

All: Attached is a copy of the draft legislation I have prepared following direction from last Thursday's PCFFA Board meeting. The draft reflects considerable input PCFFA has received since the last bill went to the Governor's desk that would have established a 250 trap limit for District 10 and south. The draft includes a number of compromises that were made in an effort to develop a bill that could be supported by most crab fishermen. Some items to note:

1. The language is drafted in the form for Legislative Counsel (much as you'd see a bill in print) and includes a number of provisions that are existing law. The main part to look at is Section 12 for most of the changes, although I recommend everyone read the complete text;
2. There is nothing in this draft that addresses latent permits. We recognize there is a lot of concern about this, but before putting in language that may inadvertently hurt some fishermen unnecessarily we wanted to check with the Department to see if this really is a problem. If it is language will be added to address it.
3. There is no control date in the bill. All control dates do is signal intention that new entrants may be excluded or have lesser rights. By putting in trap limits now, there is no reason to put in a control date. The dates set out in the draft to qualify for 400 traps are the best of three seasons between the 98-99 season through the 05-06 season.
4. The trap limits were set at 300 and 400 for both parts of the California coast. The feeling was that 250 may be hard to sell again. There was also concern about a "two-class" system, but since Oregon and Washington have gone ahead and some of the bigger boats insist they can run up to 400 traps in a 24-hour period, it was decided to allow some of the bigger producers up to that amount of gear. The idea of 400 for everyone, however, was rejected out of fear that it could significantly increase the total number of traps in use (it may not create a crab resource problem but could lead to further entanglements with other fishing gear and marine mammals). The draft has set a maximum of 400 traps, based on the idea this is the most a boat can reasonably run under the best conditions in a 24 hour period, everything more than that is just hogging real estate.
5. There is the 30-day clause in the draft. This provision is felt critical to protect local stocks and fisheries, particularly if there is an effort to change the northern opener from 1 December to either the 15th or the first of the year.
6. Finally, there are provisions for Fish & Game Commission management in the draft, but this is current law. Section 7075 is the development of management plans pursuant to the Marine Life Management Act, authority the Commission currently has. This was put in to shut up the Department and Commission from complaining about not having authority – what we're saying is they have the authority already but the reality is they're not about to get to it for another decade, if then. There is also a provision for fees, but I've tried to keep this controlled so it'll pass muster with the Legislature without getting out of hand when it gets to the Department.

Keep in mind, changes can be made to this draft. We needed to get something out for people to review and discuss as well as get language to Legislative Counsel. While this is

being prepared by PCFFA (they pay the bills), we are happy to circulate it to others as well to get their input. Thanks, Zeke