

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections **200, 205, 399, 7075 and 7078** of the Fish and Game Code and to implement, interpret or make specific Sections **200, 205, 270, 275, 7050, 7055 and 7056** of said Code, proposes to **amend** Sections 29.80, 29.85, 195, and 701, Title 14, California Code of Regulations, relating to **Recreational Crab Fishing Gear and Commercial Passenger Fishing Vessel Trap Validation**.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The Fish and Game Commission (Commission) proposes to amend sections 29.80, 29.85, 195, and 701, Title 14, California Code of Regulations (CCR).

Background

Current regulations for the recreational Dungeness crab fishery specify seasons, size limits, bag and possession limits, closed fishing areas, and gear restrictions. Crabs can also be taken recreationally by hand, crab trap, crab loop trap (snare), or hoop net. Hoop nets may be used year-round for taking of crustaceans and have a service interval of two hours (subsection 29.80(b)(2)) and considered abandoned if left out longer than two hours (subsection 29.80(b)(3)). Current regulations do not limit the number, size or color of buoys used on hoop net gear. Hoop nets (not used from shore) must have a surface buoy that is marked to indicate specific operator either by an individual's GO ID, Commercial Passenger Fishing Vessel's (CPFV's) vessel commercial boat registration number, or guide license's identification number (subsection 29.80(b)(5)). There is no limit on the number of hoop nets that may be operated by an individual or CPFV when used north of Point Arguello, Santa Barbara County (subsection 29.80(b)(4)(B)).

CPFVs take customers on fishing trips and provide fishing gear, either with hoop nets or crab traps. Customers are required to have the proper licenses on board including a crab trap validation when CPFV's use traps. The owner and operator of a CPFV is required to keep and submit a complete and accurate record of fishing activities on a logbook (subsections 190(a) and 190(b)).

Recreational crab traps are evaluated for marine life entanglement risk during the Dungeness crab season under a marine life concentration trigger (subsection 29.80(c)(7)(A)). Under the recreational evaluation when marine life concentration triggers are met, the Director may declare a management action by RAMP Fishing Zone (subsection 29.80(c)(7)(C)). The only management actions the Director can implement are the following: a fleet advisory to employ voluntary practices, a trap prohibition at the start or end of the recreational Dungeness crab season or lifting of any trap prohibition (subsection 29.80(c)(7)(B)). This recreational entanglement evaluation regulatory framework also references definitions and management triggers described in the RAMP regulation (Section 132.8) for the commercial Dungeness crab fishery.

Proposed Changes

The proposed changes focus on updates to recreational crab gear restrictions to update use of hoop nets, provide additional tools to address entanglement risk of recreational crab traps, and prohibit unique line marks required in other fisheries from being used in recreational gear. They also address a regulations change petition (#2022-11) requesting the establishment of a CPFV validation so that CPFV customers would no longer be required to have a trap validation.

This is the summary of proposed regulations to recreational crab gear:

- **Add a hoop net tampering prohibition:** The proposed regulation would prevent unlawful tampering of hoop nets. (Proposed subsection 29.80(a)(3)(B)).
- **Prohibit the use of other West Coast fisheries' unique line marks/colors on hoop net and crab trap gear:** The proposed regulation would prohibit recreational gear for take of crustaceans from using another fishery's unique line marking. (Proposed subsection 29.80(a)(4)).
- **Clarify surface gear requirements for northern hoop nets:** The proposed regulation would standardize surface gear configurations of hoop nets used north of Point Arguello, Santa Barbara County. (Proposed subsection 29.80(b)(5)).
- **Update the marine life entanglement evaluation process:** The proposed regulation would add a trigger for confirmed entanglements of any protected species referenced in RAMP as well as a depth constraint under the available management actions (Proposed subsections 29.80(c)(7)(A), 29.80(c)(7)(B), and 29.80(c)(7)(D)).
- **Add a separate CPFV crab trap validation:** The proposed regulation would modify the current trap validation, creating a separate CPFV validation. In addition, new fields will be added to the CPFV logbook and a new fee for the CPFV validation. (Proposed subsections 29.85(a), 195(a), 195(b), 195(d), 701(i), and 701(j)).

The proposed regulatory package also includes clarifying and non-substantive edits to Section 29.80 and 29.85.

Benefits of the Regulations

The proposed regulations would clarify and improve enforceability of current regulations for hoop nets. Regulations support a petition request that also improves data collection efforts to inform fishery management. The proposal better aligns management of the recreational sector with the commercial fishery in mitigating entanglement risk of marine animals protected by the federal Endangered Species Act and Marine Mammal Protection Act. Lastly, the proposal parallels U.S. West Coast efforts to require uniquely marked gear by ensuring these marks are prohibited in California recreational crustacean gear.

Consistency and Compatibility with Existing Regulations

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that 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 has delegated to the Commission the power to adopt regulations governing recreational fishing regulations (Fish and Game Code sections

200, 205, 315, and 316.5). No other state agency has the authority to adopt regulations governing recreational fishing regulations. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of recreational crab fishing regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Public Participation

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before **July 31, 2025** at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on **August 8, 2025**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the **East End Complex Auditorium, 1500 Capitol Avenue, Sacramento, California**, which will commence at **8 a.m. on June 11, 2025** and may continue at **8 a.m., on June 12, 2025**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the **California Natural Resources Building, Second Floor, 715 P Street, Sacramento, California**, which will commence at **8 a.m. on August 13, 2025** and may continue at **8 a.m. on August 14, 2025**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or **David Haug** at FGC@fgc.ca.gov or at the preceding address or phone number. **Christy Juhasz, Dungeness Crab Biologist, Department of Fish and Wildlife, AskMarine@wildlife.ca.gov**, has been designated to respond to questions on the substance of the proposed regulations.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

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

(a) **Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States**

The proposed action will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states because the proposed regulations are for a recreational marine fishery. CPFVs that take fishers on crab fishing trips using crab traps as a fleet will now be required to purchase a CPFV-specific validation at \$1,115.08 every 365 days [$\$18.28 \times 61$ vessels], while also indicating on their fishing logbooks the number of traps or hoop nets used per daily fishing trip in addition to the information they are already required to provide. There may be unrealized cost savings for serving customers on crab trap fishing trips since they are no longer required to purchase a trap validation. CPFVs also may need to purchase an additional buoy for any hoop nets deployed if they choose to use this for their operations, but it is not required. An optional yellow marker buoy could average \$15.00 that if utilized, would be placed theoretically on up to 25 hoop nets (no hoop net limits), resulting in industry costs of approximately \$30,214.06 [$((\375 to add up to 25 buoys due to damage or loss, or $\$15.00 \times 25$ hoop net buoys) + $(\$120.31$ in labor costs, or $\$19.25/\text{hour} \times 0.25$ hours/hoop net $\times 25$ hoop nets per CPFV)) $\times 61$ CPFVs] in initial costs.

The expected annual replacement cost for buoys in subsequent years to replace lost or damaged buoys (assuming an annual gear loss rate of 20% resulting in 10 buoys needing to be replaced annually) is approximately \$10,618 [$((\150 to replace up to 10 buoys due to damage or loss, or $\$15.00 \times 10$ hoop net buoys) + $(\$24.06$ in labor costs, or $\$19.25/\text{hour} \times 0.25$ hours/hoop net $\times 5$ hoop nets per CPFV)) $\times 61$ CPFVs]. The total economic impact of buoy costs and CPFV validation costs to CPFVs is approximately \$11,733 annually.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed regulations are not anticipated to affect the volume of recreational crabbing nor result in significant costs to CPFVs that serve recreational crab trappers.

The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

The Commission anticipates benefits to the state's environment by reducing potential for marine life entanglement risk. The approximate value of each prevented whale entanglement is \$2,530,945 per whale, see Section C. Estimated Benefits in the addendum to the STD 399.

(c) Cost Impacts on a Representative Private Person or Business

Recreational crab fishers who solely use crab traps from CPFVs would no longer be required to purchase a Crab Trap Validation. However, CPFVs would be required to purchase a CPFV-specific validation [\$18.28 per validation (includes \$17.75 fee plus \$0.53 surcharge) x approximately 61 vessels] that will be good for 365 days and could cover a recreational Dungeness crab season that spans two calendar years depending on time of purchase. Additionally, CPFVs that opt to use an additional buoy may realize additional costs of \$75 a year if a buoy averages \$15.00 and they replace about 10 hoop net buoys annually, plus the labor cost of approximately \$24 for installing the buoys [\$24.06 in labor costs, or \$19.25/hr x 0.25 hours/hoop net x 5 hoop nets per CPFV]. The total cost of the validation fee and buoy costs per CPFV is approximately \$194.

Northern hoop net users who opt to use an additional buoy may realize initial costs of around \$75 if a buoy averages \$15.00 and they use about 5 hoop nets (no hoop net limits) that would require an additional buoy, and ongoing costs of \$75 in subsequent years to replace lost or damaged buoys.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The proposed regulations are anticipated to introduce some start-up and ongoing implementation and enforcement costs that may be partially recovered with the CPFV-specific validation. An estimated \$1,115.08 in CPFV-specific validation revenue is anticipated to be collected by the Department annually. However, removing 1,615 fishers from the requirement to purchase a recreational crab trap validation by fishing from a CPFV would result in a \$4,570.45 loss in revenue for the Department, with a total net decrease of \$3,455.37 in revenue for the Department. The Commission does not anticipate any savings to State agencies or cost/savings in federal funding to the State.

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

(g) 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.

(h) Effect on Housing Costs

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: May 20, 2025

Melissa Miller-Henson
Executive Director