

STAFF SUMMARY FOR FEBRUARY 6, 2019

28. 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 commercial Dungeness crab season, from Patrick's Point (Humboldt County) to the California/Oregon state line.

Summary of Previous/Future Actions

- Discussion hearing - recreational fishery closure Dec 12-13, 2018; Oceanside
- **Discussion hearing - commercial fishery delay Feb 6, 2019; Sacramento**

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 closed the recreational Dungeness crab fishery in the area from Patrick's Point in Humboldt County north to the California/Oregon state line due to unhealthy levels of domoic acid (Exhibit 1). Consistent with Section 5523(a), FGC held a public discussion of the closure at its Dec 2018 meeting.

Subsequent to the Dec FGC meeting, on Jan 7, 2019, DFW's director took additional action to delay the opening of the commercial Dungeness crab fishery in the same area, due to persisting unhealthy levels of domoic acid (Exhibit 2).

On Jan 18, 2019, DFW's director announced the lifting of both the recreational and commercial Dungeness crab fishery closures in waters from Patrick's Point, Humboldt County north to the California/Oregon border based on a recommendation by state health agencies that domoic acid no longer posed a significant human health risk. The recreational fishery opened immediately in this area, while the commercial Dungeness crab fishery opened on Jan 25, 2019 at 12:01 a.m., preceded by a 64-hour gear setting period commencing at 8:01 a.m. on Jan 22, 2019 (Exhibit 3).

Today's meeting provides an opportunity for public discussion, pursuant to Section 5523, related to the DFW actions described above associated with the commercial Dungeness crab fishery.

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 Jan 7, 2019](#)
3. [Declaration lifting fisheries delay – recreational and commercial Dungeness crab, signed Jan 18, 2019](#)

Motion/Direction (N/A)



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Director's Office
P.O. Box 944209
Sacramento, CA 942442-2090
www.wildlife.ca.gov

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



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Director's Office
P.O. Box 944209
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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 January 7, 2019, 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 waters from Patrick's Point, Humboldt County (41° 8.00' N. latitude) north to the California/Oregon border (42° 0.00' 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 waters from Patrick's Point, Humboldt County (41° 8.00' N. latitude) north to the California/Oregon border (42° 0.00' N. latitude). It is unlawful to take, possess, or land crab within the closed area.

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

1/7/19 1:50 pm PST

Date/Time



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 October 25, 2018, the Director of the Office of Environmental Health Hazard Assessment (OEHHA) in consultation with the State Public Health Officer at the California Department of Public Health (CDPH) determined that Dungeness crab in waters from Patrick's Point, Humboldt County (41° 8.00' N. latitude) north to the California/Oregon border (42° 0.00' N. latitude) pose a human health risk due to elevated levels of domoic acid and recommended delaying the opening of the recreational Dungeness crab fishery in the affected area.

II.

On January 7, 2019, the Director of OEHHA in consultation with the State Public Health Officer at CDPH determined that Dungeness crab in waters from Patrick's Point, Humboldt County (41° 8.00' N. latitude) north to the California/Oregon border (42° 0.00' N. latitude) pose a human health risk due to elevated levels of domoic acid and recommended delaying the opening the commercial Dungeness crab fishery in the affected area.

III.

On January 18, 2019, the Director of OEHHA in consultation with the State Public Health Officer at CDPH determined that Dungeness crab in waters from Patrick's Point, Humboldt County (41° 8.00' N. latitude) north to the California/Oregon border (42° 0.00' N. latitude) no longer pose a human health risk due to elevated levels of domoic acid and recommended opening the recreational and commercial Dungeness crab fisheries in the affected area.

IV.

THEREFORE, under the authority granted by Fish and Game Code Section 5523, I am opening the recreational Dungeness crab fishery in waters from Patrick's Point, Humboldt County (41° 8.00' N. latitude) north to the California/Oregon border (42° 0.00' N. latitude). The commercial Dungeness crab fishery in this area will open at **12:01 a.m. on Friday, January 25**. Pursuant to subsection 5523(d) this opening shall be preceded by a 64-hour gear setting period to begin at **8:01 a.m. on Tuesday, January 22**.

Charlton H. Bonham, Director

01/18/2019, 11:33 a.m.

Date/Time