

State of California  
California Department of Fish and Wildlife  
Initial Statement of Reasons for Regulatory Action

Add Section 181  
Title 14, California Code of Regulations  
Re: Commercial Fishery Line Marking Prohibition

I. Date of Initial Statement of Reasons: May 27, 2025

II. Dates and Locations of Scheduled Public Hearings

Date: August 12, 2025

Location: Teleconference/Webinar

Meeting details will be made available at:

[https://wildlife.ca.gov/Notices/Regulations/  
Commercial-Lines](https://wildlife.ca.gov/Notices/Regulations/Commercial-Lines)

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Unless otherwise specified, all section and subsection references in this document are to Title 14 of the California Code of Regulations (CCR).

This proposal adds a new section to Title 14 prohibiting all state-managed commercial fisheries from using line marking patterns assigned to another state fishery on the U.S. West Coast. This new section will be replacing the former Section 181, which expired under its own terms in 1980.

## **BACKGROUND**

Beginning in 2014, the number of large whale entanglements caused by commercial fishing gear increased significantly along the U.S. West Coast (Saez et al. 2021; Figure 1). Of these, the entanglements of humpback whales and blue whales carry particular significance because of their status as listed species under the federal Endangered Species Act (ESA; 16 USC 1531 *et seq.*). In 2014, the number of confirmed humpback whale entanglements rose to 16. This was followed by the first ever confirmed entanglement of a blue whale in 2015. In 2016, the number of confirmed humpback whale entanglements rose to an unprecedented 48, while the number of confirmed blue whale entanglements rose to three. Then in 2016, a Pacific leatherback sea turtle, another ESA-listed species, was also confirmed entangled in commercial Dungeness crab gear near Monterey (Benson, S.R. 2019).

From 1982 to 2023, the commercial Dungeness crab fishery contributed to 71 confirmed whale entanglements, more than any other fishery on the U.S. West Coast (gill net, which is used in several fisheries, has been responsible for 102; NMFS West Coast Regional Office Whale Entanglement Response Database, shared January 8, 2024). In 2020, to help reduce and mitigate entanglements, California adopted the Risk Assessment and Mitigation Program (RAMP) into Title 14 as Section 132.8. As part of the RAMP regulations update the Department adopted in 2025 (OAL matter no. 2025-04-04), all commercial Dungeness crab

traps in California will be required to have lines with alternating black-and-purple coloring starting November 1, 2025. This requirement would make the gear more identifiable in the event of an entanglement (Figure 2), which would further aid in the development of reduction and mitigation measures. Regulations for commercial Dungeness crab fisheries in Washington and Oregon already contain line marking requirements.

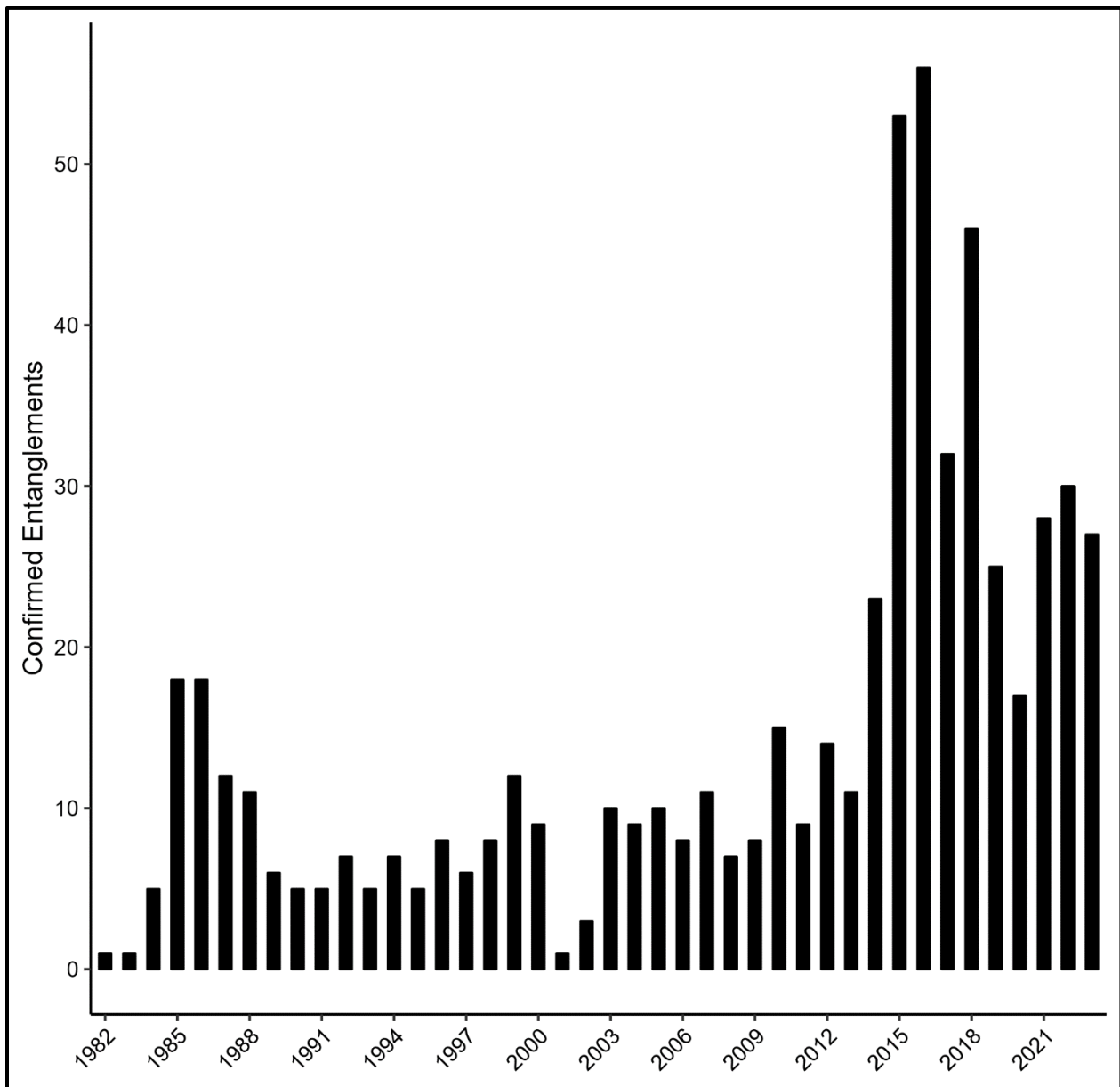


Figure 1. Confirmed large whale entanglements reported to NMFS West Coast Region, all reporting locations, species and gear types, 1982 – 2023 (NMFS West Coast Regional Office Whale Entanglement Response Database, shared January 8, 2024).








Figure 2: Figure of a humpback whale entangled in fishing where the line is the only visible portion of the gear (NMFS 2018).

## CURRENT CODE AND REGULATIONS

As of spring 2025, Oregon and Washington have both adopted line marking requirements for their respective commercial Dungeness crab fleets under various implementation timelines (Table 1). The Oregon Dungeness crab fishery will be required to use alternating black-and-yellow lines (Oregon Administrative Rules 635-005-0480 (5) (2025)), and the Washington Dungeness crab fishery will be required to use black-and-red (Washington Administrative Code 220-340-430 (2025)). The Department is proposing an alternating black-and-purple pattern for the California Dungeness crab fishery under the adopted RAMP regulations. Additionally, the California Fish and Game Commission has adopted marking requirements for the headrope of set gill nets in the state (Table 1).

Table 1: Current and proposed state line marking requirements on the U.S. West Coast.

Fishery	Summary of Pattern	Picture and Pattern Example
CA Dungeness crab starting November 1, 2025 (14 CCR 132.8; proposed)	Dual-colored lines of purple and black, either: 1) Painted in alternating solid color mark of 6-12 inches in length and cover the entirety (circumference) of the line, or 2) Manufactured line: The line shall be three strands; two strands shall be purple, and one strand shall be black.	

Fishery	Summary of Pattern	Picture and Pattern Example
OR Dungeness crab starting December 1, 2026 (OAR 635-005-0480)	Dual-colored yellow and black line, with: 1) The majority of strands colored yellow and at least $\frac{1}{3}$ of strands colored black, or 2) Sets of solid yellow and black marks covering the entire circumference of the line for at least two feet yellow within six inches of at least two feet black (to be phased out by December 1, 2033).	 
WA Dungeness crab starting December 1, 2025 (WAC 220-340-430)	Line must be marked as red and black: 1) Dual-colored manufactured line must have two strands red and at least one strand black, or; 2) Sets of solid red and black marks covering the entire circumference of the line for at least two feet red within six inches of at least two feet black (through November 30, 2035).	 
CA set gill net starting January 1, 2026 (14 CCR 174.1; adopted)	Orange 1-inch-wide by 12-inch-long orange nylon straps woven into the headrope at intervals not to exceed 20 fathoms.	

## PROPOSED REGULATION

### Add Section 181: Prohibition on the Use of Line Markings Assigned to Another Fishery

This proposal will prohibit every state-managed commercial fishery from using any line with a pattern that has been assigned to another state fishery operating off the U.S. West Coast. This is necessary to prevent any misidentification of the entanglement source during marine life entanglement events. The proposed regulatory language is adapted from current Washington regulations (WAC 220-330-020 (3)(f), 220-340-430 (7), 220-340-520 (4)(e), & 220-360-220 (3)(c)).

#### (b) Goals and Benefits of the Regulation

This proposal aims to prevent state-managed fisheries from using lines with markings that have been assigned to another state-managed fishery in Washington, Oregon, or California. In concert with fishery specific line marking requirements, the proposed regulation will help ensure the source of an entanglement is correctly identified, enabling the state to develop effective mitigation measures to reduce such incidents.

#### (c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Section 9056, Fish and Game Code

Reference: Section 9056, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change

None. The proposed regulation does not require the use of specific technology or equipment, since the proposed language aims to prohibit all state-managed commercial fisheries from using line marking patterns already assigned to another state fishery on the U.S. West Coast.

(e) Identification of Reports or Documents Providing Background Information

- Benson, S.R. (2019). Biology of Leatherback Turtle off California: Movements, Foraging Ecology, Abundance, and Status. California Dungeness Crab Fishing Gear Working Group, 23 April 2019.  
[https://www.opc.ca.gov/webmaster/media\\_library/2019/10/D\\_Crab\\_working\\_group\\_3-5Sep2019\\_Leatherback.pdf](https://www.opc.ca.gov/webmaster/media_library/2019/10/D_Crab_working_group_3-5Sep2019_Leatherback.pdf)
- Saez L, Lawson D, DeAngelis M. (2021). Large whale entanglements off the U.S. West Coast, from 1982-2017. National Oceanic and Atmospheric Administration Technical Memorandum NMFS-OPR-63A. 50 p.  
<https://repository.library.noaa.gov/view/noaa/29002>
- Washington Department of Fish and Wildlife. (2025). Proposed Rule Making CR-102 (June 2024) (Implements RCW 34.05.320) WSR 25-03-125 Amending commercial crab gear requirements and implementing comprehensive line marking in the coastal Dungeness crab fishery.  
<https://wdfw.wa.gov/sites/default/files/about/regulations/filings/2025/combined-wsr-25-03-125.pdf>

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

In March and May 2025, outreach letters were sent to all commercial fishery participants who may be impacted by this rulemaking notifying them of the Departments intent to pursue a rulemaking to prohibit the use of lines with marks assigned to another fishery.

Prior to the outreach letters, the necessity of prohibiting other fisheries from using line marking requirements specific to commercial Dungeness crab fisheries was discussed in the following meetings with the California Dungeness Crab Fishing Gear Working Group (Working Group):

- a. June 25, 2024 – RAMP 2025 updated regulations (“2.0”) Proposed Regulation Update – Webinar
- b. October 3, 2024 – Working Group Annual Meeting – Santa Rosa, Webinar
- c. October 22, 2024 – Dungeness Crab Fishery Risk Assessment – Webinar

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

The Department considered prohibiting state-managed fisheries from utilizing any line marking requirements for federal fisheries in anticipation of any future federal requirements. This option was considered but rejected due to potential jurisdiction complexities within certain groundfish sectors and the lack of current federal requirements.

(b) No Change Alternative

Without the change, fishery operators from any fishery can use line markings designated for another fishery, leading to potential misidentification of fishing gear responsible in the event of an entanglement.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

In light of the available evidence, Department staff could not identify reasonable alternatives that would lessen adverse impact on small business and still achieve the goal of this proposal.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will 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

The Department does not anticipate any adverse economic impacts to businesses that would affect their ability to compete with businesses from other states as a result of these regulations to prohibit state-managed commercial fisheries from using line markings already assigned to another state fishery operating on the U.S. West Coast. The proposed regulations impose no costs that would create an adverse economic impact, as commercial fishery participants in the state do not use these line markings and would thus not incur replacement costs to comply with the regulation.

(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 Department does not anticipate any economic impacts to the creation or elimination of jobs within the state, the creation or elimination of businesses within the state, or the expansion of businesses within the state as a result of these regulations to prohibit state-managed commercial fisheries from using line markings already assigned to another state fishery operating on the U.S. West Coast. The proposed regulations impose no costs that would create an adverse economic impact that would affect jobs in the affected sector, as commercial fishery participants in the state do not use these line markings and would thus not incur replacement costs to comply with the regulation.

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

The Department does not anticipate any cost impacts to a representative private person or business as a result of these regulations to prohibit state-managed commercial fisheries from using line markings already assigned to another state fishery operating on the U.S. West Coast. The proposed regulations impose no costs that would create an adverse economic impact that would affect an individual or business, as commercial fishery participants in the



state do not use these line markings and would thus not incur replacement costs to comply with the regulation.

(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

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Department does not anticipate any effects of the regulation on the creation or elimination of jobs within the state as the regulation prohibits line markings from other states that are not currently used by commercial fishery participants in the state, thus imposing no new costs on these businesses that would impact the creation or elimination of jobs in that sector.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Department does not anticipate any cost impacts to the creation or elimination of businesses within the state as a result of these regulations to prohibit state-managed commercial fisheries from using line markings already assigned to another state fishery operating on the U.S. West Coast. The proposed regulations impose no costs that would create an adverse economic impact that would affect businesses in a way that spurs their creation or elimination, as commercial fishing vessels in the state do not use these line markings and would thus not incur replacement costs to comply with the regulation.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Department does not anticipate any cost impacts to the expansion of businesses currently doing business within the state as a result of these regulations to prohibit state-managed commercial fisheries from using line markings already assigned to another state fishery operating on the U.S. West Coast. The proposed regulations impose no costs that would create an adverse economic impact that would affect businesses in a way that would cause them to expand or shrink their operations within the state, as commercial fishery participants in

the state do not use these line markings and would thus not incur replacement costs to comply with the regulation.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Department does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Department does not anticipate impacts to worker safety as a result of the proposed regulations.

(f) Benefits of the Regulation to the State's Environment

The Department anticipates benefits to the state's environment, as ensuring that the source of an entanglement is correctly identified would help the state better develop management measures to reduce and mitigate future entanglements.

(g) Other Benefits of the Regulation

None.



## Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

Beginning in 2014, the number of large whale entanglements caused by commercial fishing gear increased significantly along the U.S. West Coast. From 1982 to 2023, the commercial Dungeness crab fishery contributed to 71 confirmed whale entanglements, more than any other fishery on the U.S. West. In 2020, to help reduce and mitigate entanglements, California adopted the Risk Assessment and Mitigation Program (RAMP) into Title 14 as Section 132.8. As part of the RAMP regulations update the Department adopted in 2025 (OAL matter no. 2025-04-04), all commercial Dungeness crab traps in California will be required to have lines with alternating black-and-purple coloring starting November 1, 2025. This requirement would make the gear more identifiable in the event of an entanglement, which would further aid in the development of reduction and mitigation measures. Both the states of Oregon and Washington have already adopted similar measures for their respective Dungeness crab fisheries. To help ensure that the source of an entanglement is not misidentified, this proposal would prohibit every state-managed commercial fishery from using line markings assigned to another state fishery operating on the U.S. West Coast.

### REGULATORY PROPOSAL

In order to prevent the misidentification of the responsible fishery during marine life entanglement events, the Department proposes to add the following section:

#### Section 181. Prohibition on the Use of Line Markings Assigned to Another Fishery

It is unlawful to use fishing gear that has on any part of the gear line marks or multi-colored line required for any other Washington, Oregon, or California state fishery operating in state or federal waters off the U.S. West Coast unless legally participating in the fishery requiring such line marks or multi-colored line.

### BENEFITS OF THE PROPOSED REGULATIONS

This proposal aims to prevent state-managed commercial fisheries from using line with markings that have been assigned to another state managed fishery. In concert with fishery specific line marking requirements under RAMP, the proposed regulation will ensure the source of an marine life entanglement is attributed to the commercial fishing gear responsible, enabling the state to develop effective mitigation measures to reduce and mitigate future entanglements.

#### Consistency and Compatibility with Existing Regulations

The Legislature has delegated authority to the Department to adopt regulations regarding the marking and color coding of lines used in state managed fisheries (Section 9056 of the Fish and Game Code). The Department has reviewed existing regulations in Title 14, California Code of Regulations (CCR) and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. Department staff have searched the CCR and have found that no current CCR section restricts any commercial fishery from using line marking already reserved for another fishery operating on the West Coast.