



November 8, 2016

Commercial Dungeness Crab Fishery 'Fair Start' - Frequently Asked Questions

Q: Does the closure of Dungeness crab fishing in a part of a Commercial Fishing District constitute a delay under Fish and Game Code section 8279.1?

A: No. A closure of Dungeness crab fishing in a part, but not the entirety, of a Commercial Fishing District due to domoic acid does not qualify as a delay under Fish and Game Code section 8279.1.

Q: Does the closure of Dungeness crab fishing in an entire Commercial Fishing District constitute a delay under Fish and Game Code section 8279.1?

A: Yes. The delay of Dungeness crab fishing in the entirety of Commercial Fishing Districts 6, 7, 8 and/or 9 from domoic acid does qualify as a delay under Fish and Game Code section 8279.1.

Q: If the commercial fishery is delayed due to domoic acid between Point Reyes and the Sonoma/Mendocino County Line but opens on December 1 in all of Districts 6, 7, 8, and 9, does this qualify as a delay under Fish and Game Code section 8279.1?

A: No. A closure of Dungeness crab fishing in a part, but not the entirety, of a district due to domoic acid does not qualify as "delayed" under Fish and Game Code section 8279.1. Section 8279.1 is triggered when Dungeness crab fishing is delayed throughout the entirety of a Commercial Fishing District.

Q: If the season is delayed north of Point Reyes and there is a delay in opening the entirety of Districts 6, 7, 8, or 9, would they be subject to the fair start provisions of Fish and Game Code section 8279.1?

A: Yes. Delaying the Dungeness crab season throughout the entirety of District 6, 7, 8 or 9, individually or jointly, constitutes a delay under Fish and Game Code section 8279.1.

Q: If the fair start provisions of Fish and Game Code section 8279.1 are in effect due to a delay in the opening of the California season, can a person act as a crewmember on a vessel in either Washington or Oregon, and then get another job as a crewmember on a vessel in the California fishery when the season opens?

A: If the crewmember does not hold a Dungeness crab vessel permit, there would be no prohibitions against his/her taking a job as a crewmember on different vessels in both Washington or Oregon and California. If the crewmember holds a Dungeness crab vessel permit and takes, possesses onboard, or lands Dungeness crab in both states in violation of Fish and Game Code section 8279.1, his/her Dungeness crab vessel permit would be revoked. (Fish & G. Code, § 8279.1, subd. (e).)

Q: For a person who owns more than one vessel – if one vessel takes, possesses onboard, or lands Dungeness crab in Oregon or Washington can the second vessel immediately deploy in California as soon as the season opens after the delay?

A: No. If the second vessel is immediately deployed in California, it would be in violation of Fish and Game Code section 8279.1. Section 8279.1, subdivision (b) states that “a person shall not take, possess onboard, or land Dungeness crab for commercial purposes from **any vessel** in ocean waters south of the border between Oregon and California . . .” (emphasis added). If a person owns more than one vessel, and takes, possesses onboard, or lands Dungeness crab with any vessel in Oregon or Washington, the 30 day fair start provisions of section 8279.1 would apply to any fishing activity in California.

Q: When the California season opens, will there be an 18 hour or 64 hour gear setting period in effect?

A: Pursuant to Fish and Game Code section 8283, crab traps may be set and baited 64 hours in advance of the opening date of the season in Fish and Game Districts 6, 7, 8, and 9; and 18 hours in advance of the season in all other districts. No other attempt to take or possess Dungeness crab may be made during this time.

Q: Can a person use a vessel to deploy traps in Washington or Oregon, and then use that same vessel to take, possess onboard, or land Dungeness crab in California immediately upon the season opening?

A: No. A person who possesses a Dungeness crab vessel permit and deploys traps in Washington or Oregon would be considered to have taken crab, and therefore the 30 day fair start provisions of section 8279.1 would apply to any fishing activity in California. Fish and Game Code section 8280.7 describes the arrangement in which a person who has a Dungeness crab permitted vessel may contract with another vessel for help in deploying traps. A vessel may be contracted to deploy traps if (1) the vessel is registered pursuant to Fish and Game Code section 7881; (2) the vessel does not have a Dungeness crab vessel permit; (3) the vessel does not have any Dungeness crab trap retrieval equipment on board; and (4) the vessel shall not at any time have Dungeness crab on board. (Fish & G. Code, § 8270.7.)