

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 124
Title 14, California Code of Regulations
Re: Definition of Light Touch Trawl Gear for Use within the California Halibut Trawl
Grounds

I. Date of Initial Statement of Reasons: January 9, 2009

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: February 6, 2009
 Location: Sacramento, California

(b) Discussion Hearing: Date: March 5, 2009
 Location: Woodland, California

(c) Adoption Hearing: Date: April 9, 2009
 Location: Lodi, California

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Existing law contained in Fish and Game Code Sections 8494 – 8498 and 8841 describes California halibut trawl permits and conditions for obtaining and retaining permits, delegates authority to the Fish and Game Commission (Commission) to regulate the California Halibut Trawl fishery, describes the California Halibut Trawl Grounds (CHTG) including some closed areas, and establishes a halibut trawl season. Several Fish and Game Code sections describe requirements for trawl net gear for various parts of a net. Specifically, existing law (Fish and Game Code Section 8496) states that a double cod end may be used only if it is hung and tied to each rib line of the trawl so that the knots of each layer coincide, knot for knot, for the full length of the double layers. The double mesh section shall not measure over 25 meshes or 12 feet in length, whichever is greater. Additionally, Fish and Game Code Section 8831 does not allow trawl net mesh of less than 4.5 inches in length except as provided elsewhere. Specific gear requirements contained in Fish and Game Code Section 8843 are: a minimum mesh size of 7.5 inches, a minimum length

of 29 meshes, and a minimum circumference of 47 meshes for the cod end of any trawl net used within the CHTG. There are no other specific gear requirements for nets used within the CHTG.

In 2008 the Commission adopted into regulation specific areas within the CHTG that would remain open pursuant to Fish and Game Code Section 8495 (c)(1). The Commission stated its intent to provide for a sustainable trawl fishery within the CHTG and to minimize the impact from trawling on the soft-bottom habitats in which the fishery operates. They were supportive of a net design that was demonstrated through video to have a “light touch” on soft-bottom habitats. The Southern California Trawlers Association (SCTA) felt that in addition to existing gear requirements a more specific definition for this “light touch” trawl gear could be developed which would meet the stated intentions of the Commission. They proposed a definition that establishes maximum weight, length, or thickness for various components of the trawl gear and also prohibits the use of roller gear (disc gear). The establishment of regulations that define “light touch” trawl gear more specifically would permit the use of relatively small and light bottom trawl nets within the CHTG, and would exclude the use of larger and heavier nets that are presently used by some permitted trawl vessels in federal waters.

The proposed regulatory language is as follows:

- (b) Gears. Special gear requirements apply while trawling for California halibut in the California Halibut Trawl grounds. Each trawl net, including trawl doors and footrope chain, shall meet the following requirements:
- (1) Each trawl net shall have a headrope not exceeding 90 feet in length. The headrope is defined as a chain, rope, or wire attached to the trawl webbing forming the leading edge of the top panel of the trawl net. Headrope shall be measured from where it intersects the bridle on the left side of the net to where it intersects the bridle on the right side of the net.
 - (2) The thickness of the webbing of any portion of the trawl net shall not exceed 7 millimeters in diameter.
 - (3) Each trawl door shall not exceed 500 pounds in weight.
 - (4) Any chain attached to the footrope shall not exceed one quarter inch in diameter of the link material. The footrope is defined as a rope or wire attached to the trawl webbing forming the leading edge of the bottom panel of the trawl net.
 - (5) The trawl shall have no rollers or bobbins on any part of the net or its component wires, ropes, and chains.

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

Authority: Sections 8495 and 8841, Fish and Game Code.

Reference: Sections 8392, 8494, 8495, 8496, 8497, 8830, 8831, 8837, 8840, 8841, and 8843 Fish and Game Code.

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

The regulatory change will permit only certain specifications, described above, for trawl gear used within the CHTG.

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

“Review of California Halibut Trawl Fishery in the California Halibut Trawl Grounds”, Report to the California Fish and Game Commission, June 27, 2008, California Department of Fish and Game.

“Considerations for Additional Regulations Regarding Trawl Gear Used in the California Halibut Trawl Grounds”, Report to the California Fish and Game Commission, July 18, 2008, California Department of Fish and Game.

“Proposed Definition of Light Touch Trawl Gear for Use in the California Halibut Trawl Grounds”, Report to the California Fish and Game Commission, November 19, 2008, California Department of Fish and Game.

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

Discussions about the effects of trawl nets on the soft-bottom habitat in the CHTG and gear specifications took place at the following Fish and Game Commission meetings:

April 10, 2008 Bodega Bay

August 7, 2008 Carpinteria

November 14, 2008 Huntington Beach

December 11, 2008 Sacramento

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

The Department considered the elimination of the requirement that no

roller gear would be permitted on trawl nets used within the CHTG. The Department received information from the SCTA that two trawlers currently active within the CHTG use small-diameter roller gear. However, given the proposed time frame for replacing nets and the relatively minor cost and time to replace roller gear with chain, the Department believes that the prohibition on the use of roller gear within the CHTG is justified. Mike McCorkle (SCTA) stated that the owners of the vessels using roller gear would have no problem replacing the roller gear with chain. It is thought that the relatively small-diameter chain placed along the footrope (bottom portion of the net) has less overall impact on the soft-bottom habitat than roller gear.

(b) No Change Alternative:

If the proposed regulations are not adopted, the possibility remains that larger trawl nets on vessels with valid California Halibut Bottom Trawl Vessel Permits could be used within the CHTG, and potential impacts to soft-bottom habitat could be greater.

(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 additional negative impact on the environment or has the potential to reduce 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 proposed regulation will only apply to approximately 12-15 commercial halibut trawl vessel operators.

- (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 Government Code:

None.

- (h) Effect on Housing Costs:

None.

Informative Digest/Policy Statement Overview

The Fish and Game Commission (Commission) has stated its intent to provide for a sustainable trawl fishery within the California Halibut Trawl Grounds (CHTG), which are located in certain sections of state waters between one and three nautical miles from the mainland shore between Point Arguello and Point Mugu. Existing law establishes the open season for trawling within the CHTG from June 16 to March 14, inclusive. In addition, existing law establishes the minimum mesh size (7.5 inches), length (29 meshes), and circumference (47 meshes) of the cod end of any trawl net used within the CHTG. Existing law also allows the use of a double cod end only if it is hung and tied to each rib line of the trawl so that the knots of each layer coincide, knot for knot, for the full length of the double layers. The double mesh section shall not measure over 25 meshes or 12 feet in length, whichever is greater. These laws contribute to the sustainability of the fishery and they will continue to apply whether or not additional new gear restrictions are adopted.

The Commission has also stated its intent to minimize the impact from trawling on the soft-bottom habitats in which the fishery operates. The Southern California Trawlers Association (SCTA) has proposed a definition for "light touch" trawl gear which would meet the stated intentions of the Commission. The proposed regulations are as follows:

(b) Gears. Special gear requirements apply while trawling for California halibut in the California Halibut Trawl grounds. Each trawl net, including trawl doors and footrope chain, shall meet the following requirements:

- (1) Each trawl net shall have a headrope not exceeding 90 feet in length. The headrope is defined as a chain, rope, or wire attached to the trawl webbing forming the leading edge of the top panel of the trawl net. Headrope shall be measured from where it intersects the bridle on the left side of the net to where it intersects the bridle on the right side of the net.
- (2) The thickness of the webbing of any portion of the trawl net shall not exceed 7 millimeters in diameter.
- (3) Each trawl door shall not exceed 500 pounds in weight.
- (4) Any chain attached to the footrope shall not exceed one quarter inch in diameter of the link material. The footrope is defined as a rope or wire attached to the trawl webbing forming the leading edge of the bottom panel of the trawl net.
- (5) The trawl shall have no rollers or bobbins on any part of the net or its component wires, ropes, and chains.