



Tracking Number: (\_\_\_\_2024-04\_\_\_\_)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

## **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

### **1. Person or organization requesting the change (Required)**

Name of primary contact person: Benjamin D. Mitchell

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: ben [REDACTED]

### **2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Sections 200, 205, 265 and 275, Fish and Game Code**

### **3. Overview (Required) - Summarize the proposed changes to regulations:**

Clarification of the regulations to authorize the use of a harpoon as a landing aid.

### **4. Rationale (Required) - Describe the problem and the reason for the proposed change:**

Harpoons are a common landing aid for large tuna on small boats. In recent years, more and larger bluefin tuna have been caught along the California coast, bringing to the fore the lack of clarity in the regulations regarding the use of a harpoon as a landing aid.

Online discussions, questions to wardens, etc all struggle to make sense of whether it is legal to harpoon a hook-and-line caught fish at the boat as a way to control and land the fish.

Most of the discussions revolve around references to harpoons as a method of take, and extrapolate to form an opinion about whether a fish landed with a harpoon was "taken" with a harpoon. Some point out that a netted salmon or a gaffed lingcod were not "taken" with a net or a gaff. Others have a different read.

The lack of certainty creates a risk of unintentional illegal activity for fishermen, and a difficult enforcement issue for wardens. It seems it should be fairly straightforward to amend the regulations to speak specifically to the use of harpoons as a landing aid. Likewise, it doesn't seem like permitting harpoons as a landing aid should be overly controversial vs. a gaff.



## **SECTION II: Optional Information**

**5. Date of Petition:** 04/21/2024

**6. Category of Proposed Change**

- X Sport Fishing  
Commercial Fishing  
Hunting  
Other, please specify: [Click here to enter text.](#)

**7. The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- X Amend Title 14 Section(s):  
14.1.195(e)(1): add “harpoon” in addition to “gaff” and “net”  
14.27.90(d): update to read “gaffed or harpooned”  
14.28.65(d): update to read “No gaff hook or harpoon”

Note: I’m not policymaker or lawyer, so there may be better ways to articulate this change in the regs. I simply searched for “gaff” and suggested additional language to include harpoons as a landing aid.

Add New Title 14 Section(s): [Click here to enter text.](#)

Repeal Title 14 Section(s): [Click here to enter text.](#)

**8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)

Or X Not applicable.

**9. Effective date:** If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: As soon as practicably possible.

**10. Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents:

Here are two examples of detailed discussions highlighting the confusion caused by the current regs:

<https://forums.coastsidefishingclub.com/threads/made-a-harpoon.89260/>

<https://www.bdoutdoors.com/forums/threads/why-dont-we-harpoon-bluefin-on-the-west-coast.810404/>

**11. Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: None

**12. Forms:** If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

## **SECTION 3: FGC Staff Only**



Date received: 04/22/2024

FGC staff action:

- ☐ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action:

Meeting date for FGC consideration:

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition

Tracking Number

- ☐ Granted for consideration of regulation change