

was requested by Commission Hosteler-Carmesin. Captain Puccinelli, Law Enforcement Division, clarified that logs must be completed at certain times; prior to the fish being offloaded or sold, prior to passengers disembarking, or at the end of each calendar day. The Commission voted to adopt the regulation.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Wildlife
1416 Ninth Street
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative:

If the original regulations are retained, the Department will not be able to conduct business using the internet and commercial fishers will continue to use paper forms to record their fishing activities.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

IX. 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 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. Electronic reporting of fishing activities in lieu of paper forms is voluntary at this time.

- (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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the proposed regulations will not change the level of commercial fishing activity in the state.

The Commission does not anticipate any benefits to the health and welfare of California residents, worker safety, or the environment.

- (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.

Updated Informative Digest/Policy Statement Overview

Current regulations in Title 14, CCR, require that the owners and operators of commercial fishing vessels, holders of commercial fishing licenses or permits participating in specified fisheries, and the owners and license holders of commercial passenger fishing vessels, keep and submit complete and accurate records of fishing activities on paper “logbooks” provided by the Department. Due to advances in computer and internet technology and the use of handheld devices by many businesses, including the fishing industry, it is necessary that the Department update its processes.

Proposed Regulations

- Section 190 is amended to add that records may be completed and submitted on the Department’s web site at <https://apps.wildlife.ca.gov/marinelogs>.
 - Other minor revisions are proposed which clarify that the participant may choose either electronic or paper format but not both.
 - That fishing activity records shall be called logbooks which is the common term for these reports.
 - Logbooks shall be immediately surrendered upon demand to a peace officer of the department.
 - Repeal existing subsection (e) because the language repeats provisions provided in code and is therefore unnecessary.
 - The subsections have been edited and renumbered for clarity.
- Subsection 195(a) is amended providing that records are to be kept “pursuant to Section 190”
 - The subject forms, with instructions, are incorporated by reference, and the provision that the forms appear in Appendix A is deleted.
 - The current provisions in subsections (a)(1)-(5) are deleted because they appear in the form instructions.
 - The subsections have been edited and renumbered for clarity.
- Forms DFW 195A and DFW 195B have been updated and incorporated by reference in regulation.
 - The instructions have been edited to include the deleted language from current regulation which relates only to the use of the forms, including subsections (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5).
 - The revision date will be 01/16.

BENEFITS OF THE PROPOSED REGULATIONS

Permitting the use of electronic reporting is in line with the increasing use of computer and internet technology and the use of handheld devices by many businesses including the fishing industry. The proposed regulations could reduce the time required for making reports

and will improve the accuracy of the data. Additionally, electronic reporting will improve the Department's data collection and ability to monitor and manage fish populations.

EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS:

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the activities of commercial fishing vessels and to monitor the take of fish. The Commission has searched the CCR for any regulations regarding other authority and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

UPDATE

The Fish and Game Commission adopted the proposed regulations, which were described in the amended ISOR of March 28, 2016 and a published 15-day Continuation Notice, without any changes, at its April 13, 2016, meeting.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.