State of California
Department of Fish and Wildlife

Memorandum

Date: November 6, 2015

To: Debra M. Cornez, Director
Office of Administrative Law

From: Charlton H. Bonham
Director

Subject: **Emergency Statement to Amend Section 131, Title 14, California Code of Regulations, Re: Commercial rock and Dungeness crab fishing emergency closure and season delay due to unsafe domoic acid levels.**

Attached is the Emergency Statement of Reasons for the above regulatory action regarding commercial Dungeness and rock crab fishing. The Department of Fish and Wildlife (Department) requests that the Office of Administrative Law expedite approval of the rulemaking and transmit the regulatory text to the Secretary of State for filing.

A massive toxic bloom of *Pseudo-nitzschia* is currently impacting marine life along California's coast. Some species of *Pseudo-nitzschia* produce domoic acid, which is a potent neurotoxin that can accumulate in shellfish, other invertebrates and sometimes fish. Domoic acid causes illness and sometimes death in a variety of birds and marine mammals that consume affected organisms. At low levels, domoic acid exposure can cause nausea, diarrhea and dizziness in humans. At higher levels, it can cause persistent short-term memory loss, seizures and can in some cases be fatal.

Recent tests of crab at nine fishing ports from Santa Barbara to Crescent City showed domoic acid levels that exceed the State's action level and, as determined by the California Department of Public Health (CDPH), therefore pose a significant risk to the public if they are consumed.

On November 3, 2015, CDPH issued a health advisory warning individuals to avoid eating Dungeness crab and rock crab due to the detection of high levels of domoic acid. The advisory was followed by a recommendation from the Director of the Office of Environmental Health Hazard Assessment (OEHHA) who, in consultation with the director of CDPH and based on thorough and adequate scientific evidence, recommended that the rock crab fishery be closed and the Dungeness crab season be delayed from the Oregon border to the southern Santa Barbara County line.

Pursuant to Fish and Game Code Section 7715(a), and based on the recommendation from the director of OEHHA, I am ordering the closure of the commercial rock crab fishery and a delay in the opening of the commercial Dungeness crab fishery in the prescribed area through the enclosed emergency regulations.

The Dungeness crab fishery is one of California's most economically important and popular fisheries. The fishery has a well-established order and structure between the recreational and commercial sectors as well as between different Districts within the

commercial sector.

The proposed reopening procedures in these emergency regulations are designed to maintain the existing structure as closely as possible by providing the recreational sector fishing opportunities prior to the start of the commercial season and by explicitly recognizing that this action constitutes a delay pursuant to state law in the opening of the season for purposes of Fish and Game Code Section 8279.1.

I know many are deeply disappointed by the delay of the Dungeness crab season, but public health and safety is our highest priority. The Department is committed to working closely with CDPH, OEHHA, and the fishing community to continue to obtain samples to determine when the fisheries can be safely opened and fishing can resume.

If you have any questions regarding this item, please contact Craig Martz, Regulations Unit Manager at (916) 653-4674 or Craig.Martz@wildlife.ca.gov.

Attachments

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