

## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 713, 1050, 1050(b), 6653, 6653.5, 7075, 7078, 7920, 7923, 7924, 8022, 8026, 8046, 8046.1, 8047, 8254, 8259, 8587.1, 9054, 9055 of the Fish and Game Code, and to implement, interpret or make specific Sections 51, 150, 713, 1050, 2365, 6650, 6651, 6652, 6653, 6653.3, 6654, 6656, 6680, 7050, 7055, 7056, 7071, 7850, 7852.2, 7857, 7923, 7924, 8022, 8026, 8043, 8046, 8250, 8250.5, 8254, 8587.1, 9002, 9005, 9006, 9010, 9054, 9055, and proposes to amend sections 120.7, 122, 165, 190, 705.1, Title 14, California Code of Regulations (CCR), relating to marine logbooks and coastal charts.

### **Informative Digest/Policy Statement Overview**

Unless otherwise specified, all section references in this document are to Title 14, CCR.

The California Department of Fish and Wildlife (Department) is recommending that the California Fish and Game Commission (Commission) amend sections amend subsections 120.7(m), 122(e), and 165(a)(1)(C), add new Subsection 190(f) and repeal Subsection 705.1(d) to provide a universal and up to date reference of Marine Logbooks and Fishing Block Charts in all forms where fishing blocks are reported.

The Department produces charts defining areas of fishing activity, commonly referred to as “fishing blocks.” These charts, with some modifications made over time, have been in consistent use for reporting fishing activity locations for all marine commercial fisheries. Some ambiguity has existed for decades, and correction is needed to collect accurate information as initially intended.

The proposed changes include:

- Section 705.1 removes subsection “(d) Maps of department origin blocks also known as fishing blocks” which incorporates by reference the three charts: Northern California Fisheries (September 2015); Central California Fisheries (September 2015); and Southern California Fisheries (April 2016). The charts will instead be referenced in Section 190 with a universal provision applicable to all forms requiring fishing origin block number data.
- Section 190 adds subsection “(f) Fishing Block Charts” which will specify that when a Department form requires that the origin block number be specified, this location number shall be referenced on the California Fisheries Chart Series, as prescribed by the Department at <https://wildlife.ca.gov/Fishing/Commercial/MFSU>. Providing this provision within Section 190 adds clarity and consistency to record reporting requirements for all commercial fisheries.
- Section 165 amends subsection (a)(1)(C) by deleting the phrase “(incorporated by reference in Section 705.1)” and replacing it with “(specified in Section 190(f))”. The charts will be referenced in Section 190 with a universal provision applicable to all forms requiring fishing origin block number data.
- Section 122 amends subsection (e), Records. The amendment will strike out this outdated version of the block chart, amend text for clarity. and specify a revised form, not including the charts, which will then be subject to the universal provisions of Section 190, Fishing Activity Records.
- Section 120.7 amends subsection (m) Logbooks. The amendment will amend text for clarity, delete a sentence which is redundant relative to provisions covered in Section 190,

and specify a revised form, not including the charts, which will then be subject to the universal provisions of Section 190, Fishing Activity Records.

Proposed revision to forms incorporated by reference include:

- Forms DFW 120.7 and DFW 122 will need revision so that one universal version of block chart as proposed in Section 190 is used in all forms.
- Commercial Dive Fishing Log DFW 120.7 revision will remove the charts from the instructions on the form, clarifying that the log will then be subject to the universal provisions of Section 190, Fishing Activity Records with the newly proposed subsection 190(f). The revised form will also update office addresses, nomenclature for field names, and include fields for “Species” and “Fish Ticket Number.”
- Daily Lobster Log DFW 122 revision will remove the charts from the instructions on the form, clarifying that the log will then be subject to the universal provisions of Section 190, Fishing Activity Records. The revised form will also update an office address and nomenclature for some field names. “Landing receipt” is changed to “Fish Ticket” to reflect potential submissions via the electronic fish ticket (E-tix) or landing receipts associated with the catch. The “F & W Vessel Number” is proposed for update to “CDFW Boat Registration Number” to more accurately reflect terminology used in lobster fishing.

#### *Benefit of the Regulations*

The goal of these regulations is to update fisheries charts to improve the quality of the data used by the Department in its ocean fisheries management recommendations resulting in net benefits to stakeholders.

The current reference for block codes creates ambiguity in the information collected. Corrections are needed in order to collect the information at the resolution initially intended. The proposed changes are necessary for the betterment of fishery management decisions based on this information. Additionally, the proposed changes will improve spatial resolution to a level that will allow for correct distinction between catch originating in U.S. versus foreign waters and between inshore and offshore waters of California.

#### *Consistency and Compatibility with Existing Regulations*

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing aspects of the commercial marine fishing logs (California Fish and Game Code sections 8026, 8254, and 9054). No other state agency has the authority to adopt regulations governing marine logs. The Commission has reviewed its own regulations and finds that the proposed regulations are consistent with other marine fishing regulations and marine protected area regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

### **Public Participation**

#### **Comments Submitted by Mail or Email**

It is requested, but not required, that written comments be submitted on or before August 1, 2024 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed,

or emailed to the Commission office, must be received before 12:00 noon on August 9, 2024. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

## Meetings

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Mountain Side Conference Center, 10001 Minaret Road, Conference Room 4, Mammoth Lakes, California on **Wednesday June 19, 2024**, and may continue on **Thursday June 20, 2024**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the River Lodge Conference Center, 1800 Riverwalk Drive, Fortuna, California on **Wednesday, August 14, 2024**, and may continue on **Thursday, August 15, 2024**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

## Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikethrough format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Jenn Bacon at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Paulo Serpa, Senior Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Serpa can be reached at (805) 729-5309 or [MFSU@Wildlife.ca.gov](mailto:MFSU@Wildlife.ca.gov).**

## Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

## Impact of Regulatory Action/Results of the Economic Impact Assessment

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 Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Commission does not anticipate that the proposed action will have significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes provide clarification of existing regulations that aid in the continued preservation of marine resources, while continuing to maintain commercial and sport fishing opportunities and thus, the prevention of adverse economic impacts.

(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 adverse impacts on the creation or elimination of jobs within the state. The Commission does not anticipate adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed changes are to provide clarification of existing regulations that are not anticipated to change the level of fishing activity and thus the demand for goods and services related to marine resource harvest that could impact the demand for labor, nor induce the creation of new businesses, the elimination, nor the expansion of businesses in California. The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

The Commission anticipates benefits to the State's environment indirectly through improved accuracy in information collected for the betterment of fisheries management, which improves fish stocks and the marine coastal ecosystem.

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

The Commission 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:

No changes to costs or savings to state agencies or in federal funding are anticipated by the proposed clarification of existing regulations. The Department program implementation and enforcement are projected to remain the same with a stable volume of marine resource harvest activity.

(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.

**Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

**Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Melissa Miller-Henson  
Executive Director

Dated: May 17, 2024