

Fish and Game Commission Meeting Binder



November 5, 2015
Emergency Meeting

OVERVIEW OF FISH AND GAME COMMISSION EMERGENCY MEETING

- Welcome to an emergency meeting of the Fish and Game Commission.
- For today, we are operating under Section 11125.5(b)(2) of the Bagley-Keene Open Meeting Act to address a crippling disaster that severely impairs public health or safety, or both. These proceedings are being audio-recorded and broadcast via Cal-Span.
- In the unlikely event of an emergency, please note the location of the nearest emergency exits.
- The amount of time for the agenda item may be adjusted based on time available and the number of speakers.
- We will be calling the names of several speakers at a time so please be ready when your name is called; if you are not close to a phone mic, please move up to the reserved chair. If you are not in the room when your name is called you may forfeit your opportunity to speak on the item.
- When you speak, please state your name and any affiliation. Please be respectful. Disruptions from the audience will not be tolerated. Time is precious so please be concise.
- **Reminder!** Please silence your mobile devices and computers to avoid interruptions.

INTRODUCTIONS FOR FISH AND GAME COMMISSION COMMISSION MEETINGS

FISH AND GAME COMMISSIONERS

Jack Baylis	President
Eric Sklar	Member
Anthony Williams	Member

COMMISSION STAFF

Sonke Mastrup	Executive Director
Michael Yaun	Legal Counsel
Susan Ashcraft	Marine Advisor
Melissa Miller-Henson	Program Manager
Mary Brittain	Administrative Assistant
Sherrie Fonbuena	Analyst
Caren Woodson	Analyst

OFFICE OF THE ATTORNEY GENERAL

Chris Ames	Senior Assistant Attorney General
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DEPARTMENT OF FISH AND WILDLIFE- Directorate

Chuck Bonham	Director
David Bess	Chief, Law Enforcement Division
Craig Shuman	Marine Region, Regional Manager

I would also like to acknowledge special guests who are present:
(i.e., elected officials, tribal chairpersons, other special guests)

Commissioners
Jack Baylis, President
Los Angeles

Jim Kellogg, Vice President
Discovery Bay

Jacque Hostler-Carmesin, Member
McKinleyville

Eric Sklar, Member
Saint Helena

Anthony C. Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

EMERGENCY MEETING AGENDA – TELECONFERENCE **November 5, 2015, 8:00 a.m.**

Resources Building – Room 1320
Fish and Game Commission Conference Room
1416 Ninth Street, Sacramento

NOTICE: The public may participate in the teleconference at the address above.

The meeting will be live streamed at www.cal-span.org, for listening purposes only.

NOTE: See meeting procedures and information at the end of the agenda.

1. Call to order/roll call to establish quorum
2. Adoption of proposed emergency regulation to close the recreational Dungeness crab and rock crab fisheries due to elevated levels of domoic acid (Section 29.85, Title 14, CCR)
3. Adjournment

**2FISH AND GAME COMMISSION
2015 MEETING SCHEDULE**
www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
December 9-10	Town and Country Resort and Convention Center 500 Hotel Circle, North San Diego, CA 92108	

OTHER MEETINGS OF INTEREST

Wildlife Conservation Board

- November 19, Sacramento, CA

Pacific Fishery Management Council

- November 14-19, Garden Grove, CA

IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION

This is the 145th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.

PERSONS WITH DISABILITIES

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

SUBMITTING WRITTEN MATERIALS

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **E-mail to fgc@fgc.ca.gov; hand delivery to Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or hand-deliver to a Commission meeting. *The Commission no longer accepts written comments or requests for regulations changes via facsimile; please submit written comments by email, mail service or in person, or submit requests for regulation change at <http://www.fgc.ca.gov/public/FGC1.docx>.***

Written comments received at the Commission office by **5:00 p.m. on November 4** will be made available to Commissioners prior to the meeting.

SPEAKING AT THE MEETING

To speak on an agenda item, please complete a "Speaker Card" and give it to the designated staff member before the agenda item is announced. Cards will be available near the entrance of the meeting room. Only one speaker card is necessary for speaking to multiple items.

1. Speakers will be called in groups; please line up when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. Each speaker has up to three minutes to address the Commission as determined by the presiding commissioner. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. Speakers may cede their time to an individual spokesperson, but only under the following conditions:
 - a. Individuals ceding time forfeit their right to speak to the agenda item; and
 - b. The minimum number of individuals required to cede time to a spokesperson and the amount of time allocated are *arranged in advance* with the presiding commissioner.
5. If you are presenting handouts/written material to the Commission at the meeting, please provide two copies to the designated staff member just prior to speaking.

STAFF SUMMARY FOR NOVEMBER 5, 2015

2. EMERGENCY CLOSURE**Today's Item**Information Action

Adoption of proposed emergency regulation to delay opening the recreational Dungeness crab fishery and close the rock crab fishery due to elevated levels of domoic acid.

Summary of Previous/Future Actions (N/A)**Background**

Current regulations for recreational take of crab specify seasons, size limits, bag and possession limits, closed fishing areas, and gear restrictions. The Dungeness crab season is scheduled to open on Saturday, November 7, 2015. The rock crab season is currently open year-round.

The California Department of Fish and Wildlife (Department) has detected a massive toxic bloom of the marine diatom *Pseudo-nitzschia* resulting in significant impacts to coastal resources and marine life. Some *Pseudo-nitzschia* species produce a potent neurotoxin, known as domoic acid, which can accumulate in shellfish, other invertebrates, and sometimes fish, leading to illness and death in a variety of birds and mammals. Recent test results have shown persistently high levels of domoic acid in Dungeness crab and rock crab, which have been caught along the California coastline.

Domoic acid levels in recent samples have exceeded the State's action level for the crabs' body meat as well as the viscera, commonly referred to as crab butter, and therefore pose a significant risk to the public if they are consumed, as determined by the California Department of Public Health (CDPH). As a result, the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with CDPH, has recommended the fisheries be closed. The Department, CDPH, OEHHA, and the Ocean Protection Council are coordinating efforts to monitor toxicity levels and ensure public safety.

Significant Public Comments

Staff will provide a verbal report on comments received by 5:00 p.m. on Nov 4, 2015.

Recommendation

FGC staff: Adopt the proposed emergency regulations to protect public health.

Exhibits

1. Statement of Proposed Emergency Regulatory Action
2. CDPH Issues Warning about Dungeness and Rock Crabs Caught in Waters Along Central and Northern California Coast, CDPH News Release, dated Nov. 3, 2015.
3. Domoic Acid Threat to Public Safety, OEHHA Memo, received Nov. 3, 2015.

Motion/Direction

Moved by _____ and seconded by _____ that the Commission determines that, pursuant to sections 11125.5(b) and 11349.6 of the Government Code, an emergency

STAFF SUMMARY FOR NOVEMBER 5, 2015

situations exists. The emergency situation clearly poses a danger of such an immediate serious harm that delaying action to allow public comment would be inconsistent with the public interest.

The Commission further determines, pursuant to Section 11125.5(b)(1) of the Government Code, that ingesting crabs with high levels of domoic acid is a matter upon which urgent action is necessary to avoid severely impairing public health and safety and therefore holds this meeting without complying with the 10-day notice requirement of Section 11125 of the Government Code or the 48-hour notice requirement of Section 11125.4 of the Government Code.

The Commission further determines, pursuant to Section 240 of the Fish and Game Code, that adoption of this regulation is necessary for the immediate protection of public health and safety from ingesting elevated levels of poisonous domoic acid detected in recent samples of Dungeness and rock crab.

Therefore, the Commission adopts the proposed emergency changes to Section 29.85, Title 14, related to closure of the recreational Dungeness crab and rock crab fisheries for the immediate preservation of public health.

CALIFORNIA FISH AND GAME COMMISSION
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION

Emergency Action to
Amend Section 29.85,
Title 14, California Code of Regulations
Re: Emergency Closure of Recreational Dungeness and Rock Crab
Fisheries Due to Elevated Levels of Domoic Acid

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

The recreational crab fishery is a multi-million dollar business with thousands of participants each year fishing from personal boats, charter vessel operations, and public piers and docks. Under existing law, crab may be taken for recreational purposes with a sport fishing license subject to regulations prescribed by the Fish and Game Commission (Commission).

Current regulations for recreational take of crab specify seasons, size limits, bag and possession limits, closed fishing areas, and gear restrictions. The Dungeness crab season is scheduled to open on Saturday, November 7, 2015. The rock crab season is currently open year-round.

The Department of Fish and Wildlife (Department) has detected a massive toxic bloom of the marine diatom *Pseudo-nitzschia* resulting in significant impacts to coastal resources and marine life. Some *Pseudo-nitzschia* species produce a potent neurotoxin, known as domoic acid, which can accumulate in shellfish, other invertebrates, and sometimes fish, leading to illness and death in a variety of birds and mammals. Recent test results have shown persistently high levels of domoic acid in Dungeness crab and rock crab, which have been caught along the California coastline.

Symptoms of domoic acid poisoning can occur within 30 minutes to 24 hours after eating toxic seafood. In mild cases, symptoms may include vomiting, diarrhea, abdominal cramps, headache and dizziness. These symptoms disappear within several days. In severe cases, the victim may experience trouble breathing, confusion, disorientation, cardiovascular instability, seizures, excessive bronchial secretions, permanent loss of short-term memory, coma, or death.

Domoic acid levels detected in recent samples have exceeded the State's action level for the crabs' body meat as well as the viscera, commonly referred to as crab butter, and therefore pose a significant risk to the public if they are consumed, as determined by the California Department of Public Health (CDPH). As a result, the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with CDPH, has recommended the fisheries be closed. The

Department, CDPH, OEHHA, and the Ocean Protection Council are coordinating efforts to monitor toxicity levels and ensure public safety. This emergency situation clearly poses such an immediate, serious harm that delaying action to allow for public comment and notice requirements, pursuant to Section 11346.1 of the Government Code, would be inconsistent with the public interest.

Identification of Reports or Documents Supporting Factual Emergency

- California Department of Public Health, “CDPH Issues Warning about Dungeness and Rock Crabs Caught in Waters Along Central and Northern California Coast,” News Release, November 3, 2015.
- California Office of Environmental Health Hazard Assessment, “Domoic Acid Threat to Public Safety,” Memo, November 3, 2015.

Regulatory Proposal

The proposed regulation would prohibit recreational take and possession of Dungeness crab and all rock crab from ocean waters, including bays and estuaries, north of the Ventura/Santa Barbara county line. Closure of the fisheries shall remain in effect until the Director of OEHHA, in consultation with the Director of CDPH, determines that domoic acid levels in Dungeness crab no longer pose a significant risk to public health.

The Department shall maintain a list of closed ocean waters of the state and update that list on Wednesday of each week by 1:00 pm. It shall be the responsibility of any person taking Dungeness crab to call the Department’s hotline or visit the Department’s website to obtain the current status of any ocean water.

II. 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) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (b) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (c) Programs Mandated on Local Agencies or School Districts:

None.

- (d) 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, Government Code:

None.

- (e) Effect on Housing Costs:

None.

III. Authority and Reference

The Fish and Game Commission proposes this emergency action pursuant to the authority vested by sections 200, 202, 205, 220, and 240, of the Fish and Game Code and to implement, interpret, or make specific sections 200, 202, 205, 206, 220, and 240, of said Code.

IV. Section 240 Finding

Pursuant to Section 240 of the Fish and Game Code, the Commission finds that the adoption of this regulation is necessary for the immediate protection of public health that may result from elevated levels of domoic acid detected in samples of Dungeness and rock crab.

Informative Digest (Plain English Overview)

Current regulations for recreational take of crab specify seasons, size limits, bag and possession limits, closed fishing areas, and gear restrictions. Dungeness crab may not be taken from or possessed 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. The Dungeness crab season is scheduled to open on Saturday, November 7, 2015. The rock crab season is currently open year-round.

Proposed Regulatory Action: The proposed regulation would prohibit recreational take and possession of Dungeness crab and rock crab from ocean waters, including bays and estuaries, north of the Ventura/Santa Barbara county line. Closure of the fisheries shall remain in effect until the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, determines that domoic acid levels in Dungeness crab no longer pose a significant risk to public health.

The Department shall maintain a list of closed ocean waters of the state and update that list on Wednesday of each week by 1:00 pm. It shall be the responsibility of any person taking Dungeness crab to call the Department's hotline or visit to the Department's website to obtain the current status of any ocean water.

Benefits: The proposed regulation will protect public health by prohibiting possession of crab containing elevated levels of domoic acid.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (sections 200, 202, 205, 220, and 240, Fish and Game Code).

Regulatory Language

Section 29.85, Title 14, CCR, is amended to read:

29.85. Crab.

(a) Dungeness crabs (Cancer magister)

(1) ~~Closure:~~ Closures:

(A) Dungeness crab may not be taken from or possessed 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.

(B) Dungeness crab may not be taken from or possessed if taken from ocean waters, including bays and estuaries, north of the Ventura/Santa Barbara County line where the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, has determined that Dungeness crab contain unhealthy domoic acid levels and recommends closing the fishery until such time as the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, determines that domoic acid levels in Dungeness crab no longer pose a significant risk to public health and no longer recommends the fishery be closed. Areas may be opened on a county-by-county basis. The department shall maintain a list of closed ocean waters of the state and update that list on Wednesday of each week by 1:00 pm. It shall be the responsibility of any person taking Dungeness crab to call (xxx) yyy-zzzz or go to the department's website at www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories to obtain the current status of any ocean water.

(2) Open season:

(A) Del Norte, Humboldt and Mendocino counties: From the first Saturday in November opening date determined though subsection (a)(1)(B) through July 30.

(B) All other counties: From the first Saturday in November opening date determined though subsection (a)(1)(B) 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) Rock crab closure:

(A) Rock crab may not be taken from or possessed if taken from ocean waters, including bays and estuaries, north of the Ventura/Santa Barbara County line where the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, has determined that rock crab contain unhealthy domoic acid levels and recommends closing the fishery until such time as the Director of the Office of Environmental Health Hazard Assessment, in consultation with the Director of the California Department of Public Health, determines that domoic acid levels in rock crab no longer pose a significant risk to public health and no longer recommends the fishery be closed. Areas may be opened on a county-by-county basis. The department shall maintain a list of closed ocean waters of the state and update that list on Wednesday of each week by 1:00 pm. It shall be the responsibility of any person taking rock crab to call (xxx) yyy-zzzz or go to the department's website at www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories to obtain the current status of any ocean water.

(2) Open season:

(A) Rock crab: The rock crab season will open on the date determined through subsection (b)(1)(A) and will remain open until [OAL to insert end date of emergency regulation].

(B) All other species: All year.

(3) Limit: Thirty-five.

(4) 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~~205, 220 and 240, Fish and Game Code; Reference: Sections 200, 202, 205, ~~206 and 220~~206, 220 and 240, Fish and Game Code



News Release

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

FOR IMMEDIATE RELEASE

November 3, 2015
PH15-082

CONTACT: [Anita Gore](#)
[Orville Thomas](#)
(916) 440-7259

CDPH Issues Warning about Dungeness and Rock Crabs Caught in Waters Along the Central and Northern California Coast

SACRAMENTO - The California Department of Public Health (CDPH) today advised consumers not to eat Dungeness and Rock crabs caught in waters between the Oregon border and the southern Santa Barbara County line, due to the detection of dangerous levels of domoic acid, a naturally occurring toxin.

Recent test results have shown persistently high levels of domoic acid in Dungeness crab and Rock crab, which have been caught along the California coastline. The levels have exceeded the State's action level for the crabs' body meat as well as the viscera, commonly referred to as crab butter, and therefore pose a significant risk to the public if they are consumed.

CDPH in conjunction with other state agencies will continue its sampling efforts to monitor domoic acid levels in Dungeness and Rock crabs until the levels subside and no longer exceed the State's action level of 30 ppm in the viscera and 20 ppm in the meat. Domoic acid accumulation in seafood is a natural occurrence that is related to a "bloom" of a particular single-celled plant called *Pseudo-nitzschia*. The conditions that support the growth of this plant are impossible to predict, and it is unknown when the levels found in crab will subside. The health advisory will be lifted once the levels are no longer above acceptable levels.

Symptoms of domoic acid poisoning can occur within 30 minutes to 24 hours after eating toxic seafood. In mild cases, symptoms may include vomiting, diarrhea, abdominal cramps, headache and dizziness. These symptoms disappear within several days. In severe cases, the victim may experience trouble breathing, confusion, disorientation, cardiovascular instability, seizures, excessive bronchial secretions, permanent loss of short-term memory (a condition known as Amnesic Shellfish Poisoning), coma or death. There have been no reported illnesses associated with this event.

To receive updated information about shellfish poisoning and quarantines, call CDPH's toll-free Shellfish Information Line at (800) 553-4133. For additional information visit CDPH's [Natural Marine Toxins: PSP and Domoic Acid Web page](#).

www.cdph.ca.gov



Office of Environmental Health Hazard Assessment



Matthew Rodriguez
Secretary for
Environmental Protection

Lauren Zeise, Ph.D., Acting Director
Headquarters • 1001 I Street • Sacramento, California 95814
Mailing Address: P.O. Box 4010 • Sacramento, California 95812-4010
Oakland Office • Mailing Address: 1515 Clay Street, 16th Floor • Oakland, California 94612

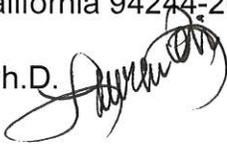


Edmund G. Brown Jr.
Governor

MEMORANDUM

TO: Charlton H. Bonham, Director
California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, California 95814

Sonke Mastrup, Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, California 94244-2090

FROM: Lauren Zeise, Ph.D. 
Acting Director

DATE: November 3, 2015

SUBJECT: DOMOIC ACID THREAT TO PUBLIC HEALTH

Recent test results indicate an emergency situation involving a severe threat to public health and safety that necessitates prompt action. More specifically, the threat to public health and safety arises from the potential human consumption of crabs with high levels of domoic acid following the scheduled recreational fishery opening date of November 7, 2015, a commercial fishery opening date for Dungeness crab of November 15, 2015, and the year round rock crab fishery.

The Office of Environmental Health Hazard Assessment (OEHHA) has been provided test data from the Department of Public Health laboratories measuring high levels of domoic acid in Dungeness and Rock crabs caught along the California coast (see attached table). Domoic acid poisoning in humans may occur within minutes to hours after consumption of affected seafood and can result in signs and symptoms ranging from vomiting and diarrhea to permanent loss of short-term memory (Amnesic Shellfish Poisoning), coma, or death.

California Environmental Protection Agency

Sacramento: (916) 324-7572 Oakland: (510) 622-3200

www.oehha.ca.gov

Charlton H. Bonham
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Current federal action levels for domoic acid are 20 parts per million (ppm) for all fish, with the exception of 30 ppm in the viscera of Dungeness crabs. Available data in Dungeness and rock crabs from the California coast north of Point Conception show that a significant percent of samples exceed one or both of these criteria, with levels in one yellow rock crab sample reaching 190 ppm and numerous other samples exceeding 100 ppm.¹ A list of the sample results is provided on page 3 of this memorandum.

In consultation with the Director of the California Department of Public Health, OEHHA finds that consumption of Dungeness and rock crabs is likely to pose a significant human health risk as a result of high levels of domoic acid. As such, OEHHA recommends that the Rock crab fishery be closed and the Dungeness crab season be delayed from the Oregon border to the southern Santa Barbara County line.

OEHHA anticipates making a recommendation to open a fishery or lift a closure based on further domoic acid testing conducted in crabs at each of the sampling locations, to include two sets of samples, collected at least seven days apart.

If you have questions, please contact me at Lauren.zeise@oehha.ca.gov or (916) 322-6325.

¹ Although the samples collected recently from Fort Bragg fall below action levels, domoic acid levels in crabs north and south of this area are elevated. Thus, further sampling from Fort Bragg is warranted before consumption of crabs from this area can be considered safe.

Summary of Domoic Acid Levels in Crabs

Port	Sample collection date(s) (Dungeness crab viscera only unless otherwise specified)	Number of Samples	Result-range (FDA Action level >30 ppm)	Average ppm (FDA Action level >30 ppm)	% of samples exceeding action level (>30 ppm)
Crescent City	9/23/15	6	<2.5-120 ppm	37 ppm	66%
	10/29/15	6	28-140 ppm	66 ppm	91%
Trinidad	9/11/15	6	23-140 ppm	95 ppm	83%
	10/26/15	2	Pending	Pending	Pending
Eureka	9/15/15	6	30-120 ppm	76 ppm	100%
	10/27/15	3	Pending	Pending	Pending
Ft. Bragg	10/30/15	6	<2.5-15 ppm	6.5 ppm	0%
Bodega Bay	10/20/15	6	21-40 ppm	30 ppm	50%
	10/31 - 11/1/15	6	Pending	Pending	Pending
Half Moon Bay/SF	10/26/15	12	16-130 ppm	56 ppm	83%
Monterey	9/16/15 (Red Rock Crab)	4	16-86 ppm	45 ppm	75%
	9/16/15 (Yellow Rock Crab)	1	190 ppm	190 ppm	100%
	9/16/15 (Dungeness)	2	6.8-74 ppm	40 ppm	50%
	10/31-11/1/15	?	Pending	Pending	Pending
Morro Bay	10/26/15	?	Pending	Pending	Pending
Santa Barbara	11/3/15 (Yellow Rock Crab)	6	Pending	Pending	Pending

Charlton H. Bonham
November 3, 2015
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cc: Karen L. Smith, Director
California Department of Public Health

Matthew Rodriguez, Secretary
California Environmental Protection Agency



Coastside Fishing Club

P.O. Box 5501
San Mateo, CA 94402

November 3, 2015

VIA EMAIL: fgc@fgc.ca.gov

Jack Baylis, President
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

SUBJECT: Emergency Action to Delay Sport Crab Opener

Dear President Baylis:

The Coastside Fishing Club supports measures necessary to protect the public health, including a delay in the opening of the recreational Dungeness crab season from the scheduled date of November 7, 2015. The season should open once public health officials determine that domoic acid levels in crabs have dropped to safe levels.

Coastside respectfully asks that the Commission carefully consider how the eventual opening of the sport season will proceed, particularly in relation to the likely delayed opening of the commercial season. The sport and commercial openers are intentionally staggered in regulations in order to provide recreational anglers a fair opportunity to take crab before nearly all harvestable crabs are taken by commercial crabbers.

Depending on the calendar and the region, sport crabbers generally have anywhere from a week to a month before commercial crabbing commences.

- Sport crab opens statewide on the first Saturday in November
- Commercial crab opens from Sonoma County south no earlier than November 15
- Commercial crab opens north of Sonoma County no earlier than December 1

As the Commission is aware, its powers are restricted to recreational crabbing while the Legislature has empowered the Department to manage the commercial industry. Coastside respectfully asks the Commission take these realities into account in adopting the emergency regulations that will delay the sport crab opener.

The eventual opening of the sport crab season should be tied to and precede by one to four weeks the commercial gear-setting period that effectively marks the opening of the commercial crab season. In order to avoid unnecessary delay, the sport opening should occur without the need for further Commission action, perhaps by incorporating specific direction to the Director in the emergency regulations.

Respectfully submitted.

A handwritten signature in black ink that reads "Marc Gorelnik". The signature is written in a cursive, flowing style.

Marc Gorelnik
Coastside Fishing Club

cc: Chuck Bonham, Director, California Department of Fish and Wildlife

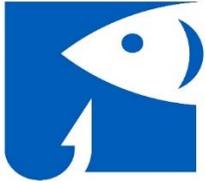
From: [REDACTED]
To: [FGC](#)
Cc: [REDACTED]
Subject: Recreationaal closure for crab
Date: Wednesday, November 04, 2015 10:34:47 AM

Dear Commissioners, the possible pending closure of recreational crab season I hope will be based of factual information. The notice from the Fish and Wildlife about the Domoic Acid found in the meat and viscera of the crab does not reflect the studies of Domoic Acid as found in the Natural Marine Toxins: PSP and Domoic Acid literature. It states: . [Unsafe levels of domoic acid have been found in mussels, oysters, razor clams and the viscera \(but not in the muscle tissue\) of sardines, anchovies, crab and lobster. Many other species have yet to be investigated.](#)

This contradicts what the bulletin says and which decisions will be decided from. Closing the recreational season of crabbing would be a disappointment to a lot of the public that look forward to this week. Especially with the opening of commercial season right after. I understand people eat crab in a lot of different ways. We prefer cleaning and then steaming the meat. This method I personally feel would be the safest given that the statement above indicates it hasn't been found in the meat. That's my personal assumption.

I hope your decisions will be based on facts and **not misinformation.**

Regards, Rick Gerlack



Humboldt Area Saltwater Anglers Inc.

P.O. Box 6191, Eureka, CA 95502

Email: hasa6191@gmail.com

FEIN #61-1575751

November 4, 2015

California Fish and Game Commission
Michael Sutton, President
1416 Ninth Street, Room 1320
Sacramento, CA 95814

RE: Proposed emergency regulation to close recreational Dungeness crab fisheries

Dear President Sutton and Commission Members:

The Humboldt Area Saltwater Anglers, Inc. (HASA) is a northern California sportfishing organization representing saltwater anglers since 2008. We have been actively engaged in saltwater sportfish management over the years, including recreational fishing for Dungeness crab. We understand the need for the emergency closure of the Dungeness crab fishery, and understand the importance of this fishery to both recreational and commercial fishermen. The historic season structure has provided at least two weeks of lead time between the recreational fishery opening and commercial season opening to give the recreational anglers opportunities before the commercial season starts (when recreational fishing success drops dramatically). If and when the Dungeness crab fishery re-opens for 2015, we request that the regulations continue to provide the recreational crab fishery to open at least two weeks prior to the commercial crab fishery to enable good recreational access to Dungeness crab..

HASA appreciates the Commissions consideration of our request on the emergency regulation change.

Respectfully submitted,

A handwritten signature in blue ink that reads "Scott McBain". The signature is written in a cursive, flowing style.

Scott McBain, President
Humboldt Area Saltwater Anglers, Inc.

From: sanjit kumar <[REDACTED]>
Sent: Wednesday, November 04, 2015 2:49 PM
To: FGC
Subject: Comments: California Dungeness Crab Domoic Acid Emergency Meeting

F&G Commissioners:

I have a some brief comments related to the CDPH recommendation regarding closing the Crab fishery. For context I am a recreational Dungeness crab fisherman in Monterey Bay.

Two vicera (gut) samples were collected from Dungeness crab on 9/16/15 one result was 6.8 ppm and the other 74ppm. The FDA limit for domoic acid is 30 ppm.

Comments:

- Only TWO Dungeness crab were sampled to represent Monterey Bay, which covers about 450 square miles.
- No crab meat samples were collected, only the guts were sampled which accumulate domoic acid.
- Most people do not eat crab guts
- The samples were collected 50 days ago- with pending data from Oct/Nov. not released.

Recommendations:

-collect crab meat samples. If they are less than 20ppm do not close the fishery even if the gut samples exceeds 30 ppm, instead issue an advisory to not consume crab vicera/guts. It should be noted that crab meat samples that have detections of domoic acid have likely been contaminated by the vicera and have not accumulated domoic acid.

-if the crab fishery closes please keep the one week stagger between the reopening of the recreational season and commercial season.

thanks for your time

Sincerely
Sanjit Kumar
Santa Cruz