

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 8832 of the Fish and Game Code and to implement, interpret or make specific Section 8832 of said Code, proposes to amend Section 119, Title 14, California Code of Regulations, relating to Trawl Nets Inside the Golden Gate Bridge.

Informative Digest/Policy Statement Overview

Existing regulations establish the areas, season, and other aspects for commercial trawl nets used inside the Golden Gate Bridge. This fishery targets Bay shrimp (*Crangon* sp) and several species of bait fish, including yellowfin goby, staghorn sculpin, and plainfin midshipman.

Section 119 was added to Title 14, California Code of Regulations (CCR), in 1979 and limited trawl nets to Districts 2, 12, and 13, as did the Fish and Game Code prior to 1979. In 1985, subsection 119(e), Title 14, CCR, was amended to limit trawls to the portions of these districts lying westerly of a projected straight line beginning at Point Edith on the south and extending through Buoy "6" to the shoreline on the north. However, there is a small portion of District 3 from the Carquinez Bridge to the Point Edith-Buoy 6 boundary line that is currently not open to commercial trawl nets.

The proposed regulation change would add District 3 from upstream of the Carquinez Bridge to the current Point Edith-Buoy 6 boundary line to the trawl permit areas, as requested by commercial Bay shrimp trawlers.

This proposed regulation change will permit trawling along the southern shoreline of Carquinez Strait (Contra Costa County), potentially increasing bay shrimp landings some seasons and years.

Plainfin midshipman is proposed to be included in the list of allowable species for this permit, pursuant to Section 8832, Fish and Game Code.

The reference to the Menlo Park office is proposed to be removed, as the office is now closed and this permit is available at all Department offices that issue commercial permits. Other minor changes are also proposed for regulation clarity.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the James W. Kellogg Training Center, 935 Detroit Avenue, Concord, California on December 9, 2005 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before December 2, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 6, 2005. All comments must be received no later than December 9, 2005, at the hearing in Concord, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission,

1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Robert R. Treanor or Sherrie Koell at the preceding address or phone number. **Perry Herrgesell, Chief, Central Valley Bay-Delta Branch, phone (209) 948-3746, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

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 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. The proposed regulations provide additional commercial fishing areas and opportunity without increasing compliance costs, and thus may increase earnings potential for commercial trawlers and other fishing-related businesses.

- (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: None.

- (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: None.

- (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: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: October 4, 2005

Robert R. Treanor
Executive Director