TITLE 14 RULE MAKING: SURFACE GEAR LIMITATIONS AND GEAR REMOVAL TIME

CDFW 2018 Proposed Rulemaking

Proposed Title 14 Regulations Include:

- Limiting surface gear to reduce whale entanglements
  - Number of trailer buoys and length of line; allowing vessels to retrieve lost traps in-season with a waiver
  - Informed by Best Practices Guide

California Dungeness Crab Fishing

2017-18 Best Practices Guide to Minimize Whale Entanglement Risk

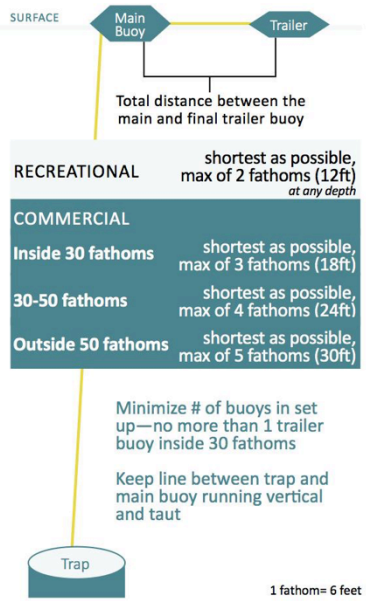
Support for Best Practices

National Marine Fisheries Service (NMFS) has confirmed significant increases in large whale entanglements over the last few years, and specifically in California Dungeness crab fishing gear. This situation threatens the stability of the fishery and coastal fishing communities. In response, a Working Group has developed this Best Practices Guide to highlight voluntary actions believed to be an important step towards reducing whale entanglements.

BEST PRACTICES

- **No excess lines should be floating at the surface.** Floating line should only be between the main buoy and trailer.
- **When changing set location across depths, adjust the length of trap lines** by adjusting shots (i.e., measured length of line) to maintain taut vertical lines.
- **Avoid setting gear in the vicinity of whales** whenever possible.
- **Maintain gear to ensure lines and buoys are in good working condition** and will not break under natural conditions causing gear to become lost or irretrievable. Lost gear contributes to marine debris and increases risk of whale entanglements.
- **All gear should be clearly marked** consistent with applicable regulation. All gear should be maintained so markings are clearly legible to facilitate correct identification of the origins of the gear involved in entanglements.
- **Use the minimum amount of scope** required to compensate for tides, currents and weather. Whales are more likely to become entangled with slack lines, which can potentially create a "floating snare".
- **Remove all fishing gear by the end of the season** when gear is no longer allowed in the water.

BUOY SET-UP BEST PRACTICES



Excess Slack Surface Line and Whale Entanglements

Ocean users, including members of the fishing community, are seeing a shift in fishing practices towards increased surface line and the use of multiple surface buoys. During a review of documented entanglements from recent years, fishermen, disentanglement responders, and others see a potential connection between slack surface line and the number of trailer buoys contributing to whale entanglements.

Taking these important, proactive steps to voluntarily reduce slack surface line will help to provide continued opportunities to harvest crab and maintain the fleet's access to the resource.

Efforts to evaluate the effectiveness of these voluntary recommendations in reducing the risk of whale entanglements will be made to inform future recommendations and/or management action. These best practices, together with investigating the co-occurrence (or overlap) between whale and fishing effort, are steps the Working Group is taking to address this challenging and complex issue.

For more information about the California Dungeness Crab Fishing Gear Working Group, including a fact sheet, background materials, meeting summaries, recommendations memos, and key resources like this Best Practices Guide, visit **opc.ca.gov/whale-entanglement-working-group.**

Reporting Entangled Whales

Report entangled whales IMMEDIATELY to the NMFS whale entanglement response hotline at 1-877-SOS-WHALe (1-877-767-9425) or hail the U.S. Coast Guard on Channel 16. If possible, stand by for responders.

Photographing Entangled Whales (>100 yards away)

WHALE: side view of dorsal fin (or hump); flukes (especially if underside is raised); head; any part of the body where gear may be present.

ENTANGLEMENT: buoy(s); tags; lines on the body; trailing lines (including distance from whale); netting (if present); other gear if present.

2015/05/16Mn NOAA MMHSRP Permit# 18786

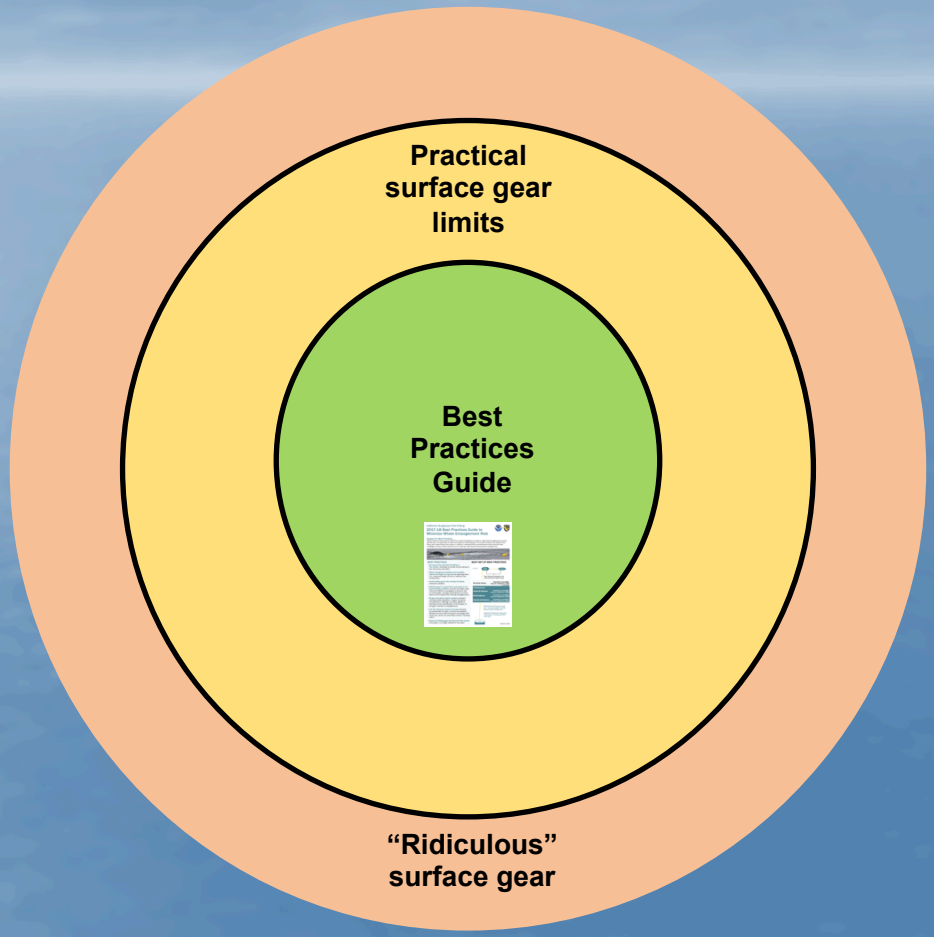
Respond Promptly if Contacted by NMFS or CDFW

If you are contacted by NMFS, California Department of Fish and Wildlife (CDFW), or any other government agency regarding a whale entangled in your gear please respond and provide as much information as possible about your fishing gear and practices. Gaining a better understanding of where, when, and how entanglements are occurring is essential in working to prevent entanglements in the future.

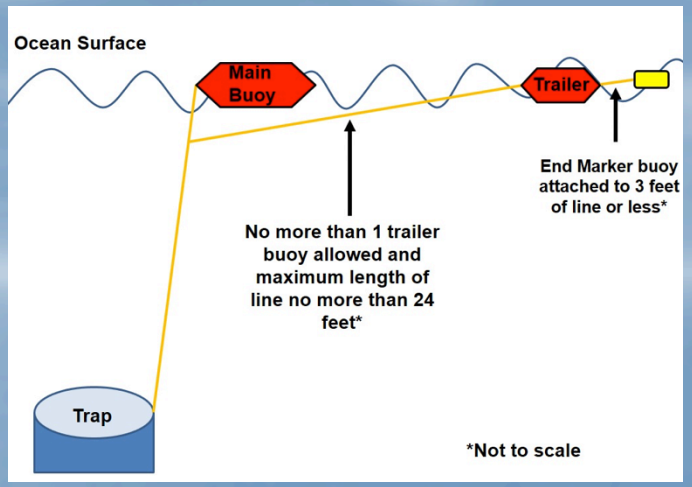
If you have suggestions for reducing entanglements in fishing gear, contact Dan Lawson, NMFS Protected Resources Division, at Dan.Lawson@noaa.gov or 562-980-3209.

The Best Practices Guide was developed by the California Dungeness Crab Fishing Gear Working Group.

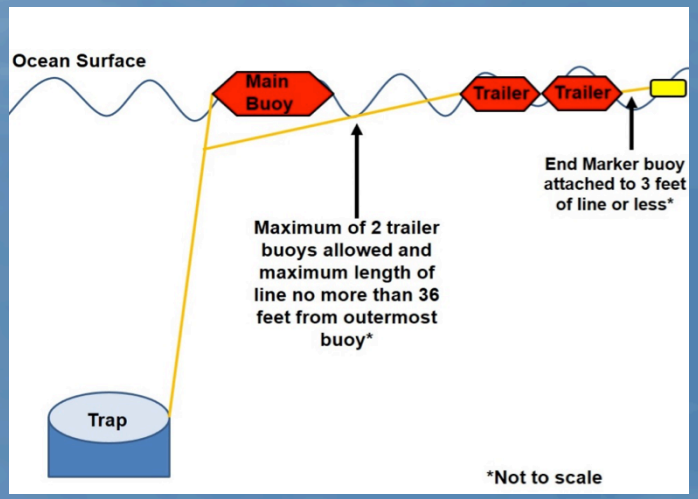
Limiting Surface Gear – How to Set Limits



At Depths ≤35 fathoms



At Depths >35 fathoms



Rulemaking Calendar

- June 8, 2018 Public Notice
- 45-day public comment period until July 23, 2018
  - Written comments email to: Christy.Juhasz@wildlife.ca.gov
- Public Hearing will be held:

  Date: Tuesday, July 31, 2018

  Time: 9-11:30am

  Location:

  Santa Rosa Rattigan State Building
  Conference Room 410 (Fourth Floor)
  50 D Street, Santa Rosa

Add § 132.6 Dungeness Crab Trap Surface Gear Limitations and Gear Removal Time

(a) Pursuant to Sections 8276.5 and 9005 of the Fish and Game Code, every trap or string of traps shall be marked with a buoy, known hereafter as the main buoy, and such buoy shall be tagged with a Dungeness crab biennial buoy tag. Any additional surface buoys attached after the main buoy shall be limited to the following:

(1) No more than one trailer buoy for traps deployed at depths equal to or less than 210 feet (35 fathoms).

(2) No more than two trailer buoys for traps deployed at depths greater than 210 feet (35 fathoms).

(3) One end marker buoy that shall not extend more than three feet in length behind the last trailer buoy.

(b) End marker buoys shall be less than five inches in diameter and are not considered trailer buoys.

(c) The length of the line that is attached between the last trailer buoy and either the main buoy or the vertical line attached to the trap shall not exceed:

(1) A maximum of 24 feet when the trap is deployed at depths equal to or less than 210 feet (35 fathoms).

(2) A maximum of 36 feet when the trap is deployed at depths greater than 210 feet (35 fathoms).

Add § 132.6 Dungeness Crab Trap Surface Gear Limitations and Gear Removal Time

(d) It is unlawful to leave any Dungeness crab buoys, lines, or traps in state waters after the end of the Dungeness crab fishing season. All Dungeness crab traps shall be removed from state waters by 11:59 pm on the last day of the season as set forth in sections 8276 and 8277 of the Fish and Game Code.

NOTE: Authority cited: Sections 702, 7059, 8276, and 8277 Fish and Game Code. Reference: Sections 7056, 7059, 8276, 8277, 9002.5, 9004, 9005, and 9007, Fish and Game Code.