

STAFF SUMMARY FOR DECEMBER 12-13, 2018

3. COMMERCIAL LOGBOOKS (CONSENT)**Today's Item**Information ☐Action ☒

Consider adopting proposed regulations for commercial logbooks.

Summary of Previous/Future Actions

- Notice hearing Aug 22-23, 2018; Fortuna
- **Today's adoption hearing Dec 12-13, 2018; Oceanside**

Background

The proposed changes amend existing regulations for federally-managed fisheries with state logbook requirements by eliminating California's logbook requirements for federally-managed groundfish trawl and highly migratory species harpoon and drift gillnet fisheries. The affected fisheries will be required to use the National Oceanic and Atmospheric Administration's National Marine Fisheries Service's (NOAA Fisheries) federal logbooks developed to more accurately reflect catch and discard in their respective fisheries.

Proposed Amendments

- Eliminate the need for state logs for swordfish activities and delete the swordfish harpoon log.
- Exempt from the state log requirement any fishermen: (1) targeting highly migratory species, and (2) using large mesh (greater than 14-inch) drift gill nets.
- Clarify the logbook requirements for each state-managed fishery and eliminate potential redundancy between state and federal regulations for the groundfish trawl fishery.

The proposed amendments eliminate logbook requirements in certain instances where vessel operators are currently required to complete state log books, but the data collected does not provide additional detail that is not already collected on state landing receipts or the data collected is not the type of data utilized in managing the fishery due to changing fishery management needs. The proposed amendments also clarify how to report in one instance where there has been confusion over which form is proper for reporting.

See Exhibit 2 for details about the proposed changes.

California Environmental Quality Act (CEQA)

Based on this, FGC staff does not believe there is any potential for a direct physical change or a reasonably foreseeable indirect physical change in the environment and therefore is not a project for the purposes of CEQA.

Significant Public Comments (N/A)

STAFF SUMMARY FOR DECEMBER 12-13, 2018

Recommendation

FGC staff: Determine that this is not a project under CEQA. Under a motion to adopt the consent calendar, adopt proposed changes as recommended by DFW.

Exhibits

1. [DFW memo, received Jul 30, 2018](#)
2. [Initial statement of reasons](#)
3. [Economic and fiscal impact statement \(Std. 399\)](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the staff recommendation under item 3 on the consent calendar.

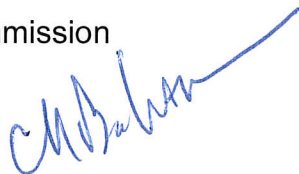
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Memorandum

Date: July 25, 2018

To: Valerie Termini
Executive Director
Fish and Wildlife Commission

From: Charlton H. Bonham
Director



Subject: **Agenda Item for the August 22-23, 2018 Fish and Game Commission Meeting
Re: Sections 107, 174 and 176, Title 14, California Code of Regulations,
Broadbill Swordfish; Permit to Use Gill Nets or Trammel Nets for Commercial
Purposes; and, Trawl Fishing Activity Records**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission (Commission) authorize publication of notice of its intent to consider amending existing regulations for federally managed fisheries with state logbook requirements (Sections 107, 174 and 176, Title 14, CCR).

An Initial Statement of Reasons is attached, which proposes regulatory changes to repeal logbook requirements for federally managed groundfish trawl and highly migratory species harpoon and drift gill net fisheries. This will allow for adoption at the December 2018 Commission meeting. The Department's opinion is that the rulemaking is not a project subject to CEQA.

If you have any questions regarding this item, please contact Dr. Craig Shuman, Marine Regional Manager, Marine Region, at (916) 445-6459. The public notice for this rulemaking should identify Senior Environmental Specialist, Traci Larinto as the Department's point of contact. Ms. Larinto can be reached at (562) 355-7061 or Traci.Larinto@Wildlife.ca.gov.

Attachment

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Valerie Termini, Executive Director
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STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 107; Section 174; and Section 176
Title 14, California Code of Regulations
Re: Commercial Logbooks
Broadbill Swordfish Harpoon; Gill and Trammel Net Fisheries; and
Trawl Fisheries

I. Date of Initial Statement of Reasons: June 28, 2018

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: August 22, 2018
 Location: Fortuna, CA

(b) Adoption Hearing: Date: December 12, 2018
 Location: Oceanside, CA

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

It is necessary to amend sections 107, 174 and 176, Title 14, California Code of Regulations (CCR) in order to eliminate the use of California forms by the affected fisheries in favor of Federal forms. The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) either has or is in process of developing federal logs that will more accurately reflect the catch and discard in federally managed fisheries for highly migratory species (HMS, as described in Section 1.49); and groundfish (as described in Section 1.91).

Currently, the state's Swordfish Harpoon Log (DFG 107), used by HMS fishermen targeting swordfish, does not provide additional detail that is not already collected on state landing receipts, and is not used for state or federal management. Additionally, the state's General Gill/Trammel Net Fishing Log (DFG 174) does not record discard information needed for managing bycatch in the federal HMS large mesh drift gill net fishery. The state's Trawl Trip Log (DFG 176) does not record needed discard information of federal groundfish species necessary for catch accounting under the federal Trawl Individual Quota (TIQ) program.

Background

The Pacific Fishery Management Council (Council) coordinates west coast management of recreational and commercial HMS and groundfish fisheries in the federal fishery management zone (3 to 200 miles offshore) off Washington, Oregon and California. At present, the HMS harpoon and drift gill net and groundfish TIQ fisheries use state logs to record fishing activity. However, changing fishery management needs require that additional information be collected and that logs be submitted in a more timely manner than

current regulations require. The state's harpoon log is not used in federal fisheries management.

NOAA Fisheries develops regulations to manage federal fisheries based on management measures adopted by the Council. Currently, NOAA Fisheries is in the process of developing new federal logbook requirements for both the federal HMS harpoon and drift gillnet fisheries and the federal groundfish TIQ fishery. One requirement may include use of a federally established electronic logbook, or at minimum, new federal requirements on what information must be required in a logbook, and when and how that information shall be recorded. These logs would include information on discarded fish and bycatch needed for management that are not required by regulations governing the state logs. Additionally, for the TIQ fishery there is an interest in making a logbook for these permittees to use regardless of what gear they are actually fishing (e.g., a single TIQ log that can be used for both trawl and fixed gear, because gear switching is allowed under TIQ).

The Council is adopting the use of electronic monitoring (EM) to replace 100 percent observer coverage in the TIQ fishery, and is considering EM for the HMS drift gill net fishery, as a way to reduce costs to observer coverage and address unobservable vessels. In general, EM replaces observers with onboard cameras to record all fishing activity, including species discarded at sea. In some cases, EM is (or may be in the future) used when vessels are prosecuting fishing activities under a federal Exempted Fishing Permit (EFP). Vessel captains operating under federal EFPs for groundfish are required to fill out the state log for kept fish and an additional federal log to record fish discarded at sea and to submit copies these logs within 24 hours of landing to NOAA Fisheries. The EM recordings are reviewed and both kept and discarded species are identified and enumerated to verify the information on both the logs.

Currently, the state logs are required to be submitted monthly. For the TIQ fishery, however, it is necessary to submit log data more frequently to ensure individual limits are not exceeded. Additionally, both the General Gill/Trammel Net Fishing Log and the Trawl Trip Log lack the necessary discard information for managing the HMS drift gill net and the TIQ fisheries, respectively. Thus, the Council is considering the need to develop electronic logs for both fisheries so that log effort data, including discards, can be transmitted at the end of a fishing trip under EM.

AMEND SECTION 107

Subsection 107(c) would be deleted eliminating the need for state logs recording swordfishing activities, and subsections (d)-(h) would be renumbered and other minor editorial changes made.

Under current regulations, subsection 107(c), all state swordfish harpoon permittees are required to complete a State Swordfish Harpoon Log (DFG 107). The information required on this log is specifically related to fish behavior and catch success and does not include bycatch information. The log does not provide location information beyond fishing block that is included on landing receipts. Current federal regulation (CFR 660.708) requires completion of either a state or federal log for all federal HMS fishing activity, including harpoon.

APPENDIX A:

The form Swordfish Harpoon Log, DFG 107 (10/90) is deleted from Appendix A, Title 14, CCR.

AMEND SECTION 174

Subsection 174(f) would be amended to exempt fishermen from the state log requirement: (1) targeting highly migratory species, and (2) using large mesh (greater than 14 inch) drift gill nets.

Under current regulations, subsection 174(f), all state general gill/trammel net permittees are required to complete a state Gill and Trammel Net Fishing Log (DFG 174). This includes state drift gill net permittees who are also required to have a general gill/trammel net permit. Active drift gill net permittees target federally-managed HMS swordfish and sharks using large mesh (greater than 14 inches) as defined in Fish and Game Code Section 8573. Current federal regulation (CFR 660.708) requires completion of either a state or federal log for all federal highly migratory species fishing activity, including drift gill net.

Currently, state drift gill net permittees targeting HMS species under federal permit are required to carry an observer upon request. Fisheries observers are deployed under the authority of the Marine Mammal Protection Act, the Endangered Species Act (ESA), and the Magnuson-Stevens Fishery and Conservation Management Act. This accurately documents the incidental take of sea turtles, marine mammals, and seabirds. Either a new federal log or EM will be developed to ensure that adequate information on bycatch, including ESA and strategic stocks species, and discard data are submitted to fishery managers to track bycatch.

AMEND SECTION 176

Section 176 requires all trawl fishermen to fill out a Trawl Trip Log (DFG 176), but does not specify which fisheries, thus some fishermen targeting invertebrates fill out the Trawl Trip Log (DFG 176) while other fill out the Shrimp/Prawn Trawl Log (DFG 120). To clarify the logbook requirement for each state managed fishery and to eliminate any potential redundancy between state and federal regulations for the groundfish trawl fishery, Section 176, Title 14, CCR, would be amended with the following additions:

- The first paragraph of Section 176 is deleted and rewritten as Subsection 176(a) and would require completion of the Trawl Trip Log (DFG 176) by these fisheries:
 - subsection (a)(1) all California halibut bottom trawl permittees.
 - subsection (a)(2) any finfish trawl fisheries without a specific permit to complete the Trawl Trip Log (DFG 176).
- Subsection (b) exempts federal TIQ permittees targeting federal groundfish from the state trawl log requirement.
- Subsection 176(c) would require completion of the Shrimp/Prawn Trawl Log (DFG 120) by these fisheries:

- subsection (c)(1) all golden/ridgeback prawn trawl, northern pink shrimp trawl, subsection (c)(2) all sea cucumber and southern pink shrimp permittees.
- trawl permittees.
- subsection (c)(3) any invertebrate trawl fishery without a specific permit.

Current regulations, Section 176, require that all trawl vessel operators fill out a state Trawl Trip Log (DFG 176). Additionally, current federal regulation (CFR 660.13) requires that federal groundfish TIQ permittees complete a state trawl log.

The federal groundfish TIQ program was implemented in 2011, changing from fishery-wide quotas for each species or species complex to individual quotas for each permitted vessel. In order to account for all catch (kept and discarded) TIQ vessels have been required to carry an onboard observer at all times to collect discard information (species and weights) and shoreside catch monitors are required for first receivers to collect kept fish information (species and weights) during the offload process. Information collected by observers and catch monitors is used to debit the vessel quota accounts of TIQ vessels, usually within 48 hours, so that vessel operators know how many quota pounds they have available to catch.

The Council is adopting EM for the groundfish TIQ fishery. NOAA Fisheries is developing regulations that would require vessel captains to fill out a state or federal trawl log that identifies and quantifies both the species kept and released. However, the state's Trawl Trip Log (DFG 176) does not include discard information. The EM recordings would then be used to verify the logbook information.

Additionally, there is a need for real time data collection of catch as well as discards so that TIQ quota accounts can be updated within 48 hours. Waiting for a paper log to be submitted and entered into a database could result in TIQ vessels exceeding their individual quotas, given that the timing of logbook submission varies by state (California requires that they be submitted monthly). As a condition of their federal EFP, vessels using EM photograph their completed state paper log and supplemental federal discard log at the end of each fishing trip and submit it electronically within 48 hours of offload so the data can be entered and bycatch debited from their TIQ account. As a long-term solution, a federal electronic logbook for TIQ permittees is being considered by the Council. The added benefit to this federal electronic log would be the ability to capture TIQ vessel effort when switching to fixed gear (trap/pots or longline), which is currently allowed. However, neither California nor Washington have a fixed gear log requirement (Oregon does). Once this federal electronic log is implemented there will no longer be a need for TIQ fishermen to fill out a state Trawl Trip Log.

(b) Goals and Benefits of the Regulation:

The regulation would eliminate an unnecessary burden on fishery participants to provide information that is unnecessary for State management. It would reduce printing, mailing, and data analysis costs to the Department.

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

Section 107

Authority cited: Sections 1050, 7857, 7892, 8026 and 8394, Fish and Game Code.

Reference: Sections: 1050, 7857, 7892, 8026, 8394, 8394.5, and 8577, Fish and Game Code.

Section 174

Authority cited: Sections 1050, 8026, 8681 and 8682, Fish and Game Code. Reference: Sections 1050, 1700, 7852.2, 8026, 8568, 8573, 8680, 8681, 8682 and 8683, Fish and Game Code.

Section 176

Authority cited: Section Sections 1050, 8026, and 8841, Fish and Game Code. Reference: Section Sections 1050, 8026, and 8841, Fish and Game Code.

- (d) Specific Technology or Equipment Required by Regulatory Change: None.
- (e) Identification of Reports or Documents Supporting Regulation Change: None.
- (f) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

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

- (b) No Change Alternative:

Section 107

If the regulations are not changed, harpoon permittees will continue to submit the State Swordfish Harpoon Log (DFG 107). This will continue to require printing, mailing, data processing, and data analysis costs by the state and no management information will be obtained that is not already available on landing receipts, and potentially duplicate a federal log requirement when implemented.

Section 174

If the regulations are not changed large mesh drift gill net permittees will continue to fill out the state Gill and Trammel Net Fishing Log (DFG 174) and there will be insufficient data to track fishing effort and the bycatch of ESA-listed, MMPA-protected, and other species. This will require continued printing and mailing costs by the state and potentially duplicate a federal log requirement when implemented.

Section 176

If the regulations are not changed, federal TIQ fishermen will continue to fill out the state Trawl Trip Log. This will require continued mailing costs by the state and potentially duplicate a federal log requirement when implemented. These logs are required to be

submitted monthly, creating a significant time lag between when fishing occurs and the activity showing up in the state and federal data systems, which could result in federal permittees exceeding their individual quota allotments. Additionally, the Trawl Trip Log does not collect the needed discard information for EM. Amending this log to include the discard information required for EM is not sufficient due to the time lag.

Finally, if the regulations are not changed, there will continue to be confusion regarding which log to fill out for California halibut trawl, sea cucumber trawl activity, and other trawl activity that does not require a specific permit. Since the Trawl Trip Log (DFG 176) and the Shrimp/Prawn Trawl Log (DFG 120) do not capture the same information, having fishermen use both logs results in incomplete data for fisheries management and makes it difficult to track compliance.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no impact on the environment.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This rulemaking proposes to increase clarity and efficiency by removing the state logbook requirement for various state and federal fisheries.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed regulatory action would remove the requirement to submit state logbooks for certain fisheries under federal management. This should reduce

fishery participant confusion about which logs to submit and eliminate duplicative effort increasing efficiency for fishermen.

The Commission does not anticipate any benefits to the health and welfare of California residents, worker safety, or the environment.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department would realize a savings of about \$30,000 annually in printing and mailing costs as well as time-savings for existing personnel.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

VII. Economic Impact Assessment:

The proposed regulatory action would remove the requirement to submit state logbooks for certain fisheries under federal management. This should reduce fishery participant confusion about which logs to submit and eliminate duplicative effort increasing efficiency for fishermen. The Department expects to also save personnel time responding to data requests, and on mailing, and printing costs.

Table 1. CDFW Annual Costs Savings.

Fiscal Year	2018/19	2019/20	2020/21
Time-Savings	\$24,278	\$24,715	\$25,061
Mailing	\$3,132	\$3,188	\$3,233
Printing	\$2,100	\$2,138	\$2,168
Total Cost-Savings	\$29,510	\$30,041	\$30,461

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The proposed action will not have an effect on the creation or elimination of jobs because this rulemaking proposes to increase clarity and efficiency by removing the state logbook requirement for various state and federal fisheries.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The proposed action will not have an effect on the creation or elimination of existing businesses within the state because this rulemaking proposes to increase clarity and efficiency by removing the state logbook requirement for various state and federal fisheries.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The proposed action will not have an effect on the expansion of businesses currently doing business within the state because this rulemaking proposes to increase clarity and efficiency by removing the state logbook requirement for various state and federal fisheries.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents:

The proposed regulatory action is not anticipated to benefit the health and welfare of California residents.

- (e) Benefits of the Regulation to Worker Safety:

The proposed regulatory action is not anticipated to benefit worker safety.

- (f) Benefits of the Regulation to the State's Environment:

The proposed regulatory action is not anticipated to benefit the state's environment.

- (g) Other Benefits of the Regulation:

The regulation would eliminate an unnecessary burden on fishery participants to provide information that is unnecessary for State management. It would reduce printing, mailing, and data analysis costs to the Department.

Informative Digest/Policy Statement Overview

It is necessary to amend sections 107, 174 and 176, Title 14, California Code of Regulations (CCR) in order to eliminate the use of California forms by the affected fisheries in favor of federal forms. The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) either has or is in process of developing federal logs that will more accurately reflect the catch and discard in federally managed fisheries for highly migratory species (HMS) and groundfish under the federal Trawl Individual Quota (TIQ) program.

Under current regulations (subsection 107(c), Title 14, CCR) all State swordfish harpoon permittees are required to complete a State Swordfish Harpoon Log (DFG 107). The information required on this log is specifically related to fish behavior and catch success and does not include bycatch information. The log does not provide location information beyond fishing block that is included on landing receipts. Current federal regulation (CFR 660.708) requires completion of either a state or federal log for all federal HMS fishing activity.

Additionally, under current regulations (subsection 174(f), Title 14, CCR) all state general gill/trammel net permittees are required to complete a State Gill and Trammel Net Fishing Log (DFG 174). This includes State large mesh drift gill net permittees, as described in Fish and Game Code Section 8573, who are also required to have a general gill/trammel net permit. Current federal regulation (CFR 660.708) requires completion of either a state or federal log for all federal highly migratory species (HMS) fishing activity, including drift gill net. These permittees are required to carry a federal observer upon request to accurately document the incidental take of sea turtles, marine mammals, and seabirds. The State's General Gill/Trammel Net Fishing Log (DFG 174) does not record discard information for federal Endangered Species Act (ESA)-listed species needed for managing the federal HMS large mesh drift gill net fishery.

Current regulations (Section 176, Title 14, CCR) require that all trawl vessel operators fill out a State Trawl Trip Log (DFG 176). Additionally, current federal regulation (CFR 660.13) requires that federal groundfish TIQ permittees complete a state trawl log. The Pacific Fishery Management Council is adopting electronic monitoring for the groundfish TIQ fishery. Additionally, there is a need for real time data collection of catch as well as discards so that TIQ quota accounts can be updated within 48 hours. Waiting for a paper log to be submitted and entered into a database could result in TIQ vessels exceeding their individual quotas, given that the timing of logbook submission varies by state (California requires that they be submitted monthly). The State's Trawl Trip Log (DFG 176) does not record needed discard information of federal groundfish species necessary for catch accounting under the federal Trawl Individual Quota (TIQ) program.

AMEND SECTION 107

Subsection 107(c) would be deleted eliminating the need for State logs recording swordfishing activities, and subsections (d)-(h) would be renumbered and Form Swordfish Harpoon Log, DFG 107 (10/90) is deleted from Appendix A.

AMEND SECTION 174

Subsection 174(f) would be amended to exempt fishermen from the State log requirement: (1) targeting highly migratory species, and (2) using large mesh (greater than 14 inch) drift gill nets.

AMEND SECTION 176

Section 176, Title 14, CCR, requires all trawl fishermen to fill out a Trawl Trip Log (DFG 176), but does not specify which fisheries, thus some fishermen targeting invertebrates fill out the Trawl Trip Log (DFG 176) while other fill out the Shrimp/Prawn Trawl Log (DFG 120). To clarify the logbook requirement for each State managed fishery and to eliminate any potential redundancy between State and federal regulations for the groundfish trawl fishery, Section 176, Title 14, CCR, would be amended as follows:

- The first paragraph of Section 176 is deleted and rewritten as Subsection 176(a) and would require completion of the Trawl Trip Log (DFG 176) by these fisheries:
 - subsection (a)(1) all California halibut bottom trawl permittees.
 - subsection (a)(2) any finfish trawl fisheries without a specific permit to complete the Trawl Trip Log (DFG 176).
- Subsection (b) exempts federal TIQ permittees targeting federal groundfish from the state trawl log requirement.
- Subsection 176(c) would require completion of the Shrimp/Prawn Trawl Log (DFG 120) by these fisheries:
 - subsection (c)(1) all golden/ridgeback prawn trawl, northern pink shrimp trawl, and southern pink shrimp permittees.
 - subsection (c)(2) all sea cucumber trawl permittees.
 - subsection (c)(3) any invertebrate trawl fishery without a specific permit.

Benefit of the Regulations

Currently, the permittees in these fisheries complete multiple forms for both the State and federal governments. The State forms do not provide additional information that is necessary for managing the fisheries and, in some cases, will be replaced by more comprehensive electronic monitoring and logbooks. By eliminating the need for State forms and relying on the improved reporting on federal forms, and potentially the electronic forms, the fishery benefits from less paperwork and the State benefits from a better and more useful format for information gathering. The State also benefits from a reduction in staff time and expenses surrounding printing, processing, and maintaining these unnecessary forms.

Consistency with State Regulations

Department staff has conducted a review of the California Code of Regulations and determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the statutory authority to amend regulations pertaining to the logbooks used by these fisheries.

REGULATORY TEXT

Section 107, Title 14, CCR, is amended as follows:

§ 107. Broadbill Swordfish.

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

~~(c) Records. Pursuant to Section 190 of these regulations, each permittee shall complete and submit an accurate record of all swordfishing activities on a form (Swordfish Harpoon Log, DFG 107 (10/89) see Appendix A) provided by the department.~~

~~(d)~~ (c) Conditions of Permit. Provisions of the Fish and Game Code relating to commercial fish except as modified by the provisions of these regulations, shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction or control.

~~(e)~~ (d) Cost of Permit. See ~~section~~ Section 8394.5 of the Fish and Game Code.

~~(f)~~ (e) Methods of Take.

(1) Swordfish may be taken only with hand-held hook and line or handthrust harpoon.

(2) Aircraft may be used to directly assist a permittee or any person in the taking of any species of fish while operating under a swordfish permit.

Only aircraft with current FAA registration which are registered with the department pursuant to Section 7892, Fish and Game Code, and aircraft pilots licensed pursuant to Section 7850, Fish and Game Code, may conduct flights for permittees. Such aircraft shall display the letters "SW" on the underside of each wing in block Roman alphabet at least 24 inches high x 3 inches wide, black in color and on a white background.

~~(g)~~ (f) Notification Procedure. The department shall notify permittees if the director, pursuant to ~~section~~ Section 8577 of the Fish and Game Code, closes the swordfish harpoon fishery or any area where the fishery is conducted. The department shall notify permittees by mail and by public announcement on VHF/Channel 16 between 0800 hours and 1000 hours during normal business days. Radio transmissions shall commence 48 hours prior to the effective date of a closure and shall continue for 24 hours after the effective date of such action. It shall be the responsibility of the permittee to daily monitor the named radio channel during the specified hours.

~~(h)~~ (g) Revocation of Permits. Any permit may be revoked and canceled by the commission upon breach or violation of any fish and game law or regulation or violation of the terms or conditions of the permit by the holders thereof, their agents, servants, employees or those acting under their direction and control.

Note: Authority cited: Sections 1050, 7857, 7892, 8026 and 8394, Fish and Game Code. Reference: Sections: 1050, 7857, 7892, 8026, 8394, 8394.5, and 8577, Fish and Game Code.

REGULATORY TEXT

Section 174, Title 14, CCR, is amended to read:

§ 174. Permit to Use Gill Nets or Trammel Nets for Commercial Purposes.

. . . *[No changes to subsections (a) through (e)]*

(f) Records. Pursuant to ~~section~~Section 190 each permittee shall complete and submit ~~an accurate a~~fishing activity record of all gill net and trammel net fishing activities on a ~~form-logbook~~(Gill and Trammel Net Log, (DFG 174 (10/89), see Appendix A) provided by the department.

(1) Any permittee targeting highly migratory species, as described in Section 1.49, and using drift gill net gear with a minimum 14-inch or greater mesh size, as described in Fish and Game Code Section 8573, is exempt from the logbook requirement.

. . . *[No changes to subsections (g) through (i)]*

Note: Authority cited: Sections 1050, 8026, 8681 and 8682, Fish and Game Code. Reference: Sections 1050, 1700, 7852.2, 8026, 8568, 8573, 8680, 8681, 8682 and 8683, Fish and Game Code.

REGULATORY TEXT

Section 176, Title 14, CCR, is amended to read:

§ 176. Trawl Fishing Activity Records.

~~Pursuant to Section 190 of these regulations, the master or his designee of any vessel operating any trawl net in the public waters under the jurisdiction of the state, or taking fish by such net without the state and bringing them into the state, shall complete and submit an accurate record of fishing activities on a form (Trawl Trip Log, DFG 176 (10/89), see Appendix A) provided by the department.~~

(a) Pursuant to Section 190, the owner and operator of a commercial fishing vessel or the holder of a commercial fishing license or permit participating in the following fisheries, shall keep and submit a complete and accurate record of fishing activities on the form Trawl Trip Log, DFG 176 (10/89), see Appendix A) provided by the department:

(1) California halibut bottom trawl permittees;

(2) Any trawl activity targeting finfish not described above; and,

(b) Federal groundfish trawl limited entry permittees are exempt from the log requirement in (a) when operating under a federal groundfish trawl permit and targeting federal groundfish as described in Section 1.91.

(c) Pursuant to Section 190, the owner and operator of a commercial fishing vessel or the holder of a commercial fishing license or permit participating in the following fisheries, shall keep and submit a complete and accurate record of fishing activities on the form Shrimp/Prawn Trawl Log (DFG 120 (10/89), see Appendix A) provided by the department:

(1) Pursuant to Section 120, golden and ridgeback prawn trawl permittees and northern or southern pink shrimp trawl permittees;

(2) Sea cucumber trawl permittees; and

(3) Any trawl activity targeting invertebrates not described above.

Note: Authority cited: ~~Section~~ Sections 1050, 8026, and 8841, Fish and Game Code. Reference: ~~Section~~ Sections 1050, 8026, and 8841, Fish and Game Code.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

Instructions and Code Citations:

SAM Section 6601-6616**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON Margaret Duncan margaret.duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER 916-653-4676
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend §107, §174, and §176, Title 14, CCR, Re: Commercial Logbooks			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

Fishermen will no longer be required to complete state logbooks.***If any box in Items 1 a through g is checked, complete this Economic Impact Statement.******If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.***2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total
businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: ☐ Statewide
☐ Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with
other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements.
Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ _____4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million?** ☐ YES ☒ NO***If YES, complete E2. and E3******If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☒ NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT**A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____

- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

Instructions and Code Citations:

[SAM Section 6601-6616](#)**FISCAL IMPACT STATEMENT (CONTINUED)****B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☒ 2. Savings in the current State Fiscal Year. (Approximate)\$ 30,000☐ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☒ 4. Other. Explain CDFW anticipates ongoing time-savings, mailing, and printing costs savings.**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

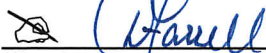
☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE

7/9/18*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY

DATE

9/6/18*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD399 CALCULATIONS WORKSHEET

Amend Subsections (c) through (h) of Section 107;
Subsection (f) of Section 174; and
Section 176, Title 14, California Code of Regulations

Re: Broadbill Swordfish; Permit to Use Gill Nets or
Trammel Nets for Commercial Purposes; and,
Trawl Fishing Activity Records

Fiscal Impact Statement

Section B. Fiscal Effect on State Government

Question 2. Savings in the current State Fiscal Year.

(FY 2018/19) Approximately \$30,000 with the reduction in personnel time (that is re-assigned to other core duties), mailing, and printing costs.

Question 4. Other. Explain

The proposed regulatory action would remove the requirement to submit state logbooks for certain fisheries under federal management. The Department expects to save personnel time responding to data requests, and on mailing, and printing costs. The total cost-savings are estimated to be \$29,510 in the first fiscal year and the price-adjusted savings estimates are \$30,041 and \$30,461 in the following two fiscal years, as shown below in Table 1.

Table 1. CDFW Annual Costs Savings.

Fiscal Year	2018/19	2019/20	2020/21
Time-Savings	\$24,278	\$24,715	\$25,061
Mailing	\$3,132	\$3,188	\$3,233
Printing	\$2,100	\$2,138	\$2,168
Total Cost-Savings	\$29,510	\$30,041	\$30,461