

CALIFORNIA DUNGENESS CRAB FISHING REGULATIONS 101



Commercial Fishery Digest

Dungeness Crab Task Force Meeting

June 5-6, 2018 | Ukiah, CA

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www.wildlife.ca.gov/crab

PURPOSE OF FISHERIES REGULATIONS 101 UPDATE

- Provide summary and clarity of current regulations (pending changes from introduced 2018 legislative bills: SB1309 and SB1310)
- Inform decisions on issues identified in 2018-19 DCTF Work Plan
- Ensure all DCTF members have same foundational knowledge

FISHERY MANAGEMENT : PROCESS & BACKGROUND

- **State Legislature** – Regulates commercial fishery
- **Fish and Game Commission** – Regulates recreational fishery, limited authority for regulating commercial traps (i.e. destruct device)
- **CDFW Director** – Exercises limited authority via legislative statute, (i.e., quality delays in 15-day increments, can close/delay fishery based on human health hazard)
- **CDFW** – Administers, manages, enforces Dungeness crab fisheries also authorized to conduct rulemakings under APA (i.e., trap limit program and gear retrieval program)
- **California Dungeness Crab Task Force**: Advisory body representing fleet interests, discusses current fishery issues, and provides recommendations to Legislature, Director, & FGC
- **Dungeness Crab Fishing Gear Working Group**: A multi-stakeholder group convened by CDFW, in partnership with other state and federal agencies, working to reduce risk of whale entanglements in CA Dungeness crab fishing gear

SEASONS & PRE-SETS

Management Area	Gear Setting Period (Gear in water)	Season Start (Harvesting of crab)	Season Ends (Gear out of water, no more take)
CENTRAL	18-hours (6:01 am Nov. 14)	12:01 am Nov. 15	11:59 pm June 30
NORTHERN	64-hours (8:01 am Nov. 28)	12:01 am Dec. 1*	11:59 pm July 15
*Conditionally, dependent on pre-season quality testing			

PRE-SEASON QUALITY TESTING

(UNDER CURRENT PROVISION)

- Under **Tri-State Dungeness Crab MOU**
 - CDFW coordinates CA quality testing & season opener with WA & OR
 - Tri-State formalizes quality testing protocol, overseen by PSMFC (<http://www.psmfc.org/crab/>)
 - Tri-State testing protocol: defines when and how ports are sampled, meat recovery criteria (25%)
 - Statute (along w/protocol) allow testing between late-October and late-December and under statute;
 - Entire Northern Management Area delayed by low quality results
 - No testing allowed past January 1
 - No delays beyond January 15 due to quality
 - CDFW with industry input decides on port/areas to sample (Tri-State protocol)
 - Sale of pre-season crab meat funds the test (based on a recommendation from the DCTF in 2014; PSMFC receives/tracks/distributes funds)

TRAP GEAR – STATUTES AND REGULATIONS

- Trap gear in Fish and Game code:
 - Requires L # on main buoy (§9006)
 - Trap escape opening requirements (§9011)
 - 96-hour servicing rule (§9004)
- Commercial section in Title 14, CA Code of Regulations:
 - Specifies L# dimensions on main buoy (§180.5)
 - Destruct device requirement (§180.2)
 - Specifies trap limit rules (§132.1-132.5)

2017-18 PRELIMINARY SEASONAL LANDINGS

Management Area	Total Landings (lbs)	Total Ex Vessel Value (\$)
Northern	13,355,888	\$ 38,842,646
Central	4,945,778	\$ 20,361,607
Statewide Total	18,301,666	\$ 59,204,252

FAIR START PROVISION

(UNDER CURRENT STATUTE)

APPLIES WHEN FISHING AREAS DELAYED:

- Vessels that have participated in the Dungeness crab fishery in WA, OR or CA prior to the delayed area opener are subject to Fair Start when area opens
- Fair Start refers to wait period when a vessel is not allowed to take, possess nor land crab for 30 days after area opens

HOW AREAS ARE DEFINED

IN CALIFORNIA:

- Under Quality Testing Delay - applies to entire area north of the Sonoma/ Mendocino county (Districts 6, 7, 8 & 9); barring domoic acid delays; once delayed beyond Dec. 1 no landing allowed
- Under Domoic Acid Delay - applies to any entire CA district that has been delayed and 30-day wait period starts when delayed district first opens, resulting in little to no wait time for any remaining areas that continue to be closed within CA district*

IN OREGON & WASHINGTON, IF DECEMBER 1 OPENER DELAYED:

- 30-day wait period starts when any part of OR state or WA state first opens to general Dungeness crab fishing (non-tribal fisheries)*

*SB1310 amendment to Fair Start Section 8279.1, would recognize any area in CA that was delayed due to domoic acid, and the Tri-State areas in Washington and Oregon as well as multiple openers in those states that are delayed due to quality and/or domoic acid.

8279.1. (a) A person shall not take, possess onboard, or land Dungeness crab for commercial purposes from a vessel in ocean waters for 30 days after the opening of those waters for the commercial Dungeness crab fishing season in California, season, if both of the following events have occurred:

- (1) The opening of the season has been delayed in those waters.
- (2) The same vessel was used to take, possess onboard, or land Dungeness crab for commercial purposes, from ocean waters outside of the delayed waters, before the opening of the delayed waters for the season.

(b) For purposes of this section, a delay in the opening of ocean waters for the commercial Dungeness crab fishing season has occurred in either of the following circumstances:

- (1) The opening of those waters for the season has been delayed pursuant to Section 5523 or 8276.2.
- (2) The opening of those waters for the season has been delayed in Oregon or Washington due to the tri-state quality testing program or by a closure to prevent a risk to human health.

(c) A violation of this section does not constitute a misdemeanor. Pursuant to Section 7857, the commission shall revoke the Dungeness crab vessel permit that was issued for use on the vessel that was used in violation of this section.

(d) This section shall become inoperative on April 1, 2029, and, as of January 1, 2030, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 29 2030, deletes or extends the dates on which it becomes inoperative and is repealed.