

# Options & Considerations: In-Season Waivers for Allowing 6+ Traps

## California Dungeness Crab Task Force

*Drafted to support October 16-18, 2017 DCTF Meeting*

The following options are currently under consideration by the California Dungeness Crab Task Force (DCTF) for potential recommendations related to issuing waivers to allow more than six lost or derelict traps on a vessel in-season. These options have been informed by the DCTF Executive Committee (EC) and from public comments throughout 2017 and **will be discussed and are expected to be voted on during the October 16-19, 2017 DCTF meeting**. DCTF Members are responsible for sharing these options with their constituents and be ready to make final recommendations at the October 2017 DCTF meeting.

### Overview

Under a waiver granted by the California Department of Fish and Wildlife (CDFW), retrieval of more than six (6) Dungeness crab traps to shore in-season may only be performed by another Dungeness crab permitted vessel. CDFW has had trouble during past seasons issuing a waiver for non-permitted vessels to retrieve gear in-season. A change to the Title 14 regulations could simplify this issue for LED moving forward.

### *Options: District 6 and 7 Proposal*

Option presented is to update 14 CCR § 132.2 with the language in red.

§ 132.2. Waiver for a Permitted Dungeness Crab Vessel to Retrieve Another Vessel's Dungeness Crab Traps.

- (a) No Dungeness crab permitted vessel shall possess, use, control, or operate any Dungeness crab trap without a buoy tag assigned to that vessel except:
- (1) To set gear as allowed under Section 8280.7 of the Fish and Game Code; or
  - (2) To retrieve from the ocean and transport to shore commercial Dungeness crab trap(s) of ~~another a~~ permitted Dungeness crab vessel that were lost, damaged, abandoned, or otherwise derelict, provided that:
    - (A) No more than six (6) derelict Dungeness crab traps may be retrieved per fishing trip, except as provided in subparagraphs (E) and (F).
    - (B) Crab from the retrieved Dungeness crab trap(s) shall not be retained and shall be returned to the ocean waters immediately.
    - (C) Immediately upon retrieval of Dungeness crab trap(s), the retrieving vessel operator shall document in the retrieving vessel's log the date and time of trap retrieval, number of retrieved Dungeness crab traps, location of retrieval, and retrieved trap tag information.
    - (D) Any retrieved Dungeness crab trap(s) shall be transported to shore during the same fishing trip that retrieval took place.
    - (E) From July 16 through October 31, an unlimited number of Dungeness crab traps may be retrieved per fishing trip and transported to shore during the same fishing trip.
    - (F) Under a waiver granted by the department, retrieval of more than six (6) Dungeness crab traps to shore by another ~~Dungeness crab~~ **permitted** vessel is allowed if:

1. The vessel is incapacitated due to a major mechanical failure or destroyed due to fire, capsizing, or sinking, or;
2. Circumstances beyond the control of the permitholder created undue hardship.
3. A request for the waiver shall be submitted in writing to the department's License and Revenue Branch.
4. A copy of the waiver approved by the department shall be on board the vessel making the retrieval.
5. The waiver may include conditions such as time period to conduct retrieval, landing prohibitions or any other criteria the department deems necessary.

Note: Authority cited: Sections 8276.5 and 9002.5, Fish and Game Code. Reference: Sections 8276.5 and 9002.5, Fish and Game Code.