

DRAFT 01/08

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8276.1 is added to the Fish and Game Code, to read:

(a) The State of California shall have a single opening date for the Dungeness crab season. That date shall commence on December 1, 2008 and each subsequent year thereafter.

(b) On or about November 20 of each year, the director may authorize one or more operators of commercial fishing vessels to take and land a limited number of Dungeness crab for the purpose of quality testing according to a testing program conducted by, or on behalf of, the Pacific States Marine Fisheries Commission or an entity approved by the department. The department shall not approve a testing program unless it is funded by the entity authorized to conduct the testing program. Dungeness crab taken pursuant to this section shall not be sold; however, any edible crabmeat recovered from the crabs tested shall not be wasted and may be used for charitable purposes.

(c) The director shall order the opening of the Dungeness crab fishing season in Districts 6, 7, 8, 9, and 10 on December 1 if the quality tests authorized in subdivision (b) indicate that the Dungeness crabs are not soft-shelled or low quality. The entity authorized to conduct the approved testing program may test, or cause to be tested, crabs taken for quality and soft shells pursuant to the approved testing program. If the tests are conducted on or about November 1 and result in a finding that the Dungeness crabs are soft-shelled or low quality, the director shall authorize a second test to be conducted on or about November 15 pursuant to the approved testing program. If the second test results in a finding that the Dungeness crabs are soft-shelled or low quality, the director may order the season opening delayed for a period of 15 days and may authorize a third test to be conducted on or about December 1. If the third test results in a finding that the Dungeness crabs remain soft-shelled or of low quality, the director may order the season opening delayed for a period of an additional 15 days and authorize a fourth test to be conducted. This procedure may continue to be followed, except that no tests shall be conducted after January 1 for that season, and the season opening shall not be delayed by the director later than January 15.

(d) This section shall become inoperative on April 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 8276.2 of the Fish and Game Code is amended to read:

(a) A formula shall be established by which individual pot limits and an overall industry pot limit will be enforced within the State's waters.

SEC. 3. Section 8276.3 of the Fish and Game Code is amended to read:

(a) Stakeholders in the Dungeness crab industry will work to develop a long-term management program for the fishery, consistent with Section 35650 of the Public Resources Code, to be approved by the commission.