

**Meeting Summary**  
**DCTF Executive Committee Call**  
**Tuesday, March 14, 2017**

*Meeting Participants*

EC Members Present	Geoff Bettencourt, Bill Carvalho, Larry Collins, Mike Cunningham, Vince Doyle, Brett Fahning
EC Members Absent	Bill Blue
Other Meeting Participants	Paige Berube, Ocean Protection Council Ruth Flores, CA Department of Fish and Wildlife Christy Juhasz, CA Department of Fish and Wildlife Pete Kalvass, CA Department of Fish and Wildlife Sonke Mastrup, CA Department of Fish and Wildlife Maria Melchiorre, CA Department of Fish and Wildlife Cpt. Bob Puccinelli, CA Department of Fish and Wildlife Assistant Chief Mike Stefanak, CA Department of Fish and Wildlife Tom Weseloh, Senator McGuire's Office  Rachelle Fisher, DCTF Administrative Team Kelly Sayce, DCTF Administrative Team

Meeting Summary

*All "next steps" are in bold below.*

*1. Welcome, introductions, agenda overview*

- The DCTF Administrative Team (Admin Team) introduced call participants and welcomed everyone to the meeting. During the call the Dungeness Crab Task Force (DCTF) Executive Committee (EC) will receive updates (including on domoic acid, disaster relief, the Dungeness Crab Trap Limit Program tag account, [Senate Bill \(SB\) 290](#), etc.) and discuss the lost fishing gear recovery program ([SB 1287](#)), the structure of a future DCTF, and the DCTF's 2017 meeting schedule.
- The Admin Team explained the EC is a subcommittee of the DCTF. The EC cannot make decisions on behalf of the DCTF and will report back to the full DCTF with the outcomes of this conference call. During the October 24-25, 2016 DCTF meeting, the EC was directed to address priority topics, such as developing proposals to inform the long-term functioning of the DCTF. Additionally, the EC is tasked with moving DCTF recommendations forward between DCTF meeting, including supporting CDFW design a lost fishing gear recovery program (per SB 1287).
- Meeting ground rules and [guidelines for providing public comment](#) were reviewed, and the Admin Team walked through the agenda. The Admin Team reminded those on the call that public comments are also welcomed via email at [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com) if they are having trouble getting through on the line. Emailed comments received during the conference call may be read aloud during the call as time permits, and also included in the meeting summary (which may be paraphrased to improve readability).
- The Admin reminded call participants this is a working meeting of the EC. Public comment is welcomed, however will be limited if we are unable to get through the agenda in a timely fashion.

*2. Updates on issues involving the Dungeness crab fishery including, but not limited to, disaster relief efforts, whale entanglements, the Dungeness crab trap tag account, the lost fishing gear recovery program bill (Senate Bill 1287).*

- **Domoic Acid/Harmful Algal Blooms (HABs):** The California Department of Fish and Wildlife (CDFW) explained it was another difficult season on the fishery due to elevated levels of domoic acid. Currently, California Dungeness and rock crab are mostly free of domoic acid, although there are small amounts of

domoic acid showing up in rock crab. The state continues to track the HABs that create domoic acid and the California Department of Public Health (CDPH) has indicated they are not currently finding domoic acid in samples of mussels. As of January 16, 2017, all areas of the California Dungeness crab fishery are open. As of February 10, 2017, the rock crab fishery is open in all areas south of Bodega Head, while remaining closed north of the area. CDFW expressed some concern that there may be increased levels of domoic acid during the 2017-2018 season.

- *Disaster Relief*: In January 2017, the National Oceanic and Atmospheric Administration (NOAA) declared the west coast Dungeness crab fishery a federal disaster based on impacts on the fishery due to elevated levels of domoic acid during the 2015-16 fishing season. Disaster relief funds are not yet a guarantee. Representatives from Congresswoman Speier and Congressman Huffman will reintroduce the Crab Emergency Disaster Assistance Act to appropriate the relief funds, but this still has to pass Congress. It was highlighted that the DCTF/EC is not actively engaging in the disaster relief efforts, however updates are being provided due to the industry's interest on this topic.
- *Dungeness Crab Account and DCTF Administrative Funding*: During the October 2016 DCTF meeting, the DCTF recommended the account's excess funds be utilized to help support the DCTF's administration until a long-term solution could be established legislatively. CDFW continues to look into their ability to allocate these funds to support the DCTF's administrative services for the 2017-2018 fiscal year (which begins July 1). CDFW would like a better understanding of the DCTF's administrative needs (e.g. facilitation, meeting rooms, overall group coordination, etc.).
- *Senate Bill (SB) 290*: Senator Jackson (D-Santa Barbara) has recently introduce SB 290, which is intended to provide funding for whale rescue, rehabilitation, and disentanglement efforts. The bill has been discussed within the Dungeness Crab Fishing Gear Working Group, which has provided feedback and guidance on the bill's scope. Senator Jackson's office has expressed an interest in maintaining an open line of communication with the Working Group and broader fishing industry. Those interested in learning more are invited to contact Alicia Amerson in Senator Jackson's office at 916-651-4019 or [Alicia.Amerson@sen.ca.gov](mailto:Alicia.Amerson@sen.ca.gov).
- *Double-Sided Trap Tags*: During the October 2016 meeting, the DCTF recommended CDFW print trap tags on both sides one time to aid with whale disentanglement efforts. CDFW's License and Revenue Branch confirmed that the order for double-sided tags is underway and on schedule to be available for the 2017-18 fishing season.
- *Fisheries Forum*: The Fisheries Forum will be held Wednesday, March 29, 2017 in Sacramento, CA. Rachelle Fisher will provide an update on the efforts of the DCTF and can make her talking points available upon request.

EC Members discussed the updates.

- In response to continued issues with domoic acid impacting season openers, an EC Member proposed a change to fair start for Districts 6 and 7: if there is a delay for any reason, the entire Northern Management Area (north of the Mendocino/Sonoma county line) is delayed until the reason for delay is resolved or until January 15, whichever comes first. After January 15, fishing would begin over as much area as possible. Problem areas would be isolated and opened as soon as possible. Thirty-day effort shift protection would be applied, first to the entire area and then additionally to any isolated area that experienced further delay. Preset times would remain the same as now (64-hour preset).
  - This proposal would require legislative action. Since the EC Member felt there was broad support for this proposal from the northern ports, he suggested draft bill language be sent to Senator McGuire's office and included in a spot bill without moving through the DCTF so it could potentially be completed in time for the 2017-18 fishing season. He explained the proposal could be stewarded by Pacific Coast Federation of Fishermen's Associations (PCFFA) and port associations with an endorsement from the DCTF.
  - Various EC Members from northern and southern ports felt the proposal did not have broad industry support, and that all proposed legislation should move through the DCTF (in addition to port associations) before forwarding to the legislature. There was concern expressed with a January 15 opener as characterized by the proposal. Additionally, the Southern Management Area may also be interested in amendments to the fair start and presoak regulations, which could benefit from a discussion with the full DCTF.

- One EC Member expressed support for any proposal that allows the greatest days of access and maximum amount of production as possible. He explained that more frequent and smaller openers are better for the markets while opening the coast at once is challenging from a market perspective.
- Mr. Weseloh from Senator McGuire's office explained that a recommendation on the proposal from the DCTF at a June meeting may be too late in the legislative cycle to drastically amend a spot bill. Any additions to the current spot bill would need to be received as soon as possible and would require broad support from the industry before it will be added to a bill.
- The EC Member who presented the proposal indicated there was no intention to circumvent the DCTF, and welcomes suggestions to improve the proposal, which is modeled after the tri-state crab quality testing protocols. There is an interest in keeping the approach as simple as possible.
  - One EC Member suggested moving the management zone line from Cape Mendocino to Gorda to simplify management if CDFW Enforcement was amenable to the idea. Other EC Members expressed concern about the proposal and CDFW indicated CDPH or Office of Environmental Health Hazard Assessment (OEHHA) may also have feedback on the proposed ideas (and topic generally).
- The Admin Team explained there was not consensus on the proposal and it would be best to have the bill language in writing for the EC to discuss at an upcoming EC meeting. Due to the timing of the legislative cycle, EC Members requested another conference call as soon as possible.
- CDFW explained that once the proposal turns into a bill, they will no longer be able to work with the industry on fine-tuning it. Mr. Weseloh explained that this proposal would not be turned into a bill without CDFW's support. The EC generally agreed to continue discussing the proposal internally and with CDFW before asking Senator McGuire to add it to a spot bill. The language will further be discussed at an April EC conference call.
  - **The Admin Team will schedule another EC conference call in early to mid-April to discuss the proposal.**
  - **Mike Cunningham will draft bill language for the proposal and share it with the Admin Team, CDFW, and Mr. Weseloh.**
- EC Members asked for clarification on the status of the ~\$500K hold on the Dungeness Crab Account due to the [pending lawsuit](#) and requested CDFW not allow those funds to be used to settle the lawsuit. The Admin Team and CDFW explained that the lawsuit has been appealed and is still awaiting a decision. In the meantime, the legislature has earmarked those funds. CDFW has no authority to remove the earmark.
  - **The Admin Team will continue to keep an eye on the status of the lawsuit and its impacts to the Dungeness Crab Account and will keep the DCTF/EC updated as information is available.**
- One EC Member noted the current proposed increase in [commercial landings taxes](#).

## Public Comment

- George Castagnola, attorney, explained that many of his clients, fishermen, have experienced huge financial impacts from the domoic acid situation. This has caused some to be unable to maintain gear, created safety issues, child custody battles, etc. He explained that the disaster relief funds need to get to the people who need it. He also expressed concern about any potential new regulations to mitigate whale entanglements since there needs to be better information available about the impacts of Dungeness crab fishing gear on whales.

Mr. Castagnola also emailed the following comment: My name is George Castagnola, not to be confused with my son who is George Castagnola III. I am an attorney and I represent a number of fishermen including my son. There are two primary concerns I would like to have recognized.

First of all, I would like to know what is being done with respect to the disaster money for crab fishermen. The fishermen are waiting for the other shoe to drop. By this I mean that savings and credit have been exhausted for those who had any. At this point, regular maintenance is not being performed creating hazardous conditions. Along these same lines, gear is not being replaced. This is making fishermen who have lost as much as they can lose, much less competitive. Consequently, the number of homeless fishing families, people losing their cars, equipment, etc. is steadily increasing and will continue to do so.

Another issue I would like to address is concerns about whales. Regulations need to be based on the best available information and it is my understanding that no whale has ever died because it was strangled by crab lines or unable to feed itself because it was dragging crab lines. My point is that at this time I am wearing a belt...and I could wear 20 belts and still not be prevented from going about my daily business. Whales weigh from 40,000 lbs to over a hundred tons and the few that are entangled with crab lines, are not negatively impacted by dragging less than 100 pounds of rope.

- **The Admin Team indicated they are available to share additional information about the Dungeness Crab Fishing Gear Working Group that deals with whale entanglements to anyone who is interested.**

3. *Discussion on the long-term structure and functioning of the DCTF including, but not limited to, the potential need to reevaluate the makeup of the organization, long-term funding, informing sunseting Dungeness crab regulations, management of the Dungeness crab trap tag account, etc.*

- Funding from the Ocean Protection Council (OPC) to support the DCTF's administration completed in January 2017. At the request of the DCTF at the October 2016 meeting, the Admin Team is currently funded by TNC through July 2017. The Admin Team is working with CDFW and the legislature to explore the use of the Dungeness Crab Account to fund the DCTF's administration in the near- and longer-term.
  - Being mindful of the sunseting of Dungeness crab regulations in 2019, the DCTF must provide guidance on what the body will look like moving forward. This topic has been discussed at a number of DCTF and EC gatherings since 2009. Unless recommendations are made this year for how the DCTF will continue to function, there will be a lag in operations if a new DCTF is re-established.
  - During the October 2015 and 2016 DCTF Meeting, the DCTF agreed that there was value in and a need for the DCTF. The DCTF requested the EC continue discussing this topic with the goal of providing the DCTF with options for a long-term vision for their consideration for the October 2017 DCTF Meeting.
  - The goal of this conversation is to have a proposal(s) for available for consideration at the next DCTF meeting to inform a formal recommendation.
- The Admin Team walked through the document titled [Options for the Composition of a Dungeness Crab Industry-Representative Body](#). This document was circulated as a starting place for discussion and a tool for EC Members to use to speak with their ports.
  - At the October 2016 DCTF meeting there was a nonbinding straw poll that indicated general support for the following make-up: 2 South of Half Moon Bay, 2 Half Moon Bay, 2 San Francisco, 2 Bodega Bay, 2 Fort Bragg, 2 Eureka, 1 Trinidad, 3 Crescent City, and 2 out-of state representatives. (3 up; 14 sideways; 1 down; 1 abstain)
  - Suggestions from EC Members included:
    - Remove option D from consideration, since most ports are diverse and a single representative from each port would not suffice.
    - Add an option in which landings are tied to voting seats such that a port that lands 50% of the catch should receive 50% of the voting seats.
    - Equal seating in the Northern and Southern Management Areas.
    - Add a new option F: 2 South of Half Moon Bay, 2 Half Moon Bay, 2 San Francisco, 2 Bodega Bay, 2 Fort Bragg, 2 Eureka, 1 Trinidad, 3 Crescent City, and 1 out-of state representatives.

- Add a new option G: 2 South of Half Moon Bay, 2 Half Moon Bay, 2 San Francisco, 2 Bodega Bay, 2 Fort Bragg, 2 Eureka, 1 Trinidad, 3 Crescent City, and 2 out-of state representatives.
- Support for having multiple production tiers represented.
- While one EC Member felt permitholders who produce more should have more of a voice on the DCTF, others felt that each boat deserves an equal voice regardless of production.
- EC Members discussed non-resident boats explaining there are more than 70 permits. Some felt the non-residents should receive 2 seats to account for the large number of permits, while others felt the nonresident vote would give northern ports an edge. Some Members felt otherwise.
- One Member suggested option E to reduce the number of participants and help ensure more productive meetings.
- In an effort to begin developing a number of proposed options, EC Members agreed to consolidate the options to remove any “non-starters.” They generally agreed to retain option A, removing the rest of the options in the document, and adding options F and G. The expressed interest by an EC Member to consider production/landings will also be retained.
- **The Admin Team will update the options document based on the outcomes of this call.** The Admin Team will look to the EC and DCTF to vet these options with their constituents and be ready to discuss and vote on them at the next DCTF meeting.
- As discussed during the October 2016 DCTF meeting, a number of Dungeness crab regulations in the Fish and Game code are sunsetting in 2019. The Legislature would like guidance from industry on which sections should be renewed, which should be updated, etc. **The EC, DCTF, and public are encouraged to send a list of priorities related to the sunsetting code sections to the DCTF Admin Team so they can be added to future agendas.**

#### Public Comment

- David Helliwell, commercial fisherman and DCTF Member, highlighted that the DCTF is successful in its work because of broad industry support and the equitable representation across tiers. He also stated that lower tier representatives should not be allowed to also own an upper tier vessel, and that recreational fishing seats should be considered and discussed during a future EC call.

#### 4. Updates on the lost fishing gear recovery program bill (Senate Bill 1287) and discussion on programmatic options.

- The Whale Protection and Crab Gear Retrieval Act ([SB 1287](#)) was passed last year and is an outline for a statewide lost fishing gear retrieval program. The bill was informed and written based on the DCTF's recommendation ([see report for additional details](#)). CDFW is now designing the details of the program and is looking to the DCTF and broader industry to inform this effort.
- CDFW provided a document (see [Lost Fishing Gear Recovery Program, Options Document](#)) outlining three options for the industry's consideration for how the lost fishing gear recovery program could be structured and requested the EC's feedback on the options listed.
  - Various EC Members expressed concern about options 1 and 2, while expressing general support for option 3. It was highlighted that it will be important to design a program that doesn't put too much burden on the ports.
  - Should option 3 move forward, it will need to be developed on a port-by-port basis to account for local needs, limitations, opportunities, etc. The dynamics of each port are different and some ports may be more capable of supporting the program than others.
    - CDFW confirmed that it can work on a port-by-port basis to determine the capability of each port to support the program.
    - Additionally, there could be opportunities for ports, associations, or organizations with more infrastructure and resources to support those ports that may be overburdened by running the program.

- CDFW explained that regardless of which option moves forward, CDFW will need to maintain some oversight since there are legal implications should a person not purchase their retrieved gear (i.e., they will not be able to renew their permit). Additionally, if someone is to contest their bill, CDFW will need to ensure traps are being appropriately logged and accounted for.
  - EC Members and CDFW acknowledged that there may be opportunities to retrieve or pump lost gear during the season, since each permit holder is allowed a maximum of six unmarked traps on their vessel. There was brief discussion about the value of increasing the in-season six unmarked traps, while acknowledging the need to ensure fishermen are not fishing beyond their trap allocation. **CDFW Enforcement will look into how lost fishing gear might be recovered during the season and will follow back up with the DCTF during a future call/meeting.**
- CDFW will talk to individuals in each port to better understand how this program could be implemented. There may need to be a memorandum of understanding (MOU) established for each port. CDFW will also need to establish basic regulations to help protect permit holders and ensure the program can run without incident. **CDFW will follow back up with the EC/DCTF at a future meeting or conference call to continue discussing the progress of selecting a gear recovery program option.**

### Public Comment

No public comment was received.

### 5. Discussion of the 2017 DCTF calendar including scheduling upcoming meetings.

- In response to various requests for a calendar of upcoming DCTF activities, the Admin Team developed a [Draft Outline for 2017 Calendar of DCTF Activities](#). The calendar is a draft, and the Admin Team requires input from the EC about how to move forward.
  - The current funding provided by TNC is for one meeting. If the DCTF would like two meetings this year (one in June and one in October), there could potentially be opportunities to acquire additional funding through the Dungeness Crab Account should those funds become available. The Admin Team asked the EC if they saw value in having two DCTF meetings in 2017 and if June and October were appropriate timing for those meetings?
    - EC Members generally saw value in two meetings in 2017 based on the amount of work that must be done this year, but expressed concern about DCTF Members' ability to attend both meetings.
    - EC Members questioned the value of two meetings if most of the attendees were alternates since it could hamper the DCTF's progress. EC Members expressed a need to stress the importance of participation of alternates in DCTF meetings even when they are not sitting at the table.
- **The Admin Team will check in with DCTF Members on whether there should be two DCTF meetings in 2017 and will ensure sufficient attendance of Members at both meetings before scheduling.**

### 6. General Public Comment

No general public comment was received.

### 7. Adjourn