



does not directly support this intent. The proposal clarifies the prohibition of the use of SCUBA and other breathing devices to take commercial lobster. Rewording the present regulation clarifies this portion of the section.

The proposal mandates that all lobster permit holders shall maintain lobster trap buoys in such a condition that buoy identification numbers are clearly readable. The purpose of marked buoys is to establish what permittee is utilizing a specific lobster trap. Ineffective methods of placing numbers on buoys or inadequate maintenance of buoys hinders the ability of enforcement officers to identify the permittee using the trap. The proposal will specifically stipulate that the numbers on the buoy are to be clearly readable so that the regulatory purpose of the buoy identification number is fully met. The amendment clarifies wording relating to the prohibition of SCUBA and other types of breathing apparatus.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 1050, 8254 and 8259, Fish and Game Code.

Reference: Sections 1050, 2365, 7852.2, 8043, 8046, 8250-8259, 9002-9006 and 9010, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None

- (d) Identification of Reports or Documents Supporting Regulation Change:

None

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The proposed language clarifies the present intent of the section.

#### IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The no change alternative was considered and rejected because the section will continue not to be as clearly direct in stating that the listed fishing districts are the only districts where commercial lobster fishing may take place. Additionally, not implementing the proposal will weaken enforcement's effectiveness in identifying traps by not having specific wording relating to the readability of lobster trap buoy identification numbers. Clarification of wording relating to the prohibition of the use of SCUBA and other types of breathing apparatus would not be implemented.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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 initial 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 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 proposal clarifies and strengthens the enforceability of portions of the current regulation.

- (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 agency 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

## Informative Digest/Policy Statement Overview

Under current regulations (Section 122, T-14, CCR) there is a listing of the classes of commercial lobster permits and stipulates the requirements for obtaining and renewing lobster permits. The regulation also describes the transferable lobster operator permit qualification criteria and procedures; procedures and deadline for permit renewal and forfeiture of non-renewed permits; and the procedures timelines and initial limit on permit transfers. Current wording specifically lists equipment/activities that are illegal as well as equipment/activities that are a mandatory part of the commercial harvesting of lobster. Restricted lobster fishing areas are listed in the regulation.

The proposed regulation clarifies current wording by mandating traps used to commercially take lobster must meet the requirements of Fish and Game Code Section 9010. The amendment clarifies that lobster traps may only be used in Districts 18, 19, 20A, and that part of District 20 southerly of Santa Catalina Island between southeast Rock and China Point. The current intent is for the listed districts to be the exclusive areas for the legal commercial take of lobster but sentence structure does not fully support this intent. Editorial changes are proposed to improve the clarity and consistency of the regulations.

The proposal mandates that all lobster permit holders shall maintain lobster trap buoys in such a condition that buoy identification numbers are clearly readable. The purpose of marked buoys is to establish what permittee is utilizing a specific lobster trap. Ineffective methods of placing numbers on buoys or inadequate maintenance of buoys hinders the ability of enforcement officers to identify the permittee using the trap. The proposal will specifically stipulate that the numbers on the buoy will be clearly readable so that the regulatory purpose of the buoy identification number is met.