

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 29.85
Title 14, California Code of Regulations
Re: Crabs

- I. Date of Initial Statement of Reasons: March 23, 2007
- II. Date of Pre-Adoption Statement of Reasons: July 23, 2007
- III. Date of Final Statement of Reasons: August 21, 2007
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: May 4, 2007
Location: San Diego, CA
 - (b) Discussion Hearing: Date: June 8, 2007
Location: Truckee, CA
 - (c) Adoption Hearing: Date: August 10, 2007
Location: Santa Barbara, CA
- V. Update:

The originally proposed regulatory text of Section 29.85 was not changed.
- VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

No public comments, written or oral, were received during the public comment period.
- VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The no change alternative was considered and rejected because the current language makes it a violation to possess any Dungeness crab, regardless of where they were taken, in the San Francisco Bay and its surrounding area inland from the Golden Gate Bridge.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because this proposed regulation change does not involve business practices.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:
None.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

Updated Informative Digest/Policy Statement Overview

Currently, subsection 29.85(a)(1), Title 14, CCR, states Dungeness crab may not be taken or possessed in San Francisco Bay and San Pablo Bay, plus all of their tidal bays, sloughs, and estuaries between the Golden Gate Bridge and Carquinez Bridge. This closure has been in place for many years.

The intent of this regulation is to limit the take of Dungeness crab inside San Francisco Bay where there are a large number of small juvenile Dungeness crabs. The Bay serves as a rookery for the juvenile crabs.

Sport Dungeness crab fishers commonly launch their boats from boat ramps inside of San Francisco Bay and go out into ocean waters outside the Golden Gate Bridge. These people legally take their limits of Dungeness crabs, place their crabs into a container on their boats, then drive back into the San Francisco Bay to the launch ramp and remove their boats from the water. Since possession of Dungeness crabs is prohibited in San Francisco Bay, this practice is in violation of regulations.

This section needs to be reworded to clearly state that it is illegal to possess Dungeness crabs taken from San Francisco Bay or San Pablo Bay plus all of their tidal bays, sloughs, and estuaries between the Golden Gate Bridge and Carquinez Bridge, but that it is not illegal to possess Dungeness crabs taken lawfully from outside the Bay in ocean waters.

The Commission adopted the regulations at its August 10, 2007 meeting.

Regulatory Language

Section 29.85, Title 14, CCR is amended as follows:

§ 29.85. Crabs.

(a) Dungeness crabs (*Cancer magister*):

(1) Closure: Dungeness crab may not be taken from or possessed in if taken from San Francisco Bay and San Pablo Bay, plus all their tidal bays, sloughs and estuaries between the Golden Gate Bridge and Carquinez Bridge.

(2) Open season:

(A) Del Norte, Humboldt and Mendocino counties: From the Saturday preceding December 1 or December 1 when it falls on Saturday through July 30.

(B) All other counties: From the Saturday preceding the second Tuesday in November through June 30.

(3) Limit: Ten, except in Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, and Monterey counties, when fishing aboard a commercial passenger fishing vessel required to be licensed pursuant to Section 7881 and/or Section 7920, Fish and Game Code, the limit is six.

(4) Not more than 60 crab traps are authorized to be used to take Dungeness crab from a vessel operating under authority of a Commercial Passenger Fishing Vessel License issued pursuant to Fish and Game Code Section 7920.

(5) Traps and trap buoys by a commercial passenger fishing vessel to take Dungeness crab under authority of this Section and Section 29.80 shall have the commercial boat registration number of that vessel affixed to each trap and buoy.

(6) No vessel that takes Dungeness crabs under authority of this section, or Section 29.80, shall be used to take Dungeness crabs for commercial purposes.

(7) Minimum size: Five and three-quarter inches measured by the shortest distance through the body from edge of shell to edge of shell directly in front of and excluding the points (lateral spines); except in Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, and Monterey counties, when fishing aboard a commercial passenger fishing vessel required to be licensed pursuant to Section 7881 and/or Section 7920, Fish and Game Code, the minimum size is six inches measured by the shortest distance through the body from edge of shell to edge of shell directly in front of and excluding the points (lateral spines).

(b) All crabs of the Cancer genus except Dungeness crabs, but including: yellow crabs, rock crabs, red crabs and slender crabs:

(1) Open season: All year.

(2) Limit: Thirty-five.

(3) Minimum size: Four inches measured by the shortest distance through the body, from edge of shell to edge of shell at the widest part, except there is no minimum size in Fish and Game districts 8 and 9.

(c) All crabs of the genus Cancer, including Dungeness crabs, yellow crabs, rock crabs, red crabs and slender crabs, may be brought to the surface of the water for measuring, but no undersize crabs may be placed in any type of receiver, kept on the

person or retained in any person's possession or under his direct control; all crabs shall be measured immediately and any undersize crabs shall be released immediately into the water.

(d) Sand crabs (*Emerita analoga*): Limit: Fifty.

Note: Authority cited: Sections 200, 202, 205 and 220, Fish and Game Code.

Reference: Sections 200, 202, 204, 205, 206 and 220, Fish and Game Code.