State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Add Section 174.1
Title 14, California Code of Regulations
Re: Set Gill Net Service Interval, Gear Marking and Mesh Depth

I. Date of Initial Statement of Reasons:

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: April 17-18, 2024 Location: San Jose

(b) Discussion Hearing:

Date: June 19-20, 2024 Location: Mammoth Lakes

(c) Adoption Hearing:

Date: August 14-15, 2024 Location: Fortuna

III. Description of Regulatory Action

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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The state of California manages the commercial set gill net fishery. The Department of Fish and Wildlife (Department) monitors the current 91 set gill net permits that are issued, of which 34 were active in the past year. The number of set gill netters has declined over time with increasing restrictions. From 1985-1990s there was a series of depth and area general gill net bans throughout northern California that limited all gill net fishing south of Point Conception. In 2000, an emergency gill net closure limited the use of all gill nets to federal waters south of Point Arguello in Santa Barbara County. In 2002, the gill net closure in northern California was made permanent. In 1994, Proposition 132 established the Marine Resource Protection Zone which banned all gill nets in nearshore waters. This banned gill nets within 3 miles of the mainland and 1 mile or 70 fathoms, whichever is less, surrounding the Channel Islands.

There are two main types of set gill nets, 8.5 minimum mesh which primarily targets California halibut (halibut), and 6-inch minimum mesh which primarily targets white seabass. Set gill nets have the potential to result in bycatch, where fish or other marine life taken in a fishery are not targeted and may be discarded because they are of an undesirable species, size, sex or quality or because they are not legal to take. “Acceptable bycatch” considers legality of take, potential threat to sustainability, impacts to other fisheries and the ecosystem (Department, 2018). Pursuant to the Marine Life Management Act (MLMA), over the past several years the Department has worked in coordination with research partners, Fish and Game Commission (Commission) staff, industry representatives, and the non-government organization (NGO) community to complete a four-step process for determining whether the amount and type of

bycatch are considered “acceptable” (Fish and Game Code (F&G Code) Section 7085). Step 4 of this bycatch evaluation is to develop management measures to address unacceptable bycatch and to improve data collection for the California set gill net fishery (Department, 2018). Subsections (a) through (c) of Section 174.1 outlined in this regulatory proposal are a direct result of this process, and an initial phase of regulations aimed to reduce bycatch in the California set gill net fishery.

CURRENT REGULATIONS

Current laws governing set gill nets are as follows:

Section 174 describes the permit required to use gill or trammel nets for commercial purposes, including qualifications, renewal, keeping records, conditions, revocations, and exemptions (implements F&G Code Section 8682). There are currently no service interval regulations for set gill nets.

Current gear marking regulations state set gill nets must be marked at both ends with buoys displaying fisherman’s identification number and specify the distance between markers shall not exceed 45 fathoms (F&G Code Section 8601.5).

Current laws specify that set gill nets with mesh size of not less than 8.5 inches may be used to take California halibut (F&G Code Section 8625(a)), and gill nets with meshes of a minimum length of 6 inches may be used to take white seabass (F&G Code Section 8623(d)).

PROPOSED REGULATIONS

Subsection 174.1(a)

Service interval is the amount of time that fishing gear remains in the water, between when it is first set and when it is retrieved. Service intervals vary among fisheries and are dependent on the target species, the specifications of the fishing gear, and the time it takes to service the gear and bring it aboard.

The Necessity of a Set Gill Net Service Interval Regulation

Currently, the California set gill net fishery does not have a maximum service interval defined in regulation, meaning gill netters can leave their nets in the water for any amount of time. Currently 72% of gill net logs report a 24 hour or less soak time, 23% report a 37–48-hour soak time and only 3% report over 56 hours (Figure 1). When asked during fleet outreach efforts, gill netters stated that they base the amount of time they soak their nets on how active fishing is. When fishing is slow, they will leave their nets out for 2 days, as their catch increases and it is a savings as fuel costs are cut in half.

Establishing a service interval duration has the potential to reduce bycatch impacts on some species, specifically discard mortality of sensitive species such as elasmobranchs. With a 24 hour or less soak time, 80% of all finfishes released are alive (except mackerel since they are an uncommon species with high discard mortality that skews the data- 53% with mackerel included), and 87% of all released elasmobranchs are alive (Figure 2). This mortality rate increases with longer service intervals, with 41% of finfish and 50% of elasmobranchs released alive with soak times over 56 hours. However, there is an increase in the number of halibut

caught in nets soaked over 24 hours (Figure 3), so allowing a longer soak time increases catch of halibut. Comparatively, the same trend is not seen in white seabass with the highest numbers being caught in 24 hour-soaked nets.

Proposed language in 174.1(a) for a service interval includes a range to be decided through the Commission public noticing process of 24 to 48 hours. The flexibility of allowing up to 48 hours between servicing nets would allow for fishers to determine the best time to pull nets depending on conditions and target species while also allowing for decreased fuel costs. During outreach efforts gill netters have voiced concern that a strict 24-hour service interval would be challenging to comply with given it takes longer to retrieve nets than to set them. Selecting a service interval between 25-35 hours could benefit fishers by providing reasonable time to pull their nets and still reduce bycatch mortality. It has been expressed that a 36-hour service interval is not reasonable to enforce as most gill netters deploy nets in the morning so retrieval would be in the middle of the night. The mortality rate does not substantially change in the 25–36-hour range for either finfishes or elasmobranchs. Additionally, the highest number of halibut per trip is reported from 25–36-hour range trips.

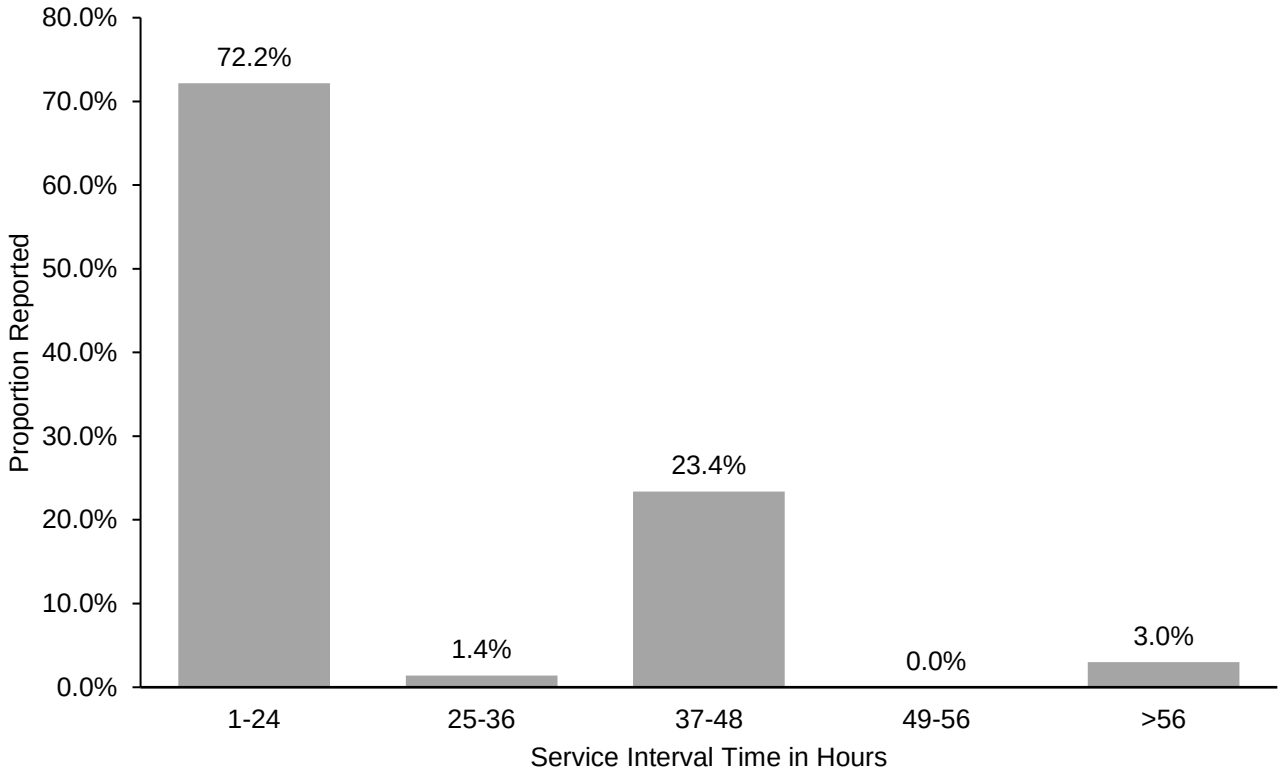

Figure 1. Range of service interval times and frequency reported in CDFW Gillnet Logs (2007-2022).

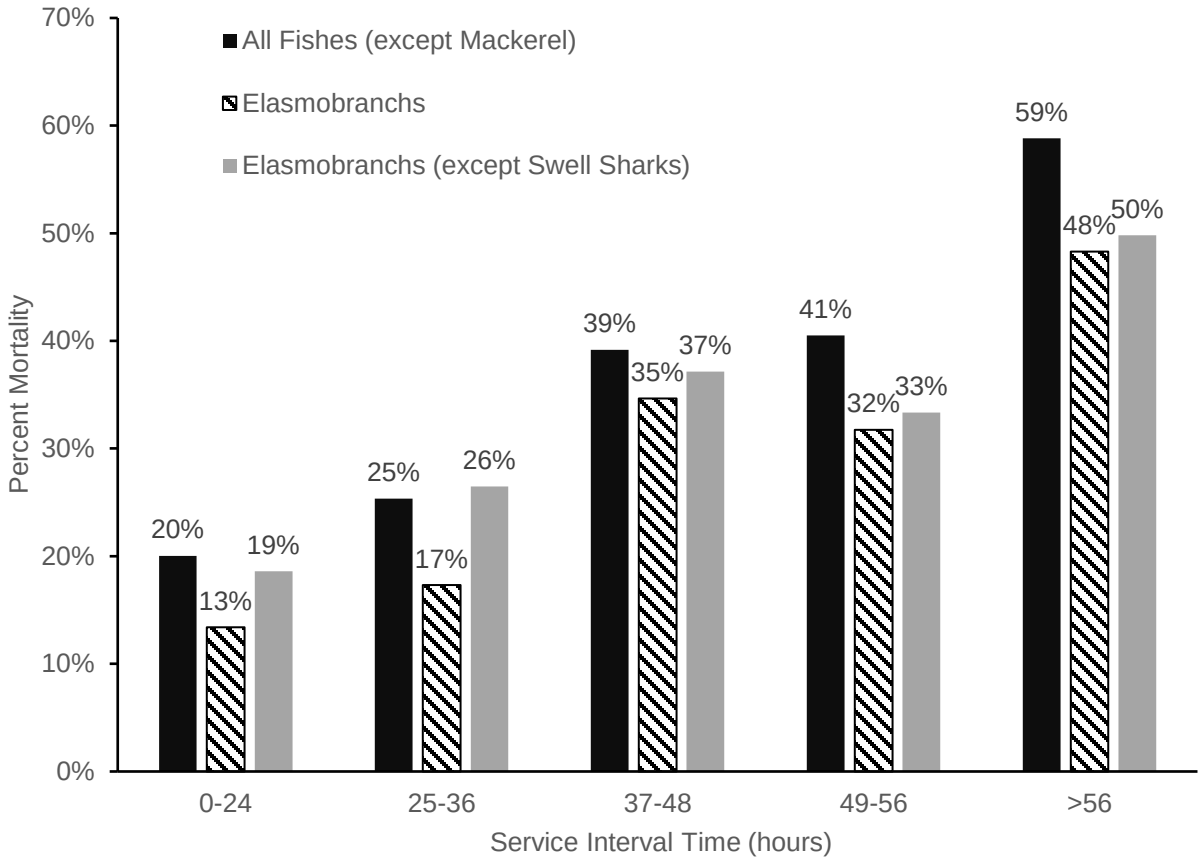

Figure 2. Percent mortality of species groups by service interval time based on federal observer data (Years- 2007, 2010, 2013, 2017). Mackerel are not commonly captured in gill nets and are excluded to prevent their high discard morality skewing the rate. Elasmobranchs are shown with and without swell sharks as they have a high survivability rate compared to other shark species.

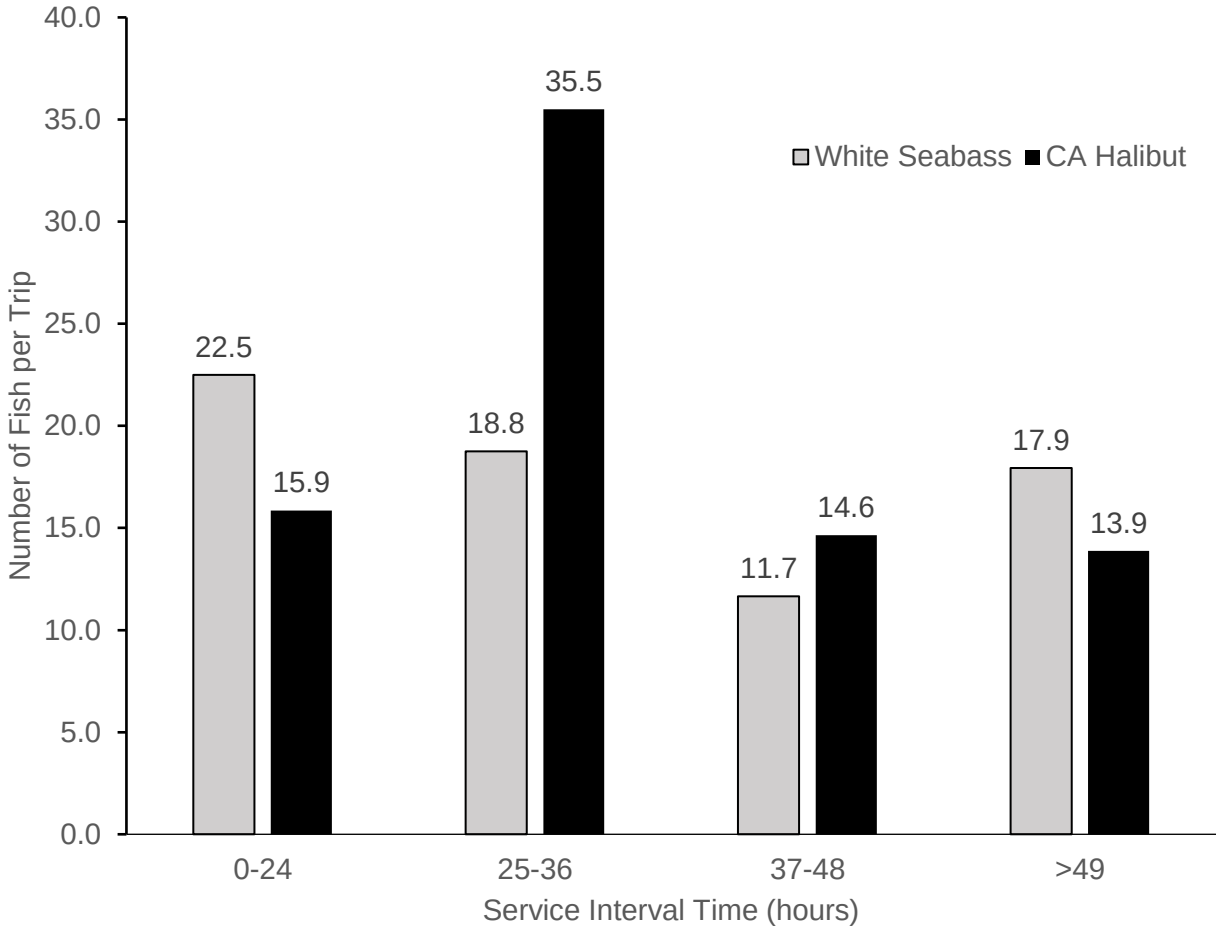

Figure 3. Number of California halibut and white seabass per soak time reported in CDFW Gillnet Logs (2007-2022).

Enforcement of the service interval regulation will be challenging without some type of electronic monitoring informing law enforcement officers of the location of gill net vessels when setting or retrieving nets. Monitoring service intervals through fishing activity logs is limited and cannot be verified unless enforcement is present or observing at all times. Electronic logbooks will only provide an honor-based system of reporting service intervals. Many of the vessels have the federal VMS system, but this system is only required for those landing or retaining groundfish and not for landing halibut or white seabass caught in gill nets. Electronic monitoring is anticipated to be pursued as part of a second phase of management improvements aimed to reduce bycatch in the California set gill net fishery but is not being included in this rulemaking.

Subsection 174.1(a)(1) and (2)

When implementing a service interval, it is important to include exemptions for the cases where a permittee might not be able to comply with the regulation due to undue hardship, or unsafe weather conditions or catastrophic events.

174.1(a)(1) - Due to the strict service interval time during outreach efforts, permittees have requested an allowance for alternative compliance where they may grant another permittee permission to remove their nets from the water if they are facing catastrophic events such as

vessel mechanical failure or debilitating illness. The process to request the Department's License and Revenue Branch to approve such an exemption and waiver allows the opportunity for a net to be serviced by another permittee. The issued waiver may provide flexibility for time constraints, landing prohibitions, or other conditions the Department may deem pertinent. This provision is necessary to provide flexibility for the permittee to still comply with the service interval for non-weather related unforeseen circumstances.

174.1(a)(2) - Law enforcement has expressed that email is the most efficient way for a permittee to notify the Department of unsafe weather conditions at sea. An email specific to set gill net unsafe weather exemption notifications has been set up (gillnetnotifications@wildlife.ca.gov) and it is required that permittees must send a message prior to the end of the service interval stating the reason for delay and the anticipated date and time of retrieval. Proposed subsection 174.1(a)(2)(B) provides that unsafe weather conditions include the issuance of a Small Craft Advisory by the National Weather Service, or issuance of another advisory that indicates winds of over 25 knots. This provision is necessary to provide flexibility for the permittee to still comply with the service interval for unforeseen or changing weather conditions.

Subsection 174.1(a)(3)

When set gill nets are not retrieved or are not marked with identification, they are considered abandoned. Proposed subsection 174.1(a)(3) includes a timeframe of 7 consecutive days for determination of abandonment without servicing, cleaning, or otherwise raising the net if there is no approved exemption pursuant to 174.1(a). Additionally, a set gill net is abandoned if the valid, required gear markings, per F&G Code Section 8601.5 and Title 14, CCR, Section 174.1(b) are not present or legible on the set gill net. The timeframe of 7 consecutive days was chosen as it provides ample time for Department staff to determine whether any permittee has been identified as the responsible party for the net. This subsection is necessary to establish a time limit for the Department's Law Enforcement Division to determine when set gill net gear is no longer in use and to provide a means for citation to any identified permittee, if abandonment is documented, consistent with F&G Code Section 8630.

Subsection 174.1(b)

Gear marking has been identified as an important tool to address concerns related to unidentified set gill net gear in marine mammal entanglements. While there are current gear marking regulations for set gill nets, mandating buoys with the fisher's identification number every 45 fathoms (F&G Code Section 8601.5), it does not clearly identify the set gill nets are from California fisheries.

The Necessity of a Gear Marking Regulation

In 2022, there were reports of 2 humpback whales and 1 gray whale entangled with unidentified gill nets off the California coast (NOAA 2022). Through outreach with the California set gill net fleet, an idea to incorporate a 1- inch wide, 1- foot long colored nylon strap weaved into the existing head rope was developed (Figure 4). Two set gill netters have trialed this marking system and have found no issues with backlash or entanglement, and have confirmed the markings can be added to existing gear while nets are being deployed preventing the economic burden of necessitating a break from fishing to install gear markings.

- Proposed language in 174.1(b) for marking of the headrope includes three options of colors to be decided through the Commission public noticing process of red, orange, or yellow, or possibly all of these. Providing three color options through this process would allow for permittee input on the final color or flexibility in all three colors, considering manufacturing availability of such nylon straps. These colors are necessary options to provide maximum visibility in ocean conditions.
- Proposed language in 174.1(b) for marking interval is proposed for 20 fathoms based on discussions with NOAA, industry representatives, stakeholders, or other organizations. Initial outreach with set gill net permittees indicates that this interval marking would be reasonable in terms of the labor it would take to add the markings to the net. Mandating this additional set gill net marking system to be displayed every 20 fathoms will allow for confirmation that a set gill net is from the California set gill net fishery if entangled.

Figure 4. Images of proposed gill net gear marking system submitted by gill netter trialing the system on their net. Individual fisher's identification number blurred out to protect identity.

During outreach with the fleet, they have requested to be given a year to update their gear with gill net markings to be in compliance with the proposed regulations. The planned compliance date would be January 1, 2026, given the overall planned regulation effective date of January 1, 2025.

Subsection 174.1(c)

There is currently no specification on the maximum net height (also known as mesh depth) for set gill nets. Fish and Game Code establishes specific dimensions for mesh size and net length for the California halibut fishery (F&G Code Section 8625(a)) and a minimum mesh size for the white seabass fishery (F&G Code Section 8623(d)). However, there are no standards for the maximum depth for either California halibut or white seabass.

The Necessity of a Mesh Depth Regulation

During bycatch evaluation outreach efforts with the set gill net fleet, it was brought up that standardizing net height for set gill nets is a management measure that has a potential to

reduce bycatch and prevent the expansion of set gill net gear. For the California halibut fishery, a maximum of 25 meshes deep, and for white seabass, a maximum of 50 meshes deep has received support from industry representatives. According to the Federal observer program observations that included mesh depth parameters on set gill net sets observed from 2006-2017, 91% of halibut targeted gill nets fish with nets a maximum of 25 mesh panels deep, and 93% of white seabass targeted nets fish with nets a maximum of 50 mesh panels deep.

(b) Goals and Benefits of the Regulation

The MLMA is intended to ensure the conservation, sustainable use, and restoration of California's marine living resources. In 2019, the Department assessed the state's fisheries under the 2018 Master Plan for Fisheries framework (Department, 2018). A prioritization process identified halibut as a species in need of management attention due to potential risks to bycatch species (including sub legal-sized halibut) and from a changing climate. The three proposed regulations are a direct result of the MLMA process, and the first phase of regulations aimed to reduce bycatch in the California set gill net fishery.

The benefits of the proposed regulation change include, but are not limited to:

- Opportunity to create a positive conservation impact in southern California.
- Imposing soak time restrictions that reduce the mortality of both discarded elasmobranchs and finfishes in the set gill net fishery.
- Reducing discarded bycatch in the set gill net fishery.
- Creating a gear marking system that will clearly identify where set gill nets are from if entangled on marine mammals.
- Industry supported and trialed gear marking system increases chances of success and prevents undue economic burden to the set gill net fleet.
- Preventing the expansion of set gill net fishing gear.
- Opportunity to be responsive to stake holder's feedback. The proposed regulations were created in response to constituents' comments throughout the California Halibut Scaled Management Process.

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

Authority: 7085, 8682

Reference: 1050, 1700, 7056, 8026, 8568, 8573, 8574, 8601, 8601.5, 8604, 8609, 8623, 8625, 8626, 8630, 8680, 8681

(d) Specific Technology or Equipment Required by Regulatory Change:

This regulation will require set gill netters to purchase nylon straps for gear marking.

(e) Identification of Reports or Documents Supporting Regulation Change

Evaluating Bycatch in the California Halibut Set Gill Net Fishery. CDFW 2023. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213366&inline

California Department of Fish and Wildlife. 2018. 2018 master Plan for Fisheries: A guide for Implementation of the Marine Life Management Action. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=159222&inline

California Department of Fish and Wildlife. 2023. California Halibut Scaled Management Process. Available from: https://wildlife.ca.gov/Conservation/Marine/CA-Halibut-Scaled-Management

NOAA Fisheries. 2022. West Coast Whale Entanglement Summary. 2022 West Coast Whale Entanglement Summary (noaa.gov)

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

- Invites were sent to the entire fleet, 104 gill net permit holders, for two fleet-only information meeting options:
  - November 9, 2023 at the Santa Barbara Harbor
  - November 15, 2023 at the San Diego field office for the Department of Fish and Wildlife
- November 16, 2023, Marine Resources Committee meeting, San Diego
- March 19, 2024, Marine Resources Committee meeting, San Clemente
- Contacted active gill netters by phone on multiple occasions to get their input on the following topics:
  - Rationale for current gill net soak times
  - Reasonable distance between proposed gear marking system
  - Definition of net abandonment

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives to a regulatory change were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect. Imposition of performance standards is not a reasonable alternative to these specifically prescribed procedures because management measures require action to be taken to address unacceptable bycatch, and a service interval would reduce bycatch. Similarly for mesh depth, specifications on mesh depth would mean improved efficiency in targeting halibut and white seabass, while reducing bycatch of other species. Alternative markings were voluntarily trialed including a colored tracer line weaved into the headrope, but during outreach efforts with the fleet it was decided the colored nylon strap was the most cost effective and efficient.

(b) No Change Alternative

Without the proposed changes, the outstanding issues concerning unacceptable bycatch in the set gill net fishery would remain unaddressed. The Department would be unable to meet its objectives under the 2018 Master Plan for Fisheries or requirements of the MLMA.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no

mitigation measures are needed.

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. 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 because this action will not affect the demand for goods and services related to the set gill net fisheries within the state.

(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 Commission does not anticipate any benefits to the health and welfare of California residents, or worker safety. The Commission anticipates benefits to the State's environment by sustainably managing California's marine resources.

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

The Commission is aware of the cost impacts that a representative private business would necessarily incur in reasonable compliance with the proposed action. Set gill net permit holders would have some additional gear-marking time and material costs and may have to undertake some additional vessel travel time to monitor nets if they do not already adhere to the proposed maximum gill net service interval (see STD399 and Addendum).

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

The Department Law Enforcement Division (LED) staff anticipates a temporary increase in patrol boat time until the set gill net fleets adjust to the proposed regulations (see STD399 and Addendum).

(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

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

The Commission does not anticipate any impacts on the creation or elimination of jobs within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for jobs.

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

The Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses within the state because this proposed action should allow for ongoing fishing activity similar to current and historical levels which would not affect the demand for goods and services related to the set gill net fishery within the state.

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

The Commission does not anticipate any impacts on the expansion of businesses currently doing business within the state because this action will not affect the demand for goods and services related to the set gill net fisheries within the state.

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

The Commission does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate benefits to worker safety in California.

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

The Commission anticipates benefits to the state's environment through compliance with the MLMA and the 2018 Master Plan for Fisheries framework working to ensure the conservation, sustainable use, and restoration of California's marine living resources. The three proposed regulations are a direct result of the MLMA process, and the first phase of regulations aimed to reduce bycatch in the California set gill net fishery. These regulations aim to reduce discarded bycatch in the set gill net fishery, impose soak time restrictions that reduce the mortality of both discarded elasmobranchs and finfishes, and creating a gear marking system that will clearly identify where set gill nets are from, if entangled on marine mammals.

(g) Other Benefits of the Regulation

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The state of California manages the commercial set gill net fishery. The Department of Fish and Wildlife (Department) monitors the existing 91 set gill net permits that are issued, of which 34 were active in the past year. There are two main types of set gill nets: 8.5 minimum mesh which primarily targets California halibut, and 6-inch minimum mesh which primarily targets white seabass. Gill nets have the potential to result in bycatch, where fish or other marine life taken in a fishery are not targeted and may be discarded as they are not legal to take. “Acceptable bycatch” considers legality of take, potential threat to sustainability, impacts to other fisheries and the ecosystem. Pursuant to the Marine Life Management Act (MLMA), over the past several years the Department has worked in coordination with research partners, Fish and Game Commission (Commission) staff, industry representatives, and the non-government organization (NGO) community to complete a four-step process to determine whether the amount and type of bycatch are considered “acceptable” (Fish and Game Code (F&G Code) Section 7085). Step 4 of this bycatch evaluation is to develop management measures to address unacceptable bycatch and to improve data collection for the California set gill net fishery.

Proposed subsections (a) through (c) of Section 174.1 outlined in this regulatory proposal are a direct result of the bycatch evaluation process, and an initial phase of planned regulations aimed to reduce bycatch in the California set gill net fishery. The proposed regulations would establish a service interval for checking or raising set gill nets, require marking of gill net gear to address concerns related to unidentified set gill net gear in marine mammal entanglements, and define mesh depth for California halibut or white seabass to potentially reduce bycatch and prevent the expansion of set gill net gear.

Subsection 174.1(a). Proposes a service interval includes a range to be decided through the Commission public noticing process of 24 to 48 hours. The flexibility of allowing up to 48 hours between servicing nets would allow for fishers to determine the best time to pull nets depending on conditions and target species while also allowing for decreased fuel costs.

- Subsections (a)(1) and (a)(2) consider exemptions for the cases where a permittee might not be able to comply with the regulation due to unsafe weather conditions or catastrophic events. An allowance for alternative compliance may grant another permittee permission to remove their nets from the water if they are facing catastrophic events, such as vessel mechanical failure or debilitating illness.

Subsection 174.1(a)(3). Includes a timeframe of 7 consecutive days for consideration of abandonment without servicing, cleaning, or otherwise raising the net if there is no approved exemption pursuant to 174.1(a). Additionally, a set gill net is abandoned if the valid, required gear markings, per F&G Code Section 8601.5 and subsection 174.1(b) are not present or legible on the set gill net.

Subsection 174.1(b). Proposes a requirement for permittees to incorporate a 1- inch wide, 1-foot-long colored nylon strap weaved into the existing head rope. A proposed marking interval for the straps along the headrope is proposed for 20 fathoms based on discussions with

NOAA, industry representatives, stakeholders, or other organizations. Initial outreach with set gill net permittees indicates that this interval marking would be reasonable in terms of the labor it would take to add the markings to the net. Mandating this additional set gill net marking system to be displayed every 20 fathoms will allow for confirmation that a set gill net is from the California set gill net fishery if entangled.

Subsection 174.1(c). Current law establishes specific dimensions for mesh size and net length for the California halibut fishery (F&G Code Section 8625(a)) and a minimum mesh size for the white seabass fishery (F&G Code Section 8623(d)). However, there are no standards for the maximum net height (also known as mesh depth) for either California halibut or white seabass. A standard net height for set gill nets is a management measure that has a potential to reduce bycatch and would prevent the expansion of set gill net gear. For the California halibut fishery, a maximum of 25 meshes deep is proposed and for white seabass, a maximum of 50 meshes deep is proposed.

Benefit of the Regulations:

The Marine Life Management Act (MLMA) is intended to ensure the conservation, sustainable use, and restoration of California's marine living resources. In 2019, the Department assessed the state's fisheries under the 2018 Master Plan for Fisheries framework. A prioritization process identified halibut as a species in need of management attention due to potential risks to bycatch species (including sub legal-sized halibut) and from a changing climate. The three proposed regulations are a direct result of the MLMA process, and the first phase of regulations aimed to reduce bycatch in the California set gill net fishery.

The benefits of the proposed regulation change include, but are not limited to:

- Opportunity to create a positive conservation impact in southern California.
- Imposing soak time restrictions that reduce the mortality of both discarded elasmobranchs and finfishes in the set gill net fishery.
- Reducing discarded bycatch in the set gill net fishery.
- Creating a gear marking system that will clearly identify where set gill nets are from if entangled on marine mammals.
- Industry supported and trialed gear marking system increases chances of success and prevents undue economic burden to the set gill net fleet.
- Preventing the expansion of set gill net fishing gear.
- Opportunity to be responsive to stakeholder's feedback.

The proposed regulations were created in response to constituents' comments throughout the California Halibut Scaled Management Process.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the 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 gill net industry (F&G Code Section 8682). No other state agency has the authority to adopt regulations governing the issuance of

gill net permits as necessary to establish an orderly gill net fishery. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has examined the CCR for other gill net regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.