

AMENDED IN ASSEMBLY MARCH 22, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2146

Introduced by Assembly Member Leno

February 18, 2004

An act to amend Sections 8276, 8280, and 9004 of, and to add Sections 8276.1 and 8280.8 to the Fish and Game Code, relating to Dungeness crab, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2146, as amended, Leno. Dungeness crab.

(1) Existing law generally regulates the commercial Dungeness crab fishery in order to protect the fishery by, among other things, restricting the number and type of vessels that may take crab, limiting the crab fishing season, and the type of gear used on vessels used to take crab. Existing law permits the take for commercial purposes in Districts 6, 7, 8, and 9 only between December 1 and July 15, and in all other districts only between November 15 and June 30.

This bill would revise those requirements regulating the commercial Dungeness crab fishing season to permit the taking of Dungeness crab for commercial purposes, *during the period* beginning October 1, 2005, and until October 1, ~~2007~~ 2008, in Districts other than 6, 7, 8, and 9, only between ~~December 1 and July 15~~ *the Saturday that falls before the final Thursday in November and June 30 of the following year.*

This bill would ~~require~~ *permit* the Fish and Game Commission, ~~on or before October 7, 2007, to adopt a Dungeness crab fishery management plan for the commercial~~ *to adopt regulations as may reasonably be necessary to ensure the protection of the Dungeness crab*

resources and to provide for an orderly Dungeness crab fishery, which would include specified elements as specified. The bill would ~~require~~ *authorize* the commission to establish a Dungeness Crab Advisory Committee to advise the commission and the Department of Fish and Game on the establishment and implementation of the plan, and to make recommendations for any necessary changes that should be instituted to better regulate the fishery. The bill would prescribe the membership of the committee.

The bill would prohibit a person operating a vessel for the commercial take of Dungeness crab from utilizing more than 250 traps during a season, except as provided.

The bill would require the department, upon request, to issue to each person, on or before October 1 of each year, up to 250 tags to be affixed to each crab trap, including specified information, except as provided. The bill would authorize the department to adopt any regulations as may reasonably be necessary to carry out those provisions requiring that tags be affixed to each trap.

Existing law requires that every trap be raised, cleaned, serviced, and emptied at intervals, not to exceed 96 hours, weather conditions at sea permitting, and prohibits any trap from being abandoned in the waters of the state.

This bill would exempt traps used for the taking of Dungeness crab from those requirements, and would, instead, require that those traps be removed from the ocean not more than 96 hours after the close of crab season, weather conditions at sea permitting, and would prohibit the abandonment of those traps in the waters of the state, or in federal waters adjacent to the boundaries of the waters of the state.

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department and the commission to carry out the Fish and Game Code. Because this bill would impose new duties on the department and the commission, the bill would make an appropriation.

(3) Existing law makes a violation of the provisions of the Fish and Game Code a crime. By imposing new requirements on the commercial Dungeness crab fishery, a violation of which would be a crime, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 8276 of the Fish and Game Code is
2 amended to read:

3 8276. Except as provided in Section 8276.2:

4 (a) Dungeness crab may be taken for commercial purposes in
5 Districts 6, 7, 8, and 9 only between December 1 and July 15.

6 (b) Dungeness crab may be taken for commercial purposes in
7 all other districts only between November 15 and June 30, except
8 that beginning October 1, 2005, and until October 1, ~~2007~~ 2008,
9 Dungeness crab shall only be taken between ~~December 1 and July~~
10 ~~15 the Saturday that falls before the final Thursday in November~~
11 ~~and June 30 of the following year~~, in all other districts.

12 (c) Dungeness crab may not be taken for commercial purposes
13 in any district, or part of a district, lying within the portions of
14 Crescent City Harbor between the south sand barrier and the
15 breakwater.

16 SEC. 2. Section 8276.1 is added to the Fish and Game Code,
17 to read:

18 ~~8276.1. (a) On or before October 1, 2007, the commission~~
19 ~~shall adopt a fishery management plan for the commercial~~
20 ~~Dungeness crab fishery. The plan shall include, but not be limited~~
21 ~~to, all of the following elements:~~

22 8276.1 (a) *The commission may adopt regulations as may*
23 *reasonably be necessary to ensure the protection of the Dungeness*
24 *crab resource and to provide for an orderly crab fishery. The*
25 *regulations may include, but are not limited to, any of the following*
26 *items:*

27 (1) Specifications for achieving the optimum yield for the
28 commercial Dungeness crab fishery.

29 (2) Information on the participants in the fishery, including
30 relevant economic information.

31 (3) Data requirements and research necessary for achieving the
32 optimum yield for the fishery.



1 (4) A summary of the regulations necessary to achieve
2 optimum yield that specify all of the following:

3 (A) Crab season opening and closing dates.

4 (B) Limits on the number of participants in the fishery.

5 (C) Limits on the amount of gear that may be used by the
6 fishery.

7 (D) Requirements regarding preseason gear and monitoring of
8 the gear thereafter.

9 (E) Methods for the prevention of waste in the fishery,
10 including the enforcement of marketing agreements.

11 (b) The commission ~~shall~~ *may* establish a Dungeness Crab
12 Advisory Committee to advise the commission and the department
13 on the establishment and implementation of the Dungeness crab
14 fishery plan required to be adopted pursuant to subdivision (a), and
15 shall make recommendations for any necessary changes that
16 should be instituted to better regulate the fishery. The advisory
17 committee shall consist of not less than five members who are
18 permitted to fish for Dungeness crab pursuant to Section 8280.1,
19 and who represent the geographic range of the Dungeness crab
20 fishery in the state. The director shall appoint members to the
21 committee from a list of individuals submitted to the department
22 of organizations representing Dungeness crab fishermen.

23 SEC. 3. Section 8280 of the Fish and Game Code is amended
24 to read:

25 8280. (a) The Legislature finds and declares that the
26 Dungeness crab fishery is important to the state because it provides
27 a valuable food product, employment for those persons engaged
28 in the fishery, and economic benefits to the coastal communities
29 of the state.

30 (b) The Legislature further finds that, in order to protect the
31 Dungeness crab fishery, it is necessary to limit the number of
32 vessels participating in that fishery to take Dungeness crab and it
33 may be necessary to limit the quantity and capacity of the fishing
34 gear used on each vessel to take Dungeness crab.

35 (c) The Legislature further finds and declares that to limit the
36 number of vessels in the Dungeness crab fishery, it is necessary to
37 require that the owner of each vessel participating in the fishery
38 obtain and possess a permit for that vessel and that the initial
39 issuance of permits shall be limited to those persons owning
40 vessels qualifying under Section 8280.1.



1 (d) The Legislature further finds and declares that, to ensure the
2 long-term sustainability of the Dungeness crab fishery, it is
3 necessary that limitations be placed on the number of traps used
4 by the fishery, particularly in Fish and Game District 10 and south
5 of that district. Those limitations on the number of traps are
6 necessary to ensure the safety of crabbing operations, ensure that
7 the resource is more equitably shared among participants, increase
8 the economic value of the resource, and make more fresh crab
9 available to consumers during most or all of the crab fishing
10 season.

11 SEC. 4. Section 8280.8 is added to the Fish and Game Code,
12 to read:

13 8280.8. (a) No person operating a vessel pursuant to Section
14 8280.1 for the commercial take of Dungeness crab shall utilize
15 more than 250 traps during a season, except in Districts 6, 7, 8, and
16 9 where the limitation on the number of Dungeness crab traps shall
17 not apply.

18 (b) Upon request, the department shall issue to each person
19 operating a vessel pursuant to Section 8280.1, on or before
20 October 1 of each year, up to 250 tags to be affixed to each trap,
21 including the season and number of the vessel operator. Persons
22 fishing for crab in Districts 6, 7, 8, and 9 shall not be required to
23 apply or affix tags to their traps.

24 (c) Except in Districts 6, 7, 8, and 9, no Dungeness crab trap
25 may be used unless it has a tag affixed to it.

26 (d) The department may adopt any regulations as may be
27 reasonably necessary to carry out this section.

28 SEC. 5. Section 9004 of the Fish and Game Code is amended
29 to read:

30 9004. (a) Every trap, except those used for the taking of
31 Dungeness crab, shall be raised, cleaned, serviced, and emptied at
32 intervals, not to exceed 96 hours, weather conditions at sea
33 permitting, and no trap shall be abandoned in the waters of this
34 state.

35 (b) Traps used for the taking of Dungeness crab shall be
36 removed from the ocean not more than 96 hours after the close of
37 the crab season, weather conditions at sea permitting, and no
38 Dungeness crab trap shall be abandoned in the waters of this state,
39 or in the federal waters adjacent to the boundaries of the waters of
40 the state.



1 SEC. 6. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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