

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

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

I. Date of Initial Statement of Reasons: March 23, 2007

II. 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

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

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.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

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

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

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

None.

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45 day comment period provides adequate time for review of the proposed documents.

#### IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No reasonable 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, 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 persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. 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 initial 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.

## **Informative Digest/Policy Statement Overview**

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