

AMENDED IN ASSEMBLY JUNE 17, 2008

AMENDED IN SENATE APRIL 22, 2008

AMENDED IN SENATE APRIL 1, 2008

SENATE BILL

No. 1690

Introduced by Senator Wiggins

February 22, 2008

An act to add *and repeal* Section 8276.4 to the Fish and Game Code, relating to Dungeness crab.

LEGISLATIVE COUNSEL'S DIGEST

SB 1690, as amended, Wiggins. Dungeness crab.

Existing law regulates the Dungeness crab fishery and permits the Director of Fish and Game to delay the opening of the Dungeness crab fishery in specified situations and regulates the taking of crab during those delays. Existing law sets forth the qualifications for a Dungeness crab vessel permit, and provides that no person shall use a vessel to take, possess, or land Dungeness crab for commercial purposes without a Dungeness crab vessel permit.

Existing law establishes the Ocean Protection Council and requires the council to, among other things, coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems, to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations.

This bill would require the ~~department~~ *Department of Fish and Game* and the council, in coordination with the Dungeness crab industry and other stakeholders, to develop long-term management rules, *plans, or programs* for the Dungeness crab fishery *to be submitted to the commission or Legislature by October 15, 2010. The bill would*

authorize the council to, among other things, establish an advisory body that equitably represents crab fishermen from major crab ports in the state, as specified. The bill would require the council, in implementing these provisions, to prioritize the development of rules, plans, or programs that address specified topics. The bill would provide that eligibility to take crab in California waters and offshore for commercial purposes may be subject to restrictions under certain circumstances. The bill would be repealed on January 1, 2011, unless specified conditions are met. The bill would provide that the Dungeness crab industry may operate under new regulations, until subsequent regulations are promulgated, that include, but are not necessarily limited to, fishery permit limits, catch limits, season opening dates, or any combination thereof.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8276.4 is added to the Fish and Game
- 2 Code, to read:
- 3 ~~8276.4. (a) (1) The department and the Ocean Protection~~
- 4 ~~Council, in coordination with the Dungeness crab industry and~~
- 5 ~~other stakeholders~~
- 6 8276.4. (a) (1) *The department, in coordination with the*
- 7 *Ocean Protection Council and a Dungeness crab advisory body,*
- 8 *shall develop long-term management rules, plans, or programs*
- 9 *for the Dungeness crab fishery consistent with the purposes*
- 10 *described in subparagraph (C) of paragraph (2) of subdivision (b)*
- 11 *of Section 35650 of the Public Resources Code to be submitted to*
- 12 *the commission or Legislature on or before October 15, 2010.*
- 13 (2) The council may support the development of stakeholder
- 14 meetings and other processes that implement paragraph (1),
- 15 including, but not limited to, the establishment of an advisory body
- 16 that equitably represents crab fishermen from major crab ports in
- 17 the state.
- 18 ~~(b) Commencing January 1, 2009, the Dungeness crab industry~~
- 19 ~~may operate under new regulations that include, but are not~~
- 20 ~~necessarily limited to, fishery permit limits, catch limits, season~~
- 21 ~~opening dates, or any combination thereof, and are area specific.~~

1 ~~This subdivision shall remain in effect until subsequent rules are~~
2 ~~promulgated.~~

3 (3) *The advisory body shall consist of 19 members, and their*
4 *alternates, from each port in California and who are licensed to*
5 *engage in the commercial Dungeness crab fishery.*

6 (A) *Members shall be elected by licensed persons in their*
7 *respective ports.*

8 (B) *Membership of the advisory body shall be comprised as*
9 *follows:*

10 (i) *Four members from Crescent City.*

11 (ii) *One member from Trinidad.*

12 (iii) *Three members from Eureka.*

13 (iv) *Two members from Fort Bragg.*

14 (v) *Three members from Bodega Bay.*

15 (vi) *Two members from San Francisco.*

16 (vii) *Two members from Half Moon Bay.*

17 (viii) *One member from ports south of Half Moon Bay.*

18 (ix) *One ex officio non-California member with a license from*
19 *either the state of Oregon or Washington.*

20 (C) *For ports with more than one representative, elected*
21 *members and their alternates shall represent both the upper and*
22 *lower production levels produced from their port. Production*
23 *levels shall be determined based on the average landing of a*
24 *licenseholder during the previous five years.*

25 (D) *Except for administrative matters, all affirmative votes of*
26 *the advisory body shall be a vote of not less than three-quarters*
27 *of the voting members.*

28 (E) *The council shall use the advisory body, in coordination*
29 *with other stakeholders, to help develop a set of rules, plans, or*
30 *programs consistent with paragraph (1) of subdivision (a).*

31 (F) *The advisory body developed under this paragraph may*
32 *become an official entity of the state only after approval by the*
33 *commission or the Legislature.*

34 (b) *The council, in implementing this section, shall prioritize*
35 *the development of rules, plans, or programs that address all of*
36 *the following:*

37 (1) *Latent permits.*

38 (2) *Implications of effort limits in neighboring states.*

39 (3) *Management to address the implications of the early season*
40 *opening in California.*

1 (4) *Research needs of crab resources.*

2 (5) *Whether to submit for referendum vote the creation of a*
3 *marketing council or commission pursuant to the Food and*
4 *Agricultural Code.*

5 (c) *Eligibility to take crab in California waters and offshore for*
6 *commercial purposes may be subject to restrictions, including,*
7 *but not limited to, restrictions on the number of traps utilized by*
8 *that person and any transfer of a crab permit, if either of the*
9 *following occurs:*

10 (1) *A person holds a Dungeness crab permit with landings of*
11 *less than 5,000 pounds between November 15, 2003, and July 15,*
12 *2008, inclusive.*

13 (2) *A person has purchased a Dungeness crab permit on or*
14 *after July 15, 2008, from a permitholder who landed less than*
15 *5,000 pounds between November 15, 2003, and July 15, 2008,*
16 *inclusive.*

17 (d) *This section shall remain in effect only until January 1, 2011,*
18 *and as of that date is repealed unless a later enacted statute, which*
19 *is enacted before January 1, 2011, deletes or extends that date, or*
20 *is rendered inoperative by commission regulations.*