

# REGULAR

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

ENDORSED FILED  
IN THE OFFICE OF

2013 OCT 11 PM 3:32

*Jenna Bowen*  
JENNA BOWEN  
SECRETARY OF STATE

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2013-0423-06	REGULATORY ACTION NUMBER 2013-0829-025	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission			AGENCY FILE NUMBER (if any)

2013 AUG 29 PM 1:46  
OFFICE OF  
ADMINISTRATIVE LAW

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2013 182	PUBLICATION DATE 5/8/2013	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Commercial Fishing Activity Reports and Logbooks	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT AMEND 190 and 195 REPEAL		
TITLE(S) 14			
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) <b>January 1, 2014</b>			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Sheri Tiemann	TELEPHONE NUMBER (916) 654-9872	FAX NUMBER (Optional) (916) 653-5040	E-MAIL ADDRESS (Optional) Sheri.Tiemann@fgc.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Melissa Miller-Henson</i>	DATE 8/29/13
TYPED NAME AND TITLE OF SIGNATORY Melissa Miller-Henson, Staff Services Manager	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

OCT 11 2013

Office of Administrative Law

Section 190, Title 14, CCR, is amended as follows:

**§ 190. Fishing Activity Records**

Pursuant to Sections 7923 and 8026, Fish and Game Code, the owner and operator of a commercial fishing vessel or the holder of a commercial fishing license or permit participating in specified fisheries, and the owner and license holder of a commercial passenger fishing vessel shall keep and submit a complete and accurate record of fishing activities.

- (a) Fishing activity records shall be kept on forms provided by the department.
- (b) Fishing activity records shall be kept on the vessel while it is engaged in, or returning from, fishing operations ~~and shall be completed before the end of a trip, at the time of sale of the catch or at the end of each day's fishing.~~ Unless otherwise specified in Title 14, CCR, fishing activity records shall be completed immediately with all available information when any of the following first occurs:
  - (1) prior to passengers or crew disembarking from the vessel, or
  - (2) at the time of receipt, purchase, or transfer of fish, or
  - (3) at the end of the calendar day (24 hour clock) during fishing activity through the night.
- (c) Fishing activity records shall be delivered to the department at 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720, or such other department office as may be specified in regulation on or before the 10th day of each month following the month to which the records pertain. Fishing activity records that are mailed shall be postmarked on or before the 10th day of each month following the month to which the records pertain.
- (d) Failure to keep and submit required records of fishing activity may result in revocation or suspension (including non-renewal) of the license or permit for the taking of all fish or for the particular species for which the records are required, by the Department, for a period not to exceed one year. Any revocation, suspension or nonrenewal may be appealed to the Commission.
- (e) All fishing activity records shall be deemed confidential upon receipt by the Department.

Note: Authority cited: Sections 7071, 7920, 7923, 7924, ~~and 8026 and 8587.1~~, Fish and Game Code.

Reference: Sections 7055, 7056, 7058, 7060, 7923, 7924, ~~and 8026 and 8587.1~~ Fish and Game Code.

Section 195, Title 14, CCR, is amended as follows:

**§195. Report of Fish Taken To Be Made by Owner of Barge or Vessel for Hire, and Boat Limits.**

(a) Records required by Sections 7923 and 8026 of the Fish and Game Code shall be made on a forms provided by the department (~~Skipper's Log Book Marine Sportfishing Southern California F&G 656 and Skipper's Log Book Marine Sportfishing Central and Northern California F&G 623, DFG 195,~~ entitled COMMERCIAL PASSENGER FISHING VESSEL LOG, CENTRAL AND NORTHERN CALIFORNIA, DFW 195A (02/13), or COMMERCIAL PASSENGER FISHING VESSEL LOG, SOUTHERN CALIFORNIA,

DFW 195B (02/13), see Appendix A, and hereafter referred to as logbook for purposes of this section). The logbook shall include the following information and be completed and available for inspection as specified in this section:

(1) A full and correct record of fish taken, including species or specified species groups, filled out before the trip is completed (~~see Section as provided in subsection 190(b) of Title 14, CCR.~~) The names used for designating the species of fish shall be those in common usage unless otherwise designated by the department.

(A) Form DFW 195A shall be used when the vessel is engaged in fishing north of Point Conception.

(B) Form DFW 195B shall be used when the vessel is engaged in fishing south of Point Conception.

(2) The owner/operator copy of the logbook shall be maintained and kept on the vessel for a period of one year, and upon request, shall be made available for inspection by any authorized representative of the Department.

(3) The numbered logbook shall be completed sequentially. A voided log shall have the word "Void" plainly and noticeably written on the face of the log.

(4) For months when no fishing activity occurred, a log shall be completed on the last day of the month with an entry made clearly indicating that no fishing activity occurred for the month specified by the owner/operator. All logs shall be kept and delivered to the department as specified in Section 190.

(5) A commercial passenger fishing vessel shall keep and submit logbooks whether or not the fishing trip involves paying or non-paying anglers.

(b) The owner(s) and/or operator(s) of each vessel required to obtain a license under Section 7920 of the Fish and Game Code shall post a notice in a prominent place on the vessel giving information to fishermen on license requirements, bag limits, and other pertinent information. This notice shall be furnished by the department.

(c) Both the vessel owner(s) and/or operator(s) shall be responsible for keeping accurate records and insuring the vessel is in compliance with subsections (a) and (b) above.

(d) All fishing activity records are confidential pursuant to Fish and Game Code Sections 7923 and 8022 and Government Code Sections 6276 and 6276.10.

(e) Boat Limits: When two or more persons licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, as defined in Section 27.00, are angling for finfish in these waters aboard a vessel licensed under

*which is incorporated by reference*  
*per agency request*  
*TH*  
*10/11/13*

Section 7920, fishing by these persons (to include vessel operator(s) and crew members where licensed to sportfish under their own individual limits) may continue until the passenger's boat limits of those finfish are taken and possessed aboard the vessel as authorized under this section.

(1) For purposes of this section, the vessel operator(s) and crew members are not passengers and may not take fish towards obtaining boat limits for passengers except for casting, setting trolling gear, gaffing or netting fish, but may take fish during a fishing trip for their personal use only. Vessel operator(s) and crew members may assist passengers in other activities including, but not limited to, obtaining bait, chumming, baiting and untangling hooks and lines, identifying, dispatching, filleting, counting, bagging and otherwise handling fish taken by passengers. Upon completion of a fishing trip, the vessel operator(s) and crew members may only possess fish that are part of the their own personal bag limit not to exceed authorized sportfishing daily bag and possession limits.

(2) Fish taken by operator(s) and crew members for personal use pursuant to (e)(1) above must be separated from fish taken under a boat limit and labeled in a manner that they can be identified as an individual operator's or crew ~~members~~member's fish. Operator(s) and crew members are also prohibited from giving all or part of their individual limit to any passenger during or after a trip.

(3) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.

(4) A boat limit for a species or species group is equal to the number of passengers aboard the vessel that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District multiplied by the individual daily bag limit authorized for a species or species group. For purposes of this section, the number of passengers shall not include the vessel operator(s) and crew members. It is unlawful to exceed the boat limit at any time.

(5) ~~Prior to the departure on a fishing trip of a vessel that is operating under authority of a license issued pursuant to licensed under~~ licensed under Fish and Game Code Section 7920, the number of fishers, to include passengers, guests, operators and crew who will be fishing, shall be recorded under "number of fishers" on the logbook for that trip. In addition, the number of vessel operator(s) and crew members who will fish for that trip shall be recorded in the space to the right of the operator's signature on the logbook.

(6) Upon completion of a sport fishing trip aboard a vessel reporting under this section, each licensed or otherwise authorized angler may not possess more than the daily bag and possession limits. For the purposes of this section, a fishing trip is completed at the time a person disembarks from the vessel and individual possession limits apply.

(7) Species for which no daily bag limit exists are not included in the boat limit.

(f) Where boat limits are provided for in this section, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including but not limited to violations of the following:

(A1) Overlimits

(B2) Possession of prohibited species

(C3) Minimum size limits

(D4) Fish taken out of season or in closed areas

(g) Boat limits are not authorized for sturgeon fishing and shall not apply to the take, possession or retention of sturgeon.

Note: Authority cited: Sections 7071, 7920, 7923, 7924, 8026 and 8587.1, Fish and Game Code. Reference: Sections 7055, 7056, 7058, 7060, 7120, 7850, 7923, 7924, and 8026 and 8587.1 Fish and Game Code.