

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Fish and Wildlife**

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Adopt sections:**

**Amend sections:** 122.1, 125, 126.1, 180.1,  
180.5

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2019-1016-01**

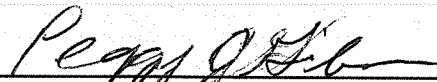
**OAL Matter Type: Regular (S)**

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The Department of Fish and Wildlife is creating standardized marking of commercial fishing gear in order to aid with the identification of the commercial fishery responsible for marine life entanglements. These new requirements impact six commercial trap fisheries: Spiny Lobster, Rock Crab, Tanner Crab, Spot Prawn, Coonstripe Shrimp, and Nearshore Finfish.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/28/2019.

Date: October 28, 2019



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Peggy J. Gibson  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Charlton Bonham, Director

Copy: Michelle Selmon

# REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-2019-0611-06</b>	REGULATORY ACTION NUMBER <b>2019-1016-01S</b>	EMERGENCY NUMBER
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**ENDORSED - FILED**  
 In the office of the Secretary of State  
 of the State of California

**OCT 28 2019**  
 1:32 PM

For use by Office of Administrative Law (OAL) only	
RECEIVED DATE    PUBLICATION DATE  <b>JUN 11 '19</b> <b>JUN 21 '19</b>  Office of Administrative Law  NOTICE	2019 OCT 16 A 11:53  OFFICE OF ADMINISTRATIVE LAW  REGULATIONS

<b>AGENCY WITH RULEMAKING AUTHORITY</b> Department of Fish and Wildlife	AGENCY FILE NUMBER (if any)
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE <b>Standardized Commercial Trap Marking Program</b>	TITLE(S) <b>14</b>	FIRST SECTION AFFECTED <b>122.1, 125, 126.1...</b>	2. REQUESTED PUBLICATION DATE <b>June 21, 2019</b>
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON <b>Ona Alminas</b>	TELEPHONE NUMBER <b>916-653-1902</b>	FAX NUMBER (Optional) <b>ona.alminas@wildlife.ca.gov</b>
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER
			PUBLICATION DATE

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

1a. SUBJECT OF REGULATION(S) <b>Standardized Commercial Trap Marking Program</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) <del>Z-2019-0611-06</del> <b>Am</b> per agency request
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND <b>122.1, 125, 126.1, 180.1, 180.5</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 §511349.3, 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)  
**June 21, 2019 - August 6, 2019 (Initial)**    **August 20, 2019 - October 4, 2019 (Continuation)**

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

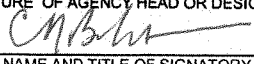
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>By Nov. 15, 2019</b>
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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>Michelle Selman</b>	TELEPHONE NUMBER <b>916-653-4674</b>	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) <b>michelle.selman@wildlife.ca.gov</b>
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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 	DATE <b>10/15/2019</b>
TYPED NAME AND TITLE OF SIGNATORY <b>Char Hon M. Busham, Director Dept. Fish and Wildlife</b>	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**OCT 28 2019**

Office of Administrative Law

## FINAL PROPOSED REGULATORY LANGUAGE

Section 122.1, Title 14, CCR, is amended to read:

### § 122.1. Lobster Buoys and Trap Tags

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

(b) ~~Each buoy identifying a lobster trap shall display the commercial fishing license identification number of the lobster operator permit holder followed by the letter P. The commercial fishing license identification number and the letter P shall be in a color that contrasts with that of the buoy and shall be at least 1 inch in height and at least 1/8 inch in width. All lobster operator permit holders shall maintain lobster trap buoys in such a condition that buoy identifying numbers are clearly readable. Each buoy marking any lobster trap shall comply with marking requirements set forth in Section 180.5 of these regulations.~~

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

Note: Authority cited: Sections 7075 and, 7078, and 9005, Fish and Game Code.

Reference: Sections 7050, 7055, 7056, 8250.5, 9002, 9005 and 9010, Fish and Game Code.

## FINAL PROPOSED REGULATORY LANGUAGE

Section 125, Title 14, CCR, is amended to read:

### § 125. Commercial Rock Crab Permits

... [No changes to subsections (a)-(b)(1)]

(b)(2) ~~Pursuant to Fish and Game Code Section 9005, every trap or string of traps deployed for purposes of commercially harvesting rock crab shall be marked with a buoy. Each buoy marking any rock crab trap shall comply with marking requirements set forth in Section 180.5 of these regulations.~~

... [No changes to subsections (b)(3)-(j)]

Note: Authority cited: Sections 1050 ~~and~~, 8282, and 9005, Fish and Game Code.

Reference: Sections 1050, 7852.2, 7857, 7858, 8043, 8047, 8250.5, 8275, 8282, 8284, 9000, 9001, 9002, 9005, 9006 and 9011, Fish and Game Code.

## FINAL PROPOSED REGULATORY LANGUAGE

**Section 126.1, Title 14, CCR, is amended to read:**

### **§ 126.1. Commercial Take of Tanner Crab**

*... [No changes to subsections (a)(1)-(a)(4)(E)]*

(F) ~~Vessel Buoy Marking Requirement. In addition to the trap and buoy marking requirements specified in Fish and Game Code section 9006 and 9007, every~~Each string of traps shall be marked with a buoy on each end of the string that is marked with the vessel's commercial boat registration number issued by the department pursuant to Fish and Game Code Section 7881. Each buoy marking any tanner crab trap shall comply with marking requirements set forth in Section 180.5 of these regulations. A vessel fishing under authority of a Tanner Crab Trap Vessel Permit may only take, possess aboard a vessel, transport, deliver, or land Tanner crab from traps marked with the vessel's own registration number. ~~The vessel's registration number on each buoy shall be preceded by the letters "TC." The numbers and letters shall be in a color which contrasts with the color of the buoy. A line thickness no less than 1/8 inch shall be used to create letters and numbers which shall be no less than two (2) inches in height and no less than one (1) inch in greatest width. The permit holder shall maintain the buoys so that the registration numbers and the letters "TC" are legible and easily determined.~~

*... [No changes to subsections (a)(4)(G)-(f)]*

Note: Authority cited: Sections 713, 1050, 5508, 7090, 7857, 8026 and, 8282 and 9005, 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.

**FINAL PROPOSED REGULATORY LANGUAGE**

**Section 180.1, Title 14, CCR, is amended to read:**

**§ 180.1. Spot Prawn (*Pandalus platyceros*) Fishing.**

*... [No changes to subsections (a)-(c)]*

(d) ~~Each string of~~ Each buoy marking any spot prawn traps shall be marked with a buoy bearing the commercial fishing license identification number issued to the owner or operator of the vessel. comply with marking requirements set forth in Section 180.5 of these regulations.

Note: Authority cited: Sections 711 ~~and~~, 8591, and 9005, Fish and Game Code.

Reference: Sections 710.7, 711, 8140, 8590, 8591, 8593, 8594, 8595, 8842, 9000, 9001, 9004-9008 and 9015, Fish and Game Code.

## FINAL PROPOSED REGULATORY LANGUAGE

Section 180.5, Title 14, CCR, is amended to read:

### § 180.5. Trap Buoy Identification

(a) Pursuant to the provisions of Section 9005 of the Fish and Game Code, every trap or string of traps placed in waters of the state to take fin fish, mollusks or crustaceans for commercial purposes shall be marked with a buoy. ~~Buoys used to mark any trap or string of traps shall be clearly and distinctly marked with a buoy identification number as required by Section 9006 of the Fish and Game Code. The specified identification number shall be at least one and one-half inches in height and one-quarter inch in width. Each trap marker buoy shall bear the specified number in a color which contrasts with that of the buoy and the number shall be applied so that it is visible and legible.~~

(b) Notwithstanding requirements set forth in Fish and Game Code Section 9006, starting May 1, 2020:

(1) Every buoy marking a commercial trap used in a fishery described below shall be marked exclusively with the Identification Letter specific to that fishery.

(2) At least one buoy marking each trap, or each end of a string of traps, shall be marked with the Identification Number followed by an Identification Letter.

(3) Identification Numbers and Identification Letters shall be as follows:

<u>Fishery &amp; Gear Type</u>	<u>Identification Number</u>	<u>Identification Letter</u>
<u>Lobster Trap</u>	<u>operator's commercial fishing license identification number</u>	<u>P</u>
<u>Rock Crab Trap</u>	<u>operator's commercial fishing license identification number</u>	<u>X</u>
<u>Tanner Crab Trap</u>	<u>vessel's commercial boat registration number</u>	<u>I</u>
<u>Spot Prawn Trap</u>	<u>operator's commercial fishing license identification number</u>	<u>S</u>
<u>Coonstripe Shrimp Trap</u>	<u>operator's commercial fishing license identification number</u>	<u>C</u>
<u>Nearshore Finfish Trap</u>	<u>operator's commercial fishing license identification number</u>	<u>Z</u>

(c) All Identification Numbers shall be at least one and one-half (1.5) inches in height and drawn with a line no less than 1/4 (0.25) inch thick.

(d) Identification Letters shall be at least three (3) inches in height and drawn with a line no less than 1/4 (0.25) inch thick. Every buoy shall be marked as follows:

(1) Buoys that are four (4) inches in diameter or greater shall have Identification Letters marked on four opposing sides; and

(2) Buoys that are smaller than four (4) inches in diameter shall have Identification Letters marked on two opposing sides.

(e) All Identification Numbers and Identification Letters on a buoy shall be clearly and distinctly marked, and in a color that contrasts with the buoy; the numbers and letters shall be applied and maintained so that they are visible and legible.

Note: Authority cited: Sections 9003, 9005 and 9006, Fish and Game Code.

Reference: Sections 9002, 9003, 9005, 9006, 9007 and 9008, Fish and Game Code.