

**Draft Meeting Summary
DCTF Executive Committee
Emergency Session
Thursday, November 5, 2015**

Meeting Participants

EC Members Present Geoff Bettencourt, Bill Blue, Bill Carvahlo, Larry Collins, Mike Cunningham, Vince Doyle

EC Members Absent Brett Fahning

Other Meeting Participants: Craig Shuman, CA Department of Fish and Wildlife
Tom Barnes, CA Department of Fish and Wildlife
Pete Kalvass, CA Department of Fish and Wildlife
Christy Juhasz, CA Department of Fish and Wildlife
Steve Riske, CA Department of Fish and Wildlife
Valerie Termini, Ocean Protection Council
Rachelle Fisher, DCTF Administrative Team
Kelly Sayce, DCTF Administrative Team

Meeting Summary

All “next steps” are **in bold** below.

1. Welcome, Introductions, Agenda Review

- The DCTF Administrative Team (Admin Team) welcomed everyone to the meeting and explained the purpose of the call was to discuss the public health advisory issued by the California Department of Public Health (CDPH) and the Office of Environmental Health Hazard Assessment (OEHHA) due to the detection of high levels of domoic acid in California Dungeness crab. This emergency meeting was allowed pursuant to Bagley-Keene Section 11125.5, which states that an emergency meeting may be held for the following reasons:
 - *(1) Work stoppage or other activity that severely impairs public health or safety, or both.*
 - *“(2) Crippling disaster that severely impairs public health or safety, or both.” (§11125.5(b))*
- The Admin Team explained the EC was directed by the DCTF to address the topic of domoic acid during the October 26-27, 2015 DCTF meeting. The EC may provide timely guidance on this issue to CDHP, OEHHA, and the California Department of Fish and Wildlife (CDFW), along with other agencies involved. The EC, however, cannot make decisions on behalf of the DCTF and will report back to the full DCTF with the outcomes of this conference call.
- The Admin Team introduced EC members, Ocean Protection Council (OPC) staff, and CDFW staff.
- [Guidelines for providing public comment](#) were briefly reviewed, and the Admin Team walked through the agenda.

2. Informational updates on topics including, but not limited to, results of domoic acid testing in Dungeness crab along the California coast. The ensuing discussion may include, but will not be limited to, guidance to the California Department of Fish and Wildlife regarding potential action(s), and consideration(s) of including regular domoic acid testing as part of annual pre-season crab quality testing.

- The Admin Team explained that earlier in the week the CDPH issued an advisory about high levels of domoic acid in Dungeness crab throughout California. A [recommendation from OEHHA](#) to delay the opening of all Dungeness crab fisheries in CA followed shortly thereafter. In response, the California Fish and Game Commission (Commission) delayed the recreational fishery. It is anticipated that a delay in the commercial fishery from the Director of CDFW is imminent.
- The Admin Team asked the EC if they had any guidance to provide the CDPH, OEHHA, and/or CDFW regarding testing intervals and protocols.
 - CDFW and the public health agencies will be looking to the Dungeness crab fishing fleet to assist in and support domoic acid testing protocols.
 - One EC Member asked if the results from the most recent round of testing was available. CDFW explained the results were in [OEHHA's letter](#), however results were not yet available for all ports.
 - The Admin Team explained OEHAA recommends testing crabs at 7-day intervals and has developed a recommended protocol. Further clarifications were made throughout the discussion that samples must test below advisory levels (20 parts per million in the meat and 30 parts per million in the viscera) for two consecutive weeks before the fishery can open.
 - Seeing that there has been little to no improvement in domoic acid levels over the last 6-7 day testing interval, one EC Member stated that as long as the domoic acid levels remain at orders of magnitude over the advisory levels, tests should be done every two weeks to conserve resources. Once levels start falling to 60ppm, tests should be completed weekly as suggested by CDPH. He further stated that there is not a need to test every single port since neighboring ports have similar results and gear is often overlapping. Thus, Eureka, Trinidad, and Crescent City should be considered a single testing area. By reducing the testing frequency and amount, it will help alleviate the bottleneck in the labs so samples can be processed in a more timely fashion. He acknowledged, however, that these suggestions should be considered by experts (e.g., scientists) that will ultimately develop an appropriate testing protocol
 - Various EC Members agreed with these suggestions, expressing concern about the delay in receiving results once a sample is submitted to the state labs. There was general agreement that by reducing the frequency and number of samples, it would be easier to get timely results.
 - Some EC Members agreed that there were neighboring ports in the south that could also be grouped due to overlapping gear (e.g. Half Moon Bay, San Francisco, and Bodega Bay or Morro Bay and Avila), and generally supported reducing the number of sampling ports.
 - One EC Member stated he would prefer tests to be completed more frequently and conducted across all ports individually so ports could be "checked off" quickly and the closure could potentially be lifted sooner in each area.
 - CDFW explained that testing is administered by CDPH. CDFW's ability to assist in domoic acid testing is limited to putting health inspectors in touch with fishermen to retrieve samples. Ultimately, it will be up to CDPH to determine the testing intervals. CDFW also explained that recreational fishermen have agreed to assist in collecting samples.

- The Admin Team asked the EC if they had any guidance to provide the CDPH, OEHHA, or CDFW regarding opening the Dungeness crab fishing season.
 - CDFW explained that the Commission will open recreational fishing on a county-by-county basis as ports test “clean.” The county will open immediately upon receiving clearance from OEHHA.
 - An EC Member expressed concern that recreational fishermen were asking the Fish and Game Commission to open the commercial fishery two weeks after the recreational opener in District 10 rather than the usual one week “head start.” He stated the commercial fishery should open no more than one week after the recreational fishery. He also asked CDFW for further clarification on whether the 30-day fair start rule would be in effect due to the season delay.
 - CDFW explained that if Oregon and Washington open before California, as per Fish and Game code 8279.1, a fair start provision would apply to anyone fishing in Oregon and Washington. Additionally, if the areas **south** of Point Arena opened first in California, a 30-day fair start would be imposed on those who move to fish in Districts 6, 7, 8, and 9.
 - The Admin Team further explained that if the areas **north** of Point Arena opened first, a 30-day fair start would not be imposed on those moving to fish in District 10.
 - An EC Member suggested opening both California management areas (north and south of Point Arena) at the same time.
 - CDFW stated they were looking into their authority on whether they could implement a single statewide opener or open by management area, but would appreciate guidance from the EC on what the industry would like to see.
 - Various EC Members expressed support for a single opener when all of the crabs in California test at acceptable levels.
 - One EC Member expressed concern that if one management area continued testing poorly that the Dungeness crab fishery would not re-open this season.
 - Another EC Member stated that the EC could suggest a single opener, but maintain flexibility in that guidance by providing an updated suggestion later if one management area continues to test poorly.
 - One EC Member stated that due to the fear created by the media, a partial opening may create confusion and backlash by the consumer against purchasing the product. It would be better for the market if all of California tested “clean” before opening the commercial fishing season and selling crab in the marketplace.

Public comment

- Mark Tompkins, Flow West, asked where he could locate data on domoic acid in Dungeness crab from previous seasons.
 - The Admin Team explained that CDPH would have that information.
- Craig Goucher, commercial fisherman/DCTF Alternate, expressed support for a statewide opener due to one EC Member’s comments about confusion in the market. However, he also stated that this recommendation may need to be revisited if one management area continues to test poorly.
- Steve Moore, commercial fisherman, stated that the recreational fishery should open one week prior to the commercial fishery. He also expressed support for a statewide commercial opener recognizing that it could have unintended consequences.
- Randy Smith, commercial fisherman, expressed support for a statewide opener with the ability to reassess as need be.

- Chris Lovero, commercial fisherman, stated that Fort Bragg has recently tested clean, and that winter patterns and northern storms are likely going to have an impact on domoic acid levels. He suggested doing another statewide test to see if levels are decreasing before changing protocols to test every two weeks.
- Craig Goucher, commercial fisherman, asked if there would still be a 64-hour presoak with a delay.
 - CDFW stated it was unclear since the presoak in Districts 6, 7, 8, and 9 is 64 hours, while all areas outside of those districts are 18 hours.

- The EC continued discussing the topic of the season opening.
 - EC Member generally agreed that a single, statewide opener with the option to revisit would be the best option and would have the least adverse impacts on the crab markets.
 - The Admin Team asked how much notice commercial fishermen would need before the Director officially opened the commercial fishing season (e.g. the commercial fishery would open one week after the crabs tested below advisory levels)
 - CDFW clarified by asking if the commercial fleet would open immediately after the Director received the “green light” from OEHHA, or if there should be some wait time. CDFW also added that even if the Director has the authority to open the commercial fishery statewide, that does not mean the recreational fishery would open statewide since the Commission (who has authority of the recreational fishery) has said the recreational fishery will open county-by-county.
 - One EC Member expressed support for receiving notice before the commercial opener and suggested that the potential opener be on a fixed interval similar to the way it’s done with pre-season quality testing. For example, if a 15-day interval was decided that would mean if the fishery does not open December 1, it would open December 15 if tests are “clean” or January 1, etc. It may be that pre-season crab quality tests will give the fleet sufficient notice of an impending opener.
 - CDFW explained that the ability of the Director to continue to delay the commercial season following a “green light” from CDPH and OEHHA to give fishermen time to mobilize, set gear, etc. is unclear. There may be sufficient authority in the crab quality testing regulations; however, the ability to delay areas south of Point Arena after the “green light” is unclear since there is no mandated crab quality testing or delay in statute for that area.
 - EC Members asked if crab quality testing could be performed parallel to domoic acid testing. CDFW explained that the processors have stated that they will not participate/process the crabs until they are free of domoic acid. Therefore, crab quality testing cannot be performed until after a “green light” from CDPH and OEHHA is received.
 - EC Members expressed concern that the Commission would open the recreational fishery in a piecemeal fashion and suggested the EC provide guidance to the Commission to reconsider its decision to open the fishery county-by-county.
 - EC Members generally felt that opening the recreational fishing in a piecemeal fashion was a risk to public health, especially in border towns, and would have major implications on the Dungeness crab market.
 - CDFW reminded the group that there are no sport/recreational representatives on the EC and that any guidance from the EC regarding the sport fishery should be clear on this fact.

- One EC Member asked if Oregon was going to continue testing their crabs since they still had an area with high domoic acid.
- During the call, CDPH shared updated results with CDFW from the remaining samples (via email). CDFW stated on the call that the results show the crabs were still well above thresholds and that the [charts will be updated to reflect this new information](#).
 - An EC Member asked if there was a central website that the public could access to get the most up-to-date testing results and asked if that could be the DCTF webpage.
- One EC Member suggested providing guidance to the Director on the presoak time. Since the presoak in the management areas north of Point Arena is 64 hours and 18 hours in the management areas south of Point Arena, he suggested a statewide presoak of 48 hours.
 - Another EC Member stated that a 48-hour presoak may be insufficient when considering pre-season quality testing, but would still be comfortable making a suggestion of 48 hours.
 - One EC Member suggested an 18-hour presoak as an alternative to 48 hours.
 - Various EC Members opposed an 18-hour statewide presoak for concern that it would negatively impact the small boats and could cause safety issues.
 - The EC was not able to reach consensus on guidance surrounding a presoak.
- The Admin Team recapped the agreements of the meeting. A memo will be drafted providing the following guidance to CDPH, OEHHA, CDFW, OPC, and the Commission:
 - A two-week testing interval should be in place until the statewide average of the viscera is 60ppm. After that time, testing should occur weekly.
 - Ports should be clustered to reduce the number of samples and burden to CDPH. Suggested groups include:
 - Crescent City, Trinidad, and Eureka
 - Fort Bragg
 - Bodega Bay
 - Half Moon Bay and San Francisco
 - Santa Cruz and Monterey
 - Morro Bay and Avila
 - Suggest a statewide commercial opener that may be revisited should one area continue to retain high levels of domoic acid.
 - Suggest a statewide recreational opener, one week before the commercial fishery.
 - The memo will be circulated as quickly as possible, potentially the beginning of next week.
- The Admin Team explained that the DCTF might need to discuss the issue of domoic acid testing at the next DCTF meeting and potentially design protocols and processes to avoid the ad hoc nature of the current process to address domoic acid.
- In light of the current news around domoic acid, the Admin Team has delayed the release of the DCTF's press release regarding the responsible actions of the fleet is taking to reduce the risk of whale entanglements in Dungeness crab fishing gear. The DCTF asked the EC when the press release should be made public.

- EC Members generally agreed that there should be some positive press released about the Dungeness crab fishery, and suggested the Admin Team circulate the press release as soon as possible.

Public comment (provided via email)

- Bob Borck, commercial fisherman: “what distance buffer do we need to open? i.e. Crescent city is clean but southern Oregon is not? Or vice versa. Protect the small boat guys they still need/deserve the preset time. Open statewide, not piecemeal district to district. Can the coast attempt to work together for a coast opener for marketing purposes, it could be very confusing for the consumer if d crabs from CA are on the market while d crabs from another state are dangerous to consume. I've received questions about frozen crab at Costco, which are likely freezer pack from last year.”
- Mark Tompkins, Flow West: “I heard on the call a request for development of a data aggregation website. I have a natural resources data management firm and would like to volunteer to help with this effort. In fact, we've already begun this data aggregation and plan to post a public link to the information soon.”
- Craig Goucher, commercial fisherman/DCTF Alternate: “We should have a quality test after we get a clean statewide domoic acid report and open as soon as the quality results allow. The time between the clean acid report and the result of the quality test will be plenty of time for people to prepare.”

3. *General public comment*

- No members of the public provided general comment.

4. *Adjourn*

- The Admin Team summarized the next steps that emerged from the call discussions.
 - Summary of the meeting will be circulated to the EC for review and then posted the DCTF webpage.
 - The Admin Team will develop a memo from the EC to the CDPH, OEHHA, CDFW and other interested agencies outlining the guidance
 - The Admin Team will work with the EC to convene a conference call prior to the start of the 2015-16 Dungeness crab fishing season.