



- 120(f) Shrimp/Prawn Trawl Log, DFG 120
- 120.7(m) Sea Urchin fishing activities form, DFG-120.7
- 122(p) Daily Lobster Log, DFG 122
- 149(e) Market Squid Vessel Logbook - DFG 149a  
Market Squid Light/Brail Boat Logbook - DFG 149b
- 158(a) Live Bait Log, DFG 158
- 176 Trawl Trip Log, DFG 176
- 180(d) Daily Trap Log, DFG 180A (10/89)  
Daily Sablefish Trap Log, DFG 180B
- 195(a) CPFV Log, Central and Northern California, DFW 195A  
CPFV Log, Southern California, DFW 195B

The Department has embarked on a comprehensive series of projects to develop electronic reporting for commercial marine fisheries. When completed, the projects will include web based user interfaces that offer commercial fishermen the option to submit electronic fishing activity records instead of paper logs.

Subsection 195(a) of the current regulations, Commercial Passenger Fishing Vessels (CPFV), needs to clearly reference the requirements as specified in amended Section 190. The forms for CPFV, DFW195A and 195B with instructions, are incorporated by reference in order to reduce redundancy; therefore, it will not be necessary to duplicate the forms in Appendix A of Title 14.

The first electronic logbook to be developed is the CPFV logbook. The CPFV electronic log has been tested in the field by a group of commercial fishermen and is ready to be used throughout the State. Screenshots of the new electronic form 195 are attached as Exhibit A.

Transitioning from paper logs to electronic logs will provide several benefits to commercial fishermen and the Department including:

1. Time savings by reducing the amount of time spent completing, packaging and mailing logs to the Department;
2. Ease of record storage and maintenance for business purposes;
3. Built-in checks and validations in electronic logs will result in more accurate fisheries data on which the Department and the Commission can base management decisions.
4. Use of electronic logs will likely result in more timely submission and improved compliance with log submission requirements, again resulting in more accurate fisheries data.
5. Electronic logs will provide for ease of information storage, data manipulation for research, production for legal reasons and information sharing with other fishery management agencies and law enforcement.
6. Use of electronic logs will result in reduced costs for the Department by eliminating the design, printing and distribution costs of printed logbooks and a decrease in the cost of data editing and entry.

Without the proposed regulatory changes, electronic logs will not serve in lieu of paper logs, operators will still be required to submit paper logs for all fishing activities, and the benefits identified with electronic reporting will not be realized.

#### 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.
  - Clarifies that fishing activity records shall be called logbooks which is the common term for these reports.
  - Adds that logbooks shall be made available to authorized representatives of the department for inspection.
  - The subsections have been edited and renumbered for clarity.
- Subsection 195(a) is amended providing that logbooks are to be kept "pursuant to Section 190".
  - The subject forms, DFW 195A and DFW 195B, 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 (Exhibit B) and DFW 195B (Exhibit C) 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.

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

Section 190: Authority: Sections 7071, 7920, 7923, 7924, 8026 and 8587.1, Fish and Game Code. Reference: Sections 7055, 7056, 7058, 7060, 7923, 7924, 8026 and 8587.1, Fish and Game Code.

Section 195: Authority: Sections 7071, 7920, 7923, 7924, 8026 and 8587.1, Fish and Game Code. Reference: Sections 7055, 7056, 7058, 7060, 7120, 7850, 7923, 7924, 8026 and 8587.1, 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 45 day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

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 proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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. 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.

## VII. Economic Impact Assessment:

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The cumulative effects of the changes statewide are expected to be neutral with regard to the creation or elimination of jobs within the State.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The cumulative effects of the changes statewide are expected to be neutral with regard to the creation of new businesses or the elimination of existing businesses within the State.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The cumulative effects of the changes statewide are expected to be neutral with regard to expansion of businesses currently doing business within the State.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

The cumulative effects of the changes statewide are expected to be neutral with regard to the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety:

The cumulative effects of the changes statewide are expected to be neutral with regard to worker safety.

(f) Benefits of the Regulation to the State's Environment:

The cumulative effects of the changes statewide are expected to be neutral with regard to the state's environment.

(g) Other Benefits of the Regulation:

Operators will save time associated with completing, packaging and mailing hardcopy forms to the Department. Electronic records of fishing activities will be easier to maintain for business purposes. Operators will be able to use electronic records to comply with fishing activity reporting requirements of the Mexican government for those California vessels fishing south of the border. The Department will experience a savings in staff time associated with editing and entering hardcopy forms into an electronic database. With built-in checks and validations, electronic fishing records will provide the Department and the Commission with more accurate data on which to base management decisions.

## **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**

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- 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.