

GEORGE L. OSBORN

LOBBYIST

November 12, 2013

Mr. Mike Sutton, President
California Fish and Game Commission
1416 9th St.
Sacramento, CA 95814

Dear President Sutton:

On behalf of my client, Coastside Fishing Club, we respectfully request that the California Fish and Game Commission expedite a hearing on Coastside's request to update regulations for the take of recreational Dungeness Crab and include this request on the agenda for the December 2013 meeting for Commission consideration in the 2014 Regulatory Calendar.

Specifically, the Coastside request includes:

1. Prohibit retention of females (presently legal in the sport fishery).
2. Require use of "rotten cotton" on traps (not presently required).
3. Require that pots be labeled with the owner's name and contact information.
4. Prohibit pulling pots (not your own) without the owner's written permission.
5. Conforming the 10-crab limit to all sport anglers. Presently, there is an exception for recreational anglers aboard commercial passenger fishing vessels (CPFVs) seeking Dungeness crab in ocean waters from Sonoma to Monterey counties, who are limited to six crab.
6. Conforming the 5.75" minimum size throughout the recreational fishery. Presently, crab on CPFVs operating from Sonoma to Monterey counties have a minimum size of 6".

First, there is absolutely no reason to refer this issue to the Dungeness Crab Task Force (DCTF) which has no authority to regulate the recreational Dungeness Crab fishery. Such regulatory authority rests solely with the Commission. Fish & Game Code Section 8276.4(c)(2) sets a deadline of January 15, 2015 for the "initial" DCTF recommendations for "refining sport and commercial Dungeness crab management," (whatever that means) and "final" recommendations no later than January 15, 2017. Assuming the DCTF keeps to this timeline, the Commission and Department would not receive final recommendations in time even for the 2017 season, delaying implementation until 2018, five years from now.

In 2006, the Department of Fish and Game (now the Department of Fish and Wildlife) opposed a request for a single, Statewide bag limit and minimum size. The Department justified the more restrictive regulations for certain recreational anglers as the result of a purported "compromise" between CPFV operators and the commercial fleet. Coastside notes that many CPFV operators also participate in the commercial fishery, so this "compromise" is nothing more than a sham foisted on recreational anglers in favor of the commercial fleet operating in a portion of the State. And while that agreement might work well for those CPFV operators who made it, Coastside represents the fishing public who ride their boats, and those recreational fishermen are being unduly denied access to the resource.

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As the Commissioners are well aware, the State's Dungeness Crab are a public trust resource belonging to the people of California. Commercial fishing interests heavily exploit this valuable resource and Coastside supports their ability to do so, since the resource is healthy and abundant. Recreational anglers take a very small fraction of the total resource. Conforming statewide regulations will not meaningfully tip the present balance between the recreational and commercial fisheries. Even if the balance does shift, there should be no cognizable objection to the public's direct access to its own resource.

For those recreational anglers fortunate enough to be able to buy their own boat, or have friends who own boats, the current regulations have no negative impact, but there is simply no reason why a recreational angler in the six counties mentioned above should be penalized because she or he cannot afford to own a boat. There is no compelling reason to penalize the average working-class angler by maintaining the current regulation, which was adopted at the behest of the commercial fleet and inexplicably defended by the DFW.

Coastside believes that labeling pots with the owner's name and contact information will allow for more effective enforcement by providing game wardens with a tool by which they can readily compare an angler's fishing license to the information already on the pot. Unless the owner of the pot has provided prior written permission (which may even take the form of an electronic communication) to the person pulling the pot, the warden can readily know that a violation has occurred.

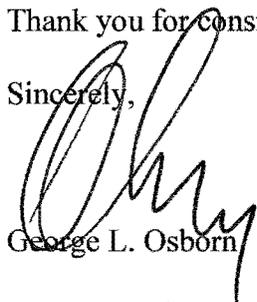
And, finally, in the interest of conservation, Coastside, sees no reason why retention of females is prohibited for the commercials but not for recreational anglers. A prohibition on the retention of females is good for the resource as is the use of "rotten cotton" as a means to prevent "ghost fishing."

As the Commission knows from testimony at the November 6 meeting, these measures are also supported by those in the conservation community such as the Ocean Conservancy.

We urge the Commission to move this issue forward for the good of the resource, more effective enforcement, and equity among recreational anglers.

Thank you for considering our views.

Sincerely,



George L. Osborn

cc: - Charleton Bonham, Director, CDFW (by hand delivery)
Craig Shuman (by email to craig.shuman@wildlife.ca.gov)
Bob Farrell (by email to Farrell, Bob.Farrell@wildlife.ca.gov)
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