 1054 or to other administrative actions pursuant to Section 746, Title 14, of the CCR.

APPLICANT'S PRINTED NAME	APPLICANT'S SIGNATURE	DATE
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INSTRUCTION FOR TRANSFER OF DEEPER NEARSHORE SPECIES FISHERY PERMIT

The current permit holder must submit documentation to show proof of the facts stated in support of this transfer application with the original notarized signed transfer application.

APPLYING TO TRANSFER A DEEPER NEARSHORE SPECIES FISHERY PERMIT

The following items must be submitted with the transfer application:

- Original notarized Deeper Nearshore Species Fishery Permit Transfer Application.
- The original valid Deeper Nearshore Species Fishery Permit.
- A copy of the proposed permit holder's valid California Commercial Fishing License.
- Nonrefundable transfer fee of \$1,500.00.

DEATH OF PERMIT HOLDER

In the event of the death of the permit holder, the estate of the holder of a Deeper Nearshore Species Fishery Permit may renew that permit if needed to keep it valid. The estate of the decedent may transfer the Deeper Nearshore Species Fishery Permit not later than two years from the date of death of the permit holder as listed on the death certificate, pursuant to Section 150.02, Title 14, of the CCR.

The estate must submit all of the following with the transfer request:

- Original notarized Deeper Nearshore Species Fishery Permit Transfer Application.
- A court document naming the executor/executrix of the estate of the deceased permit holder or other evidence that the person signing the transfer application is an authorized representative of the deceased.
- Copy of the death certificate of the permit holder.
- The deceased's original valid Deeper Nearshore Species Fishery Permit.
- Copy of the proposed permit holder's valid California Commercial Fishing License.
- Nonrefundable transfer fee of \$1,500.00.

IDENTIFICATION REQUIREMENTS

If the transferee is applying for the first time for a commercial fishing license they must provide valid identification as defined in Section 700.4, Title 14, of the CCR.

If you have any questions regarding the transfer process, please contact License and Revenue Branch, at (916) 928-5822 or via e-mail LRB@wildlife.ca.gov.

MAIL APPLICATION, TRANSFER FEE AND SUPPORTING DOCUMENTATION TO:

California Department of Fish and Wildlife
License and Revenue Branch
1740 L Street Blvd.
Sacramento, California 95834

SAMPLE