

State of California
Fish and Game Commission
Final Statement of Reasons for Regulatory Action
Amend Sections 120.7, 122, 165, 190, 705.1
Title 14, California Code of Regulations
Re: Marine Logbooks and Coastal Charts

I. Dates of Statements of Reasons

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| (a) Initial Statement of Reasons | Date: February 5, 2024 |
| (b) Amended Initial Statement of Reasons | Date: August 7, 2024 |
| (c) Final Statement of Reasons | Date: September 10, 2024 |

II. Dates and Locations of Scheduled Hearings

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| (a) Notice Hearing | | |
| | Date: April 17, 2024 | Location: San Jose |
| (b) Discussion Hearing | | |
| | Date: June 20, 2024 | Location: Mammoth Lakes |
| (c) Adoption Hearing | | |
| | Date: August 14, 2024 | Location: Fortuna |

III. Update

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR). Commission refers to the California Fish and Game Commission unless otherwise specified. Department refers to the California Department of Fish and Wildlife unless otherwise specified.

It is important to note that the records from the Department's Marine Landings Data System and Marine Log System supporting regulation change which were listed in the Initial Statement of Reasons were not made available to the public due to the confidential nature of the information contained within. This information is confidential pursuant to Fish and Game Code, Section 8022, which states that the receipts, reports, or other records filed with the department pursuant to Article 2 (commencing with Section 7700) to Article 7.5 (commencing with Section 8040), inclusive, and the information contained therein, shall, except as otherwise provided in this section, be confidential, and the records shall not be public records.

At its August 14, 2024, meeting, the Commission adopted the Department's proposal to revise the Northern, Central and Southern California Fishing Chart series, revise two associated logbooks (lobster and dive), and update related regulations applicable to all forms where a block is specified.

The Commission, as part of its adoption, determined that the California Fishing Charts (Rev.08/2024) should be incorporated by reference in subsection 190(f). A notice of sufficiently related changes to the proposed regulatory language in Section 190, and

associated incorporated charts, was published and sent to interested and affected parties on August 22, 2024; the charts were made available online during the notice period. No public comments were received during the 15-day notice period.

The adopted regulation changes in the 15-day Notice included:

- Delete subsection (d) of Section 705.1 removing references to the California Fisheries Charts.
- Add subsection (f) to Section 190 to specify that “when a department form requires the origin block number, this block number shall be referenced using the California Fisheries Chart Series (REV 08/2024), incorporated by reference. Charts can be accessed here: <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.
 - The addition of the chart series revision date is necessary to specify what chart series version is referred to in the regulations and to incorporate by reference, consistent with other required logbooks and forms in these regulations.
 - The publication, as a regulation, of the California Fisheries Chart Series would be unduly cumbersome to the participants in the relevant fisheries since these coastal maps are routinely used along with the forms (also incorporated by reference) required for reporting catch. Incorporated by reference, the charts can be easily accessed online, downloaded or printed for use in the marine environment.
- Amend subsection 165(a)(1)(C) by deleting the phrase “(incorporated by reference in Section 705.1)” and replacing it with “(specified in Section 190(f))”.
- Amend sections 120.7 and 122 to reflect revised versions of forms DFW 120.7 and DFW 122 where the existing block chart is removed as a figure in the instruction.
- Amend forms DFW 120.7 and DFW 122, Rev. March 2024, in accordance with the changes to the regulatory sections.

IV. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations

No comments were received in support of or opposition to this proposal during the notice period, public hearings, or 15-day notice.

V. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives to this regulatory change were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect. Changes to the Fisheries Charts and the necessary fishing block information cannot be accomplished by different means.

(b) No Change Alternative

If the proposed regulations are not adopted, fishing and harvesting data will continue to be collected at a lower resolution resulting in ambiguity whether catch and harvest originated in the United States versus foreign waters, and inshore versus offshore waters of California.

(c) Consideration of Alternatives

In view of information currently possessed, no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

(d) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

There is no alternative that would lessen the burden on Small Business. The proposed regulations have no impact on small businesses such as charter boats, fishing vessel owners, commercial fishing license holders, and fish receivers. The requirement for reporting fishing block information has pre-existed for decades and is already being provided to the Department by these businesses. The proposal entails a requirement only that they use a new lookup reference with marginal change in the new version as compared to the existing version. Use of the new look up reference will not require any additional effort, time, or equipment.

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 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 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

Updated Informative Digest/Policy Statement Overview

The Department of Fish and Wildlife (Department) produces charts defining areas of fishing activity in California waters, commonly referred to as “fishing blocks”. The earliest record of these charts is published in the Division of Fish and Game of California Bureau of Commercial Fisheries, Fish Bulletin No. 44 which describes use in logbooks distributed to the trawler fleet in 1934. 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 in order to collect accurate information as initially intended. The proposed changes are necessary for the betterment of fishery management decisions based on this information. In particular, improved data collection will better distinguish between catch originating in U.S. versus foreign waters and between inshore and offshore waters of California.

Proposed Amendments

In order to implement the proposed improvement in the block charts and to reconcile and clarify which version of block charts should be referenced universally across all forms when reporting block origin in California commercial marine fisheries, the Department proposes amendment to the following sections:

- Delete subsection (d) of Section 705.1 removing references to the California Fisheries Charts
- Add subsection (f) to Section 190 providing for universal use of the California Fisheries Chart Series that all commercial fishing activity records requiring fishing origin block data will use. Charts can be accessed here: <https://wildlife.ca.gov/Fishing/Commercial/MFSU>
- Amend subsection 165(a)(1)(C) by deleting the phrase “(incorporated by reference in Section 705.1)” and replacing with “(specified in Section 190(f))”.
- Amend sections 120.7 and 122 to reflect revised versions of forms DFW 120.7 and DFW 122 where the existing block chart is removed as a figure in the instruction.
- Amends forms DFW 120.7 and DFW 122, Rev. March 2024, in accordance with the changes to the regulatory sections.

Benefits of the regulations

The benefits of the proposed regulations are clarity and consistency for the commercial fishery when required to use the charts in reporting their fishing activity. Universal use of the charts is beneficial for the improvement of fishery management decisions based on this information.

Evaluation of incompatibility 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.

Update

At its August 2024 meeting, the Commission adopted the Department's proposal to revise the Northern, Central and Southern California Fishing Chart series, two associated logbooks (lobster and dive) and update related regulations applicable to all forms where an origin block is specified. The Commission further determined that the revised charts should be incorporated by reference with the revision date in subsection 190(f). A 15-day continuation notice of the revised language of Section 190 and charts was published and sent to interested and affected parties on August 22, 2024; the charts were made available online during the notice period. No public comments were received regarding the adopted amendments.