

# REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

per agency *Rm*

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <i>1081</i> <b>Z-2017-0328-01</b>	REGULATORY ACTION NUMBER <b>2017-0818-055</b>	EMERGENCY NUMBER
-------------------------	---	--	------------------

**ENDORSED - FILED**  
 In the office of the Secretary of State  
 of the State of California

**SEP 29 2017**  
 1:40 P.M.

For use by Office of Administrative Law (OAL) only

**2017 AUG 18 P 3:43**

**OFFICE OF ADMINISTRATIVE LAW**

NOTICE	REGULATIONS
--------	-------------

**AGENCY WITH RULEMAKING AUTHORITY**  
 Fish and Game Commission

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE		TITLE(S) <b>14</b>	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER <b>2017 14-2</b>	PUBLICATION DATE <b>4/7/2017</b>

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

1a. SUBJECT OF REGULATION(S) <b>Crab and Lobster Gear Marking and Harbor Restricted Fishing Areas</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
--	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT
	AMEND <b>29.80, 122</b>
TITLE(S) <b>14</b>	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
---	---	---	--

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON <b>Sheri Tiemann</b>	TELEPHONE NUMBER <b>916-654-9872</b>	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) <b>sheri.tiemann@fgc.ca.gov</b>
---	---	-----------------------	--

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

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Melissa A. Miller-Henson</i>	DATE <b>8/18/17</b>
TYPED NAME AND TITLE OF SIGNATORY <b>Melissa Miller-Henson, Deputy Executive Director</b>	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**SEP 29 2017**

**Office of Administrative Law**

## New Regulatory Language

### Section 29.80, Title 14, CCR, is amended to read: § 29.80. Gear Restrictions.

#### (a) General Provisions.

[...No proposed changes to subsection (a)(1)]

(2) Nets, traps or other appliances may not be ~~net~~ used except as provided in this Section.

(3) It is unlawful to disturb, move, or damage any trap; or remove any saltwater crustacean from a trap, that belongs to another person without written permission including permission transmitted electronically, in possession from the owner of the trap. Any person with written permission from the owner of a crab trap will be in compliance with subsection (c)(3) if the written permission contains the owner's GO ID number that matches the GO ID number on the buoy of the crab trap being fished.

(b) Hoop nets may be used to take spiny lobsters and all species of crabs. Between Point Arguello, Santa Barbara County, and the United States-Mexico border, not more than five hoop nets, as defined in (b)(1)(A) or (b)(1)(B), shall be possessed by a person when taking spiny lobster or crab, not to exceed a total of 10 hoop nets possessed when taking spiny lobster or crab, per vessel. The owner of the hoop net or person who placed the hoop net into the water shall raise the hoop net to the surface and inspect the contents of the hoop net at intervals not to exceed 2 hours.

[...No proposed changes to subsections (b)(1) and (b)(2)]

(3) Hoop nets used south of Point Arguello, Santa Barbara County, shall be marked with a surface buoy. Except as provided in subsections (b)(3)(A) and (b)(3)(B), the surface buoy shall be legibly marked to identify the operator's GO ID number as stated on the operator's sport fishing license or lobster report card. This section does not apply to ~~H~~hoop nets deployed from by persons on shore or manmade structures connected to the shore, ~~are not required to be marked with a surface buoy.~~

(A) The surface buoy of hoop nets deployed from commercial passenger fishing vessels shall be legibly marked to identify the commercial boat registration number of the vessel.

(B) The surface buoy of hoop nets provided by a licensed guide to clients for use on guided trips shall be legibly marked to identify the guide license number of the accompanying guide.

(c) Crab traps:

[...No proposed changes to subsection (c)(1)]

(2) ~~Starting August 1, 2016, crab~~Crab traps shall contain at least one destruct device of a single strand of untreated cotton twine size No. 120 or less that creates an unobstructed escape opening in the top or upper half of the trap of at least five inches in diameter when the destruct attachment material corrodes or fails.

(3) ~~Starting August 1, 2016, every~~Every crab trap except those used under authority of subsection 29.85(a)(5) of these regulations shall be marked with a buoy. Each buoy shall be legibly marked to identify the operator's GO ID number as stated on his/her sport fishing license.

(4) ~~Starting August 1, 2016, crab~~Crab traps shall not be deployed and used in ocean waters seven days prior to the opening of the Dungeness crab season.

[...No proposed changes to subsections (d) through (j)]

Note: Authority cited: Sections 200, ~~202, 205, 215, 220, 265, 270, 275,~~ 7075 and 7078, Fish and Game Code. Reference: Sections 110, 200, 202, 205, 206, 215 and 220, 265, 270, 275, 7050, 7055 and 7056, Fish and Game Code.

**Section 122, Title 14, CCR, is amended to read:  
§ 122. Spiny Lobster Permits and Restricted Areas.**

[...No proposed changes to subsections (a) through (c)]

(d) Restricted Fishing Areas.

[...No proposed changes to subsection (d)(1)]

(2) No lobster traps shall be set or operated within 250 feet of the following specified navigation channels.

[...No proposed changes to subsection (d)(2)(A)]

(B) Dana Point Harbor entrance: This area is bounded by straight lines connecting the following points in the order listed:

~~33° 27.262' N. lat. 117° 41.492' W. long.;~~

~~33° 26.289' N. lat. 117° 41.721' W. long.;~~

~~33° 26.254' N. lat. 117° 41.509' W. long.;~~

~~33° 27.201' N. lat. 117° 41.286' W. long.;~~

~~33° 27.409' N. lat. 117° 41.522' W. long.;~~ and

~~33° 27.262' N. lat. 117° 41.492' W. long.~~

33° 27.262' N. lat. 117° 41.492' W. long.;

33° 26.511' N. lat. 117° 42.061' W. long.;

33° 26.477' N. lat. 117° 41.850' W. long.;

33° 27.201' N. lat. 117° 41.286' W. long.;

33° 27.409' N. lat. 117° 41.522' W. long.; and  
33° 27.262' N. lat. 117° 41.492' W. long.

[...*No proposed changes to subsection (d)(2)(C)*]

[...*No proposed changes to subsections (e) through (h)*]

Note: Authority cited: Sections 1050, 7075, 7078, 8254 and 8259, Fish and Game Code. Reference: Sections 1050, 2365, 7050, 7055, 7056, 7071, 7852.2, 8026, 8043, 8046, 8250, 8250.5, 8254, 9002, 9002.5, 9005, 9006 and 9010, Fish and Game Code.