

## STAFF SUMMARY FOR DECEMBER 12-13, 2018

**16. DELAYED OPENING AND CLOSURE OF FISHERIES DUE TO HUMAN HEALTH RISK****Today's Item****Information** ☒**Action** ☐

Discuss action taken by DFW's director to order the delay or closure of fisheries due to human health risk associated with elevated levels of domoic acid. For this meeting:

- (A) Delayed opening of recreational Dungeness crab season, from Patrick's Point (Humboldt County) to the California/Oregon state line;
- (B) Delayed opening of commercial Dungeness crab season, from Bodega Head (Sonoma County) to the Sonoma/Mendocino county line; and
- (C) Closure of commercial spiny lobster fishery, in State waters around Santa Cruz and Anacapa islands in Ventura County.

**Summary of Previous/Future Actions (N/A)****Background**

Under Fish and Game Code Section 5523(a), DFW's director has authority to order the closure of any State waters or restrict the take of any fish species if state health agencies determine that the fish is likely to pose a human health risk from high levels of toxins. If the director takes such measures, he is required to notify FGC and request that FGC schedule a public discussion of the closure at its next scheduled regular meeting. Any actions taken pursuant to Section 5523 are exempt from the Administrative Procedure Act.

On Oct 25, 2018, DFW's director delayed the opening and closed the recreational Dungeness crab fishery from Patrick's Point in Humboldt County north to the California/Oregon state line due to unhealthy levels of domoic acid (Exhibit 1). Pursuant to Section 5523(b), the closure will continue until the director is notified by the public health agencies that a health risk no longer exists.

On Nov 9, 2018, DFW's director delayed the opening of and closed the commercial Dungeness crab fishery from the southern boundary of Bodega Head State Marine Reserve, Sonoma County north to the Sonoma/Mendocino county line (Exhibit 2). On Dec 3, 2018, DFW's director scheduled the commercial Dungeness crab fishery to open in the closed area on Dec 8, 2018 since state health agencies determined that there was no longer a significant human health risk due to domoic acid (Exhibit 3).

On Oct 16, 2018, DFW's director enacted a commercial spiny lobster fishery closure near Santa Cruz and Anacapa islands in Ventura County due to unhealthy levels of domoic acid (Exhibit 4). On November 16, 2018, DFW's director lifted the commercial spiny lobster fishery closure as recommended by state health agencies since domoic acid no longer posed a significant human health risk (Exhibit 5).

**Significant Public Comments (N/A)****Recommendation (N/A)**

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**Exhibits**

1. [Declaration of fisheries closure - recreational Dungeness crab, signed Oct 25, 2018](#)
2. [Declaration of fisheries delay – commercial Dungeness crab, signed Nov 9, 2018](#)
3. [Declaration lifting fisheries delay – commercial Dungeness crab, signed Dec 3, 2018](#)
4. [Declaration of fisheries closure – commercial spiny lobster, signed Oct 16, 2018](#)
5. [Declaration lifting fisheries closure - commercial spiny lobster, signed Nov 16, 2018](#)

**Motion/Direction (N/A)**



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DECLARATION OF FISHERIES CLOSURE  
DUE TO A PUBLIC HEALTH THREAT  
CAUSED BY ELEVATED LEVELS OF DOMOIC ACID IN DUNGENESS CRAB  
Pursuant to Fish and Game Code Section 5523, I find and declare that

I.

On October 25, 2018, the Director of the Office of Environmental Health Hazard Assessment in consultation with the State Public Health Officer at the California Department of Public Health determined that Dungeness crab in state waters from Patrick's Point, Humboldt County (41° 8.00' N. latitude) north to the California/Oregon border pose a human health risk due to elevated levels of domoic acid and recommended closure of the recreational Dungeness crab fishery in the affected area.

II.

**THEREFORE**, under the authority granted by Fish and Game Code Section 5523, I am enacting a recreational Dungeness crab fishery closure in state waters from Patrick's Point, Humboldt County (41° 8.00' N. latitude) north to the California/Oregon border. State waters extend three nautical miles beyond outermost islands, reefs and rocks.

The closure will remain in place until I am notified by the public health agencies named above, that a health hazard regarding Dungeness crab no longer exists.

Charlton H. Bonham, Director

Oct. 25, 2018 / 10:05 A.M. PST

Date/Time



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DEPARTMENT OF FISH AND WILDLIFE  
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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DECLARATION OF FISHERIES DELAY  
DUE TO A PUBLIC HEALTH THREAT  
CAUSED BY ELEVATED LEVELS OF DOMOIC ACID IN DUNGENESS CRAB  
Pursuant to Fish and Game Code Section 5523, I find and declare that

I.

On November 9, 2018, the Director of the Office of Environmental Health Hazard Assessment in consultation with the State Public Health Officer at the California Department of Public Health determined that Dungeness crab in state waters from the southern boundary of Bodega Head State Marine Reserve in Sonoma County (38° 18' N. latitude) north to the Sonoma/Mendocino county line (38° 46.125' N. latitude) pose a human health risk due to elevated levels of domoic acid and recommended to delay opening the commercial Dungeness crab fishery in the affected area.

II.

**THEREFORE**, under the authority granted by Fish and Game Code Section 5523, I am delaying the opening of the commercial Dungeness crab fishery in state waters from the southern boundary of Bodega Head State Marine Reserve in Sonoma County (38° 18' N. latitude) north to the Sonoma/Mendocino county line (38° 46.125' N. latitude).

The closure will remain in place until I am notified by the public health agencies named above, that a health hazard regarding Dungeness crab no longer exists.

Charlton H. Bonham, Director

11/09/2018, 10:30 a.m. pst

Date/Time





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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DECLARATION OF LIFTING FISHERIES CLOSURE  
DUE TO A PUBLIC HEALTH THREAT  
CAUSED BY ELEVATED LEVELS OF DOMOIC ACID IN DUNGENESS CRAB  
Pursuant to Fish and Game Code Section 5523, I find and declare that

I.

On November 9, 2018, the Director of the Office of Environmental Health Hazard Assessment (OEHHAA) in consultation with the State Public Health Officer at the California Department of Public Health (CDPH) determined that Dungeness crab in state waters from the southern boundary of Bodega Head State Marine Reserve in Sonoma County (38° 18' N. latitude) north to the Sonoma/Mendocino county line (38° 46.125' N. latitude) pose a human health risk due to elevated levels of domoic acid and recommended to delay opening the commercial Dungeness crab fishery in this area.

II.

On December 3, 2018, the Director of OEHHAA in consultation with the State Public Health Officer at CDPH determined that Dungeness crab in waters from the southern boundary of Bodega Head State Marine Reserve in Sonoma County (38° 18' N. latitude) north to the Sonoma/Mendocino county line (38° 46.125' N. latitude) no longer pose a significant human health risk due to elevated levels of domoic acid and recommended opening the commercial Dungeness crab fishery in this area.

III.

**THEREFORE**, under the authority granted by Fish and Game Code Section 5523, I am opening the commercial Dungeness crab fishery in state waters from the southern boundary of Bodega Head State Marine Reserve in Sonoma County (38° 18' N. latitude) north to the Sonoma/Mendocino county line (38° 46.125' N. latitude) at **12:01 a.m. on Saturday, December 8**. Pursuant to subsection 5523(d) of the Fish and Game Code, this opening shall be preceded by an 18-hour gear setting period set to begin at **6:01 a.m. on Friday, December 7**.

Charlton H. Bonham, Director

12/3/18 12:50 pm PST

Date/Time



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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DECLARATION OF FISHERIES CLOSURE  
DUE TO A PUBLIC HEALTH THREAT  
CAUSED BY ELEVATED LEVELS OF DOMOIC ACID IN SPINY LOBSTER  
Pursuant to Fish and Game Code Section 5523, I find and declare that

I.

On October 16, 2018, the Director of the Office of Environmental Health Hazard Assessment in consultation with the State Public Health Officer at the California Department of Public Health determined that spiny lobster in state waters off Anacapa Island pose a human health risk due to elevated levels of domoic acid and recommended closure of the commercial spiny lobster fishery in the affected area.

II.

**THEREFORE**, under the authority granted by Fish and Game Code Section 5523, I am enacting a commercial spiny lobster fishery closure in state waters around Santa Cruz and Anacapa Islands east of 119°30.000'W. longitude, and west of 119°10.000'W. longitude. The commercial take and/or possession of spiny lobster is prohibited in closed waters. State waters extend three nautical miles beyond outermost islands, reefs and rocks.

The closure will remain in place until I am notified by the public health agencies named above, that a health hazard regarding spiny lobster no longer exists.

Charlton H. Bonham, Director

10/16/18 2:38 pm pacific

Date/Time





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*EDMUND G. BROWN JR., Governor*  
*CHARLTON H. BONHAM, Director*



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DECLARATION OF LIFTING FISHERIES CLOSURES PUT IN PLACE  
DUE TO A PUBLIC HEALTH THREAT  
CAUSED BY ELEVATED LEVELS OF DOMOIC ACID IN SPINY LOBSTER  
Pursuant to Fish and Game Code Section 5523, I find and declare that

I.

On October 16, 2018, the Director of the Office of Environmental Health Hazard Assessment (OEHAA) in consultation with the State Public Health Officer at the California Department of Public Health (CDPH) determined that spiny lobster in state waters off Anacapa Island pose a human health risk due to elevated levels of domoic acid and recommended closure of the commercial spiny lobster fishery in the affected area.

II.

On November 16, 2018, the Director of OEHAA in consultation with the State Public Health Officer at the CDPH determined that spiny lobster in waters around Anacapa Island no longer pose a significant human health risk due to elevated levels of domoic acid and recommended opening the commercial lobster fishery in this area.

III.

**THEREFORE**, under the authority granted by Fish and Game Code Section 5523, I am opening state waters around Santa Cruz and Anacapa Islands east of 119°30.000'W. longitude, and west of 119°10.000'W. longitude. The commercial spiny lobster fishery is now open statewide.

Charlton H. Bonham, Director

11/16/2018 12:45 pm PST

Date/Time