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## Frequently Asked Questions (FAQ) – Options for Retrieval of Lost or Abandoned Commercial Dungeness Crab Gear

Reference materials specific to the CDFW Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Program are available on CDFW's [Whale Safe Fisheries webpage](#). Please send any additional inquiries to [WhaleSafeFisheries@wildlife.ca.gov](mailto:WhaleSafeFisheries@wildlife.ca.gov).

### **Q: Any lost or abandoned trap with floating line could entangle marine life. Why can't I recover any gear I find?**

A: Fish and Game Code Sections 8604 and 9002(a) contain broad prohibitions against willfully or recklessly disturbing any commercial net, trap, or other harvesting apparatus belonging to another person. Section 29.80(a)(3), Title 14, California Code of Regulations (CCR) includes a general prohibition against disturbing or moving any trap belonging to another person.

Retrieval of lost or abandoned gear belonging to another person is generally prohibited, with specific exemptions.

### **Q: What exemptions exist for retrieval of lost or abandoned commercial Dungeness crab gear?**

A: There are three exemptions that allow for the retrieval of commercial gear belonging to another individual.

1. Section 132.2(a) allows permitted Dungeness crab vessels to retrieve up to six lost or abandoned commercial Dungeness crab traps at any time, and an unlimited number from July 16 – October 31 or as authorized by the director during a fishery closure pursuant to Section 132.8.
2. Section 132.2(b) allows any vessel to retrieve commercial Dungeness crab traps under a waiver issued by CDFW's License and Revenue Branch.

Section 132.2(c) allows specified persons and vessels to retrieve lost or abandoned commercial Dungeness crab traps under a Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit (Trap Gear Retrieval Permit) issued pursuant to Section 132.7, Title 14, CCR.

### **Q: I'm a Designated Retriever operating under a Trap Gear Retrieval Permit. If I come across lost or abandoned commercial Dungeness crab gear without a buoy tag, can I retrieve it?**

A: It depends. If your Designated Vessel has a valid Dungeness crab vessel permit, you may pull the gear. Because there is no buoy tag, you would be retrieving the gear under Section 132.2(a), not under the Trap Gear Retrieval Permit.

If your Designated Vessel does not have a valid Dungeness crab vessel permit, you may not pull this gear. Under the Trap Gear Retrieval Permit you are limited to only retrieving gear with a commercial Dungeness crab buoy tag.

**Q: I'm a Designated Retriever operating from a Designated Vessel with a valid Dungeness crab vessel permit. Can I pull gear under both Section 132.2(a) and Section 132.7 on the same trip?**

A: Yes, you may pull gear under Section 132.2(a) and Section 132.7 on the same trip.

**Q: If I pull lost or abandoned commercial Dungeness crab gear under Section 132.2(a), what sort of documentation am I required to maintain?**

A: When pulling gear under Section 132.2(a), there is no formal logbook requirement. However, Section 132.2(a)(2)(C) requires that "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".

**Q: I'm a Retrieval Permittee overseeing operations under a Trap Gear Retrieval Permit. One of the Designated Retrievers turned in lost or abandoned commercial Dungeness crab gear without a buoy tag. What should I do next?**

A: You should immediately contact the gear's owner and make arrangements for the gear's return. Unlike gear retrieved under the Trap Gear Retrieval Program, there is no requirement for the gear's owner to pay for its return.

**Q: If there's no buoy tag, how do I get in touch with the gear owner?**

A: In addition to a buoy tag, each trap is required to have a trap tag marked with the trap owner's telephone number.