



April 12, 2016

**NOTICE OF PROPOSED REGULATORY ACTION
TO READOPT EMERGENCY REGULATIONS**

Subject: Extension of commercial rock crab and Dungeness crab fishing emergency closures due to unsafe domoic acid levels.

The California Department of Fish and Wildlife (Department) proposes to readopt the emergency rulemaking action filed by OAL on November 6, 2015 (Register 2015, No. 45) under the Administrative Procedure Act (APA) to continue the closure of both the commercial rock crab fishery and the commercial Dungeness crab fishery in certain areas of state waters, under Section 131, Title 14, California Code of Regulations for an additional 90-day period. While domoic acid levels have declined to below public health thresholds in some areas, samples of Dungeness crab and rock crab taken from state ocean waters continue to show persistently high domoic acid levels in certain areas of the state warranting the continuance of the emergency closures in those areas. The commercial rock crab fishery remains closed north of 35° 40' North Latitude and in state waters between the Channel Islands of Santa Cruz and Santa Rosa, while the commercial Dungeness crab fishery is closed north of the Mendocino/Sonoma county line. The high domoic acid levels found in the Dungeness crab and rock crab samples in some areas of the state pose a significant risk to public health as determined by the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health.

Pursuant to Government Code section 11346.1, subdivision (a)(2), and California Code of Regulations, Title 1, section 52, at least five working days prior to submission of the proposed readoption to OAL, notice must be provided to every person who has filed a request for notice of regulatory action with the Department. After submission of the proposed readoption to OAL, any interested person will have five (5) calendar days to submit related comments to OAL as set forth in Government Code section 11349.6. Also upon submission, OAL will have ten (10) calendar days within which to review and make a decision on the proposed readoption.

The specific text of the proposed emergency regulations and the Finding of Emergency and Informative Digest may be accessed through the Department's website at the following address:

<https://www.wildlife.ca.gov/Notices/Regulations/CrabEmergency>

For the latest information on domoic acid test results and fishery closures, visit:

<https://www.wildlife.ca.gov/Crabs>

If you have any questions regarding this emergency action, please contact Craig Martz, Department Regulations Unit Manager, Wildlife and Fisheries Division, at (916) 653-4674. Related comments or questions can also be submitted to the Department via email at the following address: Regulations@wildlife.ca.gov.