

Revised Proposed Regulatory Language

Section 174.1, Title 14 CCR, is added to read:

§174.1. Set Gill Net Service Interval, Gear Marking and Mesh Depth

(a) Set Gill Net Service Interval: Every set gill net shall be raised, cleaned, serviced, and emptied at intervals not to exceed 48 hours, and no net shall be abandoned in the waters of this state.

~~(1) Undue Hardship Exemption — A permittee may request a waiver for exemption from the set gill net service interval requirement described in subsection (a) if the permittee cannot comply due to a major mechanical failure or undue hardship resulting from circumstances beyond the control of the permittee.~~

(1) Undue Hardship Exemption – If a permittee cannot comply with the set gill net service interval requirement described in subsection (a) due to a major mechanical failure or undue hardship resulting from circumstances beyond the control of the permittee, the permittee may request a waiver for exemption to comply by allowing another set gill net permittee to retrieve their nets.

(A) Waiver Request: The permittee shall request a waiver from the Department by sending an email to LRBCOMM@wildlife.ca.gov prior to the end of the service interval. The permittee's email request must include all of the following in order to be considered by the Department: (1) the permittee's general gill net permit number, (2) circumstances explaining the undue hardship or mechanical failure that prevent the permittee from complying, (3) the retrieving individual's general gill net permit number, and (4) coordinates indicating location of the nets. The permittee shall comply with the set gill net service interval unless the Department grants the waiver request. All requests for an exemption to the set gill net service interval under subsection (a)(1) shall be evaluated by the Department on a case-by-case basis.

(B) Waiver Compliance: All permittees shall follow all terms and conditions of the waiver. The waiver may include conditions such as time restrictions, landing prohibitions, or any other conditions the Department deems necessary. The waiver shall be null and void upon violation of the waiver terms and conditions. A copy of the waiver approved by the Department shall be onboard the retrieving vessel.

(2) Unsafe Weather Condition Exemption - Unsafe Weather Conditions: Upon notification to the Department as described in subsection (a)(2)(A), a permittee may shall be exempt from the set gill net service interval requirement described in subsection (a) due to unsafe weather conditions at sea if the conditions in subsection (a)(2)(B) are met. The Department may grant an exemption when subsection (a)(2)(B) conditions are not met if, considering all weather circumstances on a case-by-case basis, the permittee's safety may be at risk. The permittee shall raise, clean, and service

all set gill nets for which they claim an exemption within 24 hours after the end of the unsafe weather conditions. After claiming an exemption, a permittee may be cited by the Department for a violation of subsection (a) if weather conditions were not unsafe as defined in subsection (a)(2)(B) or if the Department did not otherwise authorize an exemption.

(A) Department Notification: The permittee shall notify the Department of the unsafe weather conditions by sending an email to gillnetnotifications@wildlife.ca.gov prior to the end of the service interval. The permittee's email request shall describe (1) the unsafe weather conditions which meet the definition below and (2) the affected coastal waters zone.

(B) Unsafe Weather Conditions Defined: Weather conditions at sea are considered unsafe if the National Weather Service issues a Small Craft Advisory or other advisory predicting sustained winds greater than 25 knots. The Small Craft Advisory or other qualifying advisory shall apply to the same coastal waters zone where a set gill net is located, or the same coastal waters zone where the vessel must transit to reach a set gill net. The Small Craft Advisory or other qualifying advisory must also have been declared on the same calendar day that the set gill net service interval ends.

(3) Abandoned Set Gill Nets - It is unlawful to abandon a set gill net. Abandoned set gill nets may be seized by any person authorized to enforce these regulations or their authorized agent. A set gill net is abandoned if:

(A) a permittee leaves the set gill net in the water for 7 consecutive days and during that time fails to raise, clean, service, and empty the set gill net without an approved exemption; or

(B) the valid, required gear markings are not present or legible on the set gill net.

(b) Gear marking: In addition to the requirements in Fish and Game Code Section 8601.5, starting January 1, 2026, all set gill nets shall be marked with ~~an~~ a series of orange-colored 1-inch-wide nylon ~~strap straps~~ which shall be woven into the ~~earline~~ headrope at intervals not to exceed every 20 fathoms. Each strap must contain the fisherman's identification number and hang a minimum of 1 foot in length to uniquely identify the gear as a California set gill net.

(c) Mesh depth: Gill nets used to take white seabass with meshes of a minimum length of six inches shall be no more than 50 meshes deep. Gill nets used to take California halibut with meshes of a minimum length of 8.5 inches shall be no more than 25 meshes deep.

Note: Authority cited: Sections 7085 and 8682, Fish and Game Code.

Reference: Sections 1050, 1700, 7056, 8026, 8568, 8573, 8574, 8601, 8601.5, 8604, 8609, 8623, 8625, 8626, 8630, 8680 and 8681, Fish and Game Code.