

Senate Bill No. 1690

CHAPTER 727

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

[Approved by Governor September 30, 2008. Filed with
Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1690, 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 council to make a grant, upon appropriation of funding by the Legislature, for the development and administration of a Dungeness crab task force, and would specify the membership of the task force. The bill would require the task force, among other things, to review and evaluate Dungeness crab management measures, with the objective of making recommendations related to Dungeness crab to the Joint Committee on Fisheries and Aquaculture, the Department of Fish and Game, and the Fish and Game Commission by January 15, 2010. The task force would cease to exist on January 1, 2011.

The provisions of the bill would be repealed on January 1, 2011, as specified.

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

SECTION 1. Section 8276.4 is added to the Fish and Game Code, to read:

8276.4. (a) The Ocean Protection Council shall make a grant, upon appropriation of funding by the Legislature, for the development and administration of a Dungeness crab task force. The membership of the Dungeness crab task force shall be comprised of all of the following:

- (1) Two members representing sport fishing interests.
- (2) Two members representing crab processing interests.
- (3) One member representing commercial passenger fishing vessel interests.
- (4) Two ex officio members representing nongovernmental organization interests.
- (5) One ex officio representative of Sea Grant.
- (6) Two ex officio members representing the department.
- (7) Seventeen members representing commercial fishery interests, elected by licensed persons possessing valid Dungeness crab permits in their respective ports and production levels, as follows:
 - (A) Four members from Crescent City.
 - (B) One member from Trinidad.
 - (C) Two members from Eureka.
 - (D) Two members from Fort Bragg.
 - (E) Two members from Bodega Bay.
 - (F) Two members from San Francisco.
 - (G) Two members from Half Moon Bay.
 - (H) One member from ports south of Half Moon Bay.
 - (I) One member who has a valid California nonresident crab permit.
- (b) For ports with more than one representative, elected members and their alternates shall represent both the upper and lower, and in some cases middle, production levels. Production levels shall be based on the average landing during the previous five years, of valid crab permit holders who landed a minimum of 25,000 pounds of crab during the same period.
- (c) The Dungeness crab task force shall do all of the following:
 - (1) Under the guidance of a professional facilitator hired by the Ocean Protection Council for this purpose, review and evaluate Dungeness crab management measures with the objective of making recommendations to the Joint Committee on Fisheries and Aquaculture, the department, and the commission no later than January 15, 2010.
 - (2) Make recommendations, including, but not limited to, the need for a permanent Dungeness crab advisory committee, refining sport and commercial Dungeness crab management, establishing a Dungeness crab marketing commission, and the need for statutory changes to accomplish task force objectives.
 - (3) In considering Dungeness crab management options, prioritize the review of pot limit restriction options, harvest allocation, current and future sport and commercial fishery effort, season modifications, essential fishery information needs, and short- and long-term objectives for improved management.
 - (d) The task force may establish subcommittees of specific user groups from the task force membership to focus on issues specific to sport fishing, commercial harvest, or crab processing. The subcommittees shall report their recommendations, if any, to the task force.
 - (e) The Ocean Protection Council may include in a grant, funding to cover department staffing costs, as well as task force participant travel.

(f) A recommendation shall be forwarded to the Joint Committee on Fisheries and Aquaculture, the department, and the commission upon an affirmative vote of at least two-thirds of the task force members.

(g) The task force shall cease to exist on January 1, 2011.

(h) Eligibility to take crab in California waters and offshore for commercial purposes may be subject to restrictions, including, but not limited to, restrictions on the number of traps utilized by that person, if either of the following occurs:

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

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

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