



The smallest size of retained hagfish is influenced by the size of the many holes in the trap and length of soak time (hours in the water). The Department identified regulation of the soak time as an alternative; however it is impractical to regulate soak time because enforcement cannot be present at sea for the many hours necessary. No other alternative was identified.

(b) No Change Alternative

The no change alternative would allow the fishery to take any size hagfish as at present. However, this is not preferable because data indicate the catch trend is toward smaller, immature fish. Since hagfish are a low fecundity species, excessive take of immature hagfish may be detrimental to the long term sustainability of the fishery.

- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes 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 is difficult to assess since socio-economic data for this fishery are limited. Due to data limitations, assumptions are made. Notwithstanding this limitation, 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 businesses, including the ability of California businesses to compete with businesses in other states. This is an export-only fishery, with very few participating fishery receivers. The demand from the primary importing country has been stable for several years and is increasing.

- (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 Resident, Worker Safety, and the State's Environment:

No impacts are anticipated on the creation or elimination of jobs within the state, the creation of new businesses or elimination of existing businesses, or the expansion of businesses in California. The commercial fishery is influenced primarily by the foreign market demand for hagfish.

There is no anticipated change in benefit to the health and welfare of California residents. The fishery is entirely for foreign export, so the regulation is unlikely to affect the health and welfare of California residents.

The proposed regulation does not affect worker safety.

There are anticipated benefits to the environment by the sustainable management of California's hagfish resource.

(c) Cost Impacts on a Representative Private Person or Business

The Commission anticipates minor costs to some hagfish fishermen to drill larger holes in their current traps. Some fishermen already comply but the number is not known. The cost for the work to comply is estimated to be \$500.00 per fisherman.

(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 statutes, California Fish and Game Code sections 9000.5(a)-(d), 9001, and 9001.6, define the types of traps used in the hagfish fishery, require a general trap permit, specify maximum number of traps allowed by type, and prohibit possession of other species or gear while targeting or having in possession hagfish. No statute or regulation exists requiring a minimum hole diameter for hagfish traps.

The proposed regulation would require all traps used within the hagfish fishery to have a minimum hole diameter of 9/16 inch. Its purpose is to sustain the hagfish resource by promoting escapement of smaller, immature hagfish.

### **BENEFITS OF THE PROPOSED ACTION:**

The proposed regulation benefits the environment. Adoption of measures to ensure escapement of immature hagfish will help maintain sufficient populations of hagfish to ensure the continued sustainability of this resource.

### **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 commercial take of finfish using traps (sections 8403 and 9022, Fish and Game Code). No other State agency has the authority to promulgate commercial fishing regulations. The proposed regulations are compatible with sections 180, 180.2, 180.4 and 180.5, Title 14, CCR, which address other aspects of commercial take of finfish using traps. The Commission has searched the CCR for any regulations regarding trap hole size diameter for the commercial take of hagfish and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

**At its meeting of August 6, 2014, the Commission adopted the proposed language without modifications.**

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
**ADDENDUM TO FINAL STATEMENT OF REASONS FOR REGULATORY ACTION**

Add Section 180.6  
Title 14, California Code of Regulations  
Re: Minimum trap hole diameter to take hagfish

Section III (d) of the Initial Statement of Reasons (ISOR) identified six reports/documents supporting the proposed regulatory change; however, one report was misidentified.

The ISOR listed the title of the Tanaka document as, *Investigation into the optimal bucket trap hole diameter to reduce capture of immature hagfish*; however, the actual title listed on the document was *Size assessment of bucket-trap holes to reduce capture of immature hagfish*.

As noted in the ISOR, the document in question was under review for publication in "California Fish and Game" during the development of the ISOR. During that review, the title of the document was changed, but the final version of the ISOR was not updated to reflect the new name.

The document entitled *Size assessment of bucket-trap holes to reduce capture of immature hagfish* was posted on the Commission's website and was otherwise available to the public for the full public comment period for this rulemaking.