

## STAFF SUMMARY FOR JUNE 21-22, 2017

**32. COMMERCIAL ROCK CRAB FISHERY CLOSURE****Today's Item****Information** ☒**Action** ☐

Discuss recent action by DFW director to continue closure of commercial rock crab fishery north of Bodega Bay due to elevated levels of domoic acid.

**Summary of Previous/Future Actions**

- |   |                                      |
|---|--------------------------------------|
| • DFW emergency closure of commercial rock crab fishery | Nov 17, 2016                         |
| • Emergency closure expired                             | May 16, 2017                         |
| • Closure under DFW director's authority                | May 16, 2017                         |
| • <b>Today's public discussion on fishery closure</b>   | <b>June 21-22, 2017; Smith River</b> |

**Background**

In Nov 2016, California's health agencies (California Department of Public Health (CDPH) and the Office of Environmental Health Hazard Assessment (OEHHA)) recommended that DFW close the commercial fishery north of Pigeon Point, San Mateo County, due to unhealthy levels of domoic acid in tissue samples from the area. DFW took action to close the fishery under an emergency rulemaking on Nov 17, 2016, with an expiration date of May 16, 2016. The recreational fishery for rock crab remained open statewide with a warning from CDPH to recreational anglers to avoid consuming the viscera of rock crab caught in the closure area.

Pursuant to new Fish and Game Code Section 5523(a), DFW's director now 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, the director is required to notify FGC and request that FGC schedule a public discussion of the closure at its next scheduled full FGC meeting. Any actions taken pursuant to Section 5523 are exempt from the Administrative Procedure Act.

On May 16, 2017, DFW's director issued a declaration to continue the commercial rock crab fishery closure north of Pigeon Point, as state public health agencies had not recommended opening the fishery by that time (Exhibit 1). Pursuant to Section 5523(b), the closure will continue until the director is notified by public health agencies that a health risk no longer exists. The director notified FGC of his action and requested a public discussion at the next scheduled full FGC meeting, as required (Exhibit 2).

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

1. [DFW declaration of fishery closure due to public health threat, dated May 16, 2017](#)
2. [DFW memo, dated May 15, 2017](#)

**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 FISHERY CLOSURE EXTENSION  
DUE TO A PUBLIC HEALTH THREAT  
CAUSED BY ELEVATED LEVELS OF DOMOIC ACID IN ROCK CRABS  
Pursuant to Fish and Game Code Section 5523, I find and declare that

I.

On November 8, 2016, the state Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the California Department of Public Health (CDPH), recommended to CDFW to close the commercial rock crab fishery north of Pigeon Point, San Mateo County due to elevated levels of the neurotoxin Domoic Acid in rock crab tissue samples. Subsequently, CDFW Director Charlton H. Bonham submitted to the Office of Administrative Law an emergency rulemaking to close the commercial rock crab fishery north of Pigeon Point. The recreational fishery for rock crab remained open statewide with a warning from CDPH to recreational anglers to avoid consuming the viscera of rock crab caught in the closure area.

II.

Following the recommendation of state health agencies, the CDFW Director, under new authority granted by Fish and Game Code Section 5523, announced on February 10, 2017 that the open area of the commercial rock crab fishery had been extended northward to Bodega Bay, Sonoma County (38° 18' N. Lat.).

III.

The emergency commercial rock crab fishery closure for the area north of Bodega Bay is due to expire on May 16, 2017, and state public health agencies are not expected to recommend opening the commercial rock crab fishery at that time.

IV.

**THEREFORE**, under the authority granted by FG Code Section 5523, I am continuing the commercial rock crab fishery closure until I am notified by the public health agency directors named above, that a health hazard with regard to rock crabs no longer exists.

Charlton H. Bonham, Director

Date/Time

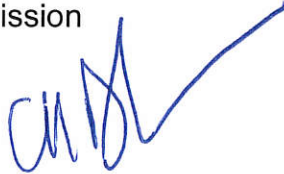
State of California  
Department of Fish and Wildlife

## Memorandum

Date: May 15, 2017

To: Valerie Termini  
Executive Director  
Fish and Game Commission

From: Charlton H. Bonham  
Director



Subject: **Agenda Item for the June 21-22, 2017 Fish and Game Commission Meeting - Notification and request for public discussion of commercial rock crab fishery closure extension pursuant to Fish and Game Code section 5523**

The California Department of Fish and Wildlife (Department) would like to notify the Fish and Game Commission (Commission) of the Director's order to extend the commercial rock crab fishery closure under authority of Fish and Game Code section 5523(a)(2), due to human health risk.

On November 8, 2016, the state Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the California Department of Public Health (CDPH), recommended that the Department close the commercial rock crab fishery north of Pigeon Point, San Mateo County due to elevated levels of the neurotoxin Domoic Acid in rock crab tissue samples. Subsequently, the Department submitted to the Office of Administrative Law an emergency rulemaking to close the commercial rock crab fishery north of Pigeon Point. The recreational fishery for rock crab remained open statewide with a warning from CDPH to recreational anglers to avoid consuming the viscera of rock crab caught in the closure area. The emergency commercial rock crab fishery closure for the area north of Bodega Bay to the Oregon border is due to expire on May 16, 2017, and state public health agencies are not expected to recommend opening the fishery at that time. Therefore, the Director is extending the closure until such a time as the health agencies recommend opening the fishery.

Pursuant to Fish and Game Code section 5523(a)(2), I am requesting the Commission schedule a public discussion item of this closure at its June meeting.

If you have any questions or need additional information, please contact Sonke Mastrup, Environmental Program Manager, Marine Region, at (916)799-0398, or [Sonke.Mastrup@wildlife.ca.gov](mailto:Sonke.Mastrup@wildlife.ca.gov).

ec: Department of Fish and Wildlife

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Valerie Termini, Executive Director  
Fish and Game Commission  
May 15, 2017  
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