

**Introduced by Senator McGuire**

(Coauthors: Assembly Members Achadjian, Levine, and Wood)

February 19, 2016

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An act to amend Section 9002.5 of the Fish and Game Code, relating to commercial fishing.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1287, as introduced, McGuire. Commercial fishing: Dungeness crab.

Existing law regulates the Dungeness crab fishery and prohibits a person from using a vessel to take, possess, or land Dungeness crab for commercial purposes without a Dungeness crab vessel permit. Existing law requires a commercial Dungeness crab trap to be marked with a buoy and the buoy to be marked with an identification number. Existing law regulating commercial fishing traps makes it unlawful, except as specified, to willfully or recklessly disturb, move, or damage any trap that belongs to another person and that is marked with a buoy identification number. Existing law, until April 1, 2019, authorizes the department, in consultation with the Dungeness Crab Task Force, to develop regulations as necessary to provide for the retrieval of lost or abandoned commercial crab traps.

This bill would require the department, as part of the above-described regulations, to establish a retrieval permit program that would grant a Dungeness crab vessel permitholder who obtains a retrieval permit the authority to retrieve during the closed season of the Dungeness crab commercial fishery lost or abandoned Dungeness crab traps belonging to another person and to receive compensation for that retrieval on a per trap basis. The bill would require the department to establish a fee to be charged to a Dungeness crab vessel permitholder for each trap

belonging to the permitholder that is retrieved through the program. The bill would prohibit the department from renewing a Dungeness crab vessel permit until any fee imposed pursuant to the program has been paid.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) The Dungeness Crab Task Force supports the Department  
4 of Fish and Wildlife issuing citations for abandoning traps in the  
5 ocean and for fishing during the closed season of the Dungeness  
6 crab commercial fishery in addition to charging fees for the  
7 retrieval of Dungeness crab traps pursuant to the program  
8 established by this act.

9 (2) The commercial Dungeness crab fishing industry does not  
10 tolerate strings of gear left in the ocean after the season closes.  
11 The program established by this act will provide an incentive to  
12 retrieve traps from the ocean.

13 (3) Establishing this program will help reduce the risk of whale  
14 entanglements in commercial Dungeness crab fishing gear.

15 (b) This act shall be known and may be cited as the Whale  
16 Protection and Crab Gear Retrieval Act.

17 SEC. 2. Section 9002.5 of the Fish and Game Code is amended  
18 to read:

19 9002.5. (a) Notwithstanding Section 9002, the department, in  
20 consultation with the Dungeness Crab Task Force, shall develop  
21 regulations as necessary to provide for the retrieval of lost or  
22 abandoned commercial crab traps.

23 (b) *As part of the regulations adopted pursuant to subdivision*  
24 *(a), the department shall establish a retrieval permit program*  
25 *consistent with all of the following:*

26 (1) *The department shall establish a retrieval permit that grants*  
27 *a Dungeness crab vessel permitholder who obtains a retrieval*  
28 *permit the authority to retrieve during the closed season of the*  
29 *Dungeness crab commercial fishery lost or abandoned Dungeness*  
30 *crab traps belonging to another person and to receive*  
31 *compensation for that retrieval on a per trap basis from the*

1 revenue generated by the fee established pursuant to paragraph  
2 (2).

3 (2) The department shall establish a fee to be charged to a  
4 Dungeness crab vessel permitholder for each trap belonging to  
5 the permitholder that is retrieved through the program. The  
6 department shall set the fee at a level sufficient to cover the  
7 reasonable regulatory costs associated with the program and to  
8 provide reasonable compensation to a retrieval permitholder on  
9 a per trap basis. The reasonable regulatory costs associated with  
10 the program include, but are not limited to, administrative costs,  
11 storage costs, and costs associated with disposing unusable traps  
12 or traps whose owner cannot be identified.

13 (3) The department shall determine how a Dungeness crab trap  
14 retrieved through the program shall be stored and how the owner  
15 of the trap shall be notified with regard to claiming the trap.

16 (4) A Dungeness crab trap shall not be returned to the owner  
17 of the trap until the owner has paid the fee established pursuant  
18 to paragraph (2).

19 (5) The department shall not renew a Dungeness crab vessel  
20 permit until any fee imposed pursuant to paragraph (2) has been  
21 paid.

22 (c) The department may adopt additional requirements  
23 necessary to implement the program described in subdivision (b).

24 ~~(b)~~

25 (d) This section shall become inoperative on April 1, 2019, and,  
26 as of January 1, 2020, is repealed, unless a later enacted statute,  
27 that becomes operative on or before January 1, 2020, deletes or  
28 extends the dates on which it becomes inoperative and is repealed.