

The proposed regulation is necessary to remove the differential size and bag limit for Dungeness crab taken aboard CPFVs in Central California coastal counties, to align size and bag limits statewide. Recreational fishing groups and constituents, including the Coastside Fishing Club, the Golden Gate Fishermen's Association, and one CPFV Captain, requested in December 2013 that differential limits be made uniform in order to eliminate unfairness to fishers aboard CPFVs in Central California coastal counties. The Commission directed these requests to be presented to the Dungeness Crab Task Force (DCTF) at its April 2014 meeting, in accordance with Fish and Game Code (FGC) subsection (c)(2) of Section 8276.4. The DCTF agreed that there should be uniform bag limits and minimum size limits for the recreational fishery throughout California, but deferred the decision on these specific limits to the Commission with input from the Department of Fish and Wildlife (Department) and the recreational constituency. At the direction of the Commission, the Department prepared draft proposed regulations that align CPFV size and bag limits in Central California coastal counties with the remainder of the recreational fishery.

The different regulations for the taking of Dungeness crab from CPFVs from Central California coastal counties originated in the early 1990s, based on commercial fishing interests concerned with what they thought was unfair competition from CPFVs employing fishing methods that closely resemble those methods employed by the commercial fishing fleet (i.e., crewmembers set and pull the traps, whose catch is then distributed to passengers aboard). While there is no catch allocation between sectors, fishing interests in the area negotiated a compromise to allow CPFVs to continue to catch Dungeness crab under a lower daily bag limit and higher minimum size limit. There was no biological rationale driving this difference, since the fishery was and is considered to be sustainable under the current management scheme with no set annual limits, quotas, or caps on catch.

The Department reviewed landings data for the commercial fleet in this region since the change was adopted, and reviewed recent recreational catch estimates (See Attachment A). Despite wide cyclical fluctuations in catch, the data indicate that recent recreational catch from Sonoma County south accounts for a very small percentage (~2-3%) of total recreational and commercial catch in the same area, and CPFV take represents an even smaller percent (~1%). In addition, average recent commercial catch from the past ten years in the same area has substantially increased over historic patterns from the previous ten years. While there is no resource allocation between sectors, the Department's analysis suggests that the increase in CPFV bag limit and decrease in minimum size limit would not significantly alter use patterns between sectors. That said, support amongst CPFV operators in the affected counties for the proposal for uniform bag and size limits appears to be mixed, based on a meeting hosted by Department staff

in May 2015, although only nine of the 42 invited CPFV operators (identified as active based on daily fishing logs) attended (See Attachment B). Nonetheless, based on the Department's analysis, and the lack of biological concern, the Department concurs with the recreational stakeholder groups that there is no justification to maintain different bag and minimum size limits for different sectors of the recreational fishery.

Crab trap destruct device (Section 29.80):

Existing regulations prescribe that crabs may be taken with crab traps north of Point Arguello; traps must possess at least two circular openings of 4.25 inches in diameter, to allow smaller crabs and organisms to escape. While current commercial fishing regulations require a destruct device on commercial crab traps, recreational crab trap regulations do not.

The proposed regulation is necessary to add a requirement that every crab trap shall include one destruct device. The Coastside Fishing Club requested that a destruct device be required on recreational crab traps to prevent 'ghost fishing' by lost traps.

The Department proposes that each trap possess a destruct device similar to commercial crab traps. Traps used by recreational crabbers are very similar in style to commercial crab traps but are not required to have a destruct device to prevent 'ghost fishing'. The requirement that commercial traps used to take finfish, mollusks or crustaceans be equipped with at least one trap destruct device is described in Section 9003, FGC, and Section 180.2, Title 14, CCR. The device on commercial crab traps must be made of cotton twine, No. 120 or less, used to replace several meshes in the trap. If the trap is lost at sea, the cotton will decompose, and any marine life trapped inside can escape out of the opening created. Adding this requirement to recreational fished crab traps would ensure that all traps used to fish crabs in California ocean waters would be equipped with a destruct device.

Marking of crab trap buoys (Section 29.80):

Existing regulations require that traps and buoys used by commercial fishermen and CPFVs targeting Dungeness crab are required to be labeled as prescribed (subsection (b) of Section 9006, FGC, Section 132.1, Title 14, CCR, and subsection (a)(5) of Section 29.85, Title 14, CCR). Recreational crab trap regulations do not include such a requirement.

The proposed regulation is necessary to add a requirement that every crab trap shall be affixed to a buoy that is legibly marked to identify the operator by a unique identification number, specifically the operator's GO ID (i.e., the "Get Outdoors Identification number", a unique number issued by the Automatic License Data System (ALDS) that is permanently tied to an

individual and located on their sport fishing license). The Coastside Fishing Club requested that trap buoys be required to display the contact information of the crab trap operator to deter theft of crabs from traps.

Traps used by commercial fishermen are required to be labeled appropriately according to the type of trap being used. Trap buoys in the Dungeness crab commercial fishery are labelled with the commercial fisher's license or L number as stated in subsection (b) of Section 9006, FGC. In addition, regulations provide for unique identification on buoy trap tags (Section 132.1, Title 14, CCR). Regulations also require CPFVs to label their crab traps and buoys used for taking Dungeness crab with their commercial boat registration number (subsection (a)(5) of Section 29.85, Title 14, CCR). These requirements are in place to not only identify the operator of the trap for enforcement purposes, since it is unlawful to disturb traps that belong to another person, but to potentially contact the operator if the trap becomes abandoned or derelict and is later recovered. A similar requirement for recreational crab trap buoys to contain the operator's GO ID number as listed on his/her sport fishing license would also serve the same purpose.

Trap deployment prior to season (Section 29.80):

Existing regulations provide for a crab season that is year-round, except for Dungeness crab, which may only be taken during an open season starting the first Saturday in November and extending through July 30 in Del Norte, Humboldt and Mendocino counties, and through June 30 in all other counties. Existing regulations specify that crab traps may only be used north of Point Arguello, in Santa Barbara County.

The proposed regulation is necessary to establish a seven day waiting period prior to the opening date of the Dungeness crab season, during which crab traps cannot be deployed or used. This would prevent crab traps under subsection (c) of Section 29.80, Title 14, CCR, from occupying fishing grounds for Dungeness crab before the season starts.

This seven-day suspension of trap deployment would eliminate the potential for covert fishing of Dungeness crab under the guise of rock crab fishing before the start of the season. In the week prior to the recreational Dungeness crab opener, there is a large influx of traps placed by some individuals in ocean waters that are allegedly targeting rock crab, which have a year round open season of take. However, most of these traps are actually being used to take and hold Dungeness crab before the season opens since they are placed in Dungeness crab habitat and not in areas where rock crab catch would be expected. These traps are typically not serviced by their operators until after the season starts and are effectively fishing for Dungeness crabs in the meantime. When the traps are pulled

and inspected by enforcement prior to the season opener, they are mainly occupied by Dungeness crab and very rarely by rock crab. Imposing a seven day waiting period where crab traps cannot be deployed or used prior to the opening date of the Dungeness crab season would prohibit this illegal fishing behavior and create a more fair and orderly fishery, whereby crab traps targeting Dungeness crab cannot be deployed until the first Saturday of November. Since recreational crab traps can only be deployed north of Point Arguello, Santa Barbara County, *ipso facto* this regulation would apply to all areas of the California coast north of this landmark.

The Department evaluated the potential effect this may have on the rock crab fishery, and has concluded this will not impact the fishery. This seven-day moratorium of using crab traps would not prevent rock crab fishing using hoop nets or crab loop traps, also known as snares. In addition, the timing of the proposed waiting period, to occur in late October or early November, is not considered an optimal fishing time for rock crab. The rock crab recreational fishery is open year-round and there are many other opportunities to fish using crab traps the other 51 weeks of the year, especially during the summertime.

Change for clarity

Subsection (e) of Section 29.80, Title 14, CCR, identifies Point Arguello, but does not specify the county in which it is located. The proposed regulation would add Santa Barbara County as the county in which Point Arguello is located, for purposes of public understanding and clarity, and for consistency with its inclusion in subsection (b) of Section 29.80 regarding hoop net use.

Effective dates for proposed regulations:

The following Title 14, CCR, regulation changes are proposed to become effective prior to the start of the 2015-16 Dungeness crab season (i.e., November 7, 2015, the first Saturday in November):

- Remove bag and minimum size exception language in subsections (a)(3) and (a)(7) of Section 29.85 that currently limits CPFVs in Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, and Monterey counties to the take of six Dungeness crab that are 6 inches in carapace width or greater.
- Add Santa Barbara County as the location of Point Arguello under subsection (e) of Section 29.80.
Rationale: The Department intends to request an expedited review in order for CPFV regulation changes to become effective by start of the 2015-16 Dungeness crab season. The Department will inform the CPFV operators (numbering <50) in the Central California coastal

counties directly regarding the effective date once determined.

The following Title 14, CCR, regulation changes would specify an effective date of August 1, 2016, which immediately follows the close of the 2015-16 Dungeness crab season:

- Add language to subsection (c) of Section 29.80 that requires, as of August 1, 2016, crab traps to have one destruct device of a single strand of untreated cotton twine size No. 120 or less that creates an unobstructed escape opening in the top or upper half of the trap of at least five inches in diameter when the destruct attachment material corrodes or fails.
- Add language to subsection (c) of Section 29.80 that requires, as of August 1, 2016, every crab trap to be marked with a buoy and that each buoy shall be legibly marked to identify the operator's GO ID number as found on his/her sport fishing license.
- Add language to subsection (c) of Section 29.80 that prohibits, as of August 1, 2016, crab traps from being deployed in ocean waters seven days prior to the opening of the Dungeness crab season.

Rationale: A later effective date of August 1, 2016, following the close of the 2015-16 Dungeness crab season, is proposed in order to provide adequate notice to affected recreational crab fishermen, as these changes affect a larger constituency, are more restrictive than CPFV changes, and require action on the part of fishermen. Notification and public awareness would be supported by inclusion of the changes and their effective dates in the recreational fishing regulations booklet prior to implementation.

Benefits of the Regulation

The Commission anticipates benefits to the State's environment and the health and welfare of California residents. The proposed regulation changes are intended to provide increased fishing opportunity, reduce incidences of derelict trap gear continuing to fish, deter crab theft and promote a more orderly fishery by eliminating the potential for covert fishing of Dungeness crab under the guise of rock crab fishing before the start of the season. The Commission anticipates benefits to the environment by the sustainable management of California's Dungeness crab resources.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 215, & 220, Fish and Game Code.

Reference: Sections 200, 202, 205, 206, 215, & 220, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Attachment A. Department of Fish and Wildlife Review of Commercial Dungeness Crab Landings Trends and Recent Recreational Catch Trends in Central California Coastal Counties (July 2015)

(e) Public Discussions of Proposed Regulations Prior to Notice publication:

April 22-23, 2014 Dungeness Crab Task Force (DCTF) meeting: The DCTF discussed the Coastside Fishing Club proposals at the request of the Commission, and in accordance with subsection (c)(2) of Section 8276.4, FGC. The final meeting summary can be accessed at this link, starting on page 11:

http://www.opc.ca.gov/webmaster/media_library/2009/04/DCTF_FINAL_SummaryApr22-23Meeting_06162014.pdf

August 6, 2014 Commission meeting: The Commission and public discussed the proposal submitted by the Coastside Fishing Club and reviewed by the DCTF recommendations concerning the proposal. Video tape of this discussion can be accessed at

<http://www.cal-span.org/cgi-bin/archive.php?owner=CFG&date=2014-08-06&player=silverlight>.

April 8-9, 2015 Commission meeting: A public discussion regarding the proposed regulations was held at the Commission's April 2015 meeting in Santa Rosa. Video tape of this discussion can be accessed at

<http://www.cal-span.org/cgi-bin/archive.php?owner=CFG&date=2015-04-08&player=silverlight>.

May 19, 2015 Department meeting with CPFV operators: Additional discussions were held between the Department and CPFV operators in the affected coastal counties. See Attachment B.

June 10-11, 2015 Commission meeting: A brief update and Commission direction regarding the rulemaking schedule was provided at the June 2015 Commission meeting in Mammoth Lakes. Video tape of this discussion can be accessed at

<http://www.cal-span.org/cgi-bin/archive.php?owner=CFG&date=2015-06-1>

[0&player=jwplayer&captions=\(Agenda Item 16D\).](#)

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Size limit. This proposal would increase the minimum size limit for recreational Dungeness crab to 6.25 inches to match the commercial size limit. The arguments in favor of this change centered on a desire for consistent regulations between the commercial and sport fisheries and a concern that the current sport size limit of 5.75 inches is too low to maintain the resource. The minimum size limit for both fisheries was the same, at 6.25 inches, until 1990 when the lower sport fishery size limit of 5.75 inches was adopted. This regulation provided increased fishing opportunity for recreational crab anglers, especially with the increased effort on fishing grounds following the start of the commercial season while still excluding a portion of the reproductive resource of Dungeness crab that are between this size limit and 4 inches, the approximate minimum size at maturity.

This proposal was rejected primarily because reasons for adopting the lower sport size limit in 1990 are still valid: 1) It provides added opportunity for sport fishers to catch and retain crab that have not yet recruited to the more efficient and extensive commercial fishery; 2) The sport minimum size limit is greater than the size at reproductive maturity and there is no biological or fishery need to increase the size limit; and 3) The sport fishery catch is minimal compared to catch overall, estimated to be about 2-3% of the total crab catch, based on preliminary CRFS sampling data.

2. Pre-season trap deployment. This proposal would allow CPFVs to set their traps prior to the start of the season. The arguments in favor center on consistency with commercial regulations and safety. Commercial fishermen have a 64 hour pre-set in northern California (north of the Sonoma/Mendocino county line) and an 18 hour pre-set in central California. Some CPFV operators like to set traps in advance of the opening day so that their first trip on opening day with passengers allows them to pull fished traps. Currently, under existing regulations, CPFVs either set gear on opening day at or after 12:01 AM, then return to pick up passengers at daybreak, or alternatively, take gear and passengers out at the same time. There are safety concerns that setting gear in the night time hours during late-fall ocean conditions is hazardous and having crab gear on board with passengers may reach overcapacity limits on vessels.

This proposal was rejected because of fairness and consistency issues it would generate, by only CPFVs being allowed while private sport boats would not be allowed to pre-set. Either way, the alternative would be undermining the Department proposal to remove all trap gear from the water seven days prior to opening day to avoid fishing prior to the opener, and would undermine the intent of the current Dungeness crab fishing season set to begin the first Saturday of November. The setting of baited gear is considered fishing prior to the opening day, which would be inconsistent with other sport fisheries and confusing to the public.

Six of the nine central California CPFV operators at the May 19, 2015 discussion meeting (see Appendix A) voted for a 42 hour pre-set, which is much longer than the 18 hour pre-set for commercial fishermen in central California. Furthermore, in light of the significant increase in whale entanglement events in crab trap gear over recent years, the Department, NOAA and the commercial crab industry have initiated discussions on how to reduce encounters in the future. A regulation that increases the length of trap deployment in any of our fisheries at this time is not considered a prudent approach to abating this issue while options are being explored. Regarding the safety argument, it has been and continues to be the responsibility of the CPFV operators to conduct their operations safely and follow United States Coast Guard safety and capacity regulations.

3. Opening day start time. This proposal by some CPFV operators would change the start time from 12:01 AM to 12:00 PM on opening day. The discussion focused on safety and operating during daylight hours.

This proposal was rejected because the traditional 12:01 AM opening allows more flexibility for a start time any time after, including the ability to wait until 12:00 PM to operate. It would also unfairly impact private boat and shore based fishermen who currently enjoy the earlier opening time.

4. CPFV trap limit. This proposal would increase the CPFV trap limit above the current limit of 60 traps. The argument originating from CPFV operators is that if the current proposal to increase the CPFV individual bag limit from six to ten is accepted, then more traps will be needed to catch the new bag limit for customers.

The trap limit was discussed at a May 19, 2015 meeting with CPFV operators (see Appendix A). No mutually acceptable limit was identified, but all in attendance were in support of removing the regulation in subsection (a)(4) of Section 29.85, Title 14, CCR, that caps the

maximum number of traps a CPFV can use to take Dungeness crab at 60. This proposal was rejected, in light of the significant increase in whale entanglement events in crab trap gear over recent years, which are currently under discussion between the Department, NOAA and the commercial crab industry. Discussions are focusing on how to reduce encounters in the future; and a regulation that increases the number of traps in any of our fisheries at this time is not considered a prudent approach to abating this issue while solutions are being explored. However, the need for this alternative can be tracked if the new bag limit is adopted; if it appears that more traps are needed by a significant number of CPFV operators, the Department can reconsider the issue.

(b) No Change Alternative:

1. Recreational fishers aboard CPFVs from Sonoma, Marin, San Francisco, San Mateo, Santa Cruz and Monterey counties will continue to be limited to take only six Dungeness crab that are 6 inches or greater in carapace width unlike other fishers on CPFVs in other counties or not on board CPFVs in the same counties, who enjoy a larger bag limit and lower size limit.
2. Crab traps used in the recreational fishery that are derelict will continue to fish for crabs and other organisms that will become trapped inside with no means to escape.
3. There will continue to be no means to enforce subsection (a)(3) of Section 29.80, Title 14, CCR, that states that it is unlawful to disturb, move or damage any trap that belongs to another person since no identification of the trap operator is required on traps or buoys used for the recreational take of Dungeness crab.
4. Crab traps illegally targeting Dungeness crab out of season will continue to be deployed sometimes up to a week before the recreational season begins, giving some fishers an unfair advantage before the start of the Dungeness crab season and creating a disorderly fishery opening.
5. The geographic location of Point Arguello, which is identified in subsection (e) of Section 29.80 regarding crab trap areas, will not be clarified as being located in Santa Barbara County, as it is identified under subsection (b) of Section 29.80 regarding hoop net use.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which

the regulation is proposed or would be as effective as and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action is expected to have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. 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 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:

Costs to comply with new trap and buoy requirements are anticipated to be nominal, and 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. Costs to comply with new trap and buoy requirements are anticipated to be nominal, and 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.

(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. The proposed regulation changes are intended to provide increased fishing opportunity and potential increase in business aboard CPFVs in affected county areas, reduce incidences of derelict trap gear continuing to fish, deter crab theft, and promote a more orderly fishery at the start of the Dungeness crab season.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a Dungeness crab recreational fishery encourages consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's Dungeness crab resources.

The Commission does not anticipate any non-monetary benefits to worker safety.

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

None.

(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.

VII. Economic Impact Assessment:

The economic impact of the proposed regulatory changes for the Dungeness crab recreational fishery can be estimated by tracking any resulting changes in fishing effort, defined as trapping trips and length of stay in the coastal fishery areas. Direct expenditures ripple through the economy, as receiving businesses buy intermediate goods from suppliers who then spend that revenue again. Business spending on wages is received by workers who then spend that income, some of which goes to local businesses.

The proposed changes to the recreational Dungeness crab regulations are to make the current Dungeness crab daily bag limits and size limits uniform statewide; to require that recreational crab traps contain a destruct device to prevent 'ghost fishing' by lost traps; and that trap buoys have the contact information of the crab trap operator to assist enforcement when checking that anglers' traps are in compliance and as a measure to deter theft of crabs from traps. Additionally, a seven day waiting period for deploying crab traps is proposed prior to the start of the Dungeness crab recreational season. These proposed regulatory changes are intended to provide increased fishing opportunity aboard CPFVs, less incidences of derelict trap gear continuing to fish, deter crab theft and promote a more orderly fishery at the start of the Dungeness crab season.

These regulatory changes are not anticipated to directly affect the level of trapping activity and thus are anticipated to be economically neutral. The proposed changes are consistent with existing scientifically-based regulations related to minimum size and season length, which maintain sustainable populations of Dungeness crab to ensure their continued existence and future Dungeness crab recreational fishing opportunities. Sustainability of Dungeness crab resources will also benefit from the reduction in "ghost fishing" due to the proposed regulations. Providing for sustainable Dungeness crab fishing in turn supports businesses that contribute to the fishery economy, such as: recreational fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that recreationally pursue Dungeness crab off California.

Effects of the Regulation on the Creation or Elimination of Jobs within the State

The cumulative effects of the changes statewide are estimated to be neutral to the creation or elimination of jobs in California. No significant changes in fishing effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses within the State

The cumulative effects of the changes statewide are expected to be neutral to the creation or elimination of businesses in California. No significant changes in fishing effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

Effects of the Regulation on the Expansion of Businesses Currently Doing Business within the State

The cumulative effects of the changes statewide are expected to be neutral to the expansion of businesses currently doing business in California. No significant changes in fishing effort and recreational fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

Benefits of the Regulation to the Health and Welfare of California Residents

Providing sustainable fishing bag limits that preserve ongoing opportunities for Dungeness crab trapping encourages recreation, which can have a positive impact on the health and welfare of California residents. Dungeness crab taken in the recreational fishery and later consumed may have positive human health benefits.

Benefits of the Regulation to Worker Safety

The proposed regulations are not anticipated to impact worker safety conditions.

Benefits of the Regulation to the State's Environment

It is the policy of this State to encourage the conservation, maintenance, and utilization of living marine resources under the jurisdiction and influence of the State for the benefit of all citizens (Section 1700, FGC). Benefits of the proposed management actions include increased fishing opportunity, along with the continuation of the reasonable and sustainable management of recreational Dungeness crab resources.

Informative Digest/Policy Statement Overview

Under existing law, Dungeness crab may be taken for recreational purposes with a sport fishing license subject to regulations prescribed by the Fish and Game Commission (Commission). Current regulations specify seasons, size limits, bag and possession limits, closed fishing areas, and gear restrictions.

Recreational fishing groups and constituents, including the Coastside Fishing Club, the Golden Gate Fishermen's Association, and one CPFV Captain, sent letters to the Department of Fish and Wildlife (Department) and the Commission requesting several changes to Dungeness crab recreational fishery regulations. They proposed making the current Dungeness crab daily bag limits and size limits uniform statewide at ten crab that are a minimum of 5.75 inches carapace width, in order to eliminate the unfairness to fishers aboard Commercial Passenger Fishing Vessels (CPFVs) in Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, and Monterey counties, who are only allowed to take six crab that are 6 inches or greater under current regulations. The Department has reviewed landings data for the commercial fleet in this region for the past ten seasons and recent recreational catch estimates. While there is no resource allocation between sectors, the data suggest that the increase in CPFV bag limit and decrease in minimum size limit would not significantly alter use patterns between sectors, and that maintaining different bag and size limit for CPFVs in these counties is not warranted. Therefore the Department is proposing that the separate CPFV regulatory language be removed.

The Coastside Fishing Club also requested that recreational crab traps be required to contain a destruct device to prevent 'ghost fishing' by lost traps, and that the trap buoys must contain the contact information of the crab trap operator to deter theft of crabs from traps. The Department is proposing that each crab trap possess a destruct device similar to commercial crab traps, and that each crab trap buoy must display the trap owner's GO ID number located on his/her sport fishing license.

Lastly, the Department proposes a seven day waiting period prior to the start of the Dungeness crab recreational season for deploying crab traps. This would prohibit the covert targeting of Dungeness crab under the guise of rock crab fishing before the start of the season.

In addition to these changes, the Department is proposing to add clarifying language to subsection (e) of Section 29.80, Title 14, CCR, specifying that Point Arguello is located in Santa Barbara County.

The following Title 14, CCR, regulation changes are proposed to become effective prior to the start of the 2015-16 Dungeness crab season (i.e., November 7, 2015, the first Saturday in November):

- Remove the bag and minimum size exception language in subsections (a)(3) and (a)(7) of Section 29.85 that limits CPFVs in Sonoma, Marin, San Francisco, San

Mateo, Santa Cruz, and Monterey counties to the take of six Dungeness crab that are 6 inches in carapace width or greater.

- Add Santa Barbara County as the location of Point Arguello under subsection (e) of Section 29.80.

The following Title 14, CCR, regulation changes would specify an effective date of August 1, 2016, which immediately follows the close of the 2015-16 Dungeness crab season:

- Add language to subsection (c) of Section 29.80 that requires, as of August 1, 2016, crab traps to have one destruct device of a single strand of untreated cotton twine size No. 120 or less that creates an unobstructed escape opening in the top or upper half of the trap of at least five inches in diameter when the destruct attachment material corrodes or fails.
- Add language to subsection (c) of Section 29.80 that requires, as of August 1, 2016, every crab trap to be marked with a buoy and that each buoy shall be legibly marked to identify the operator's GO ID number as found on his/her sport fishing license.
- Add language to subsection (c) of Section 29.80 that prohibits, as of August 1, 2016, crab traps from being deployed in ocean waters seven days prior to the opening of the Dungeness crab season.

Benefits of the Regulation

The Commission anticipates benefits to the State's environment and the health and welfare of California residents. The proposed regulation changes are intended to provide increased fishing opportunity, reduce incidences of derelict trap gear continuing to fish, deter crab theft and promote a more orderly fishery at the start of the Dungeness crab season, and eliminate unfairness and unnecessary complexity in the bag and size limit regulations. The Commission anticipates benefits to the environment by the sustainable management of California's Dungeness crab resources.

Consistency with State or Federal 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 regulate the recreational take of Dungeness crab, specifically the size and bag limits and means of taking (FGC sections 200 and 205). 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 and finds no other state agency regulations pertaining to the recreational take of Dungeness crab and the use of crab traps while recreational fishing.