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

1. SUBJECT OF NOTICE  
Commercial Logbooks

2. REQUESTED PUBLICATION DATE  
September 21, 2018

3. NOTICE TYPE  
Regulatory Action

4. AGENCY CONTACT PERSON  
Sheri Tiemann

5. OAL USE ONLY  
ACTION ON PROPOSED NOTICE
Approved

6. NOTICE REGISTER NUMBER  
2018-38-2

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)  
Commercial Logbooks

2. SPECIFY CALIFORNIA CODE(S) OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if not related)  

SECTION(S) AFFECTED  
(List all section number(s) individually. Attach additional sheet if needed.)

<table>
<thead>
<tr>
<th>TITLE(S)</th>
<th>ADOPT</th>
<th>AMEND</th>
<th>REPEAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>107, 174, 176, and Appendix A (Division 1, Subdivision 1, Chapter 9)</td>
<td>14</td>
<td></td>
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</tr>
</tbody>
</table>

3. TYPE OF FILING

- Regular Rulemaking (Gov. Code §11346)
- Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)
- Emergency (Gov. Code, §11346.1)
- 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.
- Emergency Readopt (Gov. Code, §11346.1(h))
- Changes Without Regulatory Effect (Cal. Code Regs, title 1, §100)
- File & Print
- Other (Specify)

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 §§11346.4, 11346.4.1, Cal. Code Regs, Title 1, §100)
- Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- §100 Changes Without Regulatory Effect
- 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
- Department of Finance (Form STD. 399) (SAM §6660)
- Fair Political Practices Commission
- State Fire Marshal
- Other (Specify)

7. CONTACT PERSON  
Sheri Tiemann

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  
January 11, 2019

TYPED NAME AND TITLE OF SIGNATORY  
David Theell, Program Manager
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.)

RESUBMITAL 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 lb. 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 lb. 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 readoption, 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 lb. 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
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:


...[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 hand-thrust 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 permits; 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 11050, 8026, and 8841, Fish and Game Code. Reference: Section 11050, 8026, and 8841, Fish and Game Code.
# Appendix A  Fishing Activity Records

## SWORDFISH HARPOON LOG

### No. D 58552

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<th>Name of Skipper</th>
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### Table

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<th>BLOCK No.</th>
<th>Aircraft Used Yes or No</th>
<th>FISH Underwater</th>
<th>FISH Finning</th>
<th>FISH Jumping</th>
<th>FISH Harpooned</th>
<th>FISH Landed</th>
<th>Estimated Dressed Weight</th>
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### Remarks

DFG 107 (10/90)