

**State of California  
Office of Administrative Law**

**In re:**  
Department of Fish and Wildlife

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Adopt sections: 131**

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL Matter Number: 2016-1107-03**

**OAL Matter Type: Emergency (E)**

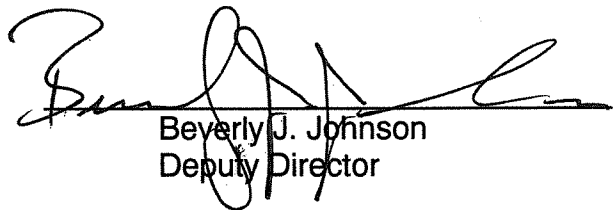
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This emergency regulatory action by the Department of Fish and Wildlife adopts section 131, in CCR title 14, to close the commercial rock crab fishery and delay the start of the commercial Dungeness crab fishery. Specifically, the emergency action prohibits all take or possession of Dungeness crab and all rock crab under a commercial fishing license from any ocean waters, north of the Point Reyes, Marin County, for Dungeness crab and north of Pigeon Point, San Mateo County for Rock crab, that pose a significant risk to public health, as determined by the Director of the Office of Environmental Health Hazard Assessment.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 11/15/2016 and will expire on 5/16/2017. The Certificate of Compliance for this action is due no later than 5/15/2017.

Date: November 15, 2016

  
Beverly J. Johnson  
Deputy Director

For: Debra M. Cornez  
Director

Original: Charlton Bonham  
Copy: Craig Martz

**NOTICE PUBLICATION/REGULATIONS SUBMISSION****EMERGENCY**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2016-1107-03E</b>
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For use by Office of Administrative Law (OAL) only

**2016 NOV - 7 P 4: 48****OFFICE OF ADMINISTRATIVE LAW**

NOTICE

REGULATIONS

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California**NOV 15 2016****1:46 p.m.**

AGENCY WITH RULEMAKING AUTHORITY

**DEPT. FISH AND WILDLIFE**

AGENCY FILE NUMBER (if any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) <b>Emergency closure of commercial Dungeness and rock crab fishing</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT <b>131</b>
	AMEND
	REPEAL
TITLE(S) <b>14</b>	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>on or before November 15, 2016</b>
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

<b>Craig Martz</b>	TELEPHONE NUMBER <b>(916) 653-4674</b>	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) <b>Craig.Martz@wildlife.ca.gov</b>
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8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

November 7, 2016

TYPED NAME AND TITLE OF SIGNATORY

Charlton H. Bonham, Director

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED****NOV 15 2016****Office of Administrative Law**

## PROPOSED TEXT OF EMERGENCY REGULATION

Section 131, Title 14, CCR, is amended to read as follows:

**§ 131. Mariculture and Shellfish Allotments. [Repealed] Dungeness Crab and Rock Crab Emergency Closure.**

(a) Pursuant to Fish and Game Code Section 7715(a), the director prohibits all take or possession of Dungeness crab (*Metacarcinus magister*) under a commercial fishing license from any ocean waters of the state north of Point Reyes, Marin County (38°00' N. lat.) and all rock crab (rock crab, *Cancer antennarius*, yellow crab, *Cancer anthonyi*, and red crab, *Cancer productus*) under a commercial fishing license from any ocean waters of the state north of Pigeon Point (37°11'00" N. lat.) due to domoic acid levels in Dungeness crab and rock crab that pose a significant risk to public health as determined by the Director of the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the Director of the California Department of Public Health (CDPH). The department shall notify the general public of all season delays or closures via the notification process as follows:

(1) Notification of Closed Waters: The department shall give the public and commercial fishermen immediate notice of any season delay or closed waters pursuant to this Section via a department news release, maintain a list of open and closed ocean waters of the state and update that list as necessary on Wednesday of each week by 1:00 pm. It shall be the responsibility of any commercial fisherman prior to taking Dungeness or rock crab to use the telephone number provided below or to go to the department's website at [www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories](http://www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories) to obtain the current status of any ocean water. The number to call for information is (831) 649-2883.

(b) Pursuant to Fish and Game Code Section 7715(b), the opening of any ocean waters closed under subsection (a) of these regulations shall become operative when the Director of OEHHA, in consultation with the Director of CDPH, determines that a health risk no longer exists and notifies the director with a request to reopen the commercial fishery, and the director complies with notification provisions in this subsection. The director shall notify commercial fishermen and the general public of all re-opened waters via the notification process as follows:

(1) Notification of Re-Opened Waters: The department shall give the public and commercial fishermen notice of any re-opened waters pursuant to this Section via a department news release and will update the list of open and closed ocean waters as required in subsection (a)(1) of these regulations. The department may coordinate with commercial fishermen regarding a notification period to ensure an orderly fishery. It shall be the responsibility of any commercial fisherman prior to taking Dungeness or

rock crab to use the telephone number provided below or to go to the department's website at [www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories](http://www.wildlife.ca.gov/Fishing/Ocean/Health-Advisories) to obtain the current status of any ocean water. The number to call for information is (831) 649-2883.

(c) This emergency action supersedes the commercial fishing seasons established by Fish and Game Code sections 8276 and 8282.

Note: Authority cited: Sections 5700 and 154007715, Fish and Game Code. Reference: Sections ~~5700 and 15400~~ 154157715, 8276 and 8282, Fish and Game Code.