



May 4, 2016

Opening of the Commercial Dungeness Crab Fishery on the North Coast May 12, 2016 – Frequently Asked Questions

The following Frequently Asked Questions (FAQs) have been developed to address questions regarding the opening of the commercial Dungeness crab fishery along the north coast in regards to the partial opening of District 6 that includes the closed area around Trinidad. These FAQs supersede any conflicting guidance or communications previously provided on this topic.

Q: Once the north coast opens on May 12, can a person who is not subject to the fair start provision in Fish and Game Code section 8279.1, subdivision (a) transit through Districts 6, 7, 8, or 9 with Dungeness crab onboard and land Dungeness crab for commercial purposes in the closed area around Trinidad?

A: Yes, a person who is not subject to the fair start provision in section 8279.1, subdivision (a) may transit the closed area around Trinidad with Dungeness crab onboard, and land Dungeness crab in Trinidad. A person who is subject to the fair start provisions in section 8279.1, subdivision (a) (e.g., a person who has taken, possessed onboard, or landed Dungeness crab for commercial purposes outside of Districts 6, 7, 8, or 9 prior to the season opening in those Districts) would be in violation of section 8279.1, subdivision (a) should that person transit through the area to land crab in Trinidad.

Q: Should the closed area around Trinidad open, can a person transiting through that area possess Dungeness crab onboard a vessel during the 64-hr pre-soak?

A: If a person is subject to the fair start provision in section 8279.1, subdivision (a), it would be illegal to take, possess onboard, or land Dungeness crab for commercial purposes at any time before the completion of the 30-day fair start period, which could include the Trinidad area pre-soak period. Because transiting with Dungeness crab onboard qualifies as possession onboard, this would also be considered a violation of section 8279.1.

If a person is not subject to fair start provision in section 8279.1, subdivision (a), they may possess Dungeness crab onboard their vessel during the pre-soak for the Trinidad area. Any person having Dungeness crab on board a vessel during the Trinidad pre-soak, will be investigated by the Department to assure the crab were legally taken. The Department recommends landing all crab prior to participating in any pre-soak.

Q: How will the fair start provisions in Fish and Game Code section 8279.1, subdivision (a) apply to the north coast opening on May 12?

A: Please see the [FAQ released by the Department on April 20, 2016](#) for guidance on the application of section 8279.1 subdivision (a) to the May 12 opener in Districts 6, 7, 8, and 9.

Q: Can the Department waive the seven (7) day notice period and pre-soak period if the closed area around Trinidad were to open?

A: There is no provision that allows the Department to waive the seven (7) day notice period or the pre-soak period. The emergency regulation in Section 131 of Title 14 of the California Code of Regulations requires that the Department give the public and commercial fishermen no less than seven calendar days' notice of any re-opened waters.