

**State of California
Office of Administrative Law**

In re:
Department of Fish and Wildlife

Regulatory Action:

Title 14, California Code of Regulations

Amend section: 132.2

NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION

Government Code Sections 11346.1 and
11349.6

OAL Matter Number: 2024-1122-02

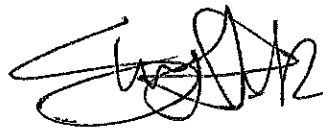
OAL Matter Type: Emergency Readopt (EE)

In this emergency readopt of OAL Matter Nos. 2024-0826-02EE and 2024-0301-01E, the Department of Fish and Wildlife is amending regulations to allow permitted Dungeness crab vessels to retrieve an unlimited number of lost, damaged, abandoned, or otherwise derelict traps during a fishery closure pursuant to California Code of Regulations, title 14, section 132.8.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 12/5/2024 and will expire on 3/6/2025. The Certificate of Compliance for this action is due no later than 3/5/2025.

Date: December 2, 2024



Steven J. Escobar
Senior Attorney

Original: Charlton Bonham, Director
Copy: Chelle Temple-King

For: Kenneth J. Pogue
Director

EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2024-1	122-02 EE
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

DEC 02 2024

1:46 PM

OFFICE OF ADMIN. LAW
2024 NOV 22 @ 11:55am

AGENCY WITH RULEMAKING AUTHORITY
Department of Fish and Wildlife

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Expand Retrieval of Commercial Dungeness Crab Traps Re-Adopt II	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2024-0301-01E, 2024-0826-02EE
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	132.2
TITLE(S)	REPEAL
14	

3. TYPE OF FILING			
<input 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 checked="" 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 §§11349.3, 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)	

PER AGENCY REQUEST SJE
12/1/2024

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)

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 type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 12/5/2024

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 Chelle Temple-King	TELEPHONE NUMBER 916-902-9223	FAX NUMBER (Optional) Chelle.Temple-Kin	E-MAIL ADDRESS (Optional) @wildlife.ca.gov
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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 11.21.24
TYPED NAME AND TITLE OF SIGNATORY Charlton H. Bonham, Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 02 2024

Office of Administrative Law

Emergency Regulatory Language

Section 132.2, Title 14, CCR, is amended as follows:

§ 132.2. Retrieval of Commercial Dungeness Crab Traps.

(a) Permitted Dungeness crab vessels shall not possess, use, control, or operate any commercial Dungeness crab trap without a buoy tag assigned to that vessel except:

- (1) To set gear as allowed under Section 8280.7 of the Fish and Game Code; or
- (2) Notwithstanding Fish and Game Code Section 9002, to retrieve from the ocean and transport to shore another permitted Dungeness crab vessel's commercial Dungeness crab trap that is lost, damaged, abandoned, or otherwise derelict, provided that:
 - (A) No more than six (6) derelict commercial Dungeness crab traps may be retrieved per fishing trip.
 - (B) The retrieving vessel shall return to the ocean waters immediately any crab found in a retrieved commercial Dungeness crab trap.
 - (C) Immediately upon retrieval of a commercial Dungeness crab trap the retrieving vessel operator shall document in the retrieving vessel's log the date and time of the trap retrieval, number of retrieved Dungeness crab traps, the location of the retrieval, and any tag information or buoy markings present on the retrieved trap.
 - (D) Any retrieved commercial Dungeness crab trap shall be transported to shore during the same fishing trip that retrieval took place.
 - (E) Notwithstanding subsection (a)(2)(A), from July 16 through October 31 or as authorized by the Director during a fishery closure pursuant to Section 132.8, an unlimited number of commercial Dungeness crab traps may be retrieved per fishing trip and transported to shore during the same fishing trip.

... [No changes to subsections (b) and (c)]

Authority cited: Sections 8276.5 and 9002.5, Fish and Game Code.

Reference: Sections 8276.5 and 9002.5, Fish and Game Code.