

UPDATED Informative Digest/Policy Statement Overview

The general purpose of the regulations is to limit the amount of surface line and buoys from Dungeness crab traps and improve the ability to remove possible whale entangling gear from the ocean.

The minor amendments to sections 132.1 and 132.3 are editorial and clarify a few of the current regulations while removing dates that are no longer relevant.

In Section 132.2 a change in the text will allow any vessel to retrieve traps for a Dungeness crab permitted vessel to facilitate in-season removal of trap gear when the vessel becomes incapacitated or is otherwise rendered unable to retrieve traps. This will expand the pool of potential vessels that could help retrieve traps left out in the ocean during the season and is necessary for the fishery to improve its ability of removing traps from the ocean that pose whale entanglement and navigational hazards.

The purpose of adding Section 132.6 to Title 14, is to limit the surface lines and buoys utilized by the Dungeness crab fishery to retrieve submerged crab traps. This is necessary because the risk of whale entanglement can be reduced by setting standards that limit surface gear. Fishermen have also indicated this will reduce navigational hazards by reducing the risk of entangling line in propellers, which could cause loss of power. Specifically, the addition of trailer buoys from the main buoy of a Dungeness crab trap and the length of line attached to the trailer buoy will be limited dependent on whether a trap is in shallow or deep water. In addition, language will be added to clarify existing law that Dungeness crab trap gear must be removed from state waters at 11:59 p.m. on the last day of the season.

Benefit of the Regulations

Limiting the amount of buoys and lines on the surface will reduce the risk of entanglements with whales or vessels. The enforcement of crab trap surface gear regulations would be straightforward and would not involve pulling submerged traps. Stating the time in which trap gear is no longer allowed in state waters at the end of the season is to provide clarity to current statutes.

Consistency with State Regulations

Department staff has conducted a review of the California Code of Regulations and determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the statutory authority to amend regulations pertaining to the Dungeness crab trap limit program or modify fishing gear for the commercial Dungeness crab fishery.

UPDATE

In response to comments from the public, the Department amended the proposed regulatory text of Section 132.6 Dungeness Crab Trap Surface Gear Limitations and Gear Removal. The initial public comment period (ending August 13, 2018) was extended an additional 15 days, August 14-29, 2018, to receive comments concerning these amendments.

The following changes to the proposed regulatory text of Section 132.6 address recommendations and concerns submitted to the Department during the public comment period related to the measurement of the surface gear:

- Subsection 132.6(a)(1), limit the addition of trailer buoys from the main buoy to “No more than two trailer buoys” regardless of depth.**
- Subsection 132.6(c), specify that the maximum length of line is to be measured “between the front end of the main buoy to the tail end of the last trailer buoy.”**

After considering the public comments received during the initial 45-day review period, the Department adopted the originally proposed text of Sections 132.1, 132.2, and 132.3. After considering the amended text, as recommended by the Dungeness Crab Task Force and public comment, as described in the 15-day Notice, the Department adopted the amended text of Section 132.6.

There have been no changes in applicable laws or to the effects of the proposed regulations from the laws and effects described in the Notice of Proposed Action.