

CDFW Responses to Crab Testing Questions from Tom Weseloh

1) Does the Director have authority to continue a season closure once domoic acid test results statewide are clean?

Yes, the Director can continue the closure until the reopening requirements of Section 131(b) of Title 14 of the California Code of Regulations are met. In addition to receiving a request from the Director of OEHHA (in consultation with the Director of CDPH) to reopen the fishery, the Director is required to give no less than a 7-day notice period to commercial fishermen and the general public of all re-opened waters.

2) With a statewide opening a 30 day delay provision protects all state waters from effort shift. How would the 30 day delay provision apply in the event of a split opening under the following circumstances:

a) If District 10 opened first, how would CA permit holders who have not yet fished be impacted? How would CA permit holders who have already fished in WA or OR be impacted?

The delay due to the public health risk from domoic acid constitutes a delay in the opening of the season pursuant to state law in California under Fish and Game Code section 8279.1. If District 10 opened before the rest of the state, California permit holders who have not yet taken, possessed onboard, or landed crabs would be able to immediately begin fishing in District 10. Pursuant to 8279.1(b) and (d), a permit holder who has already taken, possess onboard, or landed crabs in Washington or Oregon must wait 30 days before beginning to fish in California.

b) If Districts 6,7,8 and 9 opened first, how would CA permit holders who have not yet fished be impacted? How would CA permit holders who have already fished in WA or OR be impacted?

If District 6,7,8 and 9 opened before the rest of the state, California permit holders who have not yet taken, possessed onboard, or landed crabs would be able to immediately begin fishing in those Districts. Pursuant to 8279.1(b) and (d), a permit holder who has already taken, possessed onboard, or landed crabs in Washington or Oregon must wait 30 days before beginning to fish in California.