



February 12, 2016

## **Opening Closed Areas for the Commercial Dungeness Crab Fishery - Frequently Asked Questions**

*The following Frequently Asked Questions (FAQs) have been developed in response to the recent opening of the recreational Dungeness crab fishery. Information provided is framed within this context. For additional FAQs related to the closure of Dungeness crab fisheries due to elevated levels of domoic acid, [click here](#).*

### **Q: How does the 30-day fair start rule apply under different commercial Dungeness crab fishery opening scenarios?**

A: Anyone who has already taken, possessed onboard, or landed Dungeness crab in Oregon or Washington would have to wait 30 days to fish anywhere in California once an area is opened.

A: If the fishery were to open only south of Pt Reyes (District 10/south), the fair start is applied to the entire District and to the open Districts to the south. If a person fished in the open portion of District 10 first, they would not have to wait an additional 30 days to fish in the closed portion of District 10, when it opens.

**Example:** If a commercial fisherman starts fishing in the Half Moon Bay area when the season opens south of Pt Reyes and two weeks later the area north of Pt Reyes in District 10 opens, this fisherman would not have to wait another 30 days to fish in Bodega Bay. The season in District 10 would start the first day that any portion of District 10 opens.

A: Anyone who chooses to fish in any portion of District 10, prior to Districts 6, 7, 8, or 9 opening, would have to wait 30 days prior to fishing in Districts 6, 7, 8, or 9.

A: If only portions of Districts open, the earliest date that each District opens is the start date for purposes of the 30 day wait period.

**Example:** Commercial Dungeness crab season opens in the northern portion of District 7 (Eureka and Crescent City areas), but the southern portion of District 7 (Fort Bragg area) remains closed.

If a Dungeness crab permittee has not fished crab elsewhere, s/he could begin fishing in the Eureka area when it opens. There would not be any 30 day fair start once the Fort Bragg area opens later.

If a Dungeness crab permittee has fished outside of Districts 6, 7, 8, or 9, s/he would start a 30 day wait period when any portion of those districts open. In this example, the 30 day fair start would start when the Eureka area opens.

**Q: What is the Department's approach to opening new areas?**

A: The Department's goal is to keep the fishery as simple as possible to engage and enforce. The ideal scenario would have been a simultaneous statewide opener. However, balancing against keeping it simple is the pressure to provide fishing opportunity on safe crab as soon as possible. The clearing trend of domoic acid from crab has led to a compromise solution, which has resulted in the recreational fishery opening south of Pt. Reyes. Future opportunities to open the remaining areas will be evaluated based on a balance between providing opportunity to fish on safe crab and maintaining a rational and enforceable fishery.

**Q: Why did the recreational fishery open suddenly without any notification period unlike the commercial fishery?**

A: Current regulations ([Section 29.85, Title 14, CCR](#)) adopted by the Fish and Game Commission last November in response to high domoic acid concentrations found in crab, require the opening of closed areas as soon as the Office of Environmental Health Hazard Assessment, in consultation with the Department of Public Health, notifies the Fish and Game Commission that it has determined that Dungeness crab in an area no longer pose a significant risk to public health.

**Q: Can a commercial vessel transit through a closed area to land crab caught in an open area?**

A: Transiting of commercially caught crab from an open to a closed area is allowed as long as no fishing gear is deployed in the closed area, and possessing the crab are not subject to the 30 day fair start provision.

**Example:**

Q: A commercial crab fisherman takes crab in the open area south of Pt Reyes and wants to land his crab in Bodega Bay, which is still closed. Is this legal?

A: Yes. Both of these areas are in District 10 and therefore this activity would not be prohibited.

Q: A commercial crab fisherman takes crab in the open area south of Pt Reyes and wants to land his crab in Fort Bragg, which is still closed. Is this legal?

A: No. Since the fisherman now fished in a portion of District 10, he cannot transit/possess Dungeness crab in Districts 6, 7, 8, or 9 while those areas remain closed, and for 30 days after they open.