

REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0626-123 cm	REGULATORY ACTION NUMBER 2018-1026-025	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2018 OCT 26 P 2:20
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

DEC 10 2018

2:09 pm

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 Take Allow for Non-Cancer Crab in Trap Fisheries	TITLE(S) 14	FIRST SECTION AFFECTED 125.1	2. REQUESTED PUBLICATION DATE July 5, 2018
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Jon Snellstrom	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2018, 27-2	PUBLICATION DATE 7/6/2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Take Allow for Non-Cancer Crab in Trap Fisheries	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 126.1 AMEND 125.1, 126 [renumbered to 126.1] per agency request
TITLE(S) 14	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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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))	Other (Specify) per agency request		

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

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 1/1/2019 per agency request

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 Jon Snellstrom	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jon.snellstrom@fgc.ca.gov
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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>Thesell</i>	DATE Oct. 26, 2018
TYPED NAME AND TITLE OF SIGNATORY David Thesell, Program Manager	

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ENDORSED APPROVED

DEC 10 2018

Office of Administrative Law

Regulatory Language

Section 125.1, Title 14, CCR, is amended to read:

§ 125.1 Commercial Take of Rock Crab; Size Limit; Use of Rock Crab as Bait; Incidental Take Provisions

... [No changes to subsections (a)-(b)]

(c) Incidental take. Only the following species may be taken incidentally in rock crab traps being used to take rock crab under authority of a permit issued pursuant to Section 125. All other invertebrates and finfish shall be immediately released to the water.

(1) Kellet's whelk.

(2) Octopus.

(3) Crabs, other than the genus *Cancer*, subject to limits provided in subsection 126 (b).

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

Note: Authority cited: Section 8282, Fish and Game Code.

Reference: Sections 8043, 8047, 8250.5, 8275, 8281, 8284, 9001.7 and 9011, Fish and Game Code.

Section 126, Title 14, CCR, is amended to read and add Section 126.1:

§ 126. Commercial Take of Crabs not in the Genus *Cancer* in Trap Gear.

(a) For the purpose of this section, crabs in the genus *Cancer* include Dungeness and rock crab as defined in Fish and Game Code subdivisions 8275(a) and (c).

(b) Incidental take of crabs not listed in subsection (a) is allowed in rock crab, Dungeness crab, and California spiny lobster trap fisheries as follows:

(1) No more than 25 pounds of each crab species in the Lithodidae family (box crab and king crab) may be possessed onboard a vessel, retained or landed at any time. The amount of Lithodidae species possessed onboard a vessel, retained or landed shall not exceed the amount of rock crab, spiny lobster, or Dungeness crab that are legally possessed onboard the vessel, retained or landed at any time.

(2) Crabs in the genus *Chionectes* (Tanner crab) may not be taken except under the authority of a Tanner Crab Trap Vessel Permit.

(3) The total allowable catch of sheep crab (spider crab, *Loxorhynchus grandis*) is 95,000 pounds landed during a calendar year. The department will close the fishery at the time that the catch limit is reached, or is projected to be reached, prior to the end of the calendar year. The department shall give no less than 10 days notice to any individual who has landed sheep crab within the previous five years and post notice of closure on the department's website. The department shall give the public and the commission no less than 10 days notice of the closure via a department news release.

(c) Pursuant to Fish and Game Code Section 9001.7, crabs not in the genus *Cancer* may be used as bait in finfish traps. All crab shall be brought ashore and accounted for

on a landing receipt pursuant to Fish and Game Code Sections 8043 and 8047 prior to being used as bait as follows:

(1) The total pounds of each species to be used as bait from each landing shall be recorded by writing the species common name and pounds within the rows provided and noting "bait use" in the space for price.

(2) Crab used as bait in finfish traps shall be documented on board the vessel by a copy of the landing receipt pursuant to Fish and Game Code Sections 8043 and 8047 demonstrating that the crab to be used as bait has been landed prior to being used as bait. Copies of all landing receipts which document the catch of crabs that are used as bait shall be kept onboard the fishing vessel for a minimum period of 30 calendar days from the date of landing as listed on the landing receipt.

Note: Authority Cited: Section 7090, Fish and Game Code.

Reference: Section 7090, Fish and Game Code.

§ ~~126~~126.1 Commercial Take of Tanner Crab

... [No changes to subsections (a)-(f)]

Note: Authority cited: Sections 713, 1050, 5508, 7090, 7857, 8026 and 8282, Fish and Game Code.

Reference: Sections 1050, 1052, 5508, 7050, 7051, 7055, 7056, 7058, 7850, 7857, 7881, 8026, 8031, 8040, 8041, 8042, 8043, 8046, 8051, 8250.5, 8282, 8284, 8834, 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9008 and 9011, Fish and Game Code.