

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0911-03	REGULATORY ACTION NUMBER 2019-0111-04 S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

FEB 26 2019

1:45 PM

2019 JAN 11 P 3:38
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission	AGENCY FILE NUMBER (if any)
--	-----------------------------

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Commercial Logbooks	TITLE(S) 14	FIRST SECTION AFFECTED 107	2. REQUESTED PUBLICATION DATE September 21, 2018
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Sheri Tiemann	TELEPHONE NUMBER (916) 654-9872	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2018 38-2	PUBLICATION DATE 9/21/2018	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Commercial Logbooks	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
AMEND 107, 174, 176, and Appendix A (Division 1, Subdivision 1, Chapter 9)
REPEAL
TITLE(S) 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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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 Resubmittal of disapproved or withdrawn emergency filing (Gov.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)

<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 checked="" type="checkbox"/> Effective other (Specify) July 1, 2019 (§176)
--	--	--	--

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

<input checked="" 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>David Thesell</i>	DATE 1/11/2019
TYPED NAME AND TITLE OF SIGNATORY David Thesell, Program Manager	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 26 2019

Office of Administrative Law

per agency request 10/21/2019

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 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 of these regulations, 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; and

(2) Any trawl activity targeting finfish not described above.

(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.

Appendix A Fishing Activity Records

REPEAL

SWORDFISH HARPOON LOG

No. **D 58552**

Name of Skipper _____	SW Permit _____
Name of Boat _____	Boat F&G No. _____

89826

DATE Month/Day	BLOCK No.	Aircraft Used Yes or No	CHECK ONE			FISH Harpooned	FISH Landed	Estimated Dressed Weight
			FISH Underwater	FISH Finning	FISH Jumping			

Remarks _____

DFG 107 (10/90)