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## **Application of the Fair Start Rule to Potential Opening of Closed Areas on the North Coast for the 2016 Commercial Dungeness Crab Fishery – Frequently Asked Questions**

*The following Frequently Asked Questions (FAQs) have been developed to address questions regarding the application of fair start to the potential opening of the commercial Dungeness crab fishery along the north coast. These FAQs supersede any conflicting guidance or communications previously provided on this topic.*

### **Q: How would the fair start rule in Fish and Game Code Section 8279.1 (Section 8279.1) (a) apply should District 6 open before District 7?**

A: Pursuant to Section 8279.1(a), a person who has taken, possessed onboard, or landed Dungeness crab for commercial purposes outside of District 6 would be required to wait 30 days after the opening of the season in District 6 before participating in the fishery. For example, a person who has previously taken, possessed onboard, or landed crabs in Washington, Oregon, or currently open areas south of Sonoma/Mendocino county line (38° 46.1' N Latitude) must wait 30 days after the opening date in District 6 before participating in the fishery for Dungeness crabs in District 6.

### **Q: How would the fair start rule in Fish and Game Code Section 8279.1(a) apply should District 7 open before District 6?**

A: Pursuant to Section 8279.1(a), a person who has taken, possessed onboard, or landed Dungeness crab for commercial purposes outside of District 7 would be required to wait 30 days after the opening of the season in District 7 before participating in the fishery. For example, a person who has previously taken, possessed onboard, or landed crabs in Washington, Oregon, or currently open areas south of Sonoma/Mendocino county line (38° 46.1' N Latitude) must wait 30 days after the opening date in District 7 before participating in the fishery for Dungeness crabs in District 7.

### **Q: How would the fair start rule in Fish and Game Code Section 8279.1(a) apply should Districts 6 and 7 open at the same time?**

A: Pursuant to Section 8279.1(a), a person who has taken, possessed onboard, or landed Dungeness crab for commercial purposes outside of Districts 6 or 7 would be required to wait 30 days after the opening of the season in Districts 6 and 7 before participating in the fishery in either District. For example, a person who has previously taken, possessed onboard, or landed crabs in Washington, Oregon, or currently open areas south of Sonoma/Mendocino county line (38° 46.1' N Latitude) must wait 30 days after the opening date in Districts 6 and 7 before participating in the Dungeness crab fishery in Districts 6 and 7. Any person who is eligible to participate in the fishery immediately upon the opening of the season in Districts 6 and 7 would be able to take, possess onboard, or land crab in both Districts.

**Q: Should District 6 open before District 7, how would the fair start rule apply once District 7 opens?**

A: Pursuant to Section 8279.1(a), a person who has taken, possessed onboard, or landed Dungeness crab for commercial purposes outside of District 7 would be required to wait 30 days after the opening of the season in District 7 before participating in the fishery. For example, a person who has previously taken, possessed onboard, or landed crabs in Washington, Oregon, currently open areas south of Sonoma/Mendocino county line (38° 46.1' N Latitude), or District 6 must wait 30 days after the opening date in District 7 before participating in the fishery for Dungeness crabs in District 7.

**Q: If only a part of District 6 or 7 opens, how would Fish and Game Code section 8279.1(a) apply to the part of the District that remained closed?**

A: The 30 day fair start rule applies to the entire District, including the area remaining closed. The earliest date that each District opens is the start date for the purposes of the 30 day wait period under Section 8279.1(a). For example, if the Dungeness crab season opens in the northern portion of District 7, a person who had not yet taken, possessed onboard, or landed Dungeness crab outside of District 7 could immediately participate in the fishery in the open area. Once the southern portion of District 7 opened, there would not be any 30 day waiting period for that person. A person who had taken, possessed onboard, or landed Dungeness crab outside of District 7 would need to wait 30 days before beginning fishing activity in the open area pursuant to Section 8279.1(a). Once the southern portion of District 7 opened, the 30 day fair start period would not reset in that area, but would be completed 30 days after the date the northern portion of District 7 opened.