

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-2017-0711-10	REGULATORY ACTION NUMBER 2018-0118-03S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2018 JAN 18 P 3:08 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission			AGENCY FILE NUMBER (If any)

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

MAR 02 2018

1:41pm

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 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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2017, 29-Z	PUBLICATION DATE 7-21-17

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Commercial Landing Requirements	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
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 197 AMEND REPEAL		
TITLE(S) 14 per agency request			
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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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 Resubmittal of disapproved or withdrawn emergency filing (Gov.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)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Sheri Tiemann	TELEPHONE NUMBER 916-654-9872	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) sheri.tiemann@fgc.ca.gov

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 1/18/18
TYPED NAME AND TITLE OF SIGNATORY MELISSA A. MILLER-HENSON, DEPUTY EXECUTIVE DIRECTOR	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 02 2018

Office of Administrative Law

Regulatory Text

Section 197, Commercial Fisheries Landings and Receipts, is hereby added to Title 14, California Code of Regulations:

Section 197. Commercial Fisheries Landing Requirements.

(a) Definitions. The following definitions apply to this section:

(1) "Commercial fisherman" has the same meaning as found in Fish and Game Code Section 8040.

(2) "Dock ticket" means written documentation that is legible and in English, for landing data as described in subsection (e)(3) of these regulations, and is used when submission of the electronic fish ticket cannot be performed immediately upon landing.

(3) "Electronic fish ticket" means a web-based form that is used to send landing data pursuant to Fish and Game Code Section 8043 to the department via the Pacific States Marine Fisheries Commission. The web-based form is accessed at <https://etix.psmfc.org>.

(4) "Fish business" has the same meaning as found in Fish and Game Code Section 8032.

(5) "Fish receiver" has the same meaning as found in Fish and Game Code Section 8033.

(6) "Fish transportation receipt" means a paper form provided by the department for recording commercial catch that is transported from the point of first landing to a fish receiver.

(7) "Functional" means that the software and hardware requirements are met and submission to Pacific States Marine Fisheries Commission can be executed effectively by the equipment.

(8) "Land" or "Landing" means to begin transfer of fish, offloading fish, or to offload fish from any vessel. Once transfer of fish begins, all fish aboard the vessel are counted as part of the landing.

(9) "Landing receipt" means a paper form provided by the department for recording the sale or delivery of commercial catch.

(10) "Record" means the action of documenting electronic fish ticket information on a dock ticket.

(11) "Submit" means to transmit via a web-based form final electronic fish ticket information.

(b) Landing receipts; form and contents. The department prepares and issues upon request landing receipt forms.

(1) Landing receipts shall be completed at the time of the receipt, purchase, or transfer of fish, whichever occurs first and shall include the following information:

(A) Accurate weight of the species;

(B) Common name of the fish species received;

(C) Date of the receipt;

(D) Department origin block number where the fish were caught;

(E) Department registration number of the vessel and name of the vessel;

(F) Name of the fish business and fish business license identification number;

(G) Name of the fisherman and the fisherman's commercial fishing license identification number;

(H) Number of individual fish, as applicable;

(I) Price paid; and

(J) Type of gear used.

(2) Additional information the department requires includes:

(A) Port of landing;

(B) Condition of the fish, as applicable;

(C) Use of the fish, as applicable;

(D) Fishery permit number, as applicable;

(E) Note pad area that may be used by the fish receiver at their discretion; and

(F) Signatures of the fisherman and the fish receiver.

(c) Fish transportation receipts; form and contents. The department prepares and issues on request fish transportation receipt forms.

(1) A commercial fisherman or his designee shall fill out a fish transportation receipt to transport fish to a licensed fish receiver, unless he is licensed as a fish receiver or acting under the authority of a fisherman's retail license.

(2) Fish transportation receipts shall be completed at the time of the receipt, purchase, or transfer of fish, whichever occurs first, and shall contain the following information:

(A) Accurate weight of the species;

(B) Common name of the fish species received;

(C) Date of the receipt;

(D) Department origin block number where the fish were caught;

(E) Department registration number of the vessel and name of the vessel;

(F) Name of the fish business and fish business license identification number;

(G) Name of the fisherman and the fisherman's commercial fishing license identification number;

(H) Port of landing.

(I) Name of the person transporting the fish;

(J) Corresponding landing receipt number or electronic fish ticket number issued by the fish business to the commercial fisherman; and

(K) Signature of the fisherman authorizing transportation.

(3) To use a fish transportation receipt as a dock ticket, the following information shall be added to the information contained in subsection (c)(2):

(A) Fishery permit number, as applicable; and

(B) Signature of the fish receiver.

(d) Landing receipts and fish transportation receipts.

(1) All numbered landing receipts and fish transportation receipts shall be completed sequentially.

(2) Any voided landing receipt or fish transportation receipt shall have the word "VOID" written across the face of the receipt and shall be submitted to the department with all other completed landing receipts.

(3) A fisherman or fish receiver who is no longer conducting business shall return all unused landing receipts or fish transportation receipts and receipt books to the department immediately upon terminating the business.

(4) The delivery, distribution and retention of copies of landing receipts is described in Fish and Game Code Sections 8046 and 8046.1.

(5) The delivery, distribution and retention of fish transportation receipts is described in Fish and Game Code Section 8047.

(e) Electronic fish tickets; implementation and required information.

(1) Beginning on July 1, 2018 any fish receiver or fisherman with a fisherman's retail license shall record the landing information as provided herein using either a paper landing receipt or an electronic fish ticket, but not both.

(2) Beginning on July 1, 2019 electronic fish tickets shall be the sole method of submitting the information as provided herein.

(3) Electronic fish tickets or dock tickets shall be completed at the time of the receipt, purchase, or transfer of fish, whichever occurs first, and shall contain the following information:

(A) Accurate weight of the species;

(B) Common name of the fish species received;

(C) Date of the receipt;

(D) Department origin block number where the fish were caught;

(E) Department registration number of the vessel and name of the vessel;

(F) Name of the fish business and fish business license identification number;

(G) Name of the fisherman and the fisherman's commercial fishing license identification number;

(H) Number of individual fish, as applicable;

(I) Price paid;

(J) Type of gear used;

(K) Port of landing;

(L) Condition of the fish, as applicable;

(M) Use of the fish, as applicable;

(N) Fishery permit number, as applicable;

(O) Note pad area that may be used by the fish receiver at their discretion; and

(P) Signatures of the fisherman and the fish receiver; and

(Q) Transportation receipt number, as applicable.

(4) To complete and submit an electronic fish ticket a fish receiver shall meet the following hardware and software requirements:

(A) A personal computer system, tablet, mobile device, or other device that has software (e.g. web browser) capable of submitting information over the Internet, such that submission to the department via the Pacific States Marine Fisheries Commission can be executed effectively; and

(B) A printer capable of printing copies of the electronic fish tickets submitted via a personal computer system, tablet, or mobile device.

(5) The fish receiver is responsible for:

(A) Maintaining Internet access sufficient to access the web-based interface and submit completed electronic fish tickets; and

(B) Insuring that all hardware and software required under this subsection are fully operational and functional whenever they receive, purchase, or transfer fish species for which an electronic fish ticket is required.

(C) In the event of an internet outage or failure of the device it is the responsibility of the fish receiver to record the landing on a dock ticket pursuant to subsection (f)(3) of these regulations. The electronic fish ticket shall be submitted pursuant to Fish and Game Code Section 8046, except as provided in subsection (g).

(f) Electronic fish tickets; reporting and submission requirements.

(1) At the time of the landing the fish receiver shall either immediately complete an electronic fish ticket or record on a dock ticket the information that will be used to complete the electronic fish ticket for submission pursuant to Fish and Game Code Section 8046.

(2) If the landing information is entered on an electronic fish ticket the following is required prior to submittal:

(A) The information shall be reviewed by the commercial fisherman or the person who transported the fish;

(B) After review, the fish receiver and the commercial fisherman or the person who transported the fish shall sign a printed hard copy of the electronic fish ticket documenting that both have verified the accuracy of the information contained therein; and

(C) The fish receiver shall keep the original paper hard copy and provide a copy to the commercial fisherman.

(3) If the landing information is recorded on a dock ticket for later submission as an electronic fish ticket, the following is required:

(A) The electronic fish ticket number, which can be generated remotely via any device with a web browser and internet connection prior to the landing;

(B) The information shall be reviewed by the commercial fisherman or the person who transported the fish;

(C) After review, the fish receiver and the commercial fisherman or the person who transported the fish shall sign the dock ticket documenting that both have verified the accuracy of the information contained therein; and

(D) The fish receiver shall keep the original paper hard copy and provide a copy to the commercial fisherman.

(E) The electronic fish ticket shall be submitted pursuant to Fish and Game Code Section 8046.

(g) Electronic fish tickets; waiver of submission requirements.

(1) Under a temporary waiver granted by the department, a fish receiver may submit electronic fish ticket information on paper when there are circumstances beyond the control of the fish receiver resulting in their inability to submit landing data using the electronic fish ticket system.

(2) A request for a waiver has been submitted in writing to the department's Marine Region, Regional Manager, c/o Marine Fisheries Statistical Unit, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720, or via facsimile at 562-342-7137, or via email at ElectronicFishTicket@wildlife.ca.gov. The waiver shall include:

(A) Reason the fish receiver cannot comply with the electronic submission requirements,

(B) The name of the person making the request and their position within the company,

(C) The name of the fish business and fish business identification number,

(D) The physical address, phone number, and facsimile number or email address, as applicable, of the fish receiver, and

(E) The proposed time period for the waiver to be in effect.

(3) The department may request other related information prior to granting or denying the waiver.

(4) The waiver may include conditions such as the time period for submitting paper receipts, or any other criteria the department deems necessary.

(5) The fish receiver shall immediately make available a copy of the waiver approved by the department for inspection by the department when conducting business under the terms of the waiver.

(6) Fish receivers that have been granted a temporary waiver from the requirement to submit electronic fish tickets shall submit on paper the same data as is required on electronic fish tickets, pursuant to subsection (e)(3) of these regulations, pursuant to Fish and Game Code Section 8046, during the period that the waiver is in effect. Paper fish tickets shall be sent to the department according to the instructions provided in the waiver.

(h) Retention of electronic fish tickets and dock tickets.

(1) The commercial fisherman and the fish receiver shall keep a copy of the electronic fish ticket and dock ticket, as applicable for a period of four years and shall make them available for inspection at any time by the department.

(i) Electronic fish ticket revisions.

(1) Electronic fish tickets shall to be used for the submission of final data.

(2) In the event that a data error is found, electronic fish ticket submissions shall be revised by resubmitting the revised form electronically.

Note: Authority cited: Sections 1050(b), 8046, 8046.1, and 8047, Fish and Game Code. Reference: Sections 8031, 8032, 8033, 8033.1, 8034, 8035, 8040, 8043, 8045, and 8047, Fish and Game Code. Title 50, Sections 660.113, 660.213 and 660.313, Code of Federal Regulations.