

**California Fish and Game Commission
Finding of Emergency and
Statement of Proposed Emergency Regulatory Action**

Emergency Action to Amend Section 180.15, Title 14, California Code of Regulations
Re: Commercial Coonstripe Shrimp Fishery

Date of Statement: January 6, 2025

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

Background

Coonstripe shrimp (*Pandalus danae*) support a commercial trap fishery centered in Northern California, from Monterey Bay to the California/Oregon border. The first significant commercial landings were recorded in 1996 in Crescent City. Landings and value have increased slowly over time, with some year-to-year fluctuations. Although the volume of landings is low when compared to other state managed fisheries, the fishery is valuable in part due to the high price per pound (\$10 in 2024) in comparison to many other fisheries. The fishery's popularity is primarily driven by the high market demand for live coonstripe shrimp. A total of 11 vessels landed shrimp in 2023 and 14 vessels landed shrimp in 2024 (Table 1).

Table 1. Coonstripe shrimp landings in California, 2019-2024. Vessels are the number of vessels that landed more than 100 pounds of coonstripe shrimp over the course of the season.

Year	Pounds	Value	Vessels
2019	99,319	\$598,035	7
2020	96,580	\$604,537	7
2021	122,006	\$916,501	6
2022	103,432	\$873,578	7
2023	122,026	\$1,150,179	11
2024	140,729	\$1,428,001	14

The Commission adopted regulations for the fishery in 2002. Participation is unrestricted, but a vessel trap permit is required for each vessel participating in the fishery. The fishery is open from May 1 through October 31 and closed from November 1 to April 30 to protect egg-bearing females. The regulations set a control date of November 1, 2001, for the purpose of establishing a future limited access fishery.

Coonstripe shrimp are caught in longline trap gear. Traps are connected to a groundline anchored at each end, referred to as a "string". Surface buoys attached to one or both ends of the groundline mark the string's location. Typically, a string contains 10-20 traps, but some can have up to 40 traps. Small shrimp and other bycatch can escape the trap through the mesh, typically 0.5-inch square openings. Trap string lengths vary in different areas of the state to minimize gear conflicts and optimize placement on suitable habitat. Near Crescent City, where effort is concentrated in one small area, fishermen use more strings (30 to 90) but each is

shorter (12 to 15 traps). In the San Francisco Bay Area, where more habitat is available, fishermen generally deploy fewer, but longer strings (4 to 30 strings; up to 40 traps per string).

Coonstripe shrimp are primarily landed in the port areas of Crescent City and San Francisco. Crescent City has a fleet of five to seven vessels that account for the majority of annual landings by weight and value. While San Francisco and Monterey Bay area (Moss Landing, and Monterey ports) have fewer landings compared to Crescent City, vessel participation has recently increased. Prior to 2023, one to four vessels typically operated in the San Francisco-Monterey Bay areas; however, this number increased to seven vessels in 2023 and nine in 2024. Participants in the coonstripe shrimp fishery also engage in other California commercial fisheries, especially Dungeness crab, salmon, and groundfish, which have undergone recent closures or increased restrictions. The closure or restriction of those fisheries likely accounts for some of the redirection of effort to participation in the coonstripe shrimp fishery, particularly in the San Francisco area.

Coonstripe fishing gear has been implicated in a total of three whale entanglements: one in 2017 near Crescent City, and two in 2024 near San Francisco. As opportunities decline in other fisheries (i.e., salmon, groundfish), more fishermen are likely to enter the coonstripe fishery. Increased participation in the coonstripe shrimp fishery elevates the risk of marine life entanglement primarily by increasing the amount of gear in the water. More participants mean more vertical lines and a broader spatial distribution of fishing activity during the peak whale migration period, raising the chances of marine animals encountering and becoming entangled in the gear. Animals such as whales can become entangled when they make contact with the lines and become weighed down by the heavy metal traps, leading to injury or death.

II. Existence of an Emergency and Need for Immediate Action

The Commission considers the following factors in determining that an emergency exists:

Magnitude of Potential Harm:

The California Department of Fish and Wildlife (Department) recommends the adoption of these proposed regulations through emergency action to avoid serious harm to the public peace and general welfare. The current regulations for the coonstripe shrimp fishery allow unlimited growth in terms of participants and deployed gear. This poses significant risk of marine life entanglement, as most of this fishery growth is likely to occur in the San Francisco Bay Area, where whales are often observed in the same area where the coonstripe shrimp fishery occurs.

Continued entanglements could lead to additional restrictions on the fishery through inclusion in a federal take reduction plan, litigation, or other actions. The proposed regulations would limit the potential for future entanglements and allow the state to continue to manage the fishery—allowing more flexibility to balance the needs of fishermen and the marine environment.

Existence of a Crisis Situation and Immediacy of Need:

The basis for this emergency action is two confirmed entanglements of whales in coonstripe fishery gear in 2024, and the need to minimize entanglement risk, expected as a result of future increases in the number of participants, prior to the start of the 2025 season. Entanglements result in harm to the entangled animal, broader marine ecosystem, and pose risks to entanglement responders. These recent entanglements hinder progress towards California's goal of zero entanglement mortality and are in direct conflict with the federal Endangered Species Act and Marine Mammal Protection Act. Given the occurrence of the two entanglements late in the 2024 season, action through a regular rulemaking would not mitigate marine entanglement risk prior to the opening of the coonstripe shrimp season on May 1, 2025. Therefore, emergency action is needed.

Under current regulations, there are no limits to the number of fishery participants or amount of gear that can be deployed. This regulatory action will limit additional gear usage by current fishery participants and allow the Commission to limit future participation in the fishery to reduce marine life entanglement risk. Emergency action is needed to implement the regulations before the start of the next season on May 1, 2025.

Proposed Emergency Regulations

The proposed regulatory action amends Section 180.15 in the following manner and in accordance with the following rationale:

1. **Amend subsection 180.15(c)(4) – Notification regarding removal of traps prior to November 1:** Changes permittee to “owner or operator” to clarify who needs to contact the Department in the event that weather and sea conditions prevent compliance with trap removal. Additionally, updates how to contact the Department’s Law Enforcement Division by centralizing where and how notifications must be sent.
2. **Add subsection 180.15(c)(5) – Definitions:** Establishes definitions for “groundline” and “vertical lines”. This is necessary to define terms for the purposes of the regulation.
3. **Add subsection 180.15(c)(6) and (c)(7) - Management Boundary:** Establishes a management boundary at the Sonoma/Mendocino county border northward to the California Oregon border, and southward to the U.S./ Mexico border. Establishing this dividing line for coonstripe fishery regulations is necessary to recognize the distinct fishing practices and marine life entanglement risks to the north and south of this line.
4. **Add subsection 180.15(c)(6)(A) and (c)(67)(A) - Traps-per-String Limits.** Establishes limits on the number of traps per ground lines. Limiting the number of authorized vertical lines as noted below may incentivize fishing longer strings of traps. This measure is necessary to address the additional impact of longer, heavier strings of traps, which can increase the severity of injury for entangled marine life, increase gear conflicts, and increase safety risk for department wildlife officers during gear

inspections. The limit is 15 for the Northern fishery and 40 for the Southern fishery, reflecting current fishing practices.

5. **Add subsection 180.15(c)(6)(B) and (c)(7)(B) - Vertical Line Limits:** Imposes limits on the number of vertical lines per vessel, which are lines attaching a trap or string of traps to a surface buoy, a primary source of entanglement risk. The limit is 180 for the Northern fishery and 60 for the Southern fishery. Establishing these limits is necessary to reflect current fishing practices and the higher entanglement risk in the Southern portion of the fishery.
6. **Add subsection 180.15(c)(6)(C) - Depth Limit (Northern Fishery):** Establish a maximum depth limit of 30 fathoms (fm) for the Northern fishery. This restriction to only allow fishing shoreward of 30 fm aims to reduce whale/gear interactions by limiting fishing activity where whale presence is less likely. Establishing a depth restriction for coonstripe shrimp in the northern fishery is necessary give that a 30 fm depth restriction has been effective in reducing whale entanglement risk in the Dungeness crab fishery in this same area during spring and summer months, which partially overlaps with the coonstripe fishery season. A depth restriction in the Southern region would not be effective due to the broad distribution of whales across various depth strata and regular occurrence of whales shoreward of the 30 fm line.
7. **Amend subsection 180.15(d) - New Control Date (February 13, 2025):** Repeal the existing control date of November 1, 2001, and establish a new control date of February 13, 2025 (the date of proposed Commission adoption of this emergency regulation). A new control date is necessary to allow the Department to consider recent participation in the fishery if a restricted access program is established. It also discourages new entrants, mitigating potential increases in coonstripe fishing gear and associated entanglement risk.

III. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

- (a) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (b) Nondiscretionary Costs/Savings to Local Agencies: None.
- (c) Programs Mandated on Local Agencies or School Districts: None.
- (d) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (e) Effect on Housing Costs: None.

IV. Technical, Theoretical, and/or Empirical Studies, Reports, or Documents Relied Upon

- McVeigh, B. (2010) Coonstripe Shrimp, *Pandalus danae*. In T. Larinto (Ed.) *Status of the Fisheries Report: An Update Through 2008*. California Department of Fish and Game.
- Petition 2020-011 AM1 regarding establishing a limited entry fishery, trap limits, and minimum mesh size.
- National Oceanic Atmospheric Administration (NOAA) Fisheries, Whale Entanglement Response Database, available from West Coast Large Whale Entanglement Response Program | NOAA Fisheries, last updated May 3, 2024.
- Endangered and Threatened Species; Identification of 14 Distinct Population Segments of the Humpback Whale (*Megaptera novaeangliae*) and Revision of Species-Wide Listing, 81 No. 174 F.R. 62260 (September 8, 2016).
<https://www.federalregister.gov/documents/2016/09/08/2016-21276/endangered-and-threatened-species-identification-of-14-distinct-population-segments-of-the-humpback>
- California Department of Fish and Wildlife. (December 2024). Application for an Individual Incidental Take Permit Under the Endangered Species Act of 1973: Incidental Take Permit Application and Draft Conservation Plan for California's Commercial Dungeness Crab Fishery. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=228134&inline>
- California Ocean Protection Council. (November 2019). Strategy for Protecting Whales and Sea Turtles & Ensuring Thriving Fisheries: Reducing the Risk of Entanglement in California Fishing Gear.

V. Authority and Reference

Authority: Sections 713, 1050, and 8591, Fish and Game Code.

Reference: Sections 1050, 8590, 8591, 8595, 9001 and 9015, Fish and Game Code.

VI. Section 399 Finding

The current regulations for the coonstripe shrimp fishery allow potentially unlimited growth in terms of participants and deployed gear. This poses significant risk of marine life entanglement, as most of this fishery growth is likely to occur in the San Francisco Bay Area, where whales are often observed in the same area where the coonstripe shrimp fishery is occurring.

Pursuant to Section 399 of the Fish and Game Code, the Commission finds that adopting this regulation is necessary for the immediate conservation, preservation, or protection of whale populations in California waters, and to limit the increase of marine life entanglement risk in coonstripe shrimp fishery gear.

Informative Digest (Policy Statement Overview)

Existence of an Emergency and Need for Immediate Action

The California Department of Fish and Wildlife (Department) requests the Commission amend Section 180.15, Title 14, California Code of Regulations to address marine life entanglement risk in the coonstripe shrimp fishery. Two confirmed entanglements occurred in coonstripe gear in 2024 near San Francisco; another whale was entangled in coonstripe and sablefish gears in 2017 near Crescent City. The fishery currently operates with minimal regulation; an open access trap permit is required for each vessel and the fishery is closed from November 1 to April 30. In the past two years, the Department has identified a dramatic increase in participant in the San Francisco area. The Department has indicated similar future increases in the number of participants is anticipated.

The proposed regulatory action amends Section 180.15 in the following manner:

1. Updates how and when to notify Law Enforcement.
2. Establishes definitions for “groundline” and “vertical lines”.
3. Establishes the Sonoma/Mendocino County border as a dividing line for coonstripe fishery regulations – “Northern” for north of this line to the Oregon/ California border, and “Southern” for south of this line to the U.S./ Mexico border.
4. Establishes limits on the number of traps per string. The limit is proposed as 15 for the Northern fishery and 40 for the Southern fishery, consistent with current fishing practices.
5. Establishes limits on the number of vertical lines that may be deployed per vessel. The limit is 180 for the Northern fishery and 60 for the Southern fishery, consistent with current fishing practices.
6. Establishes a maximum depth limit of 30 fathoms for the Northern fishery only.
7. Establishes a new control date of February 13, 2025.

Though small in terms of commercial fishery landings in California, the coonstripe fishery provides significant income to its participants and the resource appears to be sustainable based on the stability of landings through time. It is important to Northern California fisherman who have been faced with delays and closures in the Dungeness crab, groundfish, and salmon fisheries.

Under current regulations, there are no limits to the number of fishery participants or the amount of gear that can be deployed, leading to the possibility of an unlimited increase of marine life entanglement risk given the overlap and time and space with historical whale migrations. This proposed regulatory action will limit additional gear usage by current fishery participants and allow the Commission to limit future participation in the fishery to reduce

marine life entanglement risk. Emergency action is needed to implement the regulations before the start of the next season on May 1, 2025.

Benefits of the Regulation to the State’s Environment:

The Fish and Game Commission (Commission) anticipates benefits to the State’s environment by sustainably managing California’s ocean resources by limiting the potential increase of marine life entanglement risk in the coonstripe shrimp fishery. The environmental risk arising from the proposed rule is not regarded as significant, as the rule manages the resource more conservatively than existing regulations.

Consistency and Compatibility with Existing Regulations:

The Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature delegated regulation of the take of shrimp for commercial purposes to the Commission. The Commission conducted an evaluation of existing regulations, and this regulation is neither inconsistent nor incompatible with existing state regulations.