

STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE  
SUPPLEMENTAL STATEMENT OF REASONS

Additional Amendments to the Addition of Section 132.7  
Title 14, California Code of Regulations

Re: Lost or Abandoned Dungeness Crab Trap Gear Retrieval Program

- I. Date of Initial Statement of Reasons: January 9, 2018  
Date of Amended ISOR: April 30, 2019
- II. Date of Supplemental ISOR: August 19, 2019
- III. Description of Regulatory Action:

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

The purpose of this Supplemental Statement of Reasons is to provide a description of and reasons for proposed changes to the prior amendments to the addition of Section 132.7, California Code of Regulations (“CCR”). The purpose of the regulations is to establish a program for the retrieval of lost or abandoned crab traps and attached lines and buoys (“trap gear”) outside of the commercial Dungeness crab season in accordance with Section 9002.5 of the Fish and Game Code. Trap gear is known to entangle whales, and other sea creatures. Unless specified herein, the amendments to Section 132.7 as previously described in the Amended ISOR, dated April 30, 2019, remain unchanged.

There are no changes to the prior amendments to the regulatory text of Section 132.2, Retrieval of Commercial Dungeness Crab Traps, and Section 705, Commercial Fishing Applications, Permits, Tags and Fees, as previously described in the Amended ISOR, dated April 30, 2019.

A 15-day continuation notice was published on the Department of Fish and Wildlife website [www.wildlife.ca.gov](http://www.wildlife.ca.gov) on August 19, 2019, and notice mailed to interested parties.

PROPOSED SUPPLEMENTAL AMENDMENTS TO SECTION 132.7;

Further amendment to and clarification for the addition of Section 132.7, Lost or Abandoned Dungeness Crab Trap Gear Retrieval Program, and forms incorporated by reference, with the following:

Subsection (c): Retrieval Permit Application and Amendment

Under the terms of the Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Application (DFW 1078; New 08/14/19) and the Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit

Amendment (DFW 1078a; New 08/14/19), the applicant is advised of the required forms and that the forms will be available online at [www.wildlife.ca.gov](http://www.wildlife.ca.gov). The respective dates of the application and amendment forms have been changed because of amendments described below.

The terms in subsection (c)(1)(B) were amended to include only associations with a written charter or a governing board. This amendment clarifies that an entity may be eligible for a Retrieval Permit only if it is an association of sport or commercial fishermen with a formal structure in the form of a written charter or a governing board. Informal groups and individual fishermen will not qualify for a Retrieval Permit; this limitation will allow for proper administration and greater enforceability of the Retrieval Permit program by the Department.

Under subsection (c)(1)(C), the term “government entity in California” has been replaced with a “Local agency” within the meaning of Government Code Section 50001, or a “District” within the meaning of California Harbors and Navigation Code Section 6002 or Section 6200. As explained in the Amended ISOR, the Department wishes to delegate the responsibility of overseeing day-to-day retrieval of gear to entities best suited to handle such operation. This change clarifies that such entities refer to the local government agencies, specifically counties, municipalities, harbors, and ports, that have available administrative staff, adequate local gear storage facilities, and have established connections to local fishing communities.

Under subsection (c)(2), “a Retrieval Permit Application” has been changed to “form DFW 1078” to make clear that the subsection refers to the Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Application.

Under subsection (c)(3), “a Retrieval Permit Amendment” has been changed to “form DFW 1078a” to make clear that the subsection refers to the Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Amendment.

#### Subsection (e): Trap Retrieval Logbooks

The date of the logbook form has been changed because of amendments described below.

#### PROPOSED SUPPLEMENTAL AMENDMENTS TO FORMS:

Form DFW 1078: Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Application.

The applicant for a Retrieval Permit must certify that all information on the form are correct and true, subject to the penalty of perjury. This requirement is necessary because the Trap Gear Retrieval Program deals with title transfer of properties upon which people’s livelihood depend. The potential harm resulting from theft and other criminal activity effectuated by the use of false statements on the application form must be deterred by a concrete threat of criminal prosecution.

On the amended form the words “and that I will be subject to criminal prosecution” has been struck from the second page and replaced with insertion of “under the penalty of perjury” in a prior sentence.

Item 1 under INSTRUCTIONS has been amended to reflect the changes made to subsection 132.7(c)(1). “with a written charter or a governing board” has been added to the end of (B), and (C) has been changed to “a “Local agency” within the meaning of Government Code Section 50001, or a “District” within the meaning of Harbors and Navigation Code Section 6002 or Section 6200.”

The zip code of the address for sending the form and associated fee to on the second page has been changed from “95833” to “95834.” The original zip code did not correctly describe the address of the Department’s License and Revenue Branch.

Form DFW 1078a: Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Amendment.

The applicant for a Retrieval Permit Amendment must certify that all information on the form are correct and true, subject to the penalty of perjury. This requirement is necessary because the Trap Gear Retrieval Program deals with title transfer of properties upon which people’s livelihood depend. The potential harm resulting from theft and other criminal activity effectuated by the use of false statements on the amendment form must be deterred by a concrete threat of criminal prosecution. The words “and that I will be subject to criminal prosecution” has been struck from the first page and replaced with insertion of “under the penalty of perjury” in a prior sentence.

The zip code of the address for sending the form and associated fee to on the second page has been changed from “95833” to “95834.” The original zip code did not correctly describe the address of the Department’s License and Revenue Branch.

Form DFW 1059: Trap Gear Retrieval Logbook.

The Trap Gear Retrieval Logbook (DFW 1059; New 08/14/19) requires both the Permittee and the Retriever to certify that all information on the logbook are true and correct, subject to the penalty of perjury. This requirement is necessary because the Trap Gear Retrieval Program deals with title transfer of properties upon which people’s livelihood depend. The use of falsified information must be deterred through the threat of criminal prosecution.

The word “may” in the fourth bullet has been change to “will.” It has always been the intent of the Department that Retrieval Permittees must comply with established deadlines if they wish to be reimbursed. Changing the term thus clarifies the Department’s intent.

There are no changes to or further clarifications for parts III (b)-(e) and IV through VII of the Amended ISOR dated April 30, 2019.