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*Celebrating 150 Years of
Wildlife Heritage and Conservation!*

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March 5, 2021

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a 15-day continuation notice for the Recreational Crab Trap Fishery Marine Life Protection Measures regulations, published in the California Regulatory Notice Register on September 25, 2020, Notice No. Z2020-0915-07, and adopted by the Fish and Game Commission (Commission) on December 9, 2020.

This 15-day notice provides notice of revisions to the proposed regulatory language in sections 29.80, and 29.85, Title 14, California Code of Regulations (CCR). No revisions are being made to the proposed regulations in Section 701, Title 14, CCR.

These changes are sufficiently related to the originally proposed regulatory text such that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. These changes will benefit the regulations through adding clarity to their purpose and enforcement and will not substantially alter the original purpose of the regulations.

The proposed changes are clearly indicated on the attached revised proposed regulatory text as follows: additions of newly proposed text are shown in double underline; existing regulatory text that was inadvertently omitted in the originally proposed text and is now proposed for deletion is shown in ~~double strikeout highlight~~. Existing regulatory text that was inadvertently omitted in the originally proposed text and is being returned without edit is shown in highlight. Originally proposed text that is not affected by the changes described in this 15-day notice is indicated in single underline / ~~strikeout~~.

1. In the originally proposed language, the term “for Recreational Take of Saltwater Crustaceans” was added at the end of the title of Section 29.80; however, the addition was not illustrated in underline format.
2. In the originally proposed language, the term “operator” replaced the term “owner” in subsection 29.80(a)(3); however, the change was not illustrated in strikeout/underline format. As such the words “owner” should have been shown as strikeout and words “operator” should have been underlined.

3. In the originally proposed language, the word “below” was added after the strikeout of “in subsections (b)(3)(A) and (b)(3)(B)” in subsection 29.80(b)(3); however, the change was not illustrated in underline format.
4. In the originally proposed language, the term “or lobster report card” was inadvertently removed from existing regulatory language in subsection 29.80(b)(3).
5. In the originally proposed language, the term “Recreational take of” was added to the title of Section 29.85; however, the change was not illustrated in underline format.

The economic analysis for the costs to Commercial Passenger Fishing Vessels (CPFVs) has also been updated in response to public comment. The language below updates sections VI(a) and (c) of the Initial Statement of Reasons, with updated language illustrated in bold.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed regulations are for a recreational marine fishery and are not anticipated to change the level of fishing activity. CPFVs that take fishers on crab fishing trips would be required to attach additional buoys to crab trap lines for up to the maximum 60 traps per vessel, resulting in industry costs of **\$57,270** in initial costs and approximately **\$16,647** in subsequent years to replace lost or damaged buoys. The additional costs for CPFVs to purchase marker buoys is not anticipated to be significant because these costs are a very small share of CPFV operating costs and would not change procedure. As a result of fishing season closures or delays, CPFV operations could be impacted depending on the percentage of their group fishing trips that are solely or predominantly for crab trapping. Vessels that pursue multiple species could more readily shift effort away from trap-taken crabs should crab season delays or closures occur. These impacts are not anticipated to be more than those due to the typical season variation due to weather and other unknown influences.

(c) Cost Impacts on a Representative Private Person or Business

Recreational crab fishers would be required to purchase a \$2.25 Recreational Crab Trap Validation annually to participate in any crab trap fishery. Fishers may also incur costs for up to ten buoys at approximately \$4.00 each if they elect to fish the maximum number of traps. The proposed changes are not expected to change the level of fishing activity. CPFVs that take individual fishers on crab fishing trips would be required to attach additional buoys to crab trap lines at a cost of **\$894.84 per vessel** in initial costs and approximately **\$260** in subsequent years to replace lost or damaged buoys.

The proposed regulation also includes the provision of authority for the Director of the Department to take action to reduce the risk of marine life entanglement. This component of the regulation is not anticipated to have cost impacts to individuals. However, CPFV operations could be impacted depending on the percentage of their group fishing trips that are solely or predominantly for crab trapping. Vessels that pursue multiple species could more readily shift effort away from trap-taken crabs should crab season delays or closures occur **than those vessels that pursue only**

crab. Analysis of CPFV logs was done comparing the 2015-16 season, when the recreational crab fishery was delayed due to domoic acid public health concerns, with the following season of 2016-17 that opened as scheduled. In 2015-16, areas of the recreational fishery opened in stages between December 31 and May 26 as the domoic acid public health risk abated. The analysis shows that while the cumulative number of fisher trips involving Dungeness crab during the 2015-16 season was only 75% of the number that occurred in 2016-17, the overall number of trips performed by the fleet in 2015-16 was 98% of those in 2016-17. This suggests that effort-shift did occur on the fleet level for this delayed fishing season.

Availability of Documents:

Documents relating to the proposed changes are available for inspection on the Commission's website at <https://fgc.ca.gov/Regulations/2020-New-and-Proposed> and at the Fish and Game Commission office at 1416 Ninth Street, Suite 1320, Sacramento, California, 95814, Monday through Friday, except holidays between the hours of 8:00 a.m. and 5:00 p.m.. To help maintain the safety of Commission staff and the public during the Covid-19 pandemic, in-person access to the Commission office is limited. Consistent with the Resources Building safety plan, any member of the public wishing to visit the Commission office must first obtain written approval from Commission staff. If you wish to visit the office, please send an email to fgc@fgc.ca.gov describing the reason for your visit and your desired date and time.

Comments on the revisions to the proposed regulatory language and/or the revised economic impact analysis must be emailed to fgc@fgc.ca.gov or mailed to Melissa Miller-Henson, Executive Director, California Fish and Game Commission, P.O. Box 944209, Sacramento, California, 94244-2090, from March 5-March 22, 2021.

Sincerely,



Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment