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## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

### **15 Day Notice of California Notice Register 2016, No.9-Z, Z-2016-0216-12 Re: Fishing Activity Records and CPFV Logbooks**

March 28, 2016

This is to provide you with a 15 day continuation notice of proposed regulatory action relative to amending sections 190 and 195, Title 14, California Code of Regulations, relating to fishing activity records and CPFV logbooks which was published in the California Regulatory Notice Register on February 26, 2016, Register 2016, No. 9-Z; OAL Notice File No. Z-2016-0216-12. The proposed changes to the originally noticed language are shown in double underline/strikeout underline and are sufficiently related to the originally proposed text.

The changes in regulations cite and clarify the proper authority, enhance consistency with Fish and Game Code, and improve the enforceability of the regulation.

The date of the public hearing related to this matter, and associated deadlines for receipt of oral or written comments at the meeting to be held on April 13, 2016 in Santa Rosa has not changed from the original notice.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/2016/index.aspx#190> .

**Katie Perry, Department of Fish and Wildlife, phone 916-445-6456, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

Caren Woodson

Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission**  
**Amended Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 7071, 7920, 7923, 7924, 8026, and 8587.1 of the Fish and Game Code and to implement, interpret or make specific Sections 7055, 7056, 7058, 7060, 7120, 7850, 7923, 7924, 8026, and 8587.1 of said Code, proposes to amend Sections 190 and 195, Title 14, California Code of Regulations, relating to Fishing Activity Records and CPFV Logbooks.

**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 made available to authorized representatives of the department for inspection. 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.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Flamingo Conference Resort and Spa, 2777 Fourth St., in Santa Rosa, California, on Wednesday, April 13, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office must be received before 8:00 a.m. on April 13, 2016. 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, Michael Yaun, Acting 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 Michael Yaun or Caren Woodson at the preceding address or phone number. **Ms. Katie Perry, Department of Fish and Wildlife, phone 916-445-6456, 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/Results of the Economic Impact Analysis**

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.

As mentioned in the Informative Digest/Policy Statement Overview above, the proposed regulations will improve the quality of reporting requirements, as well as facilitate the submitting of reporting data, by allowing modern computer and internet technology methods as another means of submitting data to the Department.

- (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.

#### 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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Michael Yaun  
Acting Executive Director

Dated: March 28, 2016