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# SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Josh Becker, Chair

2025 - 2026 Regular

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**Bill No:** SB 1393 **Hearing Date:** April 21, 2026  
**Author:** McGuire  
**Version:** February 20, 2026 Introduced  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Katharine Moore

**Subject:** Commercial fishing: steelhead trout: Dungeness crab

## SUMMARY

This bill would make multiple changes to the commercial Dungeness crab fishery, and extend the sunset on the steelhead trout fishing report-restoration card (steelhead report card) until January 1, 2037, as provided.

## BACKGROUND AND EXISTING LAW

### *The California Department of Fish and Wildlife (department)*

The department is the state's trustee agency for fish and wildlife. The department's mission statement is "to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public." Both commercial and recreational fishing occur in the state's waters.

### *The commercial Dungeness crab fishery*

The commercial Dungeness crab fishery is consistently one of the most valuable fisheries in the state. For example, in 2025, the ex-vessel value of Dungeness crab landings was \$56.4 million dollars – almost 27% by itself of all commercial fishery ex-vessel value (\$212M).<sup>1</sup> The commercial Dungeness crab fishery is a limited entry fishery, and fishers are authorized to purchase tags for only a certain number of traps biannually.

Particularly in recent years, the commercial Dungeness crab fishery has faced a number of challenges. Marine mammals, such as whales, and other species can become entangled in crab gear resulting in harm to the animal or death. The Risk Assessment and Mitigation Program (RAMP) was developed in response which provides authority to the department director to order changes in the fishery – such as closure or a reduction in gear – to minimize the risk of entanglement.<sup>2</sup> Crab quality at the start of season has sometimes been poor resulting in a delayed opening. Additionally, the presence of certain marine algae can result in high domoic acid – a potent neurotoxin – concentrations in shellfish which also results in fishery closures.

According to the department, beginning with the 2025/2026 fishing season, all vessels participating in the Dungeness Crab fishery must have satellite or cellular based electronic monitoring when participating. A vessel's location is required to be tracked

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<sup>1</sup> Data from the department. Market squid was #1 in 2025 at \$82.8 million.

<sup>2</sup> For example, after the March 2026 assessment, there is a 15% gear reduction required from the Oregon border to Point arena, a 40% gear reduction required from Point Arena to Half Moon Bay, and the fishery is closed – except for the use of certain alternative gear – from Half Moon Bay south to Point Conception.

and recorded at a frequency of at least once per minute at all times that the vessel is participating in the fishery.

The Dungeness Crab Task Force (DCTF), with specified statewide membership, is established in statute and provides a forum for commercial fishers to provide input to the management of the fishery. One of the DCTF's tasks is to annually provide recommendations to the Legislature regarding proposed statutory changes to the fishery.

Recent DCTF recommendations included:

- Any surplus moneys from the crab trap program fees be placed into a separate account to be managed by the Pacific State Marine Fisheries Commission, in partnership with the department and DCTF, to use in alignment with DCTF's priorities. The fees can only be used to administer the crab trap limit program and support the DCTF. The surplus was approximately \$300,000, \$1.3 million, and \$800,000 at the end of FY 2021/22, FY 2022/23, and FY 2023/24, respectively.
- Modifications to authorize fishers to transit closed areas with crab onboard. Existing statutory provisions prohibit the take or possession of Dungeness crab while in a closed zone. Existing state and federal regulations<sup>3</sup> require that a vessel in a closed zone be continuously transiting it. Vessels are required to have a fully functional electronic monitoring system operating and are required to return to port if it is not, and to notify department enforcement. Currently, no crab is allowed onboard for a vessel transiting a closed zone which meets the following criteria: 1) the crab traps on board have Washington or Oregon tags; 2) the traps are not deployed in state waters; and 3) the traps are rendered unusable (Fish and Game Code (FGC) §8276.5(a)(4)). An exemption in the event of a mechanical breakdown of the vessel is also recommended.
- Request of 10-year sunset extensions for the commercial Dungeness crab fishery set to currently become inoperative on April 1, 2029 and be repealed on January 1, 2030. Most of the statutory sections specific to the commercial crab fishery have this or a similar sunset (e.g. FGC §§8275 *et seq.*).

### ***Recreational steelhead fishery***

Anadromous rainbow trout (*Oncorhynchus mykiss*) – steelhead – are an important ceremonial, biological, economical and recreational resources throughout the western Pacific states. Despite being widespread across California, most steelhead populations within the state are declining. Four of the six steelhead “distinct population segments” recognized under the federal Endangered Species Act (ESA) in the state are threatened, and one is endangered. The Northern California summer steelhead and the Southern California steelhead are also listed as endangered under the California ESA.

In order to fish for steelhead, an angler must have a fishing license<sup>4</sup> and purchase a steelhead report card. The steelhead report card serves two major roles – 1) gather

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<sup>3</sup> Title 50, Code of Federal Regulations, §660.11; Title 14, California Code of Regulations, §150.06b

<sup>4</sup> In certain circumstances, a fishing license may not be required or may be free, although the steelhead report card is always required. The current fee for a 365 day resident fishing license, required for those 16 or over, is \$64.54.

steelhead angling data which enables the department to monitor catch trends over time, and 2) to generate revenue for restoration projects. It is mandatory that the steelhead report card be returned, and online reporting is now available. The current fee for a steelhead report card is \$10.29.

With respect to the data generated, the return rates for the steelhead report cards have generally been very poor – in the vicinity of 30 – 35% and sometimes worse. Steelhead report card reporting was simplified at least once with no particular increase in response rates. The value of these data are highly questionable given the dismal return rates without additional verification. In fact, the department just used \$500K of steelhead report card-generated moneys – over half of the moneys generated over a two year period - to perform creel surveys of 3 rivers.

Potential penalties for steelhead report card non-response have not been implemented by the department despite explicit authorization to do so (Title 14, California Code of Regulations, §1.74 (d)(1)(A)).

In September 2025, a department presentation to the Wildlife Resources Committee (WRC) of the California Fish and Game Commission (commission) recommended multiple changes to the steelhead report card program to be included in the commission's sportfishing regulatory effort for 2026 with a goal to have the new regulations in effect on January 1, 2027. The recommendations included changing the steelhead report card to a 9-month card and changing the reporting deadline, charging a non-return fee to an angler who did not return the steelhead report card and not issuing a new steelhead report card until the non-return fee was paid. In materials from the January 2026 WRC meeting, the department indicated that the non-return fee has helped in other report card programs.

At the February 2026 commission meeting, the WRC's sportfishing regulatory proposal was approved on a 3-0 vote. There was no public comment relevant to the report card at any of the three meetings.

***Existing law:***

- 1) Establishes the department and the commission in the California Natural Resources Agency. In general, the department implements and enforces the regulations set by the commission, as well as providing biological data and expertise to inform the commission's decision-making process.
- 2) Authorizes a commercial fisher participating in eviscerated crab fishery authorized by the department director in an otherwise closed area due to public health risks to transit closed waters if the vessel adheres to electronic monitoring requirements specified by the department (FGC §5523(a)(3)).
- 3) Establishes the RAMP program (FGC §8276.1) and authorizes the department director to delay the start of the Dungeness crab fishery for specified reasons (FGC §8276.2), among other provisions applicable to the commercial Dungeness crab fishery. Sunsets the RAMP program on January 1, 2030. Makes inoperative the department director's authority to delay the start of the fishery on April 1, 2029 and sunsets it on January 1, 2030.

- 4) Authorizes a vessel to transit state waters with Dungeness crab traps that are not tagged with California tags if the traps contain either a valid Oregon or Washington trap tag, no crab species are onboard the vessel, and the traps are not deployed in state waters. (FGC §8276.5(a)(4)).
- 5) Authorizes the department director to open waters that are otherwise restricted for the commercial take of Dungeness crab or rock crab for public health reasons during a time period that the Department of Public Health authorizes the manufacture and sale of eviscerated Dungeness crab or rock crab, as provided, in accordance with the following requirements:
  - a) The vessel is required to submit to electronic monitoring of the vessel when engaged in take of the crab species in order to verify location.
  - b) Prohibits a person from taking, possessing, or landing Dungeness crab or rock crab under an evisceration order on the same trip in which the Dungeness crab or rock crab are taken, possessed, or landed from waters outside where the evisceration order is in effect.
  - c) Authorizes a person taking Dungeness crab or rock crab to sell or provide the crab only to a licensed processor, as provided.
  - d) Requires the processor to identify on the fish ticket that the crabs were taken from an area under an evisceration order. (FGC §8285).
- 6) Requires the department director, when the evisceration order is lifted, to lift restrictions in a manner to promote a fair and orderly fishery. (FGC §8285).
- 7) Requires a person taking steelhead in inland waters to have a valid California sportfishing license and a valid nontransferable steelhead trout fishing report-restoration card. Requires the cardholder to record certain fishing information on the card, as specified, and return it to the department, as provided. Authorizes the commission to adopt necessary regulations to implement this section. Specifies the report card fee is \$5 for the 2004 year. Authorizes annual adjustments via indexing to the fee, as specified. (FGC §7380).
- 8) Authorizes revenue raised by the report card, upon legislative appropriation, to be expended to monitor, restore, or enhance steelhead trout resources, and to administer the program, as provided. Requires a legislative report providing information about the steelhead report card program on or before July 1, 2025, as specified. (FGC §7381).
- 9) Sunsets the steelhead report card provisions on January 1, 2027. (FGC §7382).

***Existing regulation***

- 1) Requires report card holders to return or report their cards to the department, as provided. Authorizes restricting a report card holder who fails to return or report their report card to the department from obtaining the same report card in a subsequent license year or makes the holder subject to an additional fee for the same report card in a subsequent license year. (14 CCR 1.74(d)(1)).

**PROPOSED LAW**

This bill would:

- 1) Extend the sunset on various commercial Dungeness crab fishery sections, including the RAMP program, 10 years to January 1, 2040. Extend the inoperative date and the sunset on various other commercial Dungeness crab fishery sections, including the authorization for the department director to delay the opening, 10 years to April 1, 2039, and January 1, 2040, respectively.
- 2) Raise the steelhead report card fee to \$15 for the 2027 license year.
- 3) Add a legislative report providing information about the steelhead report card program on or before July 1, 2031, and July 1, 2036.
- 4) Extend the sunset on the steelhead report card program ten years to January 1, 2037.
- 5) Authorize crab species to be on board a vessel transiting state waters when the vessel contains crab traps without a California tag and with a Washington or Oregon tag on them and the traps are not deployed in state waters, or, during a time period when there is an evisceration order in effect and that all related requirements are met.
- 6) Create the Dungeness Crab Fleet subaccount in the Dungeness Crab Account, as provided. Require money deposited in the subaccount to be managed by the Pacific States Marine Fisheries Commission. Require the DCTF, on or before December 31, 2027, and by December 31 annually thereafter, to develop and submit a spending plan for the moneys in the subaccount. Require the moneys in the subaccount to be available, upon appropriation, to implement the DCTF's spending plan.
- 7) Require the amount remaining in the Dungeness Crab Account after certain allocations are made to be deposited in the subaccount starting in fiscal year 2027 and every two fiscal years thereafter through fiscal year 2039.
- 8) Authorize a vessel to transit certain closed waters with Dungeness crab traps and Dungeness crab onboard if all of the following conditions are met:
  - a) Require the vessel to submit a notice of intent to the department at least 72 hours before entering the closed area. Require the notice to include the vessel's name, the vessel captain's name and phone number, the port of landing, the number of trips anticipated where the vessel will enter a closed area, the requested start and end date of closed area transit, and the procedures in case of mechanical failure or breakdown during transit, as provided.
  - b) Require the vessel to maintain continuous transit through the closed waters and to possess a fully operational electronic monitoring system during the closed area transit. Require all gear to be secured so no traps are rendered unusable.
  - c) Require the department to provide an exemption from the requirements of (a) and (b) for vessels experiencing mechanical issues during transit.

- d) Define continuous transit to mean transiting through a closed area as close to a direct route without stopping or delaying and maintaining at least a speed of 3 knots at all times.
- 9) Make various minor technical and conforming changes, and require that no reimbursement is required, as specified.

### ARGUMENTS IN SUPPORT

According to the author, “California’s steelhead trout and Dungeness crab fisheries are cornerstones of California’s natural heritage and economic lifelines for communities throughout the state. SB 1393 preserves the state management frameworks that have been essential to sustainably overseeing these fisheries and protecting marine ecosystems from entanglement risk. The bill also ensures that reliable data — not guesswork — drives decision-making and determines how we allocate access and enforce laws. Fishermen, processors, and resource managers need clear and predictable rules around which they build their lives and livelihoods.”

### ARGUMENTS IN OPPOSITION

None received

### COMMENTS

***A fisheries omnibus bill is a DCTF recommendation.*** This bill includes several of the DCTF’s recommendations for Dungeness crab fishery improvements.

***Dungeness crab fishery sunset extensions.*** The existing sunsets for many statutory sections concerning the commercial Dungeness crab fishery are January 1, 2030. It has generally been the legislative practice to provide a sunset extension – where warranted – no earlier than it would otherwise expire, with limited exception. In other words, the sunset extensions that must be passed this year are those set for January 1, 2027, such as for the steelhead report card. There do not appear to be extenuating circumstances that necessitate extending the Dungeness crab fishery sunsets three years early. Sunsets in the commercial Dungeness crab fishery have regularly been extended over the years.

Separately, various Dungeness crab fishery related statutory sections have inoperative dates in April prior to the subsequent January sunset. The author may wish to consider, should the bill move forward, whether to standardize the sunset language, particularly in the article of the Fish and Game Code dedicated to the commercial crab fishery.

As the Dungeness Crab Account sunsets, but the proposed Dungeness Crab Fleet subaccount to the account does not, the Committee may wish add the same sunset to the subaccount. [Amendment #1]

***Vessel transiting.*** In the proposed new section authorizing vessels to transit waters closed to the Dungeness crab fishery, the proposed language is currently somewhat loosely drafted. For example, the vessel, rather than the vessel owner or operator, reports a notice of intent to the department to transit the closed waters.

The Committee may wish to make a series of largely technical amendments to that section to more narrowly craft that section's language, including fixing a typo, while still meeting the author's goals. [Amendment #2]

In addition, regarding those fishers who have Washington and Oregon tagged traps and are transiting closed areas, the Committee may wish to fix two more typos to ensure that electronic monitoring when crabs are present is required, per the author's intent. [Amendment #3]

There are, as noted above, existing statutory requirements regarding the use of electronic monitoring when crossing closed areas. As the bill moves forward, the author may wish to consider, in discussions with stakeholders and the department, whether establishing a single set of requirements that multiple sections refer to for transiting closed areas with electronic monitoring is possible. The Committee may wish to direct Committee staff to assist in this effort.

***The Dungeness Crab Fleet subaccount management.*** Both the author and the department have confirmed that the Pacific State Marine Fisheries Commission is aware of their proposed role in managing the subaccount.

***How useful is the collected steelhead report card data really?*** Report cards are attractive because it is a relatively easy way to obtain fishing effort information (leaving aside issues with self-reported data). However, how useful the data actually potentially are is highly limited for steelhead because of the very poor annual report card return rates – well less than half of report card purchasers turned in their report cards annually on a consistent basis for decades. In fact, recently, as noted above, the department had to conduct creel surveys with a significant portion of collected steelhead report card revenues in order to help validate the report card information on three important rivers. In addition, the department spends significant resources annually – also from report card revenues – to process the meager reported data. It is not clear that this is the best or even an appropriate use of limited resources given the very poor annual return rates.

For example, if, in a given year, 35% of the report cards are returned, in the absence of additional data, how can those data be interpreted? If no angler fished under the remaining 65% of unreturned report cards, the reported data would be valid. However, if all 65% of the anglers with the unreturned report cards fished a lot, their effort would have totally swamped the data reported if they had been reported. If that is the case, the reported data would potentially be misleading. In either situation – or any in between – the data would have little interpretive value in the absence of additional efforts to validate them.

To the department's credit, they do make clear in the various legislative reports and the new online report card dashboard that all the graphs are based upon very limited data (if the reader reads the disclaimers) and do not attempt to estimate the unreported data. However, the department does not add any discussion of the limitations of the data, and, particularly in the early reports, compiled tens of pages of carefully organized data that are of limited value.

On the online dashboard and in the legislative reports, the department labels the provided information as "total" repeatedly when it should be qualified to "total reported"

in every instance. In other words, without external validation, the report card data are at best viewed as anecdotal information without technical rigor. It is unclear what the utility of the “higher resolution” data available about fishing effort in the dashboard really is as a result.

As noted above, the department has simplified reporting over the years to help improve report card return rates which did not particularly help. It may be that the ability to report online and via a cellphone app will help to improve report card return rates, but, here again, information available to Committee staff do not show an appreciable improvement yet.

Also, as noted above, the department has long had the authority to charge a non-report or late fee in an effort to improve report card reporting. To committee staff knowledge, it has not done so. When the department instituted mandatory reporting for deer hunters in 2015 with a \$21.60 mandatory fine for not reporting a tag, response rates increased and have reached 75%.<sup>5</sup>

A non-report fee was imposed on the recreational spiny lobster fishery in 2013 and report card return rates there have reached 50% or more on occasion (49% average) since. Previously the return rates were on the order of 12% – 33% annually. For the 2025 – 2026 recreational spiny lobster season, approximately 22% of purchasers were charged the late/non-return fee.

It is not known why the department has not chosen to charge a non-report fee, particularly when the automated license system keeps track of who purchases report cards, and it has helped in other recreational fisheries and hunts.

In late 2025, as noted above, the department proposed to the commission that regulations be developed to institute a non-report fee for applicable anglers and to prohibit them from purchasing a steelhead new report card without payment of the non-report fee. Current estimates are for the regulations to be in effect by January 1, 2027.

In view of this, the Committee may wish to amend the bill to:

- Require the department to institute a late or non-return report card fee, and require the payment of this fee prior to allowing an angler to purchase a new report card.
- Reduce the sunset extension to 5 years in order to timely assess whether the late or non-return fee improves compliance.
- Make the due date for the required legislative report earlier, and modify the legislative report to require error bars be included with the reported data.  
[Amendment #4]

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<sup>5</sup> Information in this paragraph obtained in part from Gusman Costa VM and CL Hause (2023). Human dimensions of angler nonresponse in California’s recreational steelhead fishing report card program. California Fish and Wildlife Journal 109:e11. The paper further noted that a complication in the implementation of the spiny lobster report card non-return fee was the number of contested non-return fees.

Should the addition of the late or non-return steelhead report card fee not have a meaningful increase in return rates, it may be that alternative solutions – such as changing the steelhead report card to a validation and providing incentives to voluntarily report fishing effort – should be explored in the future.

***Related legislation***

SB 156 (Committee on Budget and Fiscal Review, Chapter 72, Statutes of 2024) extended the sunset on the steelhead report card to January 1, 2027, among other provisions.

AB 203 (Committee on Budget, Chapter 60, Statutes of 2022), a Public Resources budget trailer bill, extended the sunset on the steelhead report card to January 1, 2025, among other provisions.

SB 80 (McGuire, Chapter 757, Statutes of 2021) revised fair start requirements for the Dungeness crab fishery, among other fishery-related provisions.

SB 262 (McGuire, Chapter 472, Statutes of 2019) altered the Dungeness crab vessel permit transfer, among other provisions.

SB 1310 (McGuire, Chapter 663, Statutes of 2018) extended the sunset of the DCTF among other Dungeness crab fishery related provisions.

SB 1309 (McGuire, Chapter 985, Statutes of 2018) extended the inoperative date of many Dungeness crab-related sections to April 1, 2029, with a sunset on January 1, 2030.

SB 144 (McGuire, Chapter 305, Statutes of 2017) extended the sunset on the steelhead report card to January 1, 2023, among other provisions.

SB 1287 (McGuire, Chapter 542, Statutes of 2016) established a Dungeness crab trap retrieval program, among other Dungeness crab fishery provisions, as provided.

SB 369 (Evans, Chapter 335, Statutes of 2011) established the tiered Dungeness crab trap program, among other Dungeness crab fishery provisions with a January 1, 2020 sunset.

SB 1690 (Wiggins, Chapter 727, Statutes of 2008) created the DCTF with a January 1, 2011 sunset.

**SUGGESTED AMENDMENTS:**

**AMENDMENT 1**

Add to proposed FGC §8276.6 the following:

**(c) This section shall become inoperative on April 1, 2039, and, as of January 1, 2040, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2040, deletes or extends the dates on which it becomes inoperative and is repealed.**

**AMENDMENT 2**

Revise Section 16 to read:

SEC. 16. Section 8286 is added to the Fish and Game Code, immediately following Section 8285, in Article 9, to read:

8286. (a) A vessel may transit waters closed pursuant to this **section article** with Dungeness crab traps and Dungeness crab onboard the vessel if all the following conditions are met:

(1) The vessel **owner or operator** shall submit a notice of intent to the department at least 72 hours before entering a closed area. The notice shall include all of the following:

(A) The vessel's name.

(B) The vessel's captain's name and phone number.

(C) The port of landing.

(D) The number of trips anticipated where the vessel will enter a closed area.

(E) The requested start and end date of closed area transit.

(F) The procedures the vessel will follow in case of mechanical failure or breakdown during transit.

(2) The vessel maintains continuous transit through the closed waters.

(3) The vessel possesses an electronic monitoring system approved by the department. The system shall remain fully operational during transit through closed areas.

(4) All gear is secured so that **all** ~~no~~ traps are rendered unusable.

(b) The department shall provide an exemption from the requirements of **subparagraphs (C), (D), and (E) of paragraph (1), paragraph (2), and paragraph (4) of** subdivision (a) for a vessel experiencing mechanical issues during transit.

(c) For purposes of this section, "continuous transit" means transiting through an area closed to take of Dungeness crab on a heading as close as practicable to a direct route, without stopping or delaying, and maintaining speeds greater than three knots at all times during transit.

**AMENDMENT 3**

Revise FGC §8276.5(a)(4) to read:

(4) Notwithstanding subparagraph (D) of paragraph (2), a vessel may transit state waters with Dungeness crab traps that are not tagged pursuant to subparagraph (D) of paragraph (2) if the traps contain either a valid Oregon or Washington trap tag, the traps are not deployed in state waters, ~~or~~ **and** all of the conditions required pursuant to Section ~~8285~~ **8286** are met.

#### **AMENDMENT 4**

Revise FGC §§7380 – 7382 as follows:

7380. (a)

[...]

(b)

[...]

(c) **A person who does not return a steelhead trout fishing report-restoration card by the date established by the department shall be assessed a late or non-return fee, and the department shall not sell a steelhead trout fishing report-restoration card for a subsequent year to that person until the late or non-return fee is paid in full. The base fee for the late or non-return fee shall be \$ \_\_\_\_\_ for the 2027 license year, which may be adjusted annually thereafter pursuant to Section 713. The funds received by the department from the late or non-return fee assessment shall be treated in the same manner as the card revenue pursuant to subdivision (b). The department or the commission shall not waive the late or non-return fee established pursuant to this subdivision.**

**(d)** ~~(e)~~ The commission shall adopt regulations necessary to implement this section. These regulations shall include, but not be limited to, procedures necessary to obtain appropriate steelhead trout resources management information, a requirement that the card contain a statement explaining potential uses of the funds received as authorized by Section 7381, and a requirement that the cards be returned to the department.

7381. (a)

[...]

(b) The department shall report to the Legislature on or before July 1, ~~2031, 2030,~~ **and on or before July 1, 2036**, regarding the steelhead trout fishing report-restoration card program's projects undertaken using revenues derived pursuant to that program, the benefits derived, **collected fishing effort data with error bars**, and its recommendations for revising the fishing report-restoration card requirement, if any. The report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

7382. This article shall remain in effect only until January 1, ~~2037,~~ **2032**, and as of that date is repealed.

#### **SUPPORT**

Bodega Bay Fishermen's Marketing Association  
California Trout  
East Bay Municipal Utility District

Half Moon Bay Seafood Marketing Association  
Humboldt Fishermen's Marketing Association, Inc.  
Pacific Coast Federation of Fishermen's Association  
Salmon Trollers Marketing Association  
San Francisco Crab Boat Owners' Association  
The Nature Conservancy  
Trout Unlimited

**OPPOSITION**

None received

**-- END --**