

**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 sections 8841 and 8495, of the Fish and Game Code and to implement, interpret or make specific sections 8392, 8494, 8495, 8496, 8497, 8830, 8831, 8837, 8840, 8841 and 8843, of said Code, proposes to amend Section 124, Title 14, California Code of Regulations, relating to commercial halibut trawl fishing.

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.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held Yolo Fliers Club, 17980 County Road 94B, Woodland, California, on Thursday, March 5, 2009 at 8:30 a.m., or as soon thereafter as the matter may be heard.

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 Wine and Roses Country Inn, Garden Ballroom, 2505 West Turner Road, Lodi, California, on Thursday, April 9, 2009, 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 April 2, 2009 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 7, 2009. All comments must be received no later than April 9, 2009. If you would like copies of any modifications to this proposal, please include your name and mailing address.

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, John Carlson, Jr., 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 John Carlson, Jr., or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, (805) 568-1246 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 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 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, Government Code: 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. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

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

John Carlson, Jr.
Executive Director

Dated: February 10, 2009