

Committee Staff Summary for November 6, 2025 MRC

3. Initial Vetting of Potential Regulation Changes**Today's Item****Information** ☒**Action** ☐

Receive and discuss Department overview of potential regulation changes, including:

- (A) Recreational use of hand-held harpoons and flying gaffs to assist anglers with landing tuna
- (B) Methods of determining total length of fish and invertebrates with recreational size limits

Summary of Previous/Future Actions**(A) Recreational use of hand-held harpoons and flying gaffs**

- | | |
|--|------------------------------|
| • Received Petition 2024-04 | April 22, 2024 |
| • Commission referred Petition 2024-04 to the Department for review and recommendation | August 14-15, 2024 |
| • Commission granted, in part, Petition 2024-04 | December 11-12, 2024 |
| • Initial vetting of Department update on potential changes | November 6, 2025; MRC |
| • Department update and potential MRC recommendation | March 12, 2026; MRC |

(B) Methods of determining total length of fishes**Background**

This item provides an opportunity for initial discussion with the Marine Resources Committee (MRC) regarding two potential regulatory changes, one initially proposed through the public regulation change petition process and the other by the Department. The proposals respond to Commission direction and public input and are intended to improve clarity and enforceability in recreational fisheries regulations.

(A) Recreational Use of Hand-Held Harpoons and Flying Gaffs to Assist Anglers in Landing Tuna

Current regulations in Section 28.20 allow the use of a harpoon to assist in the take of Pacific halibut with limitations defined in Section 28.95. Section 28.95 specifies that harpoons may be used to take skates, rays, and sharks (except white sharks) and to assist in the take of Pacific halibut. However, no other finfish species are allowed to be taken or landed with harpoons.

In April 2024, the Commission received Petition 2024-04, requesting a regulatory amendment to allow the use of harpoons — alongside a gaff or net — as legal aid to assist in landing large migratory finfish in recreational fisheries (Exhibit 1). The Commission referred the petition in August 2024 to the Department for review; in December 2024, the Department recommended granting the petition in part. Specifically, the Department supported explicitly authorizing the use of harpoons to assist in landing otherwise legally caught tuna species in the recreational fishery (Exhibit 2). Upon granting the petition, the

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Commission referred the topic to MRC and requested that the Department develop regulatory options that would align with the petition's intent while ensuring enforceability.

Update

In response to the Commission's request, the Department has developed regulatory options to authorize the use of hand-held harpoons as well as flying gaffs to assist in landing tuna taken by angling. Today, the Department will present the proposed regulatory options, along with additional clarifying amendments, for initial discussion by MRC and the public (Exhibit 3). Based on the outcome of today's discussion, a final review and potential MRC recommendation is anticipated in March 2026.

(B) *Clarifying the Methods for Determining Total Length of Fish and Invertebrates with Recreational Size Limits*

Current regulations in Section 1.62 state that "no fish, mollusks or crustaceans less than the legal minimum size or greater than the maximum legal size (total, fork or alternate) may be possessed, except as otherwise provided". While this section defines total, fork, and alternate length measurements, it does not reference additional methods, such as "fanning" or "swinging" the tail, which are currently expressly allowed for salmon and halibut in other regulatory and code sections. (See Exhibit 3 for visual display of these methods.) The lack of clarity has led to ongoing public confusion about how to legally measure finfish.

In response, the Department has developed a regulatory proposal to clarify and standardize the methods used to determine fish size. The proposed changes would extend the currently-allowed practices of "fanning" and "swinging" the tail—previously specified for salmon and halibut—to all finfish species. Additionally, the proposal would update terminology by replacing "fish, mollusks, or crustaceans" with "fish and invertebrates," and would clarify that measurement methods for invertebrates are specified within their respective regulatory sections.

The Department will present an overview of its proposal at today's meeting for initial discussion by MRC and the public (Exhibit 3).

Initial Vetting

This meeting serves an initial opportunity for interested parties to provide input to MRC and the Department on the potential regulations described above. A second opportunity for discussion will occur at the March 2026 MRC meeting, where the committee may develop recommendations for the Commission regarding the scope and timing of each potential rulemaking.

The Department's presentation today will provide an overview of both topics under consideration (Exhibit 3).

Significant Public Comments (N/A)**Recommendation (N/A)**

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Exhibits

1. [Petition 2024-04, received April 22, 2024](#)
2. [Department memo to the Commission, received December 2, 2024 \(for background purposes only\)](#)
3. [Department presentation](#)

Committee Direction/Recommendation (N/A)



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: _____

Telephone number: _____

Email address: ben_____

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



Regulatory Proposals

Use of Harpoons to Land Tuna Method of Determining Legal Length

06 November 2025

Presented to:

**Marine Resources Committee
Fish and Game Commission**

Presented by:

**John Ugoretz
Program Manager
Marine Region**



Use of Handheld Harpoons and Flying Gaffs

Petition #2024-04

- Requested handheld harpoons to assist in landing
- Department recommended limiting to tuna
 - Responsive to fact that large bluefin are being landed
- Added conditions for harpoon use
 - Attached to vessel
 - No buoys
- Added Flying Gaffs
- Clarified spear prohibition for marlin
- Added gear marking requirement for commercial harpoon



Photo Courtesy: Markus Medak, New Lo-An



Method of Determining Fish Size

- Public confusion on method to determine finfish size
- Fanning and swinging tail allowed for salmon and halibut
- Proposal allows this for any species
- Changes “fish, mollusks, or crustaceans” “fish and invertebrates”
- Clarifies that invertebrate measurement found in individual sections

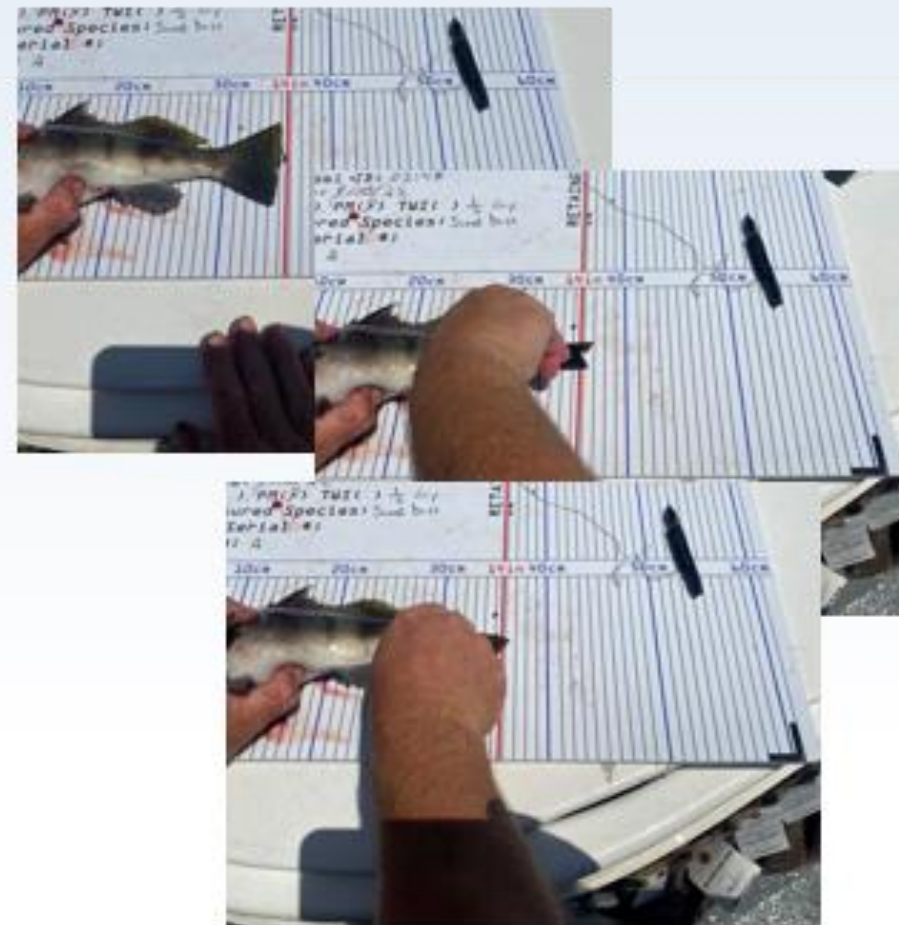
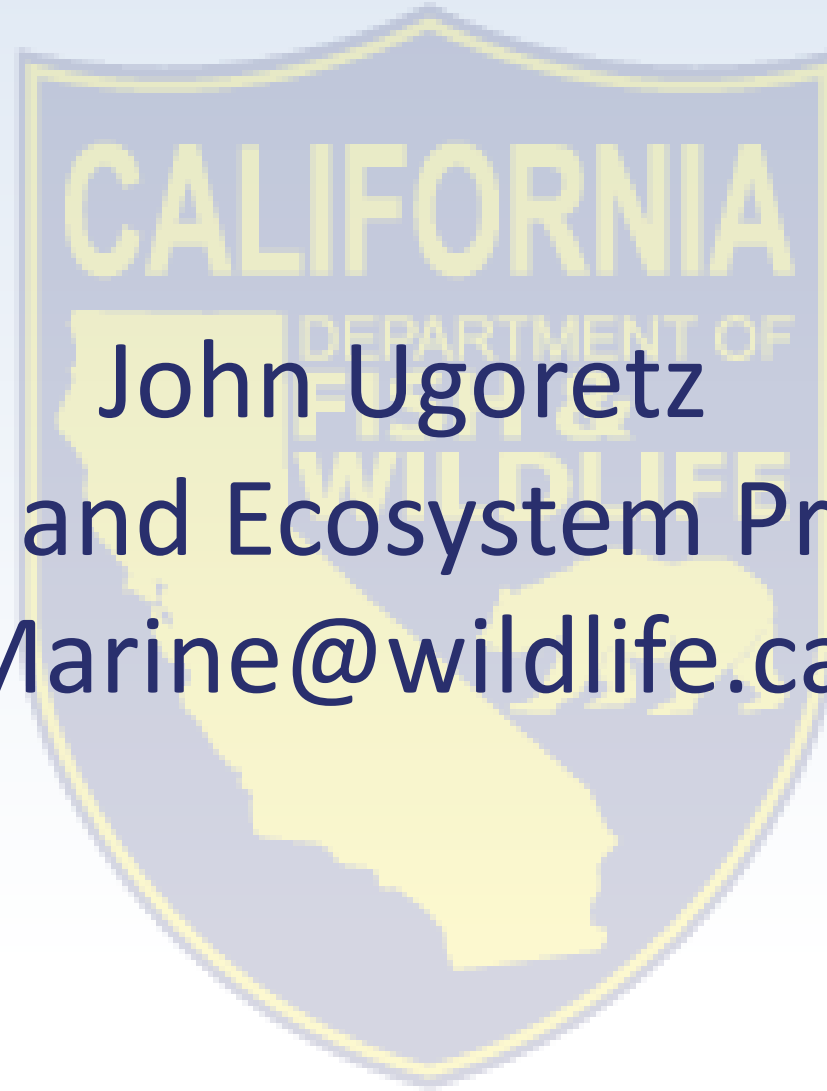


Photo Courtesy: CDFW

Thank You



John Ugoretz

Pelagic Fisheries and Ecosystem Program Manager

AskMarine@wildlife.ca.gov

Memorandum

Date: November 27, 2024

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Petition to authorize the use of harpoon as a landing aid (Tracking Number: 2024-04)**

At their August 14, 2024, meeting, the California Fish and Game Commission (Commission) referred a petition for regulation change (2024-04) to the Department of Fish and Wildlife (Department) for review and recommendation. The petition submitted by Benjamin D. Mitchell (Applicant), requests to amend Section 27.90, 28.65 and 195 of Title 14, CCR. The proposed change would explicitly allow the use of a harpoon as a landing aid for tuna species in the recreational fishery.

Section 28.20, Title 14, CCR, allows for the use of a harpoon to assist with the take of Pacific halibut with limitations set forth by section 28.95, Title 14, CCR. Section 28.95, specifies that harpoons may be used to take skates, rays, and sharks and to assist in the taking of Pacific halibut. No other species are explicitly allowed to be taken or landed with harpoons.

Outside of California, harpoons are a common landing aid for large tuna on small recreational boats. In recent years, more and larger (250+ lbs) bluefin tuna have been caught along the California coast, highlighting the need for a new regulation allowing the use of a harpoon as a landing aid for tunas.

The Department recommends this petition be granted in part and that a future rulemaking be considered to increase clarity and explicitly allow for the use of harpoons to assist with the landing of otherwise-legally-caught tuna species in the recreational fishery.

If you have any questions regarding this item, please contact Dr. Craig Shuman, Marine Regional Manager at (805) 568-1246 or by email at r7regionalmgr@wildlife.ca.gov.

ec: California Department of Fish and Wildlife

Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Melissa Miller-Henson, Executive Director
Fish and Game Commission
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Marine Region
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Law Enforcement Division

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Marine Region

Marci Yaremko, Environmental Program Manager
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