

Staff Summary for October 13-16, 2026

18. Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery**Today's Item**Information ☐Action ☒

Consider adopting proposed amendments to regulations related to allowing the use of harpoons and flying gaffs in the recreational tuna fishery and gear marking requirements in the commercial harpoon swordfish fishery.

Summary of Previous/Future Actions

- | | |
|---|--|
| • Marine Resources Committee (MRC) vetting and recommendation | November 6, 2025 and March 12, 2026; MRC |
| • Notice hearing | June 17-18, 2026 |
| • Discussion hearing | August 12-13, 2026 |
| • Today's adoption hearing | October 13-16, 2026 |

Background

At its December 2024 meeting, the Commission granted regulation change petition 2024-04, in part, which requested to allow the use of hand-held harpoons to assist in landing fish in the recreational tuna fishery in instances where a gaff is lawfully allowed. Following granting of the petition, several recommended regulatory amendments – both recreational and commercial – were developed by the Department, presented to MRC at its November 2025 and March 2026 meetings, and ultimately presented to the Commission in June 2026.

At its June 2026 meeting, the Commission authorized publication of a notice of its intent to amend regulations related to gear types and use in recreational tuna fishing, commercial harpoon fishing gear, and other non-substantive amendments; after that authorization, staff provided public notice. A background and summary of the proposed amendments are included in Exhibit 1; details of the proposed amendments are provided in the initial statement of reasons (Exhibit 2), and the publicly noticed regulatory language is presented in Exhibit 3. The notice appeared in the California Regulatory Notice Register on July 31, 2026.

Throughout the public process, from earlier MRC meetings through initial rulemaking notice, public feedback on the proposed regulations was minimal, albeit generally supportive. The Commission did not receive any significant public comments during the rulemaking public notice period, therefore the Department did not recommend any changes to what was noticed to the public (Exhibit 8). After the close of the rulemaking comment period, the Commission began receiving comments specifically concerned with the provisions adding marlin to the list of finfish that cannot be taken with spearfishing gear (see exhibits 9 and 10 for examples).

Today, the Commission may adopt the proposed regulations, with or without the provisions related to adding marlin to the list of finfish that cannot be taken with spearfishing gear.

Late staff note: The Department will recommend that the Commission, when adopting the proposed regulations, **NOT** adopt the proposed language prohibiting take of marlin by speargun (see Exhibit 12 for presentation).

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California Environmental Quality Act (CEQA)

The Department drafted an initial study and draft negative declaration for this rulemaking as a proposed mechanism for complying with CEQA and provided the draft to the commission (exhibits 4 through 6). Commission staff have reviewed and analyzed the negative declaration and determined that it reflects the independent judgment of the Commission. Staff submitted the draft negative declaration for public comment (State Clearinghouse Number 2026090588, available at <https://ceqanet.lci.ca.gov/2026090588>). The review for public comments ends on October 14, 2026.

Significant Public Comments

- All Waters Protection and Access Coalition expresses concerns about the proposal's method-of-take prohibition for spearfishing marlin and asks several clarifying questions of the Commission and Department (Exhibit 9).
- A commercial fisherman opposes the allowance of harpoons in the recreational tuna fishery completely, stating that it will complicate enforcement and blur the distinction between recreational and commercial methods of take and purchased validations (Exhibit 11).

Recommendation

Commission staff: Adopt the negative declaration prepared pursuant to CEQA, approve the proposed project, and adopt the proposed amendments as recommended by the Department.

Department: Adopt the proposed amendments as described in the initial statement of reasons.

Exhibits

1. [Staff summary for Agenda Item 7, June 17-18, 2026 Commission meeting \(for background purposes only\)](#)
2. [Initial statement of reasons](#)
3. [Noticed regulatory language](#)
4. [Department memo transmitting draft negative declaration, received May 19, 2026](#)
5. [Draft negative declaration, dated June 2026](#)
6. [Notice of completion, document submittal form, and summary form](#)
7. [STD. 399, economic and fiscal impact statement](#)
8. [Department pre-adoption email, received September 28, 2026](#)
9. [Email from Mike Raabe, Chief Creative Officer and Board Member, All Waters Protection and Access Coalition, received September 29, 2026](#)
10. [Three representative samples of 27 emails received regarding marlin, received September 29 and 30, 2026](#)
11. [Email from David Stephens, received September 30, 2026](#)
12. [Department presentation](#)

Staff Summary for October 13-16, 2026

Motion

Moved by _____ and seconded by _____ that the Commission adopts the negative declaration prepared pursuant to CEQA, approves the proposed project, and adopts the amendments to sections 28.38, 28.40, 28.90, 28.95 and 107 related to recreational tuna fishing, commercial harpoon fishing gear, and other changes as discussed today.

Staff Summary for June 17-18, 2026
(...for background purposes only...)

7. Harpoons and Flying Gaffs Allowance

Today's Item

Information ☐

Action ☒

Consider authorizing publication of notice of intent to amend regulations related to allowing harpoons and flying gaffs use in the recreational tuna fishery.

Summary of Previous/Future Actions

- | | |
|---|--|
| • Marine Resources Committee (MRC) vetting and recommendation | November 6, 2026 and March 12, 2026; MRC |
| • Today's notice hearing | June 17-18, 2026 |
| • Discussion hearing | August 12-13, 2026 |
| • Adoption hearing | October 14-15, 2026 |

Background

Current regulations do not allow the use of hand-held harpoons to assist recreational anglers in landing tuna; however, harpoons are permitted as a landing aid for other species. For instance, Section 28.20 allows the use of a harpoon to assist in the take of Pacific halibut, with limitations defined in Section 28.95. Section 28.95 further specifies that harpoons may be used to take skates, rays, and sharks (except white sharks) and to assist in the take of Pacific halibut. The use of gaffs for take of finfish is detailed in Section 28.65, where a gaff is defined as, "any hook with or without a handle used to assist in landing fish or to take fish in such a manner that the fish does not take the hook voluntarily in its mouth."

Regulation Change Petition and Regulatory Development

At its December 2024 meeting, the Commission took action on Petition 2024-04, which requested to allow the use of hand-held harpoons to assist in landing fish in the recreational fishery in instances where a gaff is lawfully allowed. The Commission granted Petition 2024-04 in part, and requested the Department develop regulatory changes to allow a harpoon as a landing aid limited to tuna, which are often very large. The Department presented recommended recreational measures — including allowing the use of hand-held harpoons and flying gaffs as an aid in landing legally-caught tuna — for discussion at the November 2025 and March 2026 MRC meetings (see Exhibit 6 for additional background).

Addition of Commercial Gear Requirement and Non-Substantive Clarifications

While vetting concepts for the recreational regulations, the Department identified several additional updates to the regulations, most notably a separate need for commercial swordfish harpoon buoy marking requirements. The Department publicly identified the commercial gear issue at both MRC meetings and suggested integrating it into the rulemaking. Similarly, the Department identified several potential non-substantive amendments.

The MRC motion in March 2026 was to advance a rulemaking on recreational tuna fishing and associated gear regulations "as recommended by the Department and discussed today." Although the motion did not explicitly reference commercial harpoon gear, staff understands

**Staff Summary for June 17-18, 2026
(...for background purposes only...)**

MRC's action as supporting movement of the overall rulemaking package as presented and publicly discussed.

To ensure affected commercial fishing participants are fully informed, the Department initiated direct outreach to commercial harpoon permittees and will continue engagement throughout the rulemaking process.

Proposed Regulatory Amendments

Following MRC discussions and recommendation, the Department provided draft proposed regulations to the Commission that would accomplish the following:

- Handheld Harpoons and Flying Gaffs in Recreational Tuna Fishery
 - Allow the use of the gear types to assist in landing tuna taken by angling.
 - Define the gear types and establish the conditions under which they may be used as an aid in landing tuna.
 - Clarify that the gear types are aids in landing fish and are not new, standalone methods of take.
 - Add appropriate cross-references between sections for the added gear provisions.
- Commercial Swordfish Harpoon Fishery
 - Add gear marking requirements for buoys used in the fishery, to distinguish the harpoon buoys from federal deep set buoy gear.
- Non-Substantive Clarifications
 - Correct spelling and terminology (i.e., changing “broadbill swordfish” to “swordfish” and “fin fish” to “finfish”).
 - Clarify that existing prohibitions on possessing spearfishing gear and bow-and-arrow fishing tackle aboard a vessel when taking marlin also prohibit taking marlin with those gear types.

Further details on the Department's submission are available in the draft initial statement of reasons (Exhibit 2), draft proposed regulatory language (Exhibit 3), and Department's presentation (Exhibit 5).

To accurately reflect the scope of the rulemaking (which includes both recreational and commercial components), the rulemaking title in Exhibit 2 has been revised from “Harpoons and Flying Gaff Allowance” to “Harpoons and Flying Gaffs for Recreational Tuna Fishery, and Gear Marking in Commercial Harpoon Swordfish Fishery.” (This updated title is also included for approval by the Commission under Agenda Item 26B for the rulemaking timetable.)

Significant Public Comments (N/A)

Staff Summary for June 17-18, 2026
(...for background purposes only...)

Recommendation

Commission staff: Authorize publication of a notice of intent to amend recreational tuna fishing gear regulations and the additional amendments specifically including commercial harpoon buoy regulations, and clarifying updates related to swordfish, marlin, and finfish, as recommended by the Department and identified in exhibits 2 and 3.

Committee: Authorize publication of a notice of intent to amend regulations as presented at the November 2025 and March 2026 MRC meetings and recommended by the Department.

Department: Authorize publication of a notice of intent to amend regulations pertaining to recreational tuna, swordfish and marlin fishing and commercial harpoon fishing gear, consistent with the draft initial statement of reasons and draft proposed regulatory language (exhibits 2 and 3).

Exhibits

1. [Department memo, received May 19, 2026](#)
2. [Draft initial statement of reasons](#)
3. [Draft proposed regulatory language](#)
4. [Draft economic and fiscal impact statement \(STD. 399\)](#)
5. [Department presentation](#)
6. [Staff summary and exhibits for Agenda Item 6, March 12, 2026 MRC meeting \(for background purposes only\)](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 28.38, 28.40, 28.90, 28.95 and 107, related to recreational tuna fishing, commercial harpoon fishing gear, and other non-substantive changes.

State of California
Fish and Game Commission

Initial Statement of Reasons for Regulatory Action
Amend Sections 28.38, 28.40, 28.90, 28.95, and 107
Title 14, California Code of Regulations

Re: Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial
Harpoon Swordfish Fishery

I. Date of Initial Statement of Reasons: April 28, 2026

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: June 17, 2026

Location: Sacramento, CA

(b) Discussion Hearing

Date: August 12, 2026

Location: Sacramento, CA

(c) Adoption Hearing

Date: October 14, 2026

Location: Sacramento, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The California Fish and Game Commission (Commission) proposes to amend sections 28.38, 28.40, 28.90, 28.95, and 107, Title 14, of the California Code of Regulations (CCR) related to the use of harpoons and flying gaffs to assist in landing tunas, the marking of commercial harpoon fishing gear, and other regulatory language clarification.

The proposed regulatory change amends Section 28.38 to add subsection describing a method of handling, which specifies that hand-held harpoons and flying gaffs, securely attached to the vessel, may be used to assist with landing recreationally caught tuna that have been taken by angling. Section 28.95 is proposed to be amended by adding reference to this allowance for the use of harpoons and flying gaffs. The proposed change adds “marlin” to the list of species prohibited for take by spear to Section 28.90 as Section 28.95 already prohibits the possession of such gear onboard recreational vessels where marlin have been taken. The change also adds marlin to the list of species prohibited for take by bow and arrow in Section 28.95, as the section already prohibits possession of the gear onboard vessels where marlin have been taken. The proposed change updates the name “broadbill” or “broadbill swordfish” to the more commonly used “swordfish” in several sections and makes the term “finfish” consistent with the definition’s spelling found in Section 1.46. The proposed change adds a gear marking requirement to the commercial harpoon regulations in Section 107 and updates the authorities for that section.

Background

This change is in response to a petition for regulatory change approved in part by the Fish and Game Commission (Petition #2024-04) to allow the use of harpoons to assist in landing large fish. Large (>100 pound) tuna have been more available to California anglers in recent years. Landing these large tuna can be difficult, and the potential for losing fish after a long time on the fishing line increases as the fish get larger. Recreationally caught tuna in the Atlantic are regularly landed with the assistance of hand-held harpoons and flying gaffs (where the hook is attached to a line and separates from the handle), which decreases the chance of losing fish that have been exhausted during the fishing process, and could die if lost. The use of harpoons and gaffs to land recreationally caught Pacific halibut, another species that can grow to a very large size, has been successfully allowed in California for decades under Title 14, California Code of Regulations, Section 28.20.

A commercial deep set buoy gear (DSBG) fishery was approved by federal regulations in 2023. This fishery allows for the use of up to 10 buoys, which are attached to fishing lines designed to catch swordfish. Commercial fishermen are allowed to set DSBG gear while simultaneously fishing for swordfish using harpoon gear. When a swordfish is harpooned, a terminal buoy, which is identical in design to DSBG buoys, is attached to the harpoon line and placed in the water while the fish is fighting. Because of this, there is the potential for more than 10 buoys to be in the water, making it difficult for enforcement officers to determine if gear limitations are being adhered to. A marking requirement, which clearly delineates harpoon buoys, would allow enforcement officers to identify gear without pulling it from the water.

Overview of Proposed Changes

Section 28.38 amendments would allow the use of harpoons and flying gaffs to assist in landing large tuna. Large (>100 pound) tuna have been more available to California anglers in recent years. This is necessary to aid recreational anglers in landing tuna and helps prevent the loss of legally taken tuna.

Subsection (a) Limit The phrase “The following daily bag limits apply” is deleted and “(a) Limit” added to be consistent with other finfish subsections that describe daily bag and possession limits. This subsection is renumbered dividing the area limits in (1) Albacore; (A) South and (B) North; and (2) Bluefin tuna; (3) skipjack; and (4) yellowfin, bigeye, albacore and other tunas. There is no change to the original regulatory text.

Subsection (b) Landing nets, gaffs, and harpoons is added to define and provide for the use of handheld harpoons and flying gaffs (where the head detaches from the pole) as an aid in landing tuna. This is necessary to specify that harpoons and flying gaffs are allowed in the recreational fishery when “...secured to the vessel with a line no longer than 30 feet total length and without buoys, floats, or other attachments.” The use of landing nets (handheld dip nets) and gaffs (without detachable heads) which are generally allowed for finfish landing is also included. Reference is made to further regulation of the gear in Section 28.95, as amended. Attachment lines are limited to 30 feet in order to allow enough line for the crew to safely and effectively

control a large fish brought to the boat legally by hook and line, while limiting the range so that harpoons and gaffs cannot be thrown at free swimming fish that had not otherwise been legally taken.

Section 28.40 Broadbill Swordfish A nonsubstantive change updating the term “broadbill swordfish” to “swordfish” makes the term consistent with the current common name for swordfish in use and makes the regulations consistent across sections. There is no change to the regulatory text.

Section 28.90 Diving, Spearfishing.

In the first paragraph, a nonsubstantive change clarifying an inconsistency in regulations changing “fin fish” to “finfish” making the term consistent with the definition of finfish found in Section 1.46.

Amending the first paragraph by deleting ‘broadbill’ and replacing with “swordfish” and adding ‘marlin’ to make the regulation consistent with Section 28.95 which prohibits the possession of spears onboard vessels that have taken marlin.

Section 28.95. Spears, Harpoons and Bow and Arrow Fishing Tackle.

Amending the sentence “Harpoons may be used ... “ by adding “and to assist in taking tuna as specified in subsection 28.38(b)” referencing and clarifying this new provision as a method of take for the listed species.

A nonsubstantive change updating the term “broadbill swordfish” to “swordfish” and “fin fish” to “finfish” making the terms consistent with the current common names throughout regulation and the definition of finfish found in section 1.46.

Amending the provision by updating the name of “broadbill” to “swordfish” and adding “marlin” to the list of species prohibited for take by bow and arrow fishing tackle, as the possession of such gear onboard vessels where marlin have been taken is prohibited earlier in the same paragraph.

Section 107 Broadbill Swordfish

The title and subsection (a) is a nonsubstantive change updating the term “broadbill swordfish” to “swordfish” making the term consistent with the current common name for swordfish in use and making the regulations consistent across sections.

Subsection (b) is unchanged.

Subsection (c) Gear Marking is added since it is necessary to distinguish harpoon buoys in the water from federal deep set buoy gear buoys, which are sometimes fished by the same vessel. Since deep set buoy gear is limited to a specific number of pieces of gear, having additional buoys that are not marked can lead to enforcement issues. This change is necessary to ensure enforcement officers can clearly distinguish harpoon gear from deep set buoy gear on the water. A yellow tag, marked with the letters “HAR” distinguish it from other gear markings already in use or planned for implementation in state and federal fisheries, which use different letter combinations and colors. A radar reflector and flag are necessary to ensure

fishermen and enforcement officers can locate the gear from a distance and ensure gear and fish are not lost. Radar reflectors and flags are already required in the deep set buoy gear fishery and are commonly used by harpoon fishermen.

Subsections (d) – (h) nonsubstantive change of numbering because of the addition of a new (c).

Updated the list of authorities of Section 107 to add Fish and Game Code sections 7701 and 7708.

(b) Goals and Benefits of the Regulation

The proposed changes to Sections 28.38, 28.40, 28.90, 28.95, and 107, would permit the use of gear for the landing of certain fish legally taken.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Section 28.38. Authority cited: Sections 200, 205, 265 and 313, Fish and Game Code. Reference: Sections 200, 205, 265 and 313, Fish and Game Code.

Section 28.40. Authority cited: Sections 200, 205, 219, 265 and 275, Fish and Game Code. Reference: Sections 200, 205, 255, 265, 270 and 275, Fish and Game Code.

Section 28.90. Authority cited: Sections 200, 265 and 8587.1, Fish and Game Code. Reference: Sections 205 and 7071, Fish and Game Code; and 50 CFR Part 660, Subpart G.

Section 28.95. Authority cited: Sections 200, 205, 219, 265 and 275, Fish and Game Code. Reference: Sections 110, 200, 201, 205, 219, 265, 270 and 275, Fish and Game Code.

Section 107. Authority cited: Sections 1050, 7701, 7708, 7857, 7892, 8026 and 8394, Fish and Game Code. Reference: Sections 1050, 7857, 7892, 8026, 8394, 8394.5, 8577 and 9028, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change:

The changes to permitted gear allowed in the take of tuna and swordfish are not a requirement.

(e) Identification of Reports or Documents Supporting Regulation Change: N/A

(f) Public Discussions of Proposed Regulations Prior to Notice Publication:

At the March, 2026, Marine Resource Committee meeting, the recommendation was to advance the proposed changes to recreational tuna and commercial harpoon gear regulations and request a rulemaking notice by the Fish and Game Commission for June 2026, as recommended by the Department.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) No alternatives were presented.

(b) No Change Alternative.

If the regulations remain unchanged the recreational fishery would continue to be prohibited from the use of harpoons and flying gaffs to assist in landing large tuna. This may lead to increases in hooked fish being lost, as more large tuna become available to angling.

V. Mitigation Measures Required by Regulatory Action: None

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. The main cost to commercial fishing businesses permitted to use harpoons will come from the gear marking requirements, and break down to \$10 per year for 5 tags (\$2 per tag) and a labor time requirement of 2.5 hours for a cost of \$45.45 (at \$18.18/hour), for a combined cost of \$55.45 per vessel annually. There are no additional costs to commercial fishing businesses to use radar reflectors or flags, as these items are already in use in other gears and can be switched between gears. If necessary, however, purchasing a radar reflector and flag would cost \$50 with 1 hour of labor to install for a cost of \$18.18, with a combined cost of \$68.18 per vessel. The regulatory action will not impact compliance costs or recreational fishery activity.

(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 within the state, the creation of new businesses, or the elimination or expansion of existing businesses. The proposal may positively affect worker safety through the availability of safer gear and fishing methods, and it is also anticipated to generally benefit the state's environment through sustainable fishery management. The Commission anticipates generalized benefits to the health and welfare of California residents through expanded outdoor recreational opportunities and ongoing economic activity.

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, as it imposes no added cost to the recreational fishery. The main cost to commercial fishing businesses permitted to use harpoons will come from the gear marking requirements, and break down to \$10 per year for 5 tags (\$2 per tag) and a labor time requirement of 2.5

hours for a cost of \$45.45 (at \$18.18/hour), for a combined cost of \$55.45 per vessel annually. There are no additional costs to commercial fishing businesses to use radar reflectors or flags, as these items are already in use in other gears and can be switched between gears. If necessary, however, purchasing a radar reflector and flag would cost \$50 with 1 hour of labor to install for a cost of \$18.18, with a combined cost of \$68.18 per vessel.

(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 Commission does not anticipate any impacts on the creation or elimination of jobs within the state. The main cost to commercial fishing businesses permitted to use harpoons will come from the gear marking requirements, and break down to \$10 per year for 5 tags (\$2 per tag) and a labor time requirement of 2.5 hours for a cost of \$45.45 (at \$18.18/hour), for a combined cost of \$55.45 per vessel annually. There are no additional costs to commercial fishing businesses to use radar reflectors or flags, as these items are already in use in other gears and can be switched between gears. If necessary, however, purchasing a radar reflector and flag would cost \$50 with 1 hour of labor to install for a cost of \$18.18, with a combined cost of \$68.18 per vessel. These costs are not expected to impact whether a business increases or decreases their level of employment.

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

The Commission does not anticipate any new impacts on the creation of new businesses or the elimination of existing businesses within the state. The main cost to commercial fishing businesses permitted to use harpoons will come from the gear marking requirements, and break down to \$10 per year for 5 tags (\$2 per tag) and a labor time requirement of 2.5 hours for a cost of \$45.45 (at \$18.18/hour), for a combined cost of \$55.45 per vessel annually. There are no additional costs to commercial fishing businesses to use radar reflectors or flags, as these items are already in use in other gears and can be switched between gears. If necessary, however, purchasing a radar reflector and flag would cost \$50 with 1 hour of labor to install for a cost of \$18.18, with a combined cost of \$68.18 per vessel. These costs are not high enough to eliminate existing businesses or spur the creation of new businesses within the state.

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

The Commission does not anticipate any new impacts on the expansion of businesses currently doing business within the state.

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

The Commission anticipates no benefits because the proposed regulation will not affect the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety:

The proposed regulation may impact working conditions on recreational fishing vessels that pursue or catch larger tuna (greater than 100 pounds). It is potentially safer to use a harpoon or flying gaff when attached to the vessel as proposed in this rulemaking. Using a regular gaff may result in injuries or crew going overboard when holding gaffed large tuna at the vessel's side. A harpoon/flying gaff is secured to the vessel by a rope and a crew member maintaining a hold on a large fish with a regular gaff is not necessary.

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

The Commission anticipates benefits to the environment in the sustainable management of finfish resources. Other benefits of the proposed gear change are that the gear will assist the recreational fishery in the landing of large fish and reducing the loss of legally taken fish. The proposed commercial harpoon gear marking regulation will help ensure that gear limits in the commercial deep set buoy gear fishery are maintained.

(g) Other Benefits of the Regulation: None.

Informative Digest/Policy Statement Overview

The California Fish and Game Commission (Commission) proposes to amend sections 28.38, 28.40, 28.90, 28.95, and 107, Title 14, of the California Code of Regulations (CCR) related to the Use of Harpoons and Flying Gaffs in the recreational taking of Tuna and Swordfish.

The proposed change amends sections 28.38 and 28.95 to add a method of take subsection which specifies that hand-held harpoons and flying gaffs securely attached to the vessel may be used to assist with landing tuna that have been legally taken by angling. The change in 28.90 also clarifies that spearfishing gear may not be used for marlin. An exception is added to Section 28.95 clarifying the prohibition on the use of bow and arrow fishing tackle in the take of marlin. In Section 107 the proposed change adds gear marking requirements to the commercial harpoon regulations and adds Fish and Game Code section 7701 and 7708 to the list of authorities for that section. Minor nonsubstantive changes to the other sections updating the name “broadbill” to the more commonly used “swordfish” in several sections and makes the term “finfish” consistent with the definition’s spelling throughout regulation.

Benefits of the Proposed Regulations

The Commission anticipates benefits to the environment in the sustainable management of finfish resources. Other benefits of the proposed gear change are that the gear will assist the recreational fishery in the landing of large fish and reducing the loss of legally taken fish. The proposed commercial harpoon gear marking regulation will help ensure that gear limits in the commercial deep set buoy gear fishery are maintained.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the 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 sport fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission searched the California Code of Regulations and finds no other state agency regulations pertaining to the use of certain fishing gear.

Proposed Regulatory Text

Section 28.38, Title 14, CCR, is amended as follows:

§ 28.38. Tunas.

~~The following daily bag limits apply:~~

(a) Limit

~~(a)(1)~~ Albacore:

~~(1)(A)~~ South of a line running due west true from 34°27'N. lat. (at Point Conception, Santa Barbara County) -- The special limit for albacore is 10, which may be taken or possessed in addition to the overall general daily bag limit of 20 finfish specified in subsection 27.60(a).

~~(2)(B)~~ North of a line running due west true from 34°27'N. lat. (at Point Conception, Santa Barbara County) -- The special limit for albacore is 25, which may be taken or possessed in addition to the overall general daily bag limit of 20 finfish specified in subsection 27.60(a).

~~(b)(2)~~ Bluefin tuna -- The special limit for bluefin tuna is 2, which may be taken or possessed in addition to the overall general daily bag limit of 20 finfish specified in subsection 27.60(a). This limit applies to all bluefin tuna possessed, regardless of where taken.

~~(c)(3)~~ There is no limit on skipjack tuna.

~~(d)(4)~~ For yellowfin tuna, bigeye tuna, and other tunas not listed above, the limit is 10. Unlike albacore and bluefin tuna, fish taken under this limit shall apply toward the overall general daily bag limit of 20 finfish specified in subsection 27.60(a).

(b) Landing nets, gaffs, and harpoons

A handthrust harpoon, gaff, including flying gaffs where the hook detaches from the handle, or a handheld dip net may be used to assist in landing tuna that have been legally taken by angling. Harpoons and flying gaffs used to assist with landing shall be secured to the vessel with a line no longer than 30 feet total length and without buoys, floats, or other attachments. See Section 28.95 of these regulations for additional restrictions on the use of harpoons.

Note: Authority cited: Sections 200, 205, 265 and 313, Fish and Game Code. Reference: Sections 200, 205, 265 and 313, Fish and Game Code.

Proposed Regulatory Text

Section 28.40, Title 14, CCR, is amended as follows:

§ 28.40. ~~Broadbill~~ Swordfish.

Limit: Two.

Note: Authority cited: Sections 200, 205, 219, 265 and 275, Fish and Game Code.

Reference: Sections 200, 205, 255, 265, 270 and 275, Fish and Game Code.

Section 28.90, Title 14, CCR, is amended as follows:

§28.90 Diving, Spearfishing.

Persons who are floating or swimming in the water may use spearfishing gear and SCUBA diving equipment to take ~~fin fish~~ finfish other than giant (black) sea bass, garibaldi, gulf grouper, broomtail grouper, trout, salmon, marlin, or ~~broadbill swordfish~~, except that:

- (a) No person may possess or use a spear within 100 yards of the mouth of any stream in any ocean waters north of Ventura County.
- (b) When spearfishing for or in possession of federal groundfish species or all greenlings of the genus *Hexagrammos* as authorized pursuant to subsection 27.20(b)(1)(D), in an area or during a season closed to the take of these species, no fishing gear except spearfishing gear may be aboard the vessel or watercraft.

Note: Authority cited: Sections 200, 265 and 8587.1, Fish and Game Code. Reference: Sections 205 and 7071, Fish and Game Code; and 50 CFR Part 660, Subpart G.

Section 28.95, Title 14, CCR, is amended as follows:

§28.95. Spears, Harpoons and Bow and Arrow Fishing Tackle.

Spears, harpoons and bow and arrow fishing tackle may be used for taking all varieties of skates, rays, and sharks, except white sharks. Harpoons may be used to assist in taking Pacific halibut as specified in Section 28.20 and to assist in taking tuna as specified in subsection 28.38(b). Such gear may not be possessed or used within 100 yards of the mouth of any stream in any ocean waters north of Ventura County, nor aboard any vessel on any day or on any trip when ~~broadbill~~ swordfish or marlin have been taken. Bow and arrow fishing tackle may be used to take ~~fin fish~~ finfish other than giant (black) sea bass, garibaldi, gulf grouper, broomtail grouper, trout, salmon, ~~broadbill swordfish~~, marlin, and white shark.

Note: Authority cited: Sections 200, 205, 219, 265 and 275, Fish and Game Code. Reference: Sections 110, 200, 201, 205, 219, 265, 270 and 275, Fish and Game Code.

Proposed Regulatory Text

Section 107, Title 14, CCR, is amended as follows:

§ 107. ~~Broadbill~~ Swordfish.

(a) Permit Required.

(1) The owner or operator of a vessel taking ~~broadbill~~ swordfish for commercial purposes shall have obtained a valid swordfish permit and shall be in possession of said permit when engaged in such activities.

(2) To Whom Issued. The department shall issue a permit to the owner or operator of a currently registered vessel.

(b) Vessel Identification. Permittees vessel shall display its assigned permit number in 10" high x 2" wide black Roman alphabet letters and Arabic numerals. Figures shall be black on a white background on both sides of the superstructure of the vessel. Numbers shall be displayed at all times while operating under a swordfish permit.

(c) Gear Marking. Any buoys attached to harpooned fish must include a terminal array that includes a marker buoy, locator flag, and radar reflector. The buoy shall be clearly and distinctly marked, in a color that contrasts with the buoy, with the Commercial Fishing Vessel Number and a securely affixed durable tag stamped or engraved, where there is a physical indentation along with a contrasting color, with the vessel number and the letters "HAR." Durable tags must be yellow and large enough to accommodate the engraved letters "HAR" that are at least 1 3/4 inches in height.

~~(e)~~ (d) Conditions of Permit. Provisions of the Fish and Game Code relating to commercial fish except as modified by the provisions of these regulations, shall be a condition of all permits to be fully performed by the holders thereof, their agents, servants, employees, or those acting under their direction or control.

~~(d)~~ (e) Cost of Permit. See Section 8394.5 of the Fish and Game Code.

~~(e)~~ (f) Methods of Take.

(1) Swordfish may be taken only with hand-held hook and line, deep set buoy gear authorized under federal law, or handthrust harpoon.

(2) Aircraft may be used to directly assist a permittee or any person in the taking of any species of fish while operating under a swordfish permit.

Only aircraft with current FAA registration which are registered with the department pursuant to Section 7892, Fish and Game Code, and aircraft pilots licensed pursuant to Section 7850, Fish and Game Code, may conduct flights for permittees. Such aircraft shall display the letters "SW" on the underside of each wing in block Roman alphabet at least 24 inches high x 3 inches wide, black in color and on a white background.

~~(f)~~ (g) Notification Procedure. The department shall notify permittees if the director, pursuant to Section 8577 of the Fish and Game Code, closes the swordfish harpoon fishery or any area where the fishery is conducted. The department shall notify permittees by mail and by public announcement on VHF/Channel 16 between 0800 hours and 1000 hours during normal business days. Radio transmissions shall commence 48 hours prior to the effective date of a closure and shall continue for 24 hours after the effective date of such action. It shall be the responsibility of the permittee to daily monitor the named radio channel during the specified hours.

~~(g)~~ (h) Revocation of Permits. Any permit may be revoked and canceled by the commission upon breach or violation of any fish and game law or regulation or violation of the terms or conditions of the permit by the holders thereof, their agents, servants, employees or those acting under their direction and control.

Note: Authority cited: Sections 1050, 7701, 7708, 7857, 7892, 8026 and 8394, Fish and Game Code. Reference: Sections 1050, 7857, 7892, 8026, 8394, 8394.5, 8577 and 9028, Fish and Game Code.

MEMORANDUM

Date: May 20, 2026

To: Melissa Miller-Henson
Executive Director
California Fish and Game Commission

From: Meghan Hertel
Director

Subject: **Submission of Initial Study and Negative Declaration for Proposed Amendments Sections 28.38, 28.40, 28.90, 28.95, and 107, Title 14, California Code of Regulations**

In compliance with the California Environmental Quality Act, the California Department of Fish and Wildlife (Department) has prepared the enclosed *Initial Study/Negative Declaration for Proposed Amendments to Sections 28.38, 28.40, 28.90, 28.95, and 107, Title 14, CCR, **Proposed Amendments to Recreational Tuna, Swordfish and Marlin fishing and Commercial Harpoon Fishing Gear***. Based on the initial study, the Department has assessed that the proposed amendments will not have any significant or potentially significant effects on the environment. The Department recommends the California Fish and Game Commission adopt the proposed negative declaration with a conclusion of the same.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Marine Regional Manager at R7RegionalMgr@wildlife.ca.gov. The Department point of contact for this regulation should identify Pelagic Fisheries and Ecosystem Program Manager John Ugoretz, who can be reached at AskMarine@wildlife.ca.gov.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env., Region Manager
Marine Region

John Ugoretz, Env. Program Manager
Marine Region

Melissa Miller-Henson, Executive Director
California Fish and Game Commission
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Eric Kord, Assistant Chief
Law Enforcement Division

Anthony Cusato, Attorney I
Office of General Counsel

Ona Alminas, Env. Program Manager
Regulations Unit

David Thesell, Deputy Executive Director
Fish and Game Commission

Gabriel, Lopez, Program Manager
Fish and Game Commission

Susan Ashcraft, Marine Advisor
Fish and Game Commission

Jennifer Bacon, Analyst
Fish and Game Commission

State of California
Natural Resources Agency

California Fish and Game Commission

Draft Negative Declaration for
Harpoons and Flying Gaffs for Recreational Tuna Fishery and
Gear Marking in Commercial Harpoon Swordfish Fishery

Title 14, California Code of Regulations
Sections 28.38, 28.40, 28.90, 28.95 and 107

Prepared by:

California Department of Fish and Wildlife Marine Region
for consideration by the California Fish and Game Commission

June 2026

This report has been prepared pursuant to the California Environmental Quality Act of 1970

State Clearinghouse #

Project Summary and Findings

The Project

The California Fish and Game Commission (Commission) proposes to use regular rulemaking authority to amend the recreational fishing regulations for tuna, marlin, and swordfish and the commercial fishing regulations for swordfish as set forth in Title 14 of the California Code of Regulations (Project). The amendments will allow recreational anglers to use harpoons and flying gaffs to help land tuna that have been legally taken. The amendment will also make a variety of minor, nonsubstantive, changes to update the species common name from “broadbill” or “broadbill swordfish” to “swordfish,” and “fin fish” to “finfish” and to clarify existing prohibitions on the use of spears and bow and arrow fishing gear to take marlin. The amendment will add gear marking requirements for commercial harpoon gear to clearly differentiate that gear from federally authorized deep-set buoy gear.

The Findings

The Commission subjected the draft negative declaration to its own review and analysis. Based on that review and analysis, the draft reflects the independent judgment of the Commission and fulfills the Commission’s responsibilities. The Commission finds that the Project would not have a significant effect on the environment.

The completed initial study, attached to this negative declaration, documents the bases for this finding and the Commission’s determination that the Project will not have any significant or potentially significant effects on the environment, and that there is no substantial evidence, in light of the whole record before the Commission, that the Project may have significant effects on the environment. Therefore, no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment.

The initial study concluded that the project will not have a significant effect on aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

Therefore, this Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21080, subdivision (c).

Basis of the Findings

This proposed negative declaration consists of:

- Project Description and Background Information on the Proposed Amendments to Recreational Tuna, Swordfish and Marlin fishing and Commercial Harpoon Fishing Gear
- Initial Study Environmental Checklist Form
- Explanation of the Responses to the Initial Study Environmental Checklist Form

Project Description and Background Information on the Proposed Amendments to Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery

Current regulations establish recreational tuna, swordfish, and marlin gear restrictions and bag limits as well as commercial swordfish gear restrictions. Under California Fish and Game Code sections 200, 205, 7701, and 7708, the Commission has the authority to adopt recreational and certain commercial fishing regulations.

Project Goals and Objectives

The goal of this project is to allow the use of hand thrustured harpoons and flying gaffs (where the gaff head detaches from the handle) to assist in the landing of tuna that have been legally taken by recreational anglers. The project also seeks to better identify commercial swordfish harpoon gear, to distinguish it from federally approved deep set buoy gear and ensure compliance with commercial gear limits.

Background

Current regulations establish recreational fishing regulations for tunas, swordfish, and marlin and commercial regulations for swordfish. This change is in response to a petition for regulatory change approved by the Fish and Game Commission (Petition #2024-04) to allow the use of harpoons to assist in landing large fish. Large (>100 pound) tuna have been more available to California anglers in recent years. Landing these large fish can be difficult, and the potential for losing fish after a long time on the fishing line increases as the fish get larger. Tuna in the Atlantic are regularly landed with the assistance of hand-held harpoons and flying gaffs (where the hook is attached to a line and separates from the handle), which decreases the chance of wasting fish that have been exhausted during the fishing process and could die if lost. The use of harpoons and gaffs to land Pacific halibut, another species that can grow to a very large size, has been successfully allowed for decades in California under Title 14, California Code of Regulations, Section 28.20.

A commercial deep set buoy gear (DSBG) fishery was approved by federal regulations in 2023. This fishery allows for the use of up to 10 buoys, which are attached to fishing lines designed to catch swordfish. Commercial fishermen are allowed to set DSBG gear while simultaneously fishing for swordfish using harpoon gear. When a swordfish is harpooned, a terminal buoy, which is identical in design to DSBG buoys, is attached to the harpoon line and placed in the water while the fish is fighting. Because of this, there is the potential for more than 10 buoys to be in the water, making it difficult for enforcement officers to determine if gear limitations are being adhered to. A marking requirement, which clearly delineates harpoon buoys, would allow enforcement officers to identify gear without pulling it from the water.

Project Location

The recreational fishing addressed by this environmental document occurs in California State Marine Waters throughout the entire state.

Project Description

The Project would allow for the use of harpoons and flying gaffs to land tuna legally taken by recreational anglers. The regulations would specify that such devices must be securely attached to the vessel and not have buoys or floats attached to help prevent illegal use to take free swimming fish that have not been hooked. The changes would update a number of out-of-date references to the common name “broadbill swordfish” or “broadbill,” replacing it with “swordfish,” which is the current common name. The changes would also correct references to the term “fin fish,” replacing it with “finfish” as a single word that is consistent with the definition found in Title 14, Section 1.46.

The Project would also clarify that marlin are not allowed to be taken with either spear or bow and arrow gear. Possession of these gears onboard vessels that have taken marlin is already prohibited in Title 14, Section 28.95, but the species is not referenced in lists both in that section and elsewhere prohibiting the use of such gear.

The Project would add gear marking requirements to the commercial swordfish harpoon fishery. These requirements would include marking the terminal buoy with the commercial fishing vessel ID and affixing a yellow tag to the buoy with the letters “HAR” inscribed using a contrasting color and at least 1 ¾” tall.

Schedule

If adopted by the Commission and approved by the Office of Administrative Law (OAL), the proposed regulatory amendments described below will become effective upon OAL approval after the Commission adopts the amendments in fall 2026.

Proposed Changes

The proposed regulations would make the following changes:

Section 28.38: The proposed amendments would allow the use of harpoons and flying gaffs to assist in landing large tuna. Large (>100 pound) tuna have been more available to California anglers in recent years. This is necessary to aid recreational anglers in landing tuna and helps prevent the loss of legally taken tuna.

In subsection (a) the phrase “The following daily bag limits apply” would be deleted and “(a) Limit” added to be consistent with other finfish subsections that describe daily bag and possession limits. This subsection would also be renumbered with no change to the original regulatory text.

A new subsection (b) would be added to define and provide for the use of handheld

harpoons and flying gaffs (where the head detaches from the pole) as an aid in landing tuna. This is necessary to specify that harpoons and flying gaffs are allowed in the recreational fishery when "...secured to the vessel with a line no longer than 30 feet total length and without buoys, floats, or other attachments." The use of landing nets (handheld dip nets) and gaffs (without detachable heads) which are generally allowed for finfish landing are also included in the new subsection.

Section 28.40: The proposed amendments would make a nonsubstantive change updating the term "broadbill swordfish" to "swordfish" in the title to make the term consistent with the current common name for swordfish in use and makes the regulations consistent across sections without changes to the regulatory text.

Section 28.90: The proposed amendments would make a nonsubstantive change clarifying an inconsistency in regulations by changing "fin fish" to "finfish", making the term consistent with the definition of finfish found in Section 1.46. The first paragraph would also be amended by deleting 'broadbill' and replacing with "swordfish", to make the term consistent with the current common name for swordfish, and adding 'marlin' to make the regulation consistent with section 28.95 which prohibits the possession of spears onboard vessels that have taken marlin.

Section 28.95: The proposed amendments would alter the sentence "Harpoons may be used ..." by adding "and to assist in taking tuna as specified in subsection 28.38(b)", referencing and clarifying this new provision as a method of take for the listed species. Nonsubstantive changes would be made updating the term "broadbill swordfish" to "swordfish" and "fin fish" to "finfish" making the terms consistent with the current common names throughout regulation and the definition of finfish found in section 1.46. In the list of species prohibited for take by bow and arrow, the term "broadbill" would be changed to "swordfish" and "marlin" would be added for clarity, as the possession of such gear onboard vessels where marlin have been taken is prohibited earlier in the same paragraph.

Section 107: The proposed amendments would make nonsubstantive changes to the title and subsection (a) updating the term "broadbill swordfish" to "swordfish", making the term consistent with the current common name for swordfish in use and making the regulations consistent across sections. A new subsection (c) would be added to distinguish harpoon buoys in the water from federal deep set buoy gear buoys, which are sometimes fished by the same vessel. Since deep set buoy gear is limited to a specific number of pieces of gear, having additional buoys that are not marked can lead to enforcement issues. Clearly marking the buoy for harpooned fish will allow enforcement officers to distinguish the gear on the water.

Initial Study Environmental Checklist Form

1. Project Title:

Proposed Amendments to Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery, Title 14, California Code of Regulations

2. Lead Agency Name and Address: California Fish and Game Commission
PO Box 944209, Sacramento, CA 94244-2090

3. Contact Person and Phone Number: Melissa Miller-Henson, (916) 653-4899

4. Project Location:
California State Marine Waters

5. Project Sponsor's Name and Address:
California Department of Fish and Wildlife, Marine Region
20 Lower Ragsdale Dr., Suite 100
Monterey, CA 93940

6. General Plan designation: N/A (statewide)

7. Zoning: N/A (statewide)

8. Description of Project:

Allow the use of harpoons and flying gaffs to land tuna legally taken by recreational anglers. Make nonsubstantive changes in reference to common names and other terms. Implement gear marking requirements in the commercial swordfish harpoon fishery. These proposed amendments are needed to effectively manage California's fisheries and to maintain consistency with the Commission's mission to ensure that California will have abundant, healthy, and diverse fish and wildlife that thrive within dynamic ecosystems.

9. Surrounding land uses and setting: N/A

10. Other Public Agencies Whose Approval Is Required: None

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31?

No.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Agriculture and Forestry
- ☐ Air Quality
- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Energy
- ☐ Geology/Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards and Hazardous Materials
- ☐ Hydrology/Water Quality
- ☐ Land Use/Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population/ Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation
- ☐ Tribal Cultural Resources
- ☐ Utilities/Service Systems
- ☐ Wildfire
- ☐ Mandatory Findings of Significance

This project will not have a “Potential Significant Impact” on any of the environmental factors listed above; therefore, no boxes are checked.

DETERMINATION

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Melissa Miller-Henson, Executive Director

September 14, 2026

Date

Responses to Initial Study Environmental Checklist

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTS)	Less Than Significant Impact (LTS)	No Impact (NI)
I. Aesthetics. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	NI
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	NI
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	NI
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	NI
II. Agriculture And Forestry Resources. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	NI
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	NI
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	NI
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	NI
III. Air Quality. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	NI
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	NI
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	NI
d) Result in any other emissions (such as those leading to odors) affecting a substantial number of people?	☐	☐	☐	NI
IV. Biological Resources. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	LTS	☐

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	NI
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	NI
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	NI
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	NI
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	NI
V. Cultural Resources. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	NI
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	NI
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	NI
VI. Energy. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operations?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	NI
VII. Geology and Soils. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	NI
ii) Strong seismic ground shaking?	☐	☐	☐	NI
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	NI
iv) Landslides?	☐	☐	☐	NI
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	NI
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	NI
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	NI
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	NI
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
VIII. Greenhouse Gas Emissions. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	NI
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	NI
IX. Hazards And Hazardous Materials. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	NI
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	NI
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	NI
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	NI
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	NI
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	NI
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
X. Hydrology and Water Quality. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☐	NI
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	NI
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	NI
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☐	NI
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	NI
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of pollution runoff; or	☐	☐	☐	NI
iv) impede or redirect flood flows?	☐	☐	☐	NI
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	NI
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	NI
XI. Land Use and Planning. Would the project:				
a) Physically divide an established community?	☐	☐	☐	NI
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
avoiding or mitigating an environmental effect?				
XII. Mineral Resources. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	NI
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	NI
XIII. Noise. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	NI
b) Generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	NI
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	NI
XIV. Population and Housing.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	NI
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
XV. Public Services.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	NI
Police protection?	☐	☐	☐	NI
Schools?	☐	☐	☐	NI
Parks?	☐	☐	☐	NI
Other public facilities?	☐	☐	☐	NI
XVI. Recreation.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	NI
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	NI
XVII. Transportation. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	NI
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	NI
d) Result in inadequate emergency access?	☐	☐	☐	NI
XVIII. Tribal Cultural Resources.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☐	☐	NI
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	NI
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	NI
XIX. Utilities and Service Systems. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	NI
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	NI
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	NI
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	NI
XX. Wildfire. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	NI
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	NI
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	☐	☐	☐	NI
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	NI

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
XXI. Mandatory Findings Of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	NI
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	NI
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	NI

Explanation of Responses to Initial Study Environmental Checklist

I. Aesthetics

- a) The project will not have an adverse effect on a scenic vista. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade, in nonurbanized areas, the existing visual character or quality of public views of the site and its surroundings. Such an impact will not occur because the project will not involve any construction, land alternation, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.

II. Agriculture and Forestry Resources

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes and occurs in marine waters.
- b) The project will not conflict with existing zoning for agricultural use or a Williamson Act contract. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes and occurs in marine waters.
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timber zoned Timberland Production. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes and occurs in marine waters.
- d) There will be no loss of forest land and the project will not result in the conversion of forest land to non-forest use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes and occurs in marine waters.
- e) The project will not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural

use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes and occurs in marine waters.

III. Air Quality

- a) The project will not conflict with or obstruct implementation of the applicable air quality plan. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- b) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Such an impact will not occur because the project involves no ongoing sources of air pollution.
- c) The project will not expose sensitive receptors to substantial pollutant concentrations. Such an impact will not occur because the project will not increase pollutant concentrations.
- d) The project will not create objectionable odors affecting a substantial number of people.

IV. Biological Resources

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the Department, NMFS or U. S. Fish and Wildlife Service (USFWS).

Less than Significant: The proposed regulations would:

- 1) Allow a method of landing tuna in a vessel that have already been legally taken by anglers;
- 2) Correct name references;
- 3) Clarify existing gear prohibitions for marlin; and,
- 4) Implement gear marking requirements for commercial swordfish fishermen.

The project is not expected to adversely affect Federal threatened or endangered species and/or their critical habitat.

Future tuna, swordfish, and marlin harvest associated with the project is not expected to be appreciably different than current levels. The project is therefore anticipated to have an overall negligible net effect on managed fish over the period the rules are expected to be in effect.

- b) The project will not have an adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies and regulations, or

by the Department or the USFWS. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.

- c) The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- d) The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Such an impact will not occur because the project will not result in any construction, land alteration, or land use changes.
- f) The project will not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

V. Cultural Resources

- a) The project will not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. There is no ground disturbing work or work permanently modifying any existing structure or resource and thus no potential to affect historical resources.
- b) The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. There is no ground disturbing work and thus no potential to affect archaeological resources.
- c) The project will not disturb any human remains, including those interred outside of formal cemeteries. There is no ground disturbing work and thus no potential to affect human remains.

VI. Energy

- a) The project would not result in a potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations. Such an impact will not occur because the project will not use energy resources.

- b) The project will not affect nor obstruct any state or local plan for renewable energy or energy efficiency. There is no activity in any plan areas for renewable energy or energy efficiency and thus no potential impact.

VII. Geology and Soils

- a i) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area, or based on other substantial evidence of a known fault. Such an impact will not occur because the project will not involve any construction or create any structures for human habitation.
- a ii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Such an impact will not occur because the project will not involve any construction or create any structures for human habitation.
- a iii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Such an impact will not occur because the project will not involve any construction or create any structures for human habitation.
- a iv) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Such an impact will not occur because the project will not involve any construction, ground disturbing work, or the creation of any structures for human habitation.
- b) The project will not result in substantial soil erosion or the loss of topsoil. Such an impact will not occur because the project will not involve ground disturbing work.
- c) The project will not be located on a geologic unit or soil that is unstable, or that would become unstable and potentially result in on- or off- site landslides, lateral spreading, subsidence, liquefaction, or collapse. Such an impact will not occur because the project will not involve ground disturbing work.
- d) The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Such an impact will not occur because the project will not involve ground disturbing work.
- e) The project will not create any sources of waste water requiring a septic system. Such an impact will not occur because the project will not involve ground disturbing work.
- f) The project will not indirectly destroy a unique paleontological resource or site or unique geologic feature. Such an impact will not occur because the project will not involve or indirectly result in any ground disturbing work.

VIII. Greenhouse Gas Emissions

- a) The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Additionally, the project will not involve construction, land alteration, or land use changes.
- b) The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. The Project is expected to result in a small amount of GHG via the use of fuel in vehicles used to transport anglers to and from the designated fishing areas, but does not conflict with an applicable plan, policy or regulation reducing the emissions of GHG.

IX. Hazards and Hazardous Materials

- a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project will not involve the transport, use, or disposal of hazardous materials.
- b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project will not involve the transport, use, or disposal of hazardous materials.
- c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project will not involve the transport, use, or emission of any hazardous materials.
- d) The project will not be located on any site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) The project will not be located within an airport land use plan area.
- f) The project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The project will not involve any construction, land alteration, or land use changes.
- g) The project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The project will not involve any construction, land alteration, or land use changes.

X. Hydrology and Water Quality

- a) The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The project will not involve any construction, land alteration, water use, or water discharge.

- b) The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The project will not involve any construction, land alteration, or groundwater use.
- c i) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in substantial erosion or siltation on- or off-site because the project will not involve any construction or land alteration.
- c ii) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in flooding on- or off-site because the project will not involve any construction or land alteration.
- c iii) The project will not create or contribute runoff water that would exceed the capacity of existing or planned storm-water drainage systems, or provide substantial additional sources of polluted runoff because the project will not involve any construction or land alteration.
- c iv) The project will not impede or redirect flood flows because the project will not involve any construction or land alteration.
- d) In flood hazard, tsunami, or seiche zones, the project would not risk release of pollutants due to project inundation because the project would not involve any construction or land alteration.
- e) The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project will not involve any construction, land alteration, or groundwater use.

XI. Land Use and Planning

- a) The project will not physically divide an established community. The project will not involve any construction, land alteration, or land use changes.
- b) The project will not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The project will not involve any construction, land alteration, or land use changes.

XII. Mineral Resources

- a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

- b) The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

XIII. Noise

- a) The project will not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The project will not involve construction or physical alteration of land, and its implementation will not generate noise levels in excess of agency standards.
- b) The project will not result in generation of excessive ground-borne vibration or ground-borne noise levels. The project will not involve construction or physical alteration of land.
- c) The project will not be located within the vicinity of a private airstrip or an airport use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

XIV. Population and Housing

- a) The project will not induce substantial unplanned population growth in an area, either directly or indirectly. Such an impact will not occur because the project will not construct any new homes, businesses, roads, or other human infrastructure.
- b) The project will not displace any existing people or housing and will not necessitate the construction of replacement housing elsewhere.

XV. Public Services

- a) The project will not have any significant environmental impacts associated with new or physically altered governmental facilities. The project will not involve any construction, land alteration, or land use changes.

XVI. Recreation

- a) The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- b) The project does not require construction or expansion of recreational facilities.

XVII. Transportation

- a) The project will not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project involves no land use or transportation system modifications.
- b) The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b), which pertains to vehicle miles traveled. The amount and distance of vehicle miles traveled by recreational anglers should not change substantially under the proposed regulations.
- c) The project will not increase hazards due to a geometric design feature or incompatible uses with equipment. The project involves no land use or transportation system modifications.
- d) The project will not result in inadequate emergency access. The project involves no land use or transportation system modifications.

XVIII. Tribal and Cultural Resources

- a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Further:
 - a i) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). The project does not involve ground disturbing work and does not have the potential to affect tribal cultural resources.
 - a ii) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. The project does not involve ground disturbing work and does not have the potential to affect tribal cultural resources.

XIX. Utilities and Service Systems

- a) The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities. The project does not involve any construction or land alteration.
- b) The project requires no new water supplies.

- c) The project will not produce wastewater.
- d) The project will not generate solid waste. Thus, the project will be in compliance with state and local standards for solid waste.
- e) The project will not create solid waste. Thus, the project will be in compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

XX. Wildfire

- a) The project will not impair an adopted emergency response plan or emergency evacuation plan.
- b) The project will not exacerbate wildfire risks due to slope, prevailing winds, and other factors.
- c) The project will not require the installation or maintenance of any infrastructure.
- d) The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.

XXI. Mandatory Findings and Significance

- a) The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The project is consistent with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.
- b) The project does not have adverse impacts that are individually limited, but cumulatively considerable. Cumulative adverse impacts will not occur because there are no potential adverse impacts due to project implementation.
- c) The project does not have environmental effects that will cause substantial adverse effects on humans, either directly or indirectly. The project will not involve any construction, land alteration, or the creation of new infrastructure.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #**Project Title:** Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery

Lead Agency: California Fish and Game Commission

Contact Person: Melissa Miller-Henson

Mailing Address: PO Box 944209

Phone: (916) 653-4899

City: Sacramento

Zip: 94244-2090

County: Sacramento

Project Location: County: _____ City/Nearest Community: _____

Cross Streets: _____ Zip Code: _____

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: _____

Assessor's Parcel No.: _____ Section: _____ Twp.: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: _____ Waterways: State Ocean Waters

Airports: _____ Railways: _____ Schools: _____

Document Type:

CEQA: ☐ NOP ☐ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☒ Neg Dec (Prior SCH No.) _____ ☐ Draft EIS ☐ Other: _____
☐ Mit Neg Dec Other: _____ ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☒ Other: Fishing Regulations

Development Type:

☐ Residential: Units _____ Acres _____ ☐ Transportation: Type _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____ ☐ Mining: Mineral _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____ ☐ Power: Type _____ MW _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____ ☐ Waste Treatment: Type _____ MGD _____
☐ Educational: _____ ☐ Hazardous Waste: Type _____
☐ Recreational: _____ ☒ Other: Fishing Regulations
☐ Water Facilities: Type _____ MGD _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☐ Vegetation
☒ Agricultural Land ☐ Flood Plain/Flooding ☐ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☐ Septic Systems ☒ Water Supply/Groundwater
☐ Archeological/Historical ☒ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☐ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☐ Solid Waste ☒ Land Use
☐ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☐ Economic/Jobs ☒ Public Services/Facilities ☐ Traffic/Circulation ☒ Other: GHG, Fishing

Present Land Use/Zoning/General Plan Designation:

Existing fishing regulations

Project Description: (please use a separate page if necessary)

The California Fish and Game Commission (Commission) proposes to use regular rulemaking authority to amend the recreational fishing regulations for tuna, marlin, and swordfish and the commercial fishing regulations for swordfish as set forth in Title 14 of the California Code of Regulations (Project). The amendments will allow recreational anglers to use harpoons and flying gaffs to help land tuna that have been legally taken. The amendment will also make a variety of minor, nonsubstantive, changes to update the species common name from "broadbill" or "broadbill swordfish" to "swordfish," and "fin fish" to "finfish" and to clarify existing prohibitions on the use of spears and bow and arrow fishing gear to take marlin. The amendment will add gear marking requirements for commercial harpoon gear to clearly differentiate that gear from federally authorized deep-set buoy gear.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".

If you have already sent your document to the agency please denote that with an "S".

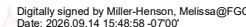
☐ Air Resources Board	☐ Office of Historic Preservation
☐ Boating & Waterways, Department of	☐ Office of Public School Construction
☐ California Emergency Management Agency	☒ Parks & Recreation, Department of
☐ California Highway Patrol	☐ Pesticide Regulation, Department of
☐ Caltrans District # _____	☐ Public Utilities Commission
☐ Caltrans Division of Aeronautics	☐ Regional WQCB # _____
☐ Caltrans Planning	☒ Resources Agency
☐ Central Valley Flood Protection Board	☐ Resources Recycling and Recovery, Department of
☐ Coachella Valley Mtns. Conservancy	☐ S.F. Bay Conservation & Development Comm.
☐ Coastal Commission	☐ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
☐ Colorado River Board	☐ San Joaquin River Conservancy
☒ Conservation, Department of	☐ Santa Monica Mtns. Conservancy
☐ Corrections, Department of	☒ State Lands Commission
☐ Delta Protection Commission	☐ SWRCB: Clean Water Grants
☐ Education, Department of	☒ SWRCB: Water Quality
☐ Energy Commission	☐ SWRCB: Water Rights
☐ Fish & Game Region # _____	☐ Tahoe Regional Planning Agency
☐ Food & Agriculture, Department of	☐ Toxic Substances Control, Department of
☐ Forestry and Fire Protection, Department of	☒ Water Resources, Department of
☐ General Services, Department of	☒ Other: <u>Fish and Wildlife Dept. of (Headquarters)</u>
☐ Health Services, Department of	☐ Other: _____
☐ Housing & Community Development	
☐ Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date _____ Ending Date _____

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative: Miller-Henson, Melissa@FGC  Digitally signed by Miller-Henson, Melissa@FGC
Date: 2026.09.14 15:48:58 -0700 **Date:** September 14, 2026

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

N/A

Provide a list of the responsible or trustee agencies for the project.

California Department of Fish and Wildlife

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME California Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916-653-4899
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Sec. 28.38, 28.40, 28.90, 28.95 and 107, T14, CCR, re: Rec. Tuna, Swordfish, Marlin & Comm. Harpoon			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:
- | | |
|---|---|
| ☐ a. Impacts business and/or employees | ☐ e. Imposes reporting requirements |
| ☒ b. Impacts small businesses | ☐ f. Imposes prescriptive instead of performance |
| ☐ c. Impacts jobs or occupations | ☒ g. Impacts individuals |
| ☐ d. Impacts California competitiveness | ☐ h. None of the above (Explain below): |

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

2. The **California Fish and Game Commission** estimates that the economic impact of this regulation (which includes the fiscal impact) is:
- (Agency/Department)
- ☒ Below \$10 million
☐ Between \$10 and \$25 million
☐ Between \$25 and \$50 million
☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: ~30

Describe the types of businesses (Include nonprofits): Commercial tuna and swordfish fishermen who use harpoons for landings.

Enter the number or percentage of total businesses impacted that are small businesses: 100%

4. Enter the number of businesses that will be created: 0 eliminated: 0

Explain: Allows the use of harpoons in landing large fish; won't reduce fishing opportunity or impose direct costs.

5. Indicate the geographic extent of impacts: ☒ Statewide
☐ Local or regional (List areas): _____

6. Enter the number of jobs created: 0 and eliminated: 0

Describe the types of jobs or occupations impacted: Some impacts to deckhands or vessel captains who elect to engage in harpoon fishing and must complete the required gear marking (half-hour per tag to mark tags with raised marking; see addendum.)

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☒ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 1,663.50 annually
 - a. Initial costs for a small business: \$ 55.45 Annual ongoing costs: \$ 55.45 Years: Annual
 - b. Initial costs for a typical business: \$ 55.45 Annual ongoing costs: \$ 55.45 Years: Annual
 - c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: Annual
 - d. Describe other economic costs that may occur: The costs listed above are the costs for commercial vessels to mark their gear, and not from any new permits or fees. See addendum.
2. If multiple industries are impacted, enter the share of total costs for each industry: 100% of the costs are borne by commercial fisheries where fishermen who wish to engage in the harpooning practice.
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ 0
4. Will this regulation directly impact housing costs? ☐ YES ☒ NO
If YES, enter the annual dollar cost per housing unit: \$ _____
Number of units: _____
5. Are there comparable Federal regulations? ☐ YES ☒ NO
Explain the need for State regulation given the existence or absence of Federal regulations: Change is needed to increase fishermen's ability to safely land large, hooked fish - the requirement for gear marking assists with identifying commercial gear types.
Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Landing large (>100 lbs) fish is difficult, and the potential to lose them after a long time on a line increases with their size. Tuna in the Atlantic are regularly caught with harpoons & flying gaffs, decreasing the chance of losing the fish. Additionally, it is safer to land large fish using harpoons or flying gaffs if the rope is attached to the boat, meaning a worker doesn't need to hold the line with a large, thrashing fish to land it.
2. Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?
Explain: Sec. 200, 205, 219, 265, 275, 313, 8587.1, F&G Code, give the Commission statutory authority to regulate fisheries
3. What are the total statewide benefits from this regulation over its lifetime? \$ 0
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: None.
The proposed regulations only affect commercial fishermen and individuals who choose to land larger fish using a harpoon or gaff.
This is a niche form of landing that cannot be scaled up into a market-making efficiency, but rather a safety precaution.

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: No alternatives were presented to the Commission for consideration. If the regulations remain unchanged the recreational fishery would continue to be prohibited from the use of harpoons and flying gaffs to assist in landing large tuna. This may lead to increases in hooked fish being lost as more large tuna become available to angling.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ 0 Cost: \$ 1,663.50

Alternative 1: Benefit: \$ 0 Cost: \$ 0

Alternative 2: Benefit: \$ 0 Cost: \$ 0

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:

No alternatives were presented to the Commission for consideration.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?

☐ YES

☒ NO

Explain: Performance standards were not considered because they are not applicable to the use of harpoons and flying gaffs for landing large fish.

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ YES

☒ NO

If YES, complete E2. and E3

If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES

☒ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: None. The practice of using harpoons and flying gaffs is widely used in the Atlantic to land large fish safely. Bringing the practice to California is unlikely to lead to a change in investment in the state.

The incentive for innovation in products, materials or processes: None. The practice of using harpoons and flying gaffs is widely used in the Atlantic to land fish and increases the likelihood of landing larger fish while reducing the risk of worker injury due to the rope being attached to a boat vs being held by a worker.

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: There may be some benefits to worker safety - using harpoons to land larger fish can be safer for commercial fishermen who deal with larger species, and could reduce the likelihood of injury.

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Annual Savings. (approximate)

\$ _____

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT (CONTINUED)**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain _____
_____**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE

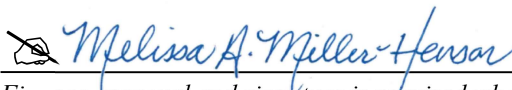

DocuSigned by:
Dan Reagan
6560B761E2D347D

DATE

7/22/2026

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

 Bryan Cash

DATE

07/20/2026 7/22/2026

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

STD. 399 Addendum

Amend Sections 28.38, 28.40, 28.90, 28.95 and 107, Title 14, California Code of Regulations, Regarding Proposed Amendments to Recreational Tuna, Swordfish and Marlin fishing and Commercial Harpoon Fishing Gear

Background

The proposed amendments to sections 28.38 and 28.95 add a method of take subsection that specifies hand-held harpoons and flying gaffs securely attached to the vessel may be used to assist with landing tuna that have been legally taken by angling. The proposed amendment in 28.90 also clarifies that spearfishing gear may not be used for marlin. An exception is added to Section 28.95 clarifying the prohibition on the use of bow-and-arrow fishing tackle in the take of marlin. In Section 107, the proposed amendment adds a gear marking requirement to commercial harpoon regulations. Minor nonsubstantive changes to the other sections include updating the name “broadbill” to the more commonly used “swordfish” in several sections and makes the term “finfish” consistent with the definition’s spelling throughout regulation.

The proposed regulations are in response to a petition for regulatory change approved in part by the California Fish and Game Commission (Commission) to allow the use of harpoons to assist in landing large fish. Large (>100 pound) tuna have been more available to California anglers in recent years. Landing large tuna can be difficult, and the potential for losing fish after a long time on the fishing line increases as the fish becomes larger.

Recreationally caught tuna in the Atlantic are regularly landed with the assistance of hand-held harpoons and flying gaffs (where the hook is attached to a line and separates from the handle), which decreases the chance of losing fish that have been exhausted during the fishing process and could die if lost. The use of harpoons and gaffs to land recreationally caught Pacific halibut, another species that can grow to a very large size, has been successfully allowed in California for decades.

Economic Impact Statement

Section A. Estimated Private Sector Cost Impacts

Question 1. Answer

The Commission anticipates minor indirect costs associated with the proposed regulations for gear marking for the commercial tuna fishery. All vessels in the commercial fishery are considered small businesses. The California Department of Fish and Wildlife (CDFW) estimates the costs to commercial fishermen who are permitted to use up to 5 pieces of harpoon gear that require a tag for each piece of gear to include the following cost components:

- Per tag cost: approximately \$2 per tag based on existing [cattle tag price](#). It is estimated that there would be five tags per commercial vessel employing them for a total cost of \$10.
- Time requirement of a half-hour per tag to add the raised marking, with the required labor likely to be conducted by deckhands or related occupations with a median wage of \$18.18/hour based on the 2024 median wages for Farming, Fishing, and Forestry

Occupations from the US Bureau of Labor Statistics¹ and adjusted for inflation. For five tags the estimated total time requirement is 2.5 hours for a cost of \$45.45.

- Combined, the cost per vessel is \$55.45 annually.
- There are no additional costs to commercial fishing businesses to use radar reflectors or flags, as these items are already in use in other gears and can be switched between gears. If necessary, however, purchasing a radar reflector and flag would cost \$50 with 1 hour of labor to install for a cost of \$18.18, with a combined cost of \$68.18 per vessel.

The cost components are applied to approximately 20-30 vessels based on the estimates from staff from the current harpoon landings for swordfish (Table 1), resulting in the following cost impact formula:

- $20 \text{ to } 30 \text{ commercial vessels} \times ((5 \text{ tags per vessel} \times \$2 \text{ per tag}) + (2.5 \text{ hours} \times \$18.18/\text{hour wage rate for deckhands})) = \$1,109 \text{ to } \$1,663.50 \text{ annually (assuming tags are replaced once per year).}$

The cost component does not affect recreational anglers (individuals) who are permitted to use harpoons and flying gaffs under the proposed regulations but do not have the same gear marking requirement, as recreational gear requires that harpoons and flying gaffs be "...secured to the vessel with a line no longer than 30 feet total length and without buoys, floats, or other attachments."

Table 1: CDFW Swordfish Permits with Harpoon Landings

Year	Number of Landings
2015	13
2016	20
2017	21
2018	15
2019	18
2020	19
2021	12
2022	20
2023	21
2024	10
2025	16

Commercial harpoon is often used in conjunction with federal deep-set buoy gear. The National Marine Fisheries Service is continuing to issue additional deep-set buoy gear limited

¹ [Occupational Employment and Wage Statistics](#), Bureau of Labor Statistics

entry permits each year, so the number of commercial fishers utilizing harpoon may slightly increase from historic numbers.

Section B. Estimated Costs

Question 1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime?

As stated in A. 1., the annual cost impact formula for the proposed regulations is the following:

- 20 to 30 commercial vessels x ((5 tags per vessel x \$2 per tag) + (2.5 hours x \$18.18/hour wage rate for deckhands)) = \$1,109 to \$1,663.50 annually (assuming tags are replaced once per year).

On a per vessel basis, the costs break down to \$10 per year for 5 tags (\$2 per tag) and a labor time requirement of 2.5 hours for a cost of \$45.45 (at \$18.18/hour), for a combined cost of \$55.45 per vessel annually.

Section C. Estimated Benefits

Question 3. What are the total statewide benefits from this regulation over its lifetime?

The total statewide benefits from the proposed regulation are mostly non-monetary. It is safer to use a harpoon or flying gaff if they are attached to the vessel. Using a regular gaff often results in hand injuries and crew going overboard with the large tuna, while with the harpoon or flying gaff, the rope is secured to the vessel and a worker maintaining a hold on a several hundred pound angry, thrashing fish via the line is not necessary.



Outlook

October 2026 FGC Meeting - 28.38 Harpoon Email in Lieu of PSOR

From Maxey, Samara [REDACTED]

Date Mon 09/28/2026 01:52 PM

To FGC <FGC@fgc.ca.gov>

Cc Haug, David [REDACTED] Ugoretz, John [REDACTED]
Lopez, Gabriel [REDACTED] Randall, Mike [REDACTED]

Good afternoon,

The Department of Fish and Wildlife submits this email to notify the California Fish and Game Commission that there have been no substantive comments received, amendments to the proposed regulatory text, or additional information gathered for the proposed T14 Section # 28.38 - Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery rulemaking since the notice of the Initial Statement of Reason. Therefore, this email is submitted in lieu of a Pre-Adoption Statement of Reasons.

Please let me know if there are any questions.

Samara Maxey (she/her)
Staff Services Manager I, Marine Region
Department of Fish and Wildlife
1700 9th St.
Sacramento, CA 95811
[REDACTED]

CALIFORNIA DEPARTMENT OF
FISH and WILDLIFE 

All Waters Comments – Proposed Marlin Spearfishing Prohibition, Agenda Item 18

From Mike Raabe <[REDACTED]>
Date Tue 09/29/2026 10:06 AM
To FGC <FGC@fgc.ca.gov>

Commissioners,

On behalf of the All Waters Protection & Access Coalition, please find attached our comments regarding the proposed amendment to Section 28.90 concerning the take of marlin by spearfishing, currently scheduled for consideration under Agenda Item 18 at the October Commission meeting.

We respectfully request that the concerns and questions raised in the attached letter be considered before the Commission takes final action on the proposed regulation.

Thank you for your time and consideration.

Best,

Mike Raabe
[REDACTED]

Expedition Filmmaker | Underwater Cinematographer | Expedition Leader
www.raabephoto.com



California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Submitted electronically to fgc@fgc.ca.gov

Re: October 14, 2026 Agenda Item 18 - Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery

Dear Commissioners:

The All Waters Protection & Access Coalition is submitting these comments regarding the proposed amendment to Section 28.90 that would add marlin to the species prohibited from take by spearfishing.

Under the current text of Section 28.90, marlin are not included among the species prohibited from take by spearfishing. Section 28.95 separately prohibits spears, harpoons, and bow-and-arrow fishing tackle from being aboard a vessel on a day or trip when marlin have been taken. The two provisions therefore create an apparent regulatory inconsistency.

The proposed amendment resolves that inconsistency by adding marlin to Section 28.90 and expressly prohibiting their take by spearfishing. The Department's Initial Statement of Reasons characterizes this as clarifying an existing prohibition because Section 28.95 already restricts possession of the gear aboard a recreational vessel when marlin have been taken.

That distinction is important. Whatever the intent of Section 28.95, the existing text of Section 28.90 does not list marlin among the species prohibited from spearfishing. Adding marlin to that list would therefore make the prohibition explicit in the method-of-take regulation.

In the rulemaking materials we reviewed, we did not identify a separate finding that recreational spearfishing for marlin is causing a conservation concern, excessive mortality, a sustainability problem, or another biological impact. The stated explanation focuses on consistency between Sections 28.90 and 28.95.

We believe the record would benefit from a clear explanation of the basis for resolving the inconsistency in this manner. Specifically, before action is taken, we ask the Commission and Department to clarify:

1. Whether the proposed addition of marlin to Section 28.90 is intended to change the legal method of take or only to restate what the Department considers an existing prohibition;
2. What biological, conservation, enforcement, or management evidence, if any, supports prohibiting take of marlin by spearfishing;
3. Whether the enforcement concern underlying Section 28.95 could be addressed by modifying the vessel-possession provision rather than adding marlin to the prohibited-species list in Section 28.90; and
4. How the Commission views this provision in light of Agenda Item 18 being placed on the October 14 consent calendar, which the agenda describes as reserved for items expected to be routine and non-controversial.

The October agenda states that consent items are expected to be routine and non-controversial and may be approved in a single vote without discussion, while also providing that the presiding commissioner may remove an item from the consent calendar in response to a request from an interested person. Because the marlin provision raises the questions above, we believe it is important that the nature and basis of the change be clear in the public record before the Commission acts.

Thank you for your consideration.

Respectfully,



All Waters Protection & Access Coalition

Mike Raabe

Mike Raabe

Chief Creative Officer | Board Member

Sources

1. California Fish and Game Commission, October 13-16, 2026 Meeting Agenda, Agenda Item 18 and consent-calendar procedures.
2. California Fish and Game Commission, 2026 New and Proposed Regulations, Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery.
3. California Department of Fish and Wildlife, Initial Statement of Reasons and staff materials for proposed amendments to Sections 28.38, 28.40, 28.90, 28.95, and 107, Title 14, CCR.

Request to Remove Marlin Spearfishing Ban from Consent Calendar

From Jeremy K [REDACTED]
Date Tue 09/29/2026 01:55 PM
To FGC <FGC@fgc.ca.gov>

Dear Commissioners and Commission Staff,

I am requesting that the proposed amendments to Sections 28.90 and 28.95 concerning the recreational take of marlin be removed from the consent calendar and placed on the regular calendar for full public discussion. I also request that the Commission not adopt these provisions until the spearfishing community has been given a meaningful opportunity to address them.

I serve as Vice President and Director of Marketing for the Los Angeles Fathomiers. In that role, I help organize club activities, communicate regulations and important issues to our members, and promote safe, responsible, and lawful spearfishing. I work with divers ranging from newer members to some of the most experienced and accomplished spearfishermen in California. I am writing personally, but this proposal directly affects the community I represent and serve.

My professional background is in law enforcement, intelligence operations, training, and security management. I am a former POST certified instructor and have trained hundreds of officers. I have also planned and coordinated complex operations involving multiple agencies. That experience has taught me the importance of clear regulations, sound reasoning, workable enforcement, and transparent decision making.

This amendment is being characterized as a clarification, but it creates a substantive new prohibition. Section 28.90 currently permits a person swimming or floating in the water to take finfish with spearfishing gear, except for specifically listed species. Marlin is not currently included on that list. Section 28.95 separately restricts possessing spearfishing gear aboard a vessel on a trip when marlin has been taken. Although those sections are inconsistent and effectively prevent boat based marlin spearfishing, the proposed amendment would go considerably further by eliminating the remaining lawful take of marlin by spearfishing.

That is a ban, not merely an administrative clarification.

The marlin provision is also being included in a larger regulatory package involving the use of harpoons and flying gaffs to land tuna already taken by angling, as well as commercial swordfish gear marking requirements. Those are separate matters. A complete prohibition on a lawful recreational

method of take should not be bundled with unrelated gear regulations and approved as a consent item without individual consideration.

The Initial Statement of Reasons identifies no supporting reports or documents for this particular restriction, states that no alternatives were presented, and nevertheless concludes that the proposal will not affect recreational fishing activity. Prohibiting an existing lawful activity plainly affects recreational fishing activity.

Before imposing this prohibition, the Commission should examine the actual number of marlin taken by spearfishermen, any demonstrated biological or enforcement need for the change, the selectivity of spearfishing, and the relative mortality and bycatch associated with other permitted methods of take. California divers and established spearfishing organizations should be allowed to present relevant history, experience, and information before a final decision is made.

I am not asking the Commission to approve the status quo without examination. I am asking that a significant restriction on recreational spearfishing receive an open, evidence based discussion instead of being adopted as part of a consent package.

Please remove the proposed marlin amendments from the consent calendar, place them on the regular calendar, and allow the affected community a meaningful opportunity to participate. At minimum, the marlin language should be separated from the remainder of the regulatory package and considered independently.

Thank you for your consideration.

Jeremy Kerekes
Vice President and Director of Marketing
Los Angeles Fathomiers

Regarding Amend sections 28.38, 28.40, 28.90, 28.95, and 107, Title 14, CCR, Re: Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery

From Terry Maas [REDACTED]
Date Tue 09/29/2026 11:38 AM
To FGC <FGC@fgc.ca.gov>

Sirs,

I am president of the Watermens Alliance of California a group of recreational breath-hold divers, who among other things practice spearfishing. It has come to our attention that one interpretation of these amendments might make, what was traditionally allowable—the take of marlin by spear diving— illegal. Our impact on this resource is minuscule, yet important to us. A poll of diving clubs in the state found that less than a handful of marlin have been taken by divers over the last 50 years, just two this El Nino year. We are asking you to defer these changes until we can adequately press our case and resolve any regulatory ambiguity that might deny us our right to take marlin while freediving with a spear.

Sincerely,
Terry Maas DDS

Please pull the marlin spearfishing item from the consent calendar

From Matthew Beller [REDACTED]

Date Tue 09/29/2026 02:03 PM

To FGC <FGC@fgc.ca.gov>

Dear Commissioners,

I'm a California spearfisherman writing to ask you to take the proposed marlin spearfishing change (\$28.90) off the consent calendar on October 14 and put it back on the regular calendar so it gets a real discussion first.

It's being called a "clarification," but let's be honest about what it does: it bans something that's legal today. Ending a fishery shouldn't happen quietly, lumped in with a stack of other items and passed without any debate.

I'd also ask you to consider that spearfishing is about as clean as fishing gets. You see the exact fish before you take it — no bycatch, no undersized fish, nothing thrown back to die later. Marlin caught on hook-and-release often don't survive being released. Banning the one method with no release deaths doesn't help the fish.

The number of marlin actually taken by divers in California is tiny. That's all the more reason to slow down and look at the real numbers before closing this off for good.

This is important to me and to a lot of people I dive with. All I'm asking is for a fair hearing before the vote.

Thank you for your time.

Matt Beller
Rancho Palos Verdes, CA



Outlook

Opposition to Agenda Item 18

From TresesSeafood [REDACTED]

Date Tue 09/29/2026 10:31 PM

To FGC <FGC@fgc.ca.gov>

CADFW commission please accept my attached letters regarding Agenda item 18 "Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery (consent) at the upcoming October 13-16 meeting.

Dave Stephens

Attention President Sklar and DFW Commissioners:

I am writing in opposition of the current proposed regulation changes discussion Agenda Item 18. **“Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery (consent) Consider adopting proposed amendments to regulations related to allowing the use of harpoons and flying gaffs in the recreational tuna fishery and gear marking requirements in the commercial harpoon swordfish fishery. (Amend sections 28.38, 28.40, 28.90, 28.95 and 107)”**

I am concerned with the allowance of harpoons usage for “assisting landing” of recreational Tuna and swordfish. I am very concerned now as I was back in 2019 and sent a letter to the PMFC in 2020 meeting with regards to this very issue in which DFW official were present and informed of this same issue (*Attached/Included*). By allowing recreational fisherman to use harpoons then this blurs the line of recreational and commercial fishing permitting and enforcement. Recreational fisherman have already been illegally carrying and using harpoons for years, even to the point of competing to harpoon free swimming swordfish and bluefin with bona fide commercial harpoon fisherman on the fishing grounds. I have documented video of such a case on the backside of San Clemente Island while a federal observer was aboard my vessel. I am concerned this practice will continue and most likely get worse. It is very difficult for DFW agents to enforce. How will they know if a swordfish or a bluefin tuna has been taken by strictly harpoon or by hook and line with harpoon assist? Additionally, what is the proposed permitting process for recreational fisherman to use a harpoon? Currently, the commercial fisherman pay over \$641.00 each year just to have a harpoon permit in order to carry and use a harpoon. Will recreational fisherman have to pay for a permit? If so, then does that allow them to sell their catch legally versus illegally which a large percent do already? This has become and increasingly chronic problem that commercial fishermen have had to compete with, especially through direct to consumer and restaurant sales. Will recreational fisherman need to follow all the commercial fishing rules and regulations? Have their vessels documented and inspected by USCG? Not allowed to fish in Mexico (currently harpoons are not allowed by American vessel in Mexico). **I propose leaving the existing regulations as is since flying gaffs are already allowed in assisting the landing of recreational fish.** Besides, isn't that the “sport” of recreational fishing?

In addition, proposing additional gear markings for the commercial harpoon fishery does not make any sense. Any additional gear marking requirements that disallows for

swordfish harpoon fisherman to use flags and buoys used on the same trip/day as for DSBG purposes is inefficient, wasteful and economically damaging to commercial fisherman, especially smaller vessels. I currently operate a 33ft. vessel for swordfish and participate in both the Harpoon and DSBG fishery. My vessel is not large enough to carry 20 flags on it. It is more efficient and economical to be able to use the same flags makers for either fishery depending upon how the swordfish are targeted. It should not matter if a swordfish is on a line whether it was harpooned or hooked on a DSBG line. A swordfish that is on the line will swim where it wants to. By making unnecessary changes to flag usage and markings, you are limiting the financial solvency of a commercial fisherman through restrictions of their mobility to seek and harvest swordfish.

If these proposed changes are adopted, then it is a form of discrimination against commercial fisherman and the industry as a whole. By allowing these changes, the DFW will be implementing more unnecessary and unreasonable regulations on commercial fishing while at the same time removing/reducing regulations for the recreational fishery that placates to wealthy recreational fisherman who have lobbied for these changes and thus swaying the DFW considerations. Much like they have done in the past with the banning of commercial harvest and sales of marlin and the propaganda driven closure of the DGN fishery.

In conclusion, I am in opposition of amending changes to the existing regulations allowing Harpoons and Flying Gaffs for Recreational Tuna Fishery and implementing new Gear Marking in Commercial Harpoon Swordfish Fishery.

Sincerely concerned,

David Stephens

F/V Tres Mujeres

David Stephens
[REDACTED]
[REDACTED]
[REDACTED]

May 22, 2019 started and not sent and revised April 14, 2020,

Dr. Tracy, Chairman Anderson, PMFC, HMSMT, HMSAS
Executive Director PPMC
7700 NE Ambassador Pl. Suite 101
Portland, OR 97220
503-820-2299
www.pcouncil.org
kit.dahl@noaa.gov

Dear Dr. Tracy, Chairman Anderson, PMFC, HMSMT, HMSAS

The DSBG was designed to augment the "Harpoon" and Drift Gillnet (DGN) fisheries and now it seems to be used as a tool by NGO's and Sportfishing coalitions to pry DGN fisherman away from their nets and force them into equipment change and a different method in order to harvest the primary species (swordfish) that has been traditionally targeted using DGN and Harpoons. While over the past 4 to 5 years, there have been some successful catches of swordfish using new innovated "Deep-Set Gear", it still is highly debatable whether it can economically equate to using DGN.

Historically, swordfish, for the "sport" fisherman has been a surface targeted species, whereas a person sees a "finning" swordfish on the surface and cast a bait trying to get it to eat the bait. This method is "sport or challenge oriented" but has long been a conflict already with traditional "harpoon" fisherman who target the same "finning" swordfish. Now with the perceived success of the "Deep Drop" method from west coast commercial fisherman, marketing and hype from internet based fishing sites/videos (*particularly JD's of Newport and Bloody Decks*), and radio talk shows, the recreational fishermen are in a frenzy trying to target the same resource in the same manner (hook&line) by using one or two lines at a time attached to the vessels. They are also using illegal methods (harpoons) to assist their landing of large fish such as swordfish and Blue Fin Tuna. They are fishing in the same exact locations and often drifting in between commercial fishermen's DSBG which presents gear conflict. They are also running their gear (surface line) upwards of ½ mile behind the boat which poses a threat of entanglement with protected species and hinderance to navigation. I ask then why should the individuals who are choking out the DGN fishery, continue to conflict with the harpoon fishery, creating endangerment to protected species and hinderance to navigation be allowed to target swordfish using an innovative technique that was designed for commercial harvest? West Coast Commercial fishermen have not been able to target marlin as a marketable species because recreational fisherman lobbied to "protect" them. Please refer to *JD fish report* PowerPoint to see the greedy/bragging/egotistical nature of recreational fisherman and how they ironically "protect" marlin and are in a complete frenzy over the "Deep Drop" swordfishing. So, why should recreational fisherman be able to target swordfish? If recreational fishermen continue to be allowed to target swordfish in depths greater than 100m then there will be a significant increase in fishing pressure, thus negatively impacting the commercial harvest of swordfish fishery in many ways. For example, if 200 private boats land 2-3 (125lb.) fish each (**current regs allow for 2 fish per angler!**) for just 60 days of the year, then that equates to 3-4.5 million lbs. of swordfish landed, but not recorded, and more than likely half will end up being sold illegally to our local markets (driving prices to commercial fisherman down even further), like what is already happening in the Pacific Bluefin Fishery. Private recreational vessels are landing 3-10 BFT >100lbs.per trip/day and are selling/bartering them with restaurants and other "customers". **There needs to be an immediate change to the current State and or Federal regulations.**

Proposed Regulation Changes:

1. Swordfish to be identified as a commercial species only and NOT allowed for “sport” take, such as marlin are not allowed for commercial harvest.
OR
2. Recreational fisherman may not target/fish for Swordfish at depths > 100m.
OR/AND
3. Recreational fisherman are allowed only one swordfish per vessel AND one BFT >100lbs. per angler. Each angler is not allowed more than 5 fish per year of each swordfish and BFT >100lbs. This can be accomplished by some sort of tag/electronic log submission system.

OR

If it is the goal for federal and state agencies to increase domestic production of seafood then Amend federal regulations to allow Marlin (extremely delicious and currently allowed in Hawaii) and all other billfish to be identified as commercially harvestable species within the EEZ by using “hook & line” and “harpoon” methods. Additionally, allow all billfish to be landed and available for commercial sale in the state of California. This could potentially help commercial fisherman survive the economic impacts from the DGN fishery closure.

Sincerely,

David Stephens

West Coast Commercial Swordfisherman



Harpoons and Flying Gaffs for Recreational Tuna Fishery and Gear Marking in Commercial Harpoon Swordfish Fishery

14 October 2026

Presented to:

**California Fish and Game
Commission**

Presented by:

**Craig Shuman
Regional Manager
Marine Region**



Regulatory Process

- 2024 – Petition submitted proposing to allow the use of Harpoons to assist in landing large fish
 - Department recommends limiting to tuna and proceeding with rulemaking
- November 2025 – Marine Resources Committee
 - Discussed change, including additions for flying gaffs, prohibiting marlin by spear, and commercial gear marking
- June 2026 – Notice Hearing
- August 2026 – Discussion Hearing



Proposed Change Section 28.90

- Marlin was proposed to be added to the list of species prohibited for spearfishing
 - Intended to be consistent with current prohibition on possessing such gear on boats with marlin onboard or on any day when marlin have been taken (Section 28.95)



Public Comments Received

- Marlin is presently allowed to be taken by spear
 - Spears are only prohibited on boats with marlin onboard
 - Could take marlin by spear from shore
- Spearfishing is highly selective and marlin populations are stable
- Outside scope of this rulemaking
 - Recommend allowing possession of spear onboard when marlin taken (amend section 28.95 prohibition)



Revised Changes to 28.90 and 28.95

§28.90 Diving, Spearfishing.

Persons who are floating or swimming in the water may use spearfishing gear and SCUBA diving equipment to take ~~fin-fish~~ finfish other than giant (black) sea bass, garibaldi, gulf grouper, broomtail grouper, trout, salmon, ~~marlin~~, or broadbill swordfish, except that:...

§28.95. Spears, Harpoons and Bow and Arrow Fishing Tackle.

Spears, harpoons and bow and arrow fishing tackle may be used for taking all varieties of skates, rays, and sharks, except white sharks. Harpoons may be used to assist in taking Pacific halibut as specified in Section 28.20 and to assist in taking tuna as specified in subsection 28.38(b). Such gear may not be possessed or used within 100 yards of the mouth of any stream in any ocean waters north of Ventura County, nor aboard any vessel on any day or on any trip when ~~broadbill~~ swordfish or marlin have been taken. Bow and arrow fishing tackle may be used to take ~~fin-fish~~ finfish other than giant (black) sea bass, garibaldi, gulf grouper, broomtail grouper, trout, salmon, ~~broadbill~~ swordfish, ~~marlin~~, and white shark.

Thank You





Striped Marlin US Catch

Commercial Passenger Fishing Vessel Logs

Striped Marlin CPFV Catch

