

Proposed Regulatory Text

Section 28.38, Title 14, CCR, is amended as follows:

§ 28.38. Tunas.

~~The following daily bag limits apply:~~

(a) Limit

~~(a)(1)~~ Albacore:

~~(1)(A)~~ South of a line running due west true from 34°27'N. lat. (at Point Conception, Santa Barbara County) -- The special limit for albacore is 10, which may be taken or possessed in addition to the overall general daily bag limit of 20 finfish specified in subsection 27.60(a).

~~(2)(B)~~ North of a line running due west true from 34°27'N. lat. (at Point Conception, Santa Barbara County) -- The special limit for albacore is 25, which may be taken or possessed in addition to the overall general daily bag limit of 20 finfish specified in subsection 27.60(a).

~~(b)(2)~~ Bluefin tuna -- The special limit for bluefin tuna is 2, which may be taken or possessed in addition to the overall general daily bag limit of 20 finfish specified in subsection 27.60(a). This limit applies to all bluefin tuna possessed, regardless of where taken.

~~(c)(3)~~ There is no limit on skipjack tuna.

~~(d)(4)~~ For yellowfin tuna, bigeye tuna, and other tunas not listed above, the limit is 10. Unlike albacore and bluefin tuna, fish taken under this limit shall apply toward the overall general daily bag limit of 20 finfish specified in subsection 27.60(a).

(b) Landing nets, gaffs, and harpoons

A handthrust harpoon, gaff, including flying gaffs where the hook detaches from the handle, or a handheld dip net may be used to assist in landing tuna that have been legally taken by angling. Harpoons and flying gaffs used to assist with landing shall be secured to the vessel with a line no longer than 30 feet total length and without buoys, floats, or other attachments. See Section 28.95 of these regulations for additional restrictions on the use of harpoons.

Note: Authority cited: Sections 200, 205, 265 and 313, Fish and Game Code. Reference: Sections 200, 205, 265 and 313, Fish and Game Code.

Proposed Regulatory Text

Section 28.40, Title 14, CCR, is amended as follows:

§ 28.40. ~~Broadbill~~ Swordfish.

Limit: Two.

Note: Authority cited: Sections 200, 205, 219, 265 and 275, Fish and Game Code.

Reference: Sections 200, 205, 255, 265, 270 and 275, Fish and Game Code.

Section 28.90, Title 14, CCR, is amended as follows:

§28.90 Diving, Spearfishing.

Persons who are floating or swimming in the water may use spearfishing gear and SCUBA diving equipment to take ~~fin fish~~ finfish other than giant (black) sea bass, garibaldi, gulf grouper, broomtail grouper, trout, salmon, marlin, or ~~broadbill swordfish~~, except that:

- (a) No person may possess or use a spear within 100 yards of the mouth of any stream in any ocean waters north of Ventura County.
- (b) When spearfishing for or in possession of federal groundfish species or all greenlings of the genus *Hexagrammos* as authorized pursuant to subsection 27.20(b)(1)(D), in an area or during a season closed to the take of these species, no fishing gear except spearfishing gear may be aboard the vessel or watercraft.

Note: Authority cited: Sections 200, 265 and 8587.1, Fish and Game Code. Reference: Sections 205 and 7071, Fish and Game Code; and 50 CFR Part 660, Subpart G.

Section 28.95, Title 14, CCR, is amended as follows:

§28.95. Spears, Harpoons and Bow and Arrow Fishing Tackle.

Spears, harpoons and bow and arrow fishing tackle may be used for taking all varieties of skates, rays, and sharks, except white sharks. Harpoons may be used to assist in taking Pacific halibut as specified in Section 28.20 and to assist in taking tuna as specified in subsection 28.38(b). Such gear may not be possessed or used within 100 yards of the mouth of any stream in any ocean waters north of Ventura County, nor aboard any vessel on any day or on any trip when ~~broadbill~~ swordfish or marlin have been taken. Bow and arrow fishing tackle may be used to take ~~fin fish~~ finfish other than giant (black) sea bass, garibaldi, gulf grouper, broomtail grouper, trout, salmon, ~~broadbill swordfish~~, marlin, and white shark.

Note: Authority cited: Sections 200, 205, 219, 265 and 275, Fish and Game Code. Reference: Sections 110, 200, 201, 205, 219, 265, 270 and 275, Fish and Game Code.

Proposed Regulatory Text

Section 107, Title 14, CCR, is amended as follows:

§ 107. ~~Broadbill~~ Swordfish.

(a) Permit Required.

(1) The owner or operator of a vessel taking ~~broadbill~~ swordfish for commercial purposes shall have obtained a valid swordfish permit and shall be in possession of said permit when engaged in such activities.

(2) To Whom Issued. The department shall issue a permit to the owner or operator of a currently registered vessel.

(b) Vessel Identification. Permittees vessel shall display its assigned permit number in 10" high x 2" wide black Roman alphabet letters and Arabic numerals. Figures shall be black on a white background on both sides of the superstructure of the vessel. Numbers shall be displayed at all times while operating under a swordfish permit.

(c) Gear Marking. Any buoys attached to harpooned fish must include a terminal array that includes a marker buoy, locator flag, and radar reflector. The buoy shall be clearly and distinctly marked, in a color that contrasts with the buoy, with the Commercial Fishing Vessel Number and a securely affixed durable tag stamped or engraved, where there is a physical indentation along with a contrasting color, with the vessel number and the letters "HAR." Durable tags must be yellow and large enough to accommodate the engraved letters "HAR" that are at least 1 3/4 inches in height.

~~(e)~~ (d) Conditions of Permit. Provisions of the Fish and Game Code relating to commercial fish except as modified by the provisions of these regulations, shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction or control.

~~(d)~~ (e) Cost of Permit. See Section 8394.5 of the Fish and Game Code.

~~(e)~~ (f) Methods of Take.

(1) Swordfish may be taken only with hand-held hook and line, deep set buoy gear authorized under federal law, or handthrust harpoon.

(2) Aircraft may be used to directly assist a permittee or any person in the taking of any species of fish while operating under a swordfish permit.

Only aircraft with current FAA registration which are registered with the department pursuant to Section 7892, Fish and Game Code, and aircraft pilots licensed pursuant to Section 7850, Fish and Game Code, may conduct flights for permittees. Such aircraft shall display the letters "SW" on the underside of each wing in block Roman alphabet at least 24 inches high x 3 inches wide, black in color and on a white background.

~~(f)~~ (g) Notification Procedure. The department shall notify permittees if the director, pursuant to Section 8577 of the Fish and Game Code, closes the swordfish harpoon fishery or any area where the fishery is conducted. The department shall notify permittees by mail and by public announcement on VHF/Channel 16 between 0800 hours and 1000 hours during normal business days. Radio transmissions shall commence 48 hours prior to the effective date of a closure and shall continue for 24 hours after the effective date of such action. It shall be the responsibility of the permittee to daily monitor the named radio channel during the specified hours.

~~(g)~~ (h) Revocation of Permits. Any permit may be revoked and canceled by the commission upon breach or violation of any fish and game law or regulation or violation of the terms or conditions of the permit by the holders thereof, their agents, servants, employees or those acting under their direction and control.

Note: Authority cited: Sections 1050, 7701, 7708, 7857, 7892, 8026 and 8394, Fish and Game Code. Reference: Sections 1050, 7857, 7892, 8026, 8394, 8394.5, 8577 and 9028, Fish and Game Code.