

PROPOSED TEXT OF EMERGENCY REGULATION

Section 131, Title 14, CCR, is amended to read as follows:

§ 131. Mariculture and Shellfish Allotments. [Repealed]Dungeness Crab and Rock Crab Emergency Closure.

(a) Pursuant to Fish and Game Code Section 7715(a), the director prohibits all take or possession of Dungeness crab (*Metacarcinus magister*) under a commercial fishing license from any ocean waters of the state north of Point Reyes, Marin County (38°00' N. lat.) and all rock crab (rock crab, *Cancer antennarius*, yellow crab, *Cancer anthonyi*, and red crab, *Cancer productus*) under a commercial fishing license from any ocean waters of the state north of Pigeon Point (37°11'00" N. lat.) due to domoic acid levels in Dungeness crab and rock crab that pose a significant risk to public health as determined by the Director of the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the Director of the California Department of Public Health (CDPH). The department shall notify the general public of all season delays or closures via the notification process as follows:

(1) Notification of Closed Waters: The department shall give the public and commercial fishermen immediate notice of any season delay or closed waters pursuant to this Section via a department news release, maintain a list of open and closed ocean waters of the state and update that list as necessary on Wednesday of each week by 1:00 pm. It shall be the responsibility of any commercial fisherman prior to taking Dungeness or rock crab to use the telephone number provided below or to go to the department's website at www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories to obtain the current status of any ocean water. The number to call for information is (831) 649-2883.

(b) Pursuant to Fish and Game Code Section 7715(b), the opening of any ocean waters closed under subsection (a) of these regulations shall become operative when the Director of OEHHA, in consultation with the Director of CDPH, determines that a health risk no longer exists and notifies the director with a request to reopen the commercial fishery, and the director complies with notification provisions in this subsection. The director shall notify commercial fishermen and the general public of all re-opened waters via the notification process as follows:

(1) Notification of Re-Opened Waters: The department shall give the public and commercial fishermen notice of any re-opened waters pursuant to this Section via a department news release and will update the list of open and closed ocean waters as required in subsection (a)(1) of these regulations. The department may coordinate with commercial fishermen regarding a notification period to ensure an orderly fishery. It shall be the responsibility of any commercial fisherman prior to taking Dungeness or

rock crab to use the telephone number provided below or to go to the department's website at www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories to obtain the current status of any ocean water. The number to call for information is (831) 649-2883.

(c) This emergency action supersedes the commercial fishing seasons established by Fish and Game Code sections 8276 and 8282.

Note: Authority cited: Sections ~~5700 and 15400~~7715, Fish and Game Code. Reference: Sections ~~5700 and 15400~~154157715, 8276 and 8282, Fish and Game Code.