



# Compliance Guide for Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Program

## Program Overview

This Compliance Guide is intended as a reference for participants in the CDFW Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Program (Retrieval Program). It does not supersede any elements of the Retrieval Program as detailed in [§132.7, Title 14, California Code of Regulations \(CCR\)](#), or any other applicable code or regulation.

Under the program, qualified entities may apply for a permit from CDFW which allows specified vessels to retrieve lost or abandoned commercial Dungeness crab trap gear after the season closes. Permittees are required to contact the original owners of the gear and offer to return the gear for a reasonable recovery fee. If the recovery fee is not paid, permittees can request reimbursement from CDFW and CDFW will levy a per-trap fee against the original owner. All retrieval activities must be documented in a logbook. **Failure to follow all of the requirements specified in §132.7(d), Title 14, CCR, including logbooks which are not completed per the instructions on the DFW 1059 form, may result in nonpayment of any requested reimbursement.**

Additional information is provided in the following sections:

- Section A: Key Terms and Responsibilities ..... 1
- Section B: Data Sharing Agreements and STD 204/205 Forms..... 2
- Section C: What Gear Can Be Retrieved?..... 3
- Section D: Filling Out Logbooks (Designated Retrievers) ..... 3
- Section E: Contacting Responsible Vessel Permitholders ..... 5
- Section F: Filling Out Logbooks (Retrieval Permittees) ..... 7
- Section G: Submitting Logbooks ..... 7
- Section H: Department Contacts ..... 8
- Section I: Trap Gear Retrieval Regulations (as of October 2022) ..... 9

## Section A: Key Terms and Responsibilities

The following terms are used throughout this Compliance Guide as well as in §132.7, Title 14, CCR:

- Retrieval Permittee: This is an entity who has received a Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit from CDFW. The Retrieval Permittee oversees retrieval of lost or abandoned gear by the individuals listed on their permit. The Retrieval Permittee is responsible for most elements of the program including securely storing the gear, contacting Responsible Vessel Permitholders, and submitting logbooks to CDFW.

- Designated Retriever: This is an individual listed on a CDFW Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit who conducts at-sea gear retrieval. Designated Retrievers are responsible for completing most of the fields on the logbook while at sea.
- Responsible Vessel Permitholder: This is the individual or entity who holds the Dungeness crab vessel permit associated with a retrieved trap. They are identified by the buoy tag permit number, buoy markings (e.g. license number), and/or the information on the trap tag. Responsible Vessel Permitholders are obligated to pay a freely-negotiated recovery fee for each trap retrieved under the program. Non-payment will result in CDFW fees which must be paid before the permit can be renewed or transferred.

## Section B: Data Sharing Agreements and STD 204/205 Forms

*Q: Why am I being asked for a list of individuals who need access to confidential data?*

A: As part of this program, CDFW can share Responsible Vessel Permitholder contact information under specific terms and conditions identified in a Data Sharing Agreement (DSA). Shortly after permit issuance, CDFW will contact Retrieval Permittees and request the names and contact information of those individuals who will need access to the information. In most cases, this will be the Retrieval Permittee but other individuals can be included if needed.

*Q: What happens if I don't provide the list to CDFW?*

A: If you do not provide this information, CDFW will be unable to execute a Data Sharing Agreement and will not be able to share contact information for Responsible Vessel Permitholders. If you are unable to obtain contact information by other methods, you will be unable to comply with the requirement to contact the permitholder within one week of retrieving the gear.

*Q: How will I receive the Data Sharing Agreement form? Who needs to sign the form?*

A: Once CDFW receives the list of individuals who need access, the Data Sharing Agreement (DSA) will be sent to those individuals via email for signature through DocuSign. All individuals who are listed will need to sign the DSA. The DSA will then be signed by appropriate CDFW staff.

*Q: Why am I being sent an STD 204 and/or STD 205 form?*

A: The Retrieval Program allows CDFW to issue reimbursements (\$125/trap) if the Responsible Vessel Permitholder does not pay the requested recovery fee. In order to issue those payments, the qualified entity must have a profile in Fi\$cal, the state's accounting system. If a profile is not found, or if the information provided on your permit application form does not match your organization's Fi\$cal profile, you will need to complete a STD 204 Payee Data Record form and/or an STD 205 Payee Data Record Supplement form.

Q: *What information should I provide on the STD 204 and STD 205 forms?*

A: The information provided on the Retrieval Permit Application form must match the information on the STD 204 form. With the exception of the remittance address, the information provided on the Retrieval Permit Application form must also match the information on the STD 205 form.

Q: *Where should I send the STD 204 and STD 205 forms?*

A: Email both forms to [WhaleSafeFisheries@wildlife.ca.gov](mailto:WhaleSafeFisheries@wildlife.ca.gov).

### Section C: What Gear Can Be Retrieved?

Q: *What types of gear can be recovered under this program?*

A: Only commercial Dungeness crab gear can be recovered under this program. The gear must have a buoy tag identifying it as being commercial Dungeness crab gear.

Q: *I found gear that does not have a buoy tag. Can I remove it?*

A: It depends. See CDFW's [FAQ: Options for Retrieval of Lost or Abandoned Commercial Dungeness Crab Gear](#) for additional information.

Q: *Should I list gear without a buoy tag on the logbook form?*

A: Do not include traps without buoy tag information in the main section of the logbook form. Instead, make a note of the number of traps (and any other relevant details) in the Trip Comments section at the bottom of the form.

### Section D: Filling Out Logbooks (Designated Retrievers)

Accurate and thorough completion of the DFW1059 logbook form is a critical component of the Retrieval Program. CDFW encourages Designated Retrievers to maintain at least one copy of the front page of the logbook form, which contains detailed instructions regarding how to complete the logbook, on board the vessel during retrieval operations. CDFW will provide laminated or waterproofed copies of the logbook instructions upon request. Additional guidance based on previously submitted logbooks follows.

#### Buoy Tags

Q: *What is a buoy tag number and what information do I need to record on the logbook?*

A: A buoy tag contains four pieces of information – the biennial period for which the tag was issued (e.g., 2019-21), the Dungeness crab permit number (CT or CN followed by 4 numbers), tier level (T followed by one number), and the sequential number of the tag (0 – 500). Only the permit number (e.g., CT0330) needs to be recorded on the logbook form. See Figure 1 for an example.



Figure 1. Photo of Dungeness crab buoy tag. The permit number, which must be recorded on the logbook, is circled in white.

*Q: Why is the Department collecting buoy tag information? Does that really need to be reported on the logbook?*

A: Buoy tag information is critical to identifying the appropriate Dungeness crab vessel permitholder and facilitating return of the gear. In the event gear return is not successful, this information allows CDFW to charge per-trap fees to the correct Dungeness crab vessel permitholder and issue reimbursements to Retrieval Permittees.

*Q: What happens if buoy tag information is not recorded on the logbook?*

A: Failure to fill out logbooks accurately and completely will result in non-payment of any requested CDFW reimbursement and may result in permit revocation. All retrieved gear must have a Dungeness crab buoy tag attached, so this information should be available for every trap.

### License Number

*Q: What is the License number?*

A: This is the commercial fishing license number written on the buoy. Often called an “L number”, it begins with the letter L followed by either 5 or 6 digits (e.g. L12345 or L123456).

*Q: The license number is missing or illegible. What should I record on the logbook?*

A: If the license number is missing or illegible, record “no license” on the logbook. Do not leave the field blank.

### Trap Tag

*Q: What is a trap tag? What information should I record on the logbook?*

A: Each commercial Dungeness crab trap is required to have a trap tag. These tags contain contact information (phone number) for the owner of the trap. They may also include an individual name and vessel name. Record all of the information which is present on the trap tag.

*Q: The trap tag is missing. What should I record on the logbook?*

A: If the trap tag is missing, record "no tag" on the logbook. Do not leave the field blank.

Q: *We are participating in a pilot program with The Nature Conservancy. As part of that program we use an application with associated QR-code printed tags. Should I record that information in this field?*

A: Do not record this information in the "Trap Tag" field. You are not required to record this information on the logbook. If you chose to include it, it should be recorded in the "Trap Comments" field or on the margins of the logbook form.

### Location Information

Q: *How should I record latitude and longitude on the logbook?*

A: Record latitude and longitude in degree decimal minutes (e.g., 38° 40.50' N, 123° 30.70' W).

Q: *I pulled several pots in a row, with the same coordinates. Do I need to record latitude and longitude on each row?*

A: Yes, this field must be completed for each retrieved trap prior to the completion of the trip and any person disembarking from the vessel.

Q: *I pulled an entire string of gear laid out in a straight line. Can I record the start and end latitude and longitude positions instead of separate coordinates for each pot?*

A: No, this field must be completed for each retrieved trap prior to the completion of the trip and any person disembarking from the vessel.

### CDFW Reimbursement Requested

Q: *I want to be reimbursed by the Retrieval Permittee for retrieving the trap. Should I check this box?*

A: No, do not check this box. This field is for use by the Retrieval Permittee to request reimbursement from CDFW for unpaid recovery fees. Designated Retrievers should not use this field to request payment from the Retrieval Permittee.

### Section E: Contacting Responsible Vessel Permitholders

Q: *When am I required to contact the Responsible Vessel Permitholder? What methods can I use?*

A: Retrieval Permittees must contact the Responsible Vessel Permitholder by text, email or certified mail within one week of the trap's retrieval. If initial contact is made via a phone call or in-person conversation, you must follow up by text, email, or certified mail within the one-week time period.

Retrieval Permittees must also contact all Responsible Vessel Permitholders with unpaid recovery fees via a certified letter postmarked no later than October 6.

Q: *What information should I provide when I contact the Responsible Vessel Permitholder?*

A: The text, email, or certified letter must include the Retrieval Permittee's contact information, the number of traps retrieved, the date the traps were retrieved, and a statement that the traps were retrieved under § 132.7, Title 14, CCR. Retrieval Permittees must retain a record of that contact for one calendar year.

Q: *What if I don't have contact information for the Responsible Vessel Permitholder? Can CDFW help?*

A: In many instances, the Retrieval Permittee will be able to use contact information from the trap tag, or may recognize the commercial fishing license number or Dungeness crab vessel permit number. However, there will be instances where assistance is needed from CDFW. Once a signed DSA is in place (see Section B), CDFW can share confidential contact information for Responsible Vessel Permitholders, including mailing addresses, email, and phone numbers.

Q: *How do I request contact information from CDFW? When will CDFW respond?*

A: Retrieval Permittees should send an email to [WhaleSafeFisheries@wildlife.ca.gov](mailto:WhaleSafeFisheries@wildlife.ca.gov) with the following information:

- Retrieval Permit number (i.e. DCTRNNN)
- Dungeness crab vessel permit number on the retrieved trap's buoy tag (i.e. CXNNNN)
- Where information should be sent (must be an Authorized Recipient listed on the DSA)

CDFW will respond to requests within two business days.

Q: *What happens if I am unable to contact the Responsible Vessel Permitholder with the contact information provided by CDFW (e.g., phone number is disconnected, voicemail is full, or email bounces back as undeliverable)?*

A: Notify CDFW promptly, so we can evaluate appropriate next steps. In the interim, you should retain all documentation associated with your attempts to contact the Responsible Vessel Permitholder.

Q: *How do I comply with the requirement to send notification via certified mail?*

A: When contacting a Responsible Vessel Permitholder by certified mail, you should send the letter via certified mail (USPS Form 3800) and request a certified mail return receipt (USPS Form 3811). The USPS webpage has more information about certified mail and certified mail return receipts. Depending on whether you request an electronic or hard copy return receipt, this results in a total cost of between \$5.60 and \$6.80.

*Q: What happens if the certified mail is returned as undeliverable?*

A: Notify CDFW promptly, so we can evaluate appropriate next steps. In the interim, you should send an additional notification and retain all documentation associated with your attempts to contact the Responsible Vessel Permitholder.

## **Section F: Filling Out Logbooks (Retrieval Permittees)**

Most items on the logbook form are completed by the Designated Retriever. The primary responsibility of the Retrieval Permittee is to ensure all required fields have been properly filled out by the Designated Retriever (including the signature and signature date), indicate whether CDFW reimbursement is requested for any traps due to unpaid recovery fees, and sign and date the logbook form prior to submitting to CDFW (see Section G).

*Q: The Responsible Vessel Permitholder won't pay the recovery fee. How long do I have to hold on to the gear before I can request CDFW reimbursement?*

A: After adhering to the contact requirements summarized in Section E (i.e. one contact within a week of the gear's retrieval and a certified letter on October 6), you must hold on to the gear until October 21. After that, any traps which have unpaid recovery fees or have not been collected by the Responsible Vessel Permitholder may be freely disposed of.

*Q: It's after October 21, and the Responsible Vessel Permitholder hasn't paid the recovery fee. How do I request CDFW reimbursement?*

A: Check the "CDFW Reimbursement" box on the logbook form, and include the buoy tag for that trap and a copy of the certified mail letter when you submit the logbook to CDFW. You should also provide CDFW with a record showing you complied with the contact requirements described in Section E, including return receipts from the certified mail letter(s). CDFW may not be able to issue reimbursement unless all of the requirements specified in Section 132.7, Title 14, CCR have been adhered to.

*Q: I checked the "CDFW Reimbursement" box but was then able to come to an arrangement with the Responsible Vessel Permitholder and no longer need reimbursement. What do I do?*

A: If there is space, use the "Trap Comments" field. Otherwise, include a letter with that information when you submit the logbook so CDFW can annotate the form.

## **Section G: Submitting Logbooks**

*Q: Do logbooks need to be submitted if no reimbursement is requested?*

A: Yes. All Retrieval Permittees are required to submit their original logbooks to CDFW, even if no reimbursement is requested. Retrieval Permittees are encouraged to retain a copy of each logbook page for their records.

*Q: Can I submit a scan or photocopy of the logbook?*

A: No. You must submit the original copy of the logbook.



*Q: When should logbooks be submitted?*

A: Logbooks must be postmarked between October 22 and November 1, or the next business day of the Retrieval Permit year.

*Q: How are logbooks submitted?*

A: Logbooks must be mailed to:

California Department of Fish and Wildlife  
Attn: Dungeness Crab Trap Retrieval  
20 Lower Ragsdale Dr., Suite 100  
Monterey, CA, 93940

*Q: Does anything else need to be mailed with the logbooks?*

A: Retrieval Permittees who are requesting CDFW reimbursement for any traps must send the buoy tag attached to that trap and a copy of the certified mail letter with the logbook. CDFW also recommends you submit a copy of the certified mail return receipt, and documentation showing you complied with the initial contact requirement (e.g., copy of the email or screen shot of a time-stamped text message).

Failure to provide requested documentation may result in non-payment of requested reimbursement.

## Section H: Department Contacts

Any questions regarding this Compliance Guide or other aspects of the program should be addressed to [WhaleSafeFisheries@wildlife.ca.gov](mailto:WhaleSafeFisheries@wildlife.ca.gov).



## Section I: Trap Gear Retrieval Regulations (as of October 2022)

### Title 14, CCR

#### 132.7. Lost or Abandoned Dungeness Crab Trap Gear Retrieval Program

(a) Commercial Dungeness crab trap gear left in the ocean after the close of the commercial Dungeness crab season is declared to be lost or abandoned and subject to retrieval under the terms of this Section.

(b) Lost or Abandoned Dungeness Crab Trap Gear Retrieval Permit Required. Pursuant to Section 9002.5 of the Fish and Game Code, the department may grant a Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit ("Retrieval Permit") to aid in the retrieval of lost or abandoned traps after the close of the commercial Dungeness crab season under the requirements of the Trap Gear Retrieval Program set forth herein. For the purposes of this Section, trap gear is defined as the trap and any attached lines or buoys. Retrieval Permits shall expire each year on December 31st.

(c) Retrieval Permit Application. Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Application (DFW 1078; New 08/14/19), incorporated herein by reference, and Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Amendment (DFW 1078a; New 08/14/19), a form allowing for its amendment, incorporated herein by reference, shall be made available online at [www.wildlife.ca.gov](http://www.wildlife.ca.gov).

(1) An applicant for a Retrieval Permit shall only be:

(A) a charitable organization as defined by 26 U.S.C. § 501 (c)(3);

(B) a sport or commercial fisherman association with a written charter or a governing board; or,

(C) a "Local agency" within the meaning of Government Code Section 5001, or a "District" within the meaning of Harbors and Navigation Code Section 6002 or 6200.

(2) At the time of filing form DFW 1078, the applicant shall submit a nonrefundable Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Application Fee, as specified in Section 705.

(3) At the time of filing form DFW 1078a, the applicant shall submit a nonrefundable Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Amendment Fee, as specified in Section 705.

(d) Lost or abandoned trap gear may only be retrieved by individuals ("Designated Retrievers") using a vessel identified on a Retrieval Permit, as modified by any subsequent Retrieval Permit Amendment of that Retrieval Permit. A holder of a Retrieval Permit ("Retrieval Permittee") shall ensure the following:

(1) Every Designated Retriever under its Retrieval Permit is a commercial fishing license holder who has not had a commercial license or permit revoked or suspended and is not awaiting final resolution of any pending criminal, civil, and/or administrative action that could affect the status of the commercial license or permit.

(2) Every Designated Retriever under its Retrieval Permit has landed or has participated in landing in a commercial trap fishery in any of the previous three calendar years.

(3) Every Designated Retriever under its Retrieval Permit has access to use a commercial pump to help dislodge traps that are silted in place.

(4) No more than 10 Designated Retrievers, and 10 associated vessels, may operate under a given Retrieval Permit. A Retrieval Permittee may amend its list of Designated Retrievers and its list of vessels by submitting a Retrieval Permit Amendment to the department.

(e) Trap Gear Retrieval Logbooks. A Retrieval Permittee shall ensure that each Designated Retriever complete an accurate record of the trap gear retrieval on a Trap Gear Retrieval Logbook (DFW 1059; New 08/14/19), incorporated herein by reference, which contains instructions regarding submission to the department. Trap Gear Retrieval Logbooks shall be kept on the vessel while it is engaged in, or returning from, trap gear retrieval operations.

(f) Trap Gear Retrieval Permit Operations. A Designated Retriever may retrieve lost or abandoned trap gear in an area starting 15 calendar days after the commercial Dungeness crab fishing season closes in that area pursuant to Fish and Game Code Section 8276 and until September 30 of that year. A Designated Retriever may also retrieve lost or abandoned trap gear during a period of time in which the Director restricts the take of Dungeness crab pursuant to Fish and Game Code Section 8276.1 or implementing regulations, if the Director authorizes retrieval operations during that time period. At no time may retrieval operations occur in an area open to commercial Dungeness crab fishing or during a designated pre-season gear setting period. Only trap gear with a Dungeness crab buoy tag issued by the department pursuant to Section 8276.5 of the Fish and Game Code may be retrieved. To the extent practicable, any lines or buoys attached to the trap shall also be retrieved.

(1) Each Designated Retriever shall keep in his/her possession a legible copy of the Retrieval Permit he/she is operating under that identifies the Designated Retriever and their associated vessel while conducting retrieval operations. At least one person aboard the vessel needs to be a Designated Retriever.

(2) Retrieved trap gear shall be stored at a secure location until collected by the Responsible Vessel Permitholder or disposed of by the Retrieval Permittee pursuant to subsection (h).

(3) Designated Retrievers and Retrieval Permittees shall, to the extent possible, prevent any additional physical damage to retrieved trap gear. Buoy tags, crab trap tags, and any other markings may not be removed from the gear until it has been documented in the Trap Gear Retrieval Logbook and processed pursuant to subsection (h).

(4) The department may enter and conduct unannounced visits to inspect facilities and vessels of a Retrieval Permittee or a Designated Retriever used as part of the trap retrieval operation. The department may also inspect, audit, or copy at any time any permit, license, book, or record required to be kept under these regulations.

(5) A Designated Retriever who observes lost or abandoned commercial Dungeness crab trap gear located in an area where take of Dungeness crab by trap is prohibited shall inform the department Law Enforcement Division through the CalTIP Program at 1-888-334-CalTIP (888-334-2258). A Designated Retriever may not retrieve such trap gear without written or verbal authorization from the department Law Enforcement Division.

(g) A Retrieval Permit may be suspended or revoked by the department for the violation of any provision of any California regulation, California Code, local ordinance, federal regulation, federal code, or the terms of the Retrieval Permit by the Retrieval Permittee or any of its Designated Retrievers. An entity whose Retrieval Permit has been suspended or revoked must turn over all records produced and all traps retrieved under the terms of this program pursuant to the Department's direction.

(h) A Dungeness crab vessel permitholder ("Responsible Vessel Permitholder") shall be liable to pay a Retriever Trap Fee on a per trap basis for each retrieved trap identified by a buoy tag, a buoy marked pursuant to Section 9006 of the Fish and Game Code, or a trap tag required by Section 132.1, Title 14, CCR as associated with his/her vessel permit.

(1) Retrieval Permittees and Responsible Vessel Permitholders may freely negotiate the amount of the Retriever Trap Fee.

(2) A Retrieval Permittee shall contact the Responsible Vessel Permitholder associated with retrieved trap gear via text, email or certified letter within one week of the trap gear being retrieved. The text, email or certified letter shall include contact information for the Retrieval Permittee, the number of traps retrieved, the date the traps were retrieved, and that the traps were retrieved under this Section. Retrieval Permittee shall maintain record of the text or email, or a copy of the letter and the certified mail receipt for at least one calendar year.

(3) A Retrieval Permittee shall contact all Responsible Vessel Permitholders with outstanding Retriever Trap Fees via certified letter postmarked no later than October 6. The certified letter shall include contact information for the Retrieval

Permittee, all traps whose Retriever Trap Fee is outstanding, the date the traps were retrieved, and that the traps were retrieved under this Section. Retrieval Permittee shall maintain record of the certified letter and the certified mail receipt for at least one calendar year.

(4) The title of retrieved trap gear shall be transferred to the Responsible Vessel Permitholder once the Retriever Trap Fee for that trap gear has been paid and the Responsible Vessel Permitholder takes physical possession of the trap gear. The Retrieval Permittee shall produce two copies of a receipt detailing the time, date, and the fee paid when the Responsible Vessel Permittee takes possession of the trap gear; the Retrieval Permittee and the Responsible Vessel Permittee shall each keep a copy of the receipt for at least one calendar year.

(5) Retrieval Permittee may freely dispose of retrieved trap gear only if the trap gear has not been picked up by the Responsible Vessel Permitholder or the Retriever Trap Fee owed has not been paid by the October 21 following the trap's retrieval. Retrieval Permittee must return associated buoy tags to the Department with the logbook documenting that trap's retrieval.

(i) Reimbursement. The Department shall reimburse a Retrieval Permittee \$125 for each trap that has been identified on a completed and submitted Retrieval Logbook as requiring Department Reimbursement.

(j) Notification and Deadline of Department Trap Fee and Non-Renewal of Dungeness crab vessel permit. A Trap Gear Retrieval Logbook shall identify the nonpayment of a Retriever Trap Fee by any Responsible Vessel Permitholder that would require the department to pursue a Lost or Abandoned Department Trap Fee on a per trap basis as specified in subsection 705(c) ("Department Trap Fee").

(1) All Responsible Vessel Permitholders shall pay the Department Trap Fee.

(2) By January 15 following the date of trap retrieval, any outstanding Department Trap Fee is considered late for a Responsible Vessel Permitholder and the department shall suspend the renewal and transferability of the associated Dungeness crab vessel permit. The suspension shall remain in effect until all outstanding Department Trap Fees have been paid by the Responsible Vessel Permitholder, consistent with Fish and Game Code Section 7852.2.