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2013 OCT 10 PM 1:45

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Coastside Fishing Club

P.O. Box 5928
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October 9, 2013

BY HAND DELIVERY

President Michael Sutton
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

Dear President Sutton:

Coastside Fishing Club asks that the Fish & Game Commission make changes to regulations governing the take of Dungeness crab by recreational anglers. The requested changes are:

1. Prohibit retention of females (presently legal in the sport fishery).
2. Require use of "rotten cotton" on traps (not presently required).
3. Require that pots be labeled with the owner's name and contact information.
4. Prohibit pulling pots (not your own) without the owner's written permission.
5. Conforming the 10-crab limit to all sport anglers. Presently, there is an exception for recreational anglers on commercial passenger fishing vessels (CPFVs) in five California counties, who are limited to six crab.
6. Conforming the 5.75" minimum size throughout the recreational fishery. Presently, crab on CPFVs operating in five California counties have a minimum size of 6".

These requests further three important goals: resource conservation, equity among recreational license holders, and discouraging the theft of crab from lawfully set recreational traps. Coastside brought these suggestions to the Department of Fish and Wildlife in this past August with the anticipation that the changes could be evaluated and adopted, as the Commission sees fit, by the start of the recreational Dungeness crab season in November 2014.

While the recreational crab fishery is small in comparison to the commercial fishery, it must nevertheless be prosecuted responsibly. Prohibiting the take of females and requiring the use of "rotten cotton," as in the commercial fishery, will benefit the fishery, even if marginally owing to the small size of the recreational fishery. It may be reasonable to make an accommodation for shore and pier anglers whose access to the resource is limited.

There exists an odd discontinuity as it relates to recreational anglers using the services of CPFV operators. The statewide daily bag limit is ten Dungeness crab for recreational anglers regardless of fishing platform: private boat, CPFV, pier or shore. Section 29.85(a)(3), Title 14, CCR. However, there is a special exception for recreational fishing aboard a CPFV in five California counties: Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, and Monterey. Moreover, there is a special minimum size for such crab of 6.0" rather than 5.75" as proscribed generally for recreational take.

These discriminatory exceptions do not apply in the balance of the State and there is no resource protection justification in view of the already small take under recreational regulations. Indeed, these exceptions arose to address a "resource allocation issue" between recreational and commercial crabbers and purportedly resulted from a "compromise between commercial, CPFV and private angler interests." See [*Public Proposed Changes to Marine Sport Fishing Regulations For the 2006 Triennial Process, and Department Recommendations For Acceptance Or Denial Of Those Changes*](#), Basis for Department Recommendation in response to Comment No. 34 (requesting uniform 10 crab recreational limit), September 8, 2006 (the "2006 Process").

Coastside objects on two grounds to the Department's 2006 justification for disparate treatment of CPFVs. First, it is not within the Department's purview to address resource allocations between the commercial and recreational sectors. By all accounts, the Dungeness crab fishery is healthy and abundant and the recreational take is small. The resource is not constrained by Total Allowable Catch. In any event, this public trust resource belongs in the first instance to California's citizens who are permitted direct access through regulations promulgated by the Commission.

Second, no heed should be paid to the closed-door "compromise" leading to these discriminatory regulations. Private boat anglers were never represented. Many if not most of the larger CPFV operators become commercial crabbers when that season opens. Their "compromise" with commercial crabbers is meaningless. There is no evidence that such a "compromise" was reached in an open, public process. Moreover, CPFV operators serving the recreational public – as opposed to CPFV participating in the commercial fishery – object to this discriminatory treatment.

Finally, Coastside asks that steps be taken to combat the theft and disturbance of recreational crab traps. During the 2006 Process, the Department acknowledged concerns about trap tampering and supported regulatory changes, albeit not quite as far as Coastside proposes here. See Comment Nos. 7, 8, 20, 23, 33 and 38. Unfortunately, the Department has not followed through with regulations to protect the integrity of traps used by recreational crabbers. Pulling and emptying another's crab trap is a rampant problem without any enforcement solution. Therefore, Coastside turns to the Commission.

It has been suggested that the statutory Dungeness Crab Task Force (DCTF) play a role in the amendment of recreational crabbing regulations. The voting membership of the DCTF is almost exclusively comprised of commercial interests. Of the 22 voting members, only two represent recreational anglers. There is one CPFV representative. The balance are commercial crabbers and processors. It is not a representative body. Indeed, there is an inherent conflict of interest since commercial interests seek to restrain recreational crabbing in order to address a perceived allocation issue.

Coastside believes that there exists adequate time for the Commission to carefully consider Coastside's requests and act in time for the 2014 opening of the recreational Dungeness crab season.

Very truly yours,



Richard Ross
President, Coastside Fishing Club

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