



Crab Boat Owners
Association, Inc.
San Francisco

March 13, 2017

To: Department of Fish and Wildlife

Chuck Bonham- director@wildlife.ca.gov

Craig Schuman- craig.shuman@wildlife.ca.gov

Sonke Mastrop- sonke.mastrop@wildlife.ca.gov

cc: Dungeness Crab Task Force- info@dungenesscrabtaskforce.com

Dear Sirs:

We, the port associations of District 10, representing more than 100 Dungeness Crab fishermen have some questions for the California Department of Fish and Wildlife regarding the interpretation and enforcement of California Fish and Game Code 8279.1 subdivision (C) during the 2016-2017 Dungeness Crab Season.

For background, Fish and Game code 8279.1 (c) states the following:

A person shall not take, possess onboard, or land Dungeness crab for commercial purposes from any vessel in ocean waters north of the border between Oregon and California for 30 days after the opening of the Dungeness crab fishing season in Oregon or Washington, if both of the following events have occurred:

- 1. The opening of the season has been delayed in Oregon or Washington*
- 2. The person has taken, possessed onboard, or landed Dungeness crab for commercial purposes in California prior to the opening of the season in ocean waters off Oregon or Washington.*

A question regarding this code section was specifically asked and answered on the California Department of Fish and Wildlife Fair Start Frequently Asked Questions document dated 12/20/16 (attached):

***Question:** Because of the season delays in Oregon and Washington, would a person who has fished in California waters prior to the opening of those states' seasons be prohibited from landing those crab in Oregon or Washington?*

***Answer:** A person who took, possessed onboard, or landed Dungeness crab for commercial purposes in California waters prior to the opening of the delayed season in Oregon and Washington would be subject to the 30 day fair start provisions set forth in CA Fish and Game Code section 8279.1, subdivision (c). This provision prohibits a California commercial crab fisherman that has taken, possessed onboard, or landed Dungeness crab anywhere in California from taking, possessing onboard, or landing crab in*

Oregon or Washington before the 30 day fair start delay has expired. Doing so puts their California permit in jeopardy pursuant to section 8279.1, subdivision (e).

It is well known throughout the Dungeness crab fishing fleet that many vessels fished in the open areas of District 10 during November and December of 2016, and subsequently fished on the opening day of the delayed Dungeness crab season in Washington when the season began. These vessels did not wait for the 30-day fair start clock to expire and therefore it would appear that this activity was violation of 8279.1 (c).

This letter is to formally request that the Department of Fish and Wildlife investigate if there were landings in District 10 that were followed by landings in Washington without the required 30 day fair start, and to provide a written response to this request to the Dungeness Crab Task Force by the next Executive Committee call.

We believe that it is important for the fleet as a whole to understand if the Department of Fish and Wildlife intends to enforce fair start provisions as written in section 8279.1 or not.

Fishing operations in District 10 have long been economically disadvantaged by effort shift. A lack of enforcement of fair start provisions, which are the only deterrent to effort shift results in direct economic damage to District 10 for the 2016-2017 season.

We appreciate your prompt attention to this matter. If there are any questions, please contact Lisa Damrosch, Executive Director of the Half Moon Bay Seafood Marketing Association.

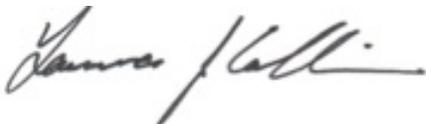
Sincerely,



Porter McHenry
Half Moon Bay Seafood Marketing Association



Loren Edwards
Bodega Bay Fishermans Marketing Association



Larry Collins
San Francisco (association name?)



December 20, 2016

Commercial Dungeness Crab Fishery - Frequently Asked Questions

Q: When does the 18 hr pre-soak time start in the opening section of District 10 (approximately from Salt Point to Gualala), and when can I start pulling my pots?

A: Fishermen may start soaking traps in the remaining section of District 10 beginning at 8:00 AM on the 23rd of December. Fishermen may start fishing (pulling pots) at 2:00 AM on the 24th of December.

Q: When does the 64 hr pre-soak time start in the opening sections of District 7 (approximately from Gualala to Pt. Arena and from Shelter cove to the north jetty at Humboldt Bay Entrance), and when can I start pulling my pots?

A: Fishermen may start soaking traps in the opening sections of District 7 beginning at 8:00 AM on the 23rd of December. Fishermen may start fishing (pulling pots) at 12:01AM on the 26th of December.

Q: When the closed section in District 10 opens (approximately from Salt Point to Gualala) who can fish there and how does fair start apply?

A: Any person may immediately take, possess onboard, or land Dungeness crab for commercial purposes in all open areas in District 10. The fair start provisions of section 8279.1 do not apply as there was no delay in the opening of the season in District 10.

Q: When the northern and southern parts of District 7 open, who may fish there and how does fair start apply?

A: Any person who has NOT previously taken, possessed onboard, or landed Dungeness crab for commercial purposes anywhere in California, Oregon, or Washington would not be subject to the fair start provisions of 8279.1, and may immediately take, possess onboard, or land Dungeness crab for commercial purposes in the open parts of District 7. Any person who HAS taken, possessed onboard, or landed crab in any part of these three states must wait 30 days before they may take, possess onboard, or land Dungeness crab for commercial purposes in the open part of District 7. Any person subject to the 30 day fair start delay for District 7 may not take, possess onboard, or land Dungeness crab for commercial purposes in any part of District 7. Persons NOT subject to the 30 day fair start provision in District 7 who have taken crab from an open area in District 7 can transit and land that crab in any closed area of District 7

Q: When can those subject to the 30 day fair start delay in District 7 start fishing?

A: A person subject to the 30 day fair start delay in District 7 may start fishing at 12:01 AM on the 25th of January, 2017.

Q: When the remaining closed section of District 7 (approximately from Point Arena to Shelter Cove) opens, who may fish there and how does fair start apply?

A: Any person who was able to legally fish the open parts of District 7 may fish the remaining closed section as soon as it opens. Any person who was subject to the 30 day fair start delay in District 7 must wait until 12:01AM on the 25th of January, 2017 to take, possess onboard, or land Dungeness crab in the remaining closed section. If the remaining closed section of District 7 opens after 12:01AM on the 25th of January, 2017, no additional delays apply and any person may fish that section as soon as it opens.

Q: Because of the season delays in Oregon and Washington, would a person who has fished in California waters prior to the opening of those states' seasons be prohibited from landing those crab in Oregon or Washington?

A: A person who took, possessed onboard, or landed Dungeness crab for commercial purposes in California waters prior to the opening of the delayed season in Oregon and Washington would be subject to the 30 day fair start provisions set forth in CA Fish and Game Code section 8279.1, subdivision (c). This provision prohibits a California commercial crab fisherman that has taken, possessed onboard, or landed Dungeness crab anywhere in California from taking, possessing onboard, or landing crab in Oregon or Washington before the 30 day fair start delay has expired. Doing so puts their California permit in jeopardy pursuant to section 8279.1, subdivision (e).