

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:

8276.1. (a) The commission may adopt regulations as may reasonably be necessary to ensure the protection of the Dungeness crab resource and to provide for an orderly crab fishery.

(b) Prior to consideration of any regulations for the commercial Dungeness crab fishery, the commission shall establish a Dungeness Crab Advisory Committee to advise the commission and the department on the establishment and implementation of the Dungeness crab fishery regulations authorized to be adopted pursuant to subdivision (a), and shall make recommendations for any necessary changes that should be instituted to better regulate the fishery. The advisory committee shall consist of not less than five members who are permitted to fish for Dungeness crab pursuant to Section 8280.1, and who represent the geographic range of the Dungeness crab fishery in the state. The director shall appoint members to the committee from a list of individuals submitted to the department by organizations representing Dungeness crab fishermen.

SEC. 2. Section 8280 of the Fish and Game Code is amended to read:

8280. (a) The Legislature finds and declares that the Dungeness crab fishery is important to the state because it provides a valuable food product, employment for those persons engaged in the fishery, and economic benefits to the coastal communities of the state. (b) The Legislature further finds that, in order to protect the Dungeness crab fishery, it is necessary to limit the number of vessels participating in that fishery to take Dungeness crab and it may be necessary to limit the quantity and capacity of the fishing gear used on each vessel to take Dungeness crab.

(c) The Legislature further finds and declares that to limit the number of vessels in the Dungeness crab fishery, it is necessary to require that the owner of each vessel participating in the fishery obtain and possess a permit for that vessel and that the initial issuance of permits shall be limited to those persons owning vessels qualifying under Section 8280.1.

(d) The Legislature further finds and declares that, to ensure the long-term sustainability of the Dungeness crab fishery, it is necessary that limitations be placed on the number of traps used by the fishery, such as those adopted in the States of Washington and Oregon. Those limitations on the number of traps are necessary to ensure the safety of crabbing operations, ensure that the resource is more equitably shared among participants, increase the economic value of the resource, and make more fresh crab available to consumers during most or all of the crab fishing season. The Legislature further finds that the limits of 300 traps, and an allowance for up to 500 traps for higher producers, such as those in Washington and Oregon, excepting District 10 and south where smaller limits are necessary where the season opens earlier, is reasonable for such a time until the commission, department and industry after two or more years of experience with limits, determine adjustments in limits are necessary.

SEC.3. Section 8280.8 is added to the Fish and Game Code, to read:

8280.8. (a) Excepting in Districts 6,7, 8 and 9, no person operating a vessel pursuant to Section 8280.1 for the commercial take of Dungeness crab shall utilize more than 300 traps between November 15 and June 30th of each year, excepting after January 1, persons operating vessels that landed in each of three Dungeness crab seasons between 2003 and 2007 in excess of _____lbs. of crab shall be allowed to utilize up to 400 traps until June 30th of that year.

(b) In Districts 6, 7, 8 and 9, no person operating a vessel pursuant to Section 8280.1 shall utilize more than 300 traps during a season, excepting any person operating a vessel pursuant to Section 8280.1 who has had landings in excess of _____lbs. of crab in Districts 6,7,8 and 9 in each of three seasons between 2003 and 2007 shall be permitted to utilize up to 500 traps in Districts 6,7,8 and 9, provided no other traps are utilized by that person in any other districts of the state or in the waters of another state.

(c) Notwithstanding (a) and (b), no person operating a vessel pursuant to Section 8280.1 shall utilize more than 100 traps if that vessel has had landings of less than _____lbs. between November 15, 2004 and January 1, 2008.

(d) No owner of a vessel permitted pursuant to Section 8280.1 shall utilize that permit for the take of Dungeness crab on board a vessel owned by another person that is also permitted pursuant to Section 8280.1 for the take of Dungeness crab.

(c) On or after March 15, 2011, the commission shall consider recommendations from the department and Dungeness crab vessel permit holders, based on the experience of operating with trap limits, on whether to take any of the following actions:

- (1) Increase or decrease the trap limit.
- (2) Terminate the operation of the trap limit after June 30, 2012.
- (3) Make any other modifications of the operation of the trap limit.

(d) The commission shall, after consultation with the department and Dungeness crab vessel permit holders, either adjust the crab vessel permit fee for persons taking crab or establish a landing fee or vessel stamp, as the commission determines necessary, to cover all reasonable costs incurred by the department in administering and enforcing the provisions of this section. In adjusting or establishing fees or vessel stamps pursuant to this subdivision, the commission shall take into account the permit fees currently paid by crab vessel owners pursuant to Section 8280.1.

SEC. 4. Section 12002 of the Fish and Game Code is amended to read:

12002. (a) Unless otherwise provided, the punishment for a violation of this code that is a misdemeanor is a fine of not more than one thousand dollars (\$1,000), imprisonment in the county jail for not more than six months, or both the fine and imprisonment.(b) The punishment for a violation of any of the following provisions is a fine of not more than two thousand dollars (\$2,000), imprisonment in the county jail for not more than one year, or both the fine and imprisonment:

- (1) Section 1059.
- (2) Subdivision (d) of Section 4004.

- (3) Section 4600.
 - (4) Paragraph (1) or (2) of subdivision (a) of Section 5650.
 - (5) A first violation of Section 8670.
 - (6) Section 10500.
 - (7) Section 3005.9.
 - (8) A violation of commission regulations that is discovered pursuant to Section 3005.91 or 3005.92.
 - (9) Unless a greater punishment is otherwise provided, a violation subject to subdivision (a) of Section 12003.1.
- (c) Except as specified in Sections 12001 and 12010, the punishment for a violation of Section 3503, 3503.5, 3513, 3800, or ~~3800~~ 8280.8 is a fine of not more than five thousand dollars (\$5,000), imprisonment in the county jail for not more than six months, or both that fine and that imprisonment. *A second violation of Section 8280.8 shall result in the permanent revocation of a Dungeness crab permit issued pursuant to Section 8280.1 and a revocation of a commercial fishing license for a period of not less than five years.*
- (d) (1) A license or permit issued pursuant to this code to a defendant who fails to appear at a court hearing for a violation of this code, or who fails to pay a fine imposed pursuant to this code, shall be immediately suspended. The license or permit shall not be reinstated or renewed, and no other license or permit shall be issued to that person pursuant to this code, until the court proceeding is completed or the fine is paid.
- (2) This subdivision does not apply to any violation of Section 1052, 1059, 1170, 3005.9, 3005.91, 3005.92, 5650, 5653.9, 6454, 6650, or 6653.5.

SEC. 5.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.