

Emergency Regulatory Language

Section 29.80, Title 14 CCR, is amended to read:

§29.80. Gear Restrictions for Recreational Take of Saltwater Crustaceans

(a) General Provisions.

(1) Saltwater crustaceans may be taken by hand.

(2) Nets, traps or other appliances may not be used except as provided in this Section.

(3) It is unlawful to disturb, move, or damage any trap; or remove any saltwater crustacean from a trap, that belongs to another person without written permission including permission transmitted electronically, in possession from the operator of the trap. Any person with written permission from the operator of a crab trap will be in compliance with subsection (c)(3)(A)1. if the written permission contains the operator's GO ID number that matches the GO ID number on the buoy of the crab trap being fished.

~~(b) Hoop nets may be used to take spiny lobsters and all species of crabs. Between Point Arguello, Santa Barbara County, and the United States-Mexico border, not more than five hoop nets shall be possessed by a person when taking spiny lobster or crab, not to exceed a total of 10 hoop nets possessed when taking spiny lobster or crab per vessel. The owner of the hoop net or person who placed the hoop net into the water shall raise the hoop net to the surface and inspect the contents of the hoop net at intervals not to exceed 2 hours.~~

(b) Hoop Nets

(1) Hoop nets may be used to take spiny lobsters and all species of crabs.

(2) The owner of the hoop net or person who placed the hoop net into the water shall raise the hoop net to the surface and inspect the contents of the hoop net at intervals not to exceed 2 hours.

(3) It is unlawful to abandon or leave unchecked a hoop net for more than 2 hours. Any hoop net abandoned or left unchecked for more than 2 hours may be seized by any person authorized to enforce these regulations.

~~(4)~~ (4) Hoop Net Defined: There are two types of hoop nets allowed for use:

(A) Type A: Fishing gear that is comprised of one to three rigid ring(s), with each ring measuring no greater than 36 inches in inside diameter nor less than 10 inches in inside diameter, which is/are connected to non-metallic soft mesh thereby forming a circular-shaped net with an enclosed bottom. Lift lines shall be attached only to the top ring. A second and third rigid ring(s) may be connected by non-metallic soft mesh to the top ring; however, each ring must be equal in size to or smaller than the ring above it. When the net is being raised the top ring shall be above and parallel to all other rings, with the enclosed bottom portion of the non-metallic soft mesh even with or hanging below all other rings. All parts of the hoop net shall collapse and lie flat when resting on the ocean floor in such a manner that the gear does not entrap or restrict the free movement of crustaceans until lifted. When suspended from lift lines, the entire hoop net shall measure no taller than 36 inches. The ring material shall not be thicker than one inch in any dimension.

(B) Type B: Fishing gear that is comprised of only two to three rigid rings (not including the bait ring), with ~~each~~the bottom ring measuring no greater than 36 inches in inside diameter and the top ring measuring no less than 15 inches in inside diameter. The ~~upper~~top ring ~~or rings~~ shall be connected to the bottom ring and supported by no more than six rigid straight support arms, and the assembled frame shall measure no more than 10 inches tall. The rings and support material shall not be thicker than one inch in any dimension. All rings shall be connected by non-metallic soft mesh, thereby forming a net with an enclosed bottom, and lift lines shall be attached only to the top ring. It is unlawful to have any entrances below the top ring. When suspended from lift lines the enclosed bottom portion of the net shall be even with or hanging below all other rings, and the entire net shall measure no taller than 30 inches. A bait ring may be attached to the net as long as the ring is not part of the rigid frame.

~~(2) Any hoop net abandoned or left unchecked for more than 2 hours shall be considered abandoned and seized by any person authorized to enforce these regulations.~~

(5) Limits: Between Point Arguello, Santa Barbara County, and the United States-Mexico border, not more than five hoop nets shall be possessed by a person when taking spiny lobster or crab, not to exceed a total of 10 hoop nets possessed when taking spiny lobster or crab per vessel. Hoop net limits do not apply north of Point Arguello to the California-Oregon border.

~~(36) Gear Identification Requirements: Hoop nets used south of Point Arguello, Santa Barbara County, shall be marked with a surface buoy, except for those hoop nets deployed by persons on shore or manmade structures connected to the shore. Except as provided below, the surface buoy shall be legibly marked to identify the operator's GO ID number as stated on the operator's sport fishing license or lobster report card. This section does not apply to hoop nets deployed by persons on shore or manmade structures connected to the shore.~~

(A) The surface buoy of hoop nets deployed from commercial passenger fishing vessels shall be legibly marked to identify the commercial boat registration number of the vessel.

(B) The surface buoy of hoop nets provided by a licensed guide to clients for use on guided trips shall be legibly marked to identify the guide license number of the accompanying guide.

(C) In all other cases, the surface buoy shall be legibly marked to identify the operator's GO ID number as stated on the operator's sport fishing license or lobster report card, or the GO ID number of one operator if there are multiple operators.

... [No changes to subsections (c) through (j)]

NOTE: Authority cited: Sections 200, 205, 265, 275, 399, 7075 and 7078, Fish and Game Code. Reference: Sections 200, 205, 265, 270, 275, 7050, 7055 and 7056, Fish and Game Code.