

Attachment B
Regulatory Language

The following section of Title 14, California Code of Regulations is amended to read:

§ 132.8. Risk Assessment Mitigation Program: Commercial Dungeness Crab Fishery

. . . *[No changes to subsections (a)-(g)].* . .

(h) Dungeness Crab Fishing Gear Identification. It is unlawful to mark lines or use colored line that is required for any other state or federal fishery operating in the U.S. West Coast EEZ or in state waters of California, Oregon or Washington. Only dual-colored lines of purple and black shall be used to mark all Commercial Dungeness crab fishing gear as follows:

(1) The purple and black colors shall be clearly visible and applied using only the following methods:

(A) Painted in alternating solid color mark of 6-12 inches in length and cover the entirety (circumference) of the line; painted lines shall be regularly serviced and maintained in a condition to readily identify the line marking scheme of purple and black; or

(B) Applied during the manufacturing process by the manufacturer of the line; the line shall be three strands; two strands shall be purple and one strand shall be black.

(2) Any portion of a line that connects two buoys on all Dungeness crab fishing gear shall be continuously marked pursuant to subsection ~~(h)(2)(A)~~ (h)(1), excluding buoy gangions (also known as buoy straps). For the purpose of this section, a buoy gangion is defined as a rope or line that passes through, and is affixed to, the buoy forming loops on each end of the buoy but does not connect any two buoys.

(3) The top 15 fathoms of the line connecting the main buoy to the crab trap and any portion of a line that connects two buoys on a fishing gear shall be continuously marked pursuant to subsection ~~(h)(2)(A)~~ (h)(1), except that up to five fathoms of the line closest to the crab pot may be any color, including when fishing with less than 20 fathoms of total line, pursuant to the following schedule:

(A) Effective November 1, 2026, each permit holder shall mark the lines on at least 25% of their deployed Dungeness crab fishing gear.

(B) Effective November 1, 2027, each permit holder shall mark the lines on at least 50% of their deployed Dungeness crab fishing gear.

(C) Effective November 1, 2028, lines on all deployed Dungeness crab fishing gear shall be marked.

(i) Alternative Gear:

(1) Authorization

(A) Upon written request, the department shall authorize Alternative Gear types for use to take Dungeness crab for commercial purposes as allowed pursuant to this section.

(B) The department shall authorize Alternative Gear that meets the following criteria:

1. Detectable: detectability by the department, fishermen and public, including description how location of Alternative Gear is available visually or virtually, equipment specifications including costs, and any required specialized equipment or training to deploy, operate, or detect the gear. The Alternative Gear must be detectable to prevent fishing in closed areas. If "ropeless," the gear must be used with software that enables department law enforcement and other fishing vessels within 1/4 mile of the gear to identify the location of the gear at all times when it is deployed. The public must also be granted free access to approximate gear locations to minimize the potential for gear conflict or loss.
2. Retrievable: means of retrieval, including description of release mechanism, equipment and any specialized training needed to deploy and/or retrieve Alternative Gear, description of safeguards and procedures to minimize gear loss and ghost gear, with gear loss rates of no more than 10%. Gear must include a back-up release capability so it will surface in the event of an equipment failure and must include a gear recovery plan if the gear does not rise to the surface.
3. Identifiable: means of Alternative Gear identification, including the method or description of the mechanism required for the department to identify Alternative Gear to permit holder both remotely when submerged, and at the surface.
4. Beneficial: evidence Alternative Gear reduces risk of entanglement.
5. Enforceable: including means by which department law enforcement can find and retrieve the Alternative Gear at sea and costs of any necessary equipment and/or training. Department law enforcement must be able to retrieve and redeploy the gear.

(C) Written requests for Alternative Gear authorization shall be submitted to the department at WhaleSafeFisheries@wildlife.ca.gov. Written requests shall contain the following information:

1. Name, address, and contact information of requestor; and, if applicable, name, address, and contact information of Alternative Gear manufacturer.
2. Detailed description of each component of the Alternative Gear and how it operates.
3. Alternative Gear research trial results, including (i) the number, depth and location of trials; (ii) gear loss rates of no more than 10%, and (iii) description of the ocean conditions during trials.
4. Documentation of how the Alternative Gear performs to meet the criteria outlined in subsection ~~(h)(1)(B)~~ (i)(1)(B) above.
5. Description of an Alternative Gear recovery plan in the event retrieval is unsuccessful.
6. Description of gear retrieval system required by department law enforcement to retrieve and deploy gear.
7. Signed statement verifying all information provided is accurate.

. . . [No changes to subsection (i)(1)(D)-(j)]. . .

NOTE: Authority cited: Sections 8276.1 and 12000, Fish and Game Code.

Reference: Sections 8276, 8276.1, 8276.5, 9002.5 and 9008, Fish and Game Code.