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February 9, 2016

The Honorable Penny Pritzker
Secretary, U.S. Department of Commerce
1401 Constitution Ave NW
Washington, D. C. 20230

Dear Secretary Pritzker:

California is experiencing an economic disaster to our fishing industry and communities due to a public health concern that has caused the closure of State-managed Dungeness crab and rock crab fisheries.

In 2015, a massive and persistent toxic algal bloom of phytoplankton caused Dungeness crab and rock crab from Santa Barbara to the Oregon border to accumulate dangerous levels of domoic acid. When ingested by people, this potent neurotoxin can cause nausea, diarrhea, vomiting, and in higher levels, memory loss, seizures, and even death.

In early November 2015, the California Office of Environmental Health Hazard Assessment and California Department of Public Health determined the unsafe levels of domoic acid found in crab tissue posed a human health risk and recommended delaying the opening of the Dungeness crab season and closing the rock crab season. In response, the California Department of Fish and Wildlife and California Fish and Game Commission took emergency regulatory action, closing the commercial and recreational fisheries in the affected areas until conditions improved to safe levels. Although we have reopened a limited number of sectors of the fisheries in the southern part of California, this is a small portion of the overall species' ranges. Persistent unsafe levels of domoic acid have resulted in the continued closure of the entire commercial Dungeness crab fisheries statewide and the commercial rock crab fisheries in the Channel Islands and northern part of the State.

Dungeness crab is one of the highest valued commercial fisheries in California. The direct economic impact from the commercial closures to date is estimated to be at least $48.3 million for Dungeness crab and $376,000 for rock crab, representing 71 percent of the total estimated commercial value of Dungeness crab and 37 percent of the total estimated value of the affected area of rock crab for the period from November 6, 2015 through June 30, 2016. This initial estimate is based on the average ex-vessel value of

commercial landings over the previous five years and does not account for other commercial impacts or those of the fishing industry beyond commercial fisheries. Further, it is unclear when it will be safe to open the fisheries, and there is a growing possibility the commercial Dungeness crab season may remain closed for most or all of the 2015-16 season. Therefore, these initial estimates of impact are likely to increase.

Given the significant impacts to date, I request you declare a fishery resource disaster under section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. § 4107(d)), and a commercial fishery failure under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. § 1861a(a)).

As you know, declaring a commercial failure will enable the fishing communities affected by the closure to receive essential economic assistance. Crabs are a vital component of California's natural resources and provide significant aesthetic, recreational, commercial, cultural, and economic benefits to our state. Economic assistance will be critical for the well-being of our fishing industry and our state. I also ask National Oceanic and Atmospheric Administration Fisheries to work directly with the California Department of Fish and Wildlife to expeditiously complete the required review process.

Thank you for your consideration of this critical issue.

Sincerely,

Edmund G. Brown Jr.