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**2021-2022 Commercial Dungeness Crab Fishery -
Frequently Asked Questions (FAQs)**

The following serves as a compendium of the operations of the fishing season and will be updated as needed. Please send any additional inquiries to:

WhaleSafeFisheries@wildlife.ca.gov

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DOMOIC ACID TESTING

Q: What are Biotoxin Management Areas and how do they work?

A: CDFW continues to work in collaboration with state health agencies (California Department of Public Health (CDPH) and the Office of Environmental Health Hazard Assessment (OEHHA)) to sample and test Dungeness crab for domoic acid prior to the traditional season start date. Biotoxin Management Areas (BMAs) contain one to four domoic acid sampling locations for the commercial Dungeness crab fishery and when any of these locations within the area test above the federal action level, that location will need to clear in order for the BMA to open on time for the fishery. BMAs are intended to provide predictability and consistency for the industry when delay of openings occur and were designed in recognition of access to port areas. Area boundaries are based on geographic boundaries used in prior seasons or aligned with Fishing Zone boundaries under the Department's Risk Assessment and Mitigation Program (RAMP) (Section 132.8, Title 14, CA Code of Regulations). For more information, please refer to the [Biotoxin Management protocol](#).

Q: Did the process and testing criteria for domoic acid change by establishing Biotoxin Management Areas?

A: No. CDPH did not change the process for testing Dungeness crab and the criteria for clearing a location. Six crab will be collected at each sampling location and CDPH will test the viscera of these crab. Domoic acid concentrations in the viscera of all crab at a sampling location must be equal to or less than 30ppm for a site to clear. This domoic acid concentration action level is established by the Federal Food and Drug Administration.

A sampling location will require additional testing if any crab viscera are found to be above this concentration. Sampling will continue until two consecutive tests conducted at least one week apart result in domoic acid concentrations equal to or less than 30ppm.

Q: If a Biotoxin Management Area is delayed and then later cleared for domoic acid, how will the Department notify the fleet?

A: Pursuant to [Fish and Game Code section 5523](#), following a recommendation by state health agencies to reopen an area where a public health closure resulted in a delay of the commercial Dungeness crab season opener, the Director may provide a 72-hour notice to the fleet before the start of the gear setting period, followed by the opening to possession of crabs. Gear setting period is 64 hours, which is specified under [Fish and Game Code section 8283](#).

If, following the 72-hour notice, the gear setting period begins on any of the following dates in 2021 (November 24, November 25, November 26, December 24, December 25, December 31; or January 1, 2022), the Director may delay opening those waters for the additional time that is necessary to begin the gear setting period on the following day.

The Director's notice will be disseminated through the posting of a press release on the Department's [Crab page](#). The Department will also provide the information to the Dungeness Crab Task Force for distribution via their email listserv.

Q: How will Fish and Game Code section 8279.1 apply to Biotxin Management Areas in California that are delayed due to domoic acid?

A: The fair start provision is applicable to any Biotxin Management Area in California where the commercial Dungeness crab season opening is delayed due to domoic acid. A vessel that is subject to fair start must wait 30 days after the delayed Biotxin Management Area opens before they can take, possess onboard, or land Dungeness crab in the area. See the Fair Start section of this FAQ.

QUALITY TESTING

Q: How does poor crab quality delay the opening of the Dungeness crab season?

A: [Fish and Game Code section 8276.2](#) describes the circumstances in which a season may be delayed due to poor crab quality in the region north of the Sonoma/Mendocino county line to the California/Oregon border (Districts 6, 7, 8, and 9; or northern management area). The Tri-State Dungeness Crab Committee established a testing protocol that sets guidelines for the meat recovery criteria (24% with no rounding), timing of each round of testing, and locations for testing. All testing locations must reach the meat recovery criteria in order to open. Depending on the results after each round of testing, the Director will either open the fishery or continue to delay the season in 15-day increments until January 15, the latest a season can be delayed due to crab quality.

Q: How does the California fishing season open after a delay due to crab quality?

A: When the Director declares that the northern management area season can open after a delay for crab quality it will be preceded by a 64-hour gear setting period.

Q: How will Fish and Game Code section 8279.1 apply to areas that are delayed due to poor crab quality?

A: A delay due to poor crab quality postpones the opening of the entire northern management area, and therefore triggers the fair start provision for the entire northern management area. A vessel that is subject to fair start because of a crab quality delay

(i.e. participated in the fishery outside the northern management area) must wait 30 days after the northern management area opens before they can take, possess onboard, or land Dungeness crab in the area. For example, a vessel is subject to fair start if they participated in the fishery in the central management area (south of the Sonoma/Mendocino county line) prior to the quality delayed opening of the northern management area. See the Fair Start section of this FAQ.

RISK ASSESSMENT MITIGATION PROGRAM (RAMP)

Q: When are the RAMP regulations expected to be implemented?

A: Pursuant to [Fish and Game Code section 8276.1](#), CDFW adopted regulations establishing criteria and protocols to evaluate and respond to the potential for marine life entanglement. [CDFW's RAMP regulations](#) went into effect on November 1, 2020.

Q: Where can I receive and find updated information about the RAMP program?

A: Interested members of the public should visit the [Whale Safe Fisheries page](#) and sign up for email updates.

NEW Q: How will Fish and Game Code section 8279.1 apply to RAMP Zones in California that are delayed due to marine life entanglement risk under RAMP?

A: The fair start provision is applicable to any RAMP Zone in California where the season opening in that zone is delayed for commercial Dungeness crab fishing due to marine life entanglement risk under RAMP. A vessel that is subject to fair start must wait 30 days after the delayed RAMP Zone, or any part thereof, opens before they can take, possess onboard, or land Dungeness crab in that Zone. When a delayed RAMP Zone opens under a depth restriction, the 30-day wait begins on the first day any part of that Zone opens to fishing activity. See the Fair Start section of this FAQ.

BI-WEEKLY REPORTING

Q: Where can I find the regulation for the fishing activity reports that the Department now requires?

A: Vessels participating in the California Dungeness crab fishery are required to submit bi-weekly fishing activity reports to the Department under RAMP.

The [bi-weekly fishing activity regulation](#) is found specifically in subsection 132.8(g)(1), Title 14, California Code of Regulations.

Q: When are the bi-weekly reports due?

A: Bi-weekly reports are due on or before the 1st and 16th of each month during which vessels are participating in the fishery. Participating means having traps set in California ocean waters to take Dungeness crab in the commercial fishery. These reporting periods are applicable once the vessel begins participating in the fishery and through the end of the season or the vessel has concluded participating in the fishery.

Q: Where do I submit the bi-weekly reports?

A: You can submit reports via email or text to the following email:

Whalesafefisheries@wildlife.ca.gov

Q: What information is required on each bi-weekly report?

A: When participating in the California Dungeness crab fishery, vessels must submit bi-weekly report that includes the following information:

Required Information	Examples of Participant's Response
1) Dungeness Crab Vessel Permit Number (CT or CN with 4-digit number and tier)	CT1234-T5 (Not License number or Vessel ID)
2) RAMP Zone: 1-6 (do not use Zone 7)	3
3) Depth Range (fathoms)	20-30
4) Total Number of Traps in each RAMP Zone	265

Q: Where can I access a current map of the RAMP Zones?

A current map of the RAMP Zones can be found on [CDFW's Whale Safe Fisheries Webpage](#).

Q: Do I have to submit bi-weekly reports even when I am no longer fishing?

A: Once you have removed all commercial Dungeness crab traps from California ocean waters or at the end of the season you can submit your last bi-weekly report for the next reporting period with the above information (items #1-4) and include the number of reported lost traps:

Required Information	Examples of Participant's Response
5) Once Season Concludes or done crab fishing: Report Number of Lost Traps	25

Q: Can you be more specific on these reporting period deadlines?

A: Bi-weekly reports are required to be submitted on or before the 1st or 16th of the month. Any traps in ocean water deployed from the last due date to the day before the next due date would be reported. For instance, if you begin setting gear on November 28th during the presoak period, then the first report would be due on December 1st and thereafter until you are finished fishing and no longer have traps in the water. If you pull your last commercial trap out of California ocean waters on May 16th, then you are required to submit a final report on or before June 1st.

Q: I have traps set in two different RAMP Zones. How do I fill out my bi-weekly report?

A: If you are fishing in more than one RAMP Zone, you will need to provide the required information for each Zone. For example, if you are fishing a total of 300 traps in RAMP Zones 3 and 4, you will need to report the number of traps and depth range depths for each Zone separately.

Required Information	Example of Participant's Response
1) Dungeness Crab Vessel Permit Number (CT or CN with 4-digit number and tier)	CT1234-T5 (Not License number or Vessel ID)
2) a) RAMP Zone: 1-6 (do not use Zone 7)	3
b) RAMP Zone: 1-6 (do not use Zone 7)	4
3) a) Depth Range (fathoms) for Zone 3	20-30
b) Depth Range (fathoms) for Zone 4	35-50
4) a) Total Number of Traps in Zone 3	255
b) Total Number of Traps in Zone 4	45

Q: I am a Dungeness crab vessel permitholder, but I am not fishing in California for Dungeness crab this season. If I made a landing in California, am I required to submit a bi-weekly report?

A: No. The bi-weekly reporting requirement only applies to Dungeness crab permitted vessels that are fishing in California. If, for example, you are fishing in Oregon and only landing in California, you are not required to submit a bi-weekly report. Also, make sure your landing receipt reflects the appropriate [fishing block number for Oregon](#).

Q: My dually permitted vessel fishes on the California/Oregon border, but I make landings in Oregon. Am I required to submit a bi-weekly report?

A: Yes, if your dually permitted vessel is setting commercial traps in California ocean waters, they are considered participating in the commercial Dungeness crab fishery and must submit the bi-weekly reports.

Q: Is there a grace period for late submittal of bi-weekly reports and how long will this be considered?

A: No. There is no grace period for late submittal of bi-weekly reports.

Q: How is the Department using the information collected by this new reporting requirement?

A: The bi-weekly report is providing important fishing dynamics information to the Department. Specifically, the amount and set location of commercial trap gear. The report includes the location, depth, and number of traps per fishing vessel to ensure that the Department is getting a current snapshot of all fleet activity at that point in time. Having updated information on all fleet activity is necessary for the Department to assess the level of entanglement risk as it relates to fishing effort. It will also help inform the need or effectiveness of management actions, such as gear reductions or closures.

At the conclusion of the Fishing Season the number of lost traps shall also be reported on the final bi-weekly report that is submitted to the Department. This required information on lost traps will help inform the lost gear recovery effort and help to minimize risk of marine life entanglements in the off-season.

LANDING RESTRICTION DUE TO DELAYS

Q: Can Dungeness crab be landed from a vessel in District 6, 7, 8, and 9 during a delay due to poor crab quality?

A: No. It is prohibited for a vessel to take or land Dungeness crab north of the Sonoma/Mendocino county line to the California/Oregon border (Districts 6, 7, 8 and 9), until the Director orders the opening of the season pursuant to [Fish and Game Code section 8276.3](#).

Q: If an area delayed for public health reasons (e.g. domoic acid) includes a port of landing, can a vessel land Dungeness crab caught outside a delayed area at that port?

A: Under SB 80 (McGuire), a vessel may transit waters closed due to a public health risk (such as the biotoxin domoic acid) if the vessel complies with an electronic

monitoring requirements as specified by the Department. However, the Department has not yet finalized the electronic monitoring requirement for public health closures. When available, electronic monitoring requirements and the ability to transit will be specified in the closure declaration.

Q: How are fish businesses in ports adjacent to closed or delayed waters affected by the delay?

A: Although a vessel is prohibited from landing Dungeness crab in a port included in closed or delayed areas, a fish business can still land crab that are brought to the business by land under a Fish Transportation Receipt.

FAIR START (Fishing Season Delays in California)

Q: What is the fair start provision?

A: The fair start provision described under [Fish and Game Code section 8279.1](#) prohibits a vessel from taking, possessing onboard, or landing crab in an area previously delayed due to marine life entanglement risk, human health risk (e.g. domoic acid) or poor crab quality for a period of 30 days from the date of the opening if that vessel previously participated in other commercial Dungeness crab fishing areas (including those in Oregon and Washington) during the same season.

Q: How does a vessel become subject to California's fair start provision?

A: Two conditions have to be met for a vessel to be subject to California's fair start provision, 1) the delayed area qualifies under the provision (e.g. marine life entanglement risk, quality testing or human health risks) and 2) the vessel has already participated in a qualifying Dungeness crab fishery prior to the opening date of the delayed area. Prior fishing activity in any part of California, Oregon, or Washington (excluding Puget Sound) would count as participating in a qualifying Dungeness crab fishery for the purposes of fair start.

Q: Does the fair start provision apply to delayed RAMP Zone(s) due to marine life entanglement risk?

A: Yes, since the passage of SB80 (McGuire), a delay to the scheduled season start date due to marine life entanglement risk does trigger the fair start provision. See the RAMP section of this FAQ.

Q: If my vessel waited for a delayed area to open, can I set gear in the newly opened area AND the current open area during the gear set period?

A: No. The gear set period only applies to the area that was delayed and is newly opened. By setting gear in an open area not under the same delay you would be taking crab in that area in advance of the new opening of the delayed area, thereby triggering fair start for the newly opened area, and the 30-day wait period would apply. However, you can begin to set gear in the already opened area at the starting time on the first day when the delayed area opens.

For instance, if a domoic acid health concern delayed the Biotoxin Management Area between Point Reyes (38° N. Latitude) and the Sonoma/Mendocino county line (38° 46.125' N. Latitude), but the area to the south of the Point Reyes boundary line was not delayed due to domoic acid, then a vessel who waited for this delayed area to open can set gear in the Biotoxin Management Area north of this line during the gear set period. The vessel must wait until the starting time of the first day that the delayed Biotoxin Management Area opens to set gear south of this line otherwise, the vessel would become subject to fair start.

NEW Q: If my vessel waited for the last delayed area that is subject to fair start in California to open, can I transit in possession of and/or land Dungeness crab outside of the delayed area?

A: A vessel that waited for the last delayed area in California to open to begin fishing activity may travel in possession of and/or land Dungeness crab in other areas of California because that vessel is not subject to California's fair start provision. However, a vessel subject to fair start that wants to transit and/or land in an area subject to fair start must wait for the 30-day clock to expire. For instance, if a vessel began fishing in Zone 4 before Zone 3 opened under a fair start delay, then that vessel would be subject to fair start and unable to transit and/or land in Zone 3 until the 30-day waiting period has concluded.

FAIR START (Fishing Season Delays in Oregon or Washington)

Q: How does participating in Washington's Puget Sound Dungeness crab fishery affect the application of Fish and Game Code section 8279.1?

A: Section 8279.1 of the Fish and Game Code specifically references the Tri-State quality testing program so the Department does not consider Puget Sound to be an ocean water subject to fair start. A vessel participating in the Puget Sound fishery would not trigger the fair start provisions.

Q: If there are delayed areas in Washington due to either quality testing or domoic acid, how will California's fair start apply to this state?

A: A vessel that participated in the commercial Dungeness crab fishery prior to the opening of any delayed area in Washington is subject to fair start. The fair start provision treats every delayed area either due to Tri-State quality testing or a risk to human health (e.g. domoic acid) separately so a vessel subject to fair start must wait at least 30 days from the date of the opening of each delayed area before it can take, possess onboard, or land Dungeness crab in that delayed area. The geographic extent of any Tri-State quality delay in Washington will be determined based on the industry notice provided by the Washington Department of Fish and Wildlife and would apply to **all areas** identified in the industry notice.

Q: How does the California fair start provision treat tribal delays in Washington?

A: Under section 8279.1 of the Fish and Game Code, a tribal fishing delay does not qualify as a delay in the start of the opening of the commercial Dungeness crab fishing season. Only a delay based on the Tri-State quality testing program or to prevent a human health risk would trigger the 30-day fair start period. However, if the state of Washington issues a Tri-State quality delay for their coastal Dungeness crab fishery that is for the entire state from the Oregon/Washington border to the U.S./Canada border, as identified in their industry notice, then coastal areas within Washington that are further subject to tribal agreements and eventually open to general fishing may require additional days before a vessel subject to California's fair start provision can participate in the fishery in this newly opened area. Those vessels may not participate for at least 30 days from when the coastal fishery first opened under the Tri-State quality delay.

For instance, if Washington delays their coastal fishery due to quality until December 31, then the fair start opening would be January 30 the following calendar year. A vessel subject to fair start that intends to fish in a tribal fishing area in Washington that opens to general fishing prior to this date would have to wait the full fair start period until January 30 before they begin fishing in that area. Vessels that are subject to Washington's fair start provision should refer to the industry notice provided by the Washington Department of Fish and Wildlife for more information.

Q: If there are delayed areas in Oregon due to either quality testing or domoic acid, how will California's fair start apply to this state?

A: Similar to Washington, the updated fair start provision now treats every area that is delayed due to Tri-State quality testing or a risk to human health (i.e. domoic acid) as separate delayed areas. When any delayed areas in Oregon open to fishing, a vessel that participated in the commercial Dungeness crab fishery prior to the opening of the delayed area in Oregon is subject to fair start and must wait 30 days from the date of

the opening before it can take, possess onboard, or land Dungeness crab in the delayed area. In the Tri-State quality testing protocol, Oregon may consider multiple closure areas in their state depending on the results of quality testing.

Q: How does participating in the fishery south of Point Arena, California affect a vessel's ability to fish in Oregon and Washington if there are fair start delays in these respective states?

A: If a vessel intends to fish for commercial Dungeness crab in a delayed area subject to fair start in either Oregon or Washington, the vessel would be subject to California's fair start if they participated in the California fishery prior to the opening of the delayed area. This includes the area south of Point Arena, CA in what is considered California's Central Management Area (District 10 and south).