



State of California -The Natural Resources Agency
 DEPARTMENT OF FISH AND GAME
 License and Revenue Branch
 1740 N. Market Blvd
 Sacramento, CA 95834
<http://www.dfg.ca.gov>

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



California Dungeness Crab Trap Limit and Tag Allocation Frequently Asked Questions (FAQs)

Why was a trap tag allocation established in California?

The Legislature passed and the Governor signed Senate Bill 369 (Evans) Ch. 335, Statutes of 2011.

When will the program be implemented?

Senate Bill 369 calls for adoption of the program by March 31, 2013. (Fish and Game Code (FGC) Section 8276.5(a))

How many traps are now fished in California for Dungeness Crab each year?

The March 31, 2010 Report of the Dungeness Crab Task Force created by Senate Bill 1690 (2008) noted there is no official count of how many traps are deployed each season, and that a statewide trap limit program would create a means for quantifying that number.

How will tags be allocated?

Tags will be allocated based on California landings of Dungeness crab made with trap gear documented on California landing receipts on file with the Department of Fish and Game (Department) from November 15, 2003 through July 15, 2008.

Tier	Maximum Trap Allocation	Permits	Criteria
1	500	55	Ranked by highest landings
2	450	55	Ranked by next highest landings to those in tier 1
3	400	55	Ranked by next highest landings to those in tier 2
4	350	55	Ranked by next highest landings to those in tier 3
5	300	55	Ranked by next highest landings to those in tier 4
6	250	*	*
7	175	**	**

*Ranked by the next highest landings to those in tier 5 and Dungeness crab landings of at least 5,000 pounds.

**Dungeness crab landings of less than 5,000 pounds, or a Dungeness Crab Vessel Permit was purchased on or after July 15, 2008, from a permitholder whose California Dungeness crab landings were less than 5,000 pounds. Tags in this tier shall not be transferable for the first two years of the program. (FGC Section 8276.5(a)(G))

What is the maximum trap or tag allocation?

The maximum tag allocation is 500 tags.

What is the minimum tag allocation?

The minimum tag allocation is 175 tags.

Who determines the trap allocations?

The formula for trap allocation was specified in Senate Bill 369. (FGC Section 8276.5(a))

When will permit holders know their tag allocation?

Permit holders will be notified of their tag allocation after the regulations have been adopted in 2013.

I believe there is a discrepancy between my records and the Department's. What can I do?

Complete the enclosed form and submit legible copies of the fish landing receipts you would like researched by April 30, 2012. Mail them to: Ms. Ruth Flores at the Department of Fish and Game, License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834.

How will you notify me of the research results?

The Department will mail you a written notification once the research is completed.

I would like a copy of my landings receipts. Who do I contact?

You may contact Ms. Jana Robertson at the Department of Fish Game, Marine Fisheries Statistical Unit, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720, by telephone (562) 342-7126, fax 562-342-7137, or e-mail jroberts@dfg.ca.gov.

Can I see the landing receipts of other fishermen?

No. That information, like yours, is confidential. (FGC Section 8022)

I was not the boat owner during the qualifying window period. Will the landings prior to my ownership count toward my tier qualification and can I obtain copies of landing receipts?

Yes. The current boat owner may request copies of the landing receipts. The landings history of the vessel during the window period will count.

I transferred my permit to another boat during the qualifying window period, does the landing verification combine the landings from both of my vessels?

Yes. The landings history will include transfers that occurred during the window period.

May a permittee appeal their tier assignment?

Yes. Any individual may submit an appeal in writing to the Department by March 31, 2014, for the purpose of revising upward or downward any trap allocation based on evidence that permit's California landings during the window period were reduced as a result of unusual circumstances and that these circumstances constitute an unfair hardship, taking into account the overall California landings history of the permit. The Director then has 12 months to initiate the appeal process, which is heard by an administrative law judge from the Office of Administrative Hearings. (FGC Section 8276.5(a)(6))

Is there a fee to file an appeal?

Yes. Any individual requesting an appeal must pay all expenses, including a nonrefundable filing fee as determined by the Department, to pay for the Department's reasonable costs associated with the appeal process. The filing fee has not been determined at this time. (FGC Section 8276.5(a)(6))

If an appeal is successful, does another permit holder move from a higher tier to a lower tier?

No. The Director is prohibited from removing a permit holder from any tier. (FGC Section 8276.5(a)(2))

My boat was non operational during some of the qualifying window period. What documentation do I submit to adjust my tag allocation?

At this time, the Department is only researching fish landing receipts. You may submit a written appeal by March 31, 2014 to the Department. (FGC Section 8276.5(a)(6))

My tag allocation is for 300 traps, but I only fish 200 traps. What can I do to have my tag allocation adjusted downward?

Submit a written appeal by March 31, 2014 to the Department. (FGC Section 8276.5(a)(6))

I will not be fishing for Dungeness crab. Am I required to pay for tags?

Yes. Permit holders in the program must pay a biennial fee for each trap tag and a fee for a biennial crab trap limit permit. All of the trap tags allocated to each permit must be purchased by the permit holder or the permit becomes void. (FGC Section 8276.5(a)(3)(A))

I will not be fishing for Dungeness Crab. Can I lease my tags to another boat owner with a valid Dungeness Crab Vessel Permit?

No. Tags can not be leased. (FGC Section 8276.5(a)(3)(C))

How much will tags cost?

The fees have not been determined but the fee can not exceed \$5 per trap. (FGC Section 8276.5(a)(3)(A))

How long will tags be valid?

Tags will be valid for 2 years. (FGC Section 8276.5(a)(3)(A))

Will other permits be required?

Yes. A biennial Crab Trap Limit Permit will be required. The fee has not been determined but can not be more than \$1000 per two-year period. (FGC Section 8276.5(a)(3)(B))

Can I transfer my tags?

No. Tags can not be transferred, except as part of a vessel sale. (FGC Section 8276.5(a)(3)(C)). However, tags allocated to vessels in Tier 7 shall not be transferable for the first two years of the program. (FGC Section 8276.5(a)(G))

Where can I find a copy of Senate Bill 369?

You can find Senate Bill 369 at: http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0351-0400/sb_369_bill_20110926_chaptered.pdf

(New 1/12)