



## ~California Dungeness Crab Task Force~

<http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>

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### DCTF MEETING UKIAH, CALIFORNIA JUNE 5-6, 2018 MEETING SUMMARY

The purpose of this meeting summary is to:

- Provide a summary of discussions and outcomes from the June 5-6, 2018 DCTF meeting held in Ukiah, California; and
- Inform DCTF Members and the general public of the ongoing work of the DCTF.

#### ATTENDEES

Rod Adams, Alternate for Mike Zamboni, Trinidad- *Present on day 1 only*  
Jim Anderson, Half Moon Bay, Low Tier  
John Atkinson, Jr., San Francisco, High Tier  
John Beardon, Crescent City, Low Tier  
Geoff Bettencourt, Half Moon Bay, High Tier  
Bill Blue, Half Moon Bay South  
George Bradshaw, Crescent City, Low Tier  
Joe Caito, Alternate for Bill Carvalho, Crab Processor- *Present on day 2 only*  
Tony Cannia, Fort Bragg, Low Tier  
Mark Capra, Alternate for Marc Gorelnik, Sport Fishing  
Bill Carvalho, Crab Processor- *Present on day 1 only*  
Larry Collins, San Francisco, Low Tier  
Mike Cunningham, Eureka, High Tier  
Vince Doyle, Fort Bragg, High Tier  
Keith Gilmore, Fort Bragg, Low Tier  
David Helliwell, Eureka, Low Tier  
Christy Juhasz, CA Dept. of Fish & Wildlife  
Chris Lawson, Bodega Bay, High Tier  
Matthew O'Donnell, Alternate for Brett Fahning, Crescent City, High Tier  
Carrie Pomeroy, CA Sea Grant  
Victor Pomilia, Alternate for Gerry Hemmingsen, Crescent City, High Tier  
Rick Powers, Commercial Passenger Fishing Vessel  
Cpt. Bob Puccinelli, CA Dept. of Fish & Wildlife  
Zach Rotwein, Alternate for Mike Zamboni, Trinidad- *Present on day 2 only*  
Todd Whaley, Nonresident  
Jim Yarnall, Sport Fishing

#### CA DEPARTMENT OF FISH AND WILDLIFE

Christy Juhasz, CA Dept. of Fish & Wildlife  
Sonke Mastrup, CA Dept. of Fish & Wildlife  
Cpt. Bob Puccinelli, CA Dept. of Fish & Wildlife  
Anthony Shiao, CA Dept. of Fish & Wildlife

#### OTHER

Tom Weseloh, Liaison to the Joint Committee on Fisheries and Aquaculture

#### ABSENT

David Crabbe, Nongovernmental Organization  
Vacant Seat, Nongovernmental Organization

## DCTF ADMINISTRATIVE TEAM PRESENT

Rachelle Fisher, Strategic Earth Consulting

Carolyn Kraft, Strategic Earth Consulting

Kelly Sayce, Strategic Earth Consulting

Paige Berube, Ocean Protection Council

### *1. Welcome, introductions, agenda review*

Rachelle Fisher, DCTF Administrative Team (Admin Team), welcomed everyone to the meeting. She introduced Kelly Sayce, Admin Team, and the meeting support/note taker Carolyn Kraft.

The meeting is recorded (via hand-held voice recorder) and will be erased after 30 days in accordance with the Bagley-Keene Open Meetings Act. Those who would like a copy of the recording must contact the Admin Team within 30 days of the meeting. DCTF Members, Alternates, California Department of Fish and Wildlife (CDFW), Ocean Protection Council (OPC), and members of the public introduced themselves.

The Admin Team walked through the agenda, ground rules, and voting procedures. The DCTF acknowledged support for the ground rules. Procedures for public comment were also reviewed. Public comment will be taken on every agenda item and there will be an opportunity for public comment on non-agenda items at the beginning of the meeting. In addition, DCTF Members and the Admin Team may call on the public for additional information and clarification as needed to support DCTF discussions.

### *2. Public comment on non-agenda items<sup>1</sup>*

- Stephen Melz, commercial fisherman, requested that the DCTF discuss the recommending a change in statute to move the season opener in the Central Management Area<sup>2</sup> to its historic date of the second Tuesday in November.

### *3. Presentation and discussion on California commercial Dungeness crab fishery management and associated regulations.*

Christy Juhasz, CDFW and non-voting DCTF Member, provided an [overview of California commercial Dungeness crab fishing regulations](#) and management authorities. The purpose of the presentation was to provide clarity on current regulations and to inform discussion on the 2018-19 DCTF Work Plan.

DCTF Members asked clarifying questions and discussed various aspects of the regulations. Members discussed how the fair regulations would change if [Senate Bill \(SB\) 1310](#) were signed into law. SB 1310 would change fair start provisions so they would no longer only be applied at the district level, and could be applied to each opener in California, regardless of size or cause of the delayed opener (e.g. quality, domoic acid, etc.). A Member suggested that the same regulations be implemented for those fishing in Oregon and Washington. CDFW highlighted that California cannot change Oregon's laws and the regulations in SB1310 would also apply to those California permitted vessels fishing in Oregon and/or Washington.

Public comment was taken on the presentation at hand.

- Don Marshall, commercial fisherman, asked whether there would be an opportunity to discuss changing the 96-rule.

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<sup>1</sup> Public comments are summarized to ensure clear context in the summary's narrative and may also be moved around in the summary under the appropriate agenda items to better reflect the meeting discussion.

<sup>2</sup> The Central Management Area is the area south of the Mendocino-Sonoma County line. The area between the Mendocino-Sonoma County line and the Oregon Border is the Northern Management Area.

- The Admin Team explained the 96-rule would not be discussed today, since it is not on the agenda. However, it is included as a high priority topic in the 2018-19 DCTF Work Plan

4. Review, discuss, and possibly update the draft 2018-19 DCTF Work Plan, including identifying priority topics for future agenda items (e.g., disaster relief, domoic acid), confirming protocols for adding items to DCTF meeting agendas, and reviewing the outcomes of previous DCTF recommendations (e.g. SB 1310).

[The 2018-19 DCTF Work Plan](#) (Work Plan) was developed by CDFW in collaboration with the Admin Team to support the DCTF and the Executive Committee in addressing priority topics in a timely fashion and help streamline DCTF discussions to increase efficiency and reduce circular conversations.

The draft priorities in the document attempt to outline topics that CDFW and the Admin Team have heard are high priority for both the fleet and fisheries managers while being adaptive and flexible as priorities may shift due to emerging urgent issues. The draft Work Plan was circulated to the full DCTF on February 27 via email, discussed in detail during the April 12 Executive Committee meeting, and subsequently amended. The Work Plan will be finalized during this meeting and guide and inform future DCTF discussions and agenda development through April 2019.

#### *Work Plan Objectives*

The DCTF discussed the Work Plan objectives. Members generally supported the objectives. Members suggested adding a number of objectives to the list including: ensure the future economic viability of the dungeness crab fishery, consider how to encourage new entrants into the fishery, encourage fishermen to participate in DCTF meetings, etc. Members briefly provided insights on how to encourage new entrants into the fishery. One Member suggested creating financial incentive (e.g. Alaska initiative). Another Member expressed concern about the younger generation's unwillingness to work their way up through the permit tier system. Another Member suggested opportunities to facilitate permit swaps to facilitate upward movement in the fishery, while others expressed doubt about the viability of the option. CDFW clarified while they support tools to ensure the future success of the fishery, they expressed concern about the potential for permit pyramid schemes that could result from permit swaps.

Public comment was taken on the topic at hand.

- Stephen Melz, commercial fisherman, highlighted the importance of DCTF Members reflecting on these objectives during future DCTF discussions.
- Don Marshall, commercial fisherman, explained that he has had recent conversations with his peers who also support attracting new and younger fishermen. He explained there was general support for microloans to encourage entrants into the fishery.

#### *Work Plan Priorities*

DCTF Members discussed the Work Plan's proposed high and low priorities (see pages 1 and 2 of the [Work Plan](#)). Members expressed general support for the proposed priorities (especially whale entanglements as a high priority) and discussed amendments including:

- Fair Start Provision, Section 8279.1 of the Fish and Game Code- Members generally agreed that this topic could be removed from the list of priorities since SB1310 addresses the fleet's concerns.
- Adjusting central management area presoak of 18 hours, Section 8283 of the Fish and Game Code- Some Members suggested moving the topic of the Central Management Area's 18-hour presoak to lower priority. Other Members supported keeping the topic high priority due to its safety concerns and importance to Members and fishermen in the Central Management Area.
- 96-hour trap servicing, Section 9004 of the Fish and Game Code- Members agreed that the 96-hour rule should be a high priority due to concerns about its enforceability and safety. A few Members suggested the DCTF consider recommending the rule be extended to seven days, weather permitting since it is not economically viable to service gear every 96 hours late in the season. It would allow fishermen a reasonable amount of time to service their gear while also being mindful of whale entanglement concerns associated with gear that is sitting too long. A couple Members suggested eliminating any gear servicing requirement like the 96-hour rule due to its

restrictiveness on the fleet and its ineffectiveness. Other Members noted that while the 96-hour rule seemed aggressive, it might be worth keeping to maintain good relationships with whale interest groups and the rule currently has flexibility by allowing servicing gear as “weather permits.” CDFW agreed that the 96-hour rule should be improved to prevent fishermen from losing their licenses if the law is unreasonable. However it should be replaced with another servicing requirement that is more reasonable to prevent gear from soaking for too long.

- Issues of the Dungeness crab commercial trap limit program including but not limited to waivers for more than stacking 175-trap permits, replacing biennial with annual buoy tags and in-season replacement tags, Section 8276.5 of the Fish and Game Code and Sections 132.1-132.5, Title 14, California Code of Regulations - While Members generally supported keeping the commercial trap limit program as a low priority item, one Member suggested prioritizing a discussion on stacking the 175-tier permits. Other Members felt the topic had been discussed at length and should not be moved to a higher priority until there is new information to move it forward
- Track domoic acid issues as they relate to impacts on the fleet including implications for fair start provisions, etc. and consider how the DCTF can support research efforts- DCTF Members were supportive of continuing to track domoic acid issues and possibility to support research efforts. One Member suggested the DCTF could recommend allocating some disaster relief funds to support domoic acid research. CDFW highlighted that the issue of domoic acid applies to many fisheries and requires large-scale research, which is something to consider when discussing how to allocate funding to support domoic acid research. The Admin Team suggested keeping domoic acid research on the DCTF’s radar and to table the discussion until more information is available.

Members discussed adding a change in the Central Management area season opener to the list of priorities as requested by Mr. Melz. One Member explained that the second Thursday opener was designed for District 10 when it was a smaller fishery, which allowed fishermen to get crabs to buyers faster. The opener was changed to prevent traveling boats from taking advantage of the fishery. He further explained that the current opening date could be an issue when it lands on a Friday, Saturday or Sunday because buyers are not always available to purchase the product. Members were mixed on whether further discussion on this topic by the DCTF was a priority and felt that it would be difficult to reach a resolution on this topic. Some Members expressed that moving to an early opener would not be amenable to the recreational fleet and could be an issue with enforcement if there was too much activity on the water. The Admin Team suggested doing more research on the topic of changing the Central Management Area opener, adding it to the low priority list, and revisiting it with the Executive Committee to see if there is enough information to move it to higher priority.

Public comment was taken on the topic at hand.

- Stephen Melz, commercial fisherman, asked whether the DCTF should remove zone declaration as a high priority.
  - The Admin Team responded that more research is being done on the topic that will be discussed at an Executive Committee meeting. The Executive Committee will then discuss whether there is sufficient information on the topic to move it from low to high priority.
- Don Marshall, commercial fisherman, expressed concern that fishermen were receiving tickets due to the 96-hour rule. Ocean conditions (e.g. currents and swell) can submerge gear or push it inshore making it impossible to locate or too dangerous to service within 96 hours. The tags from the wardens may also not be seen or lost from the trap even though the gear was serviced within 96 hours. Wardens will also unfairly target particular individuals for this type of violation. Fishermen should not receive violations just because their local warden does not like them. Additionally, this law often punishes those individuals who are attempting to service their gear in a timely fashion. He suggested implementing the same regulations as the California spiny lobster fishery and allow fishermen seven days to service their gear.
- Patty Davis, commercial fisherman, agreed with Mr. Marshall’s remarks and suggested implementing a seven-day servicing rule or something reflective of Oregon’s regulations.
- Stephen Melz, commercial fisherman, supported moving the Central management opener to high priority and suggested that preseason quality testing could be performed sooner to accommodate an earlier opener.
- Don Marshall, commercial fisherman, understood why some individuals would like to maintain a November 15 opener in the Central Management Area and expressed support for adding a discussion about changing the Central Management area opening date to increase fishing opportunities to the high priority list. However, he could live with the topic being added to the low priority list.

### *Work Plan Priorities- Disaster Relief Funding*

CDFW announced that the federal government had allocated approximately \$25.8M in disaster relief funds for the California Dungeness and rock crab fisheries. Details of how those funds can be distributed will come to light in the coming days/weeks and the DCTF discussed whether disaster relief funding should be a high priority topic for the 2018-19 Work Plan.

Various Members suggested the DCTF should engage and inform the allocation of disaster relief funding. One Member suggested the Executive Committee discuss the topic, while another Member suggested a full DCTF conference call would be more appropriate. Additionally, meeting travel costs would be reduced if the DCTF held a conference call rather than an in-person meeting to discuss the topic.

Members briefly discussed considerations for the distribution of disaster relief funds. One Member suggested that there is a need to fund research to prevent these disasters moving forward and suggested that the \$25.8M should support research efforts. A couple Members disagreed with using disaster relief funds for research because it would be too costly to produce a credible data set. A Member suggested the all the funds should be distributed to the industry using the same formula the federal government used to calculate loss. A Member recommended looking at disaster funding that was awarded to other fisheries this year as models to inform the distributions of California's funds. Another Member suggested comparing landings from the 2015-16 to landings for last five years to calculate loss. A couple Members suggested providing more funds to newer fishermen who fished the entire 2015-16 to help offset the higher losses they experienced. A DCTF Member suggested that permit holders without historical should only qualify for enough funds to reimburse vessel registration and commercial permit fees. A Member expressed concern with the difficulty of reimbursing crew. A DCTF Member recommended making disbursements based on landing receipts and suggested those with concerns about their allocation could appeal. A Member expressed concern about disbursing funds to fishermen who did not fish during the 2015-16 season. Another Member suggested providing more funds to fishermen whose homeports were most adversely affected by domoic acid. A Member suggested using disaster relief funds in conjunction with matching funds to support a buyback program that would simultaneously remove gear from the water. Various Members expressed concern about having funding recipients (i.e., the DCTF) make decisions about how disaster relief should be distributed and suggested having a third party handle the decision-making process.

CDFW is interested in receiving guidance from the industry on how to distribute the funds and asked the DCTF if they would like to make a formal recommendation similar to the way the California Salmon Council in response to a 2008 disaster. CDFW will also be looking to lessons learned from other states that have gone through similar processes. A Member suggested CDFW develop a proposal for how to distribute funds. In the meantime, CDFW suggested fishermen and processor make sure their landing receipts are in order. Members reiterated their concern about having recipients determine how the funds should be allocated, however, if CDFW wanted input, a conference call would be an inclusive way to get feedback from the broader fleet.

Public comment was taken on the topic at hand.

- Stephen Melz, commercial fisherman, stated that if the DCTF discussed disaster relief, it should be done via an in-person meeting. He further explained that some fishermen believed that if they did not fish they would qualify for more disaster funding and those claimants that made no landings during the 2015-16 season should not qualify for any compensation.
- Ben Platt, commercial fisherman, stated that he serves on the California Salmon Council, which faced challenges distributing their allocated disaster funding over a three-year period. He believes the DCTF is an appropriate body to make decisions about disaster funding since no other organization exists to represent the Dungeness crab fishery. He urged the DCTF to allocate funding for crew.
- Don Marshall, commercial fisherman, requested clarification on how those with newly transferred permits would be allocated funds and highlighted that many fishermen made sizeable investments to transfer their permits. He also expressed support for allocating funds to crew. He stated that he hopes the industry can determine a process for disaster relief funding allocation that does not result in long-term arguments. He also liked the buyback program because it would help remove gear from the water.

- Mark Gentry, commercial fisherman, suggested convening a conference call with the broader DCTF that would allow broad public input from all California ports on the topic of disaster relief.
- Don Marshall, commercial fisherman,
- Jason, commercial fisherman, stated suggested allocating the disaster relief funds to supporting whale entanglement mitigation efforts.

#### *Work Plan Approach, Deliverables, and Budget*

The Admin Team reviewed the administrative approach, deliverables, and budget. Although the budget covers the DCTF's activities through April 2019, if/when SB1310 passes, management of the contract switches from CDFW to OPC. Depending on the timing of the bill's passage, it could also mean there would be no meeting in October 2018 as management of DCTF is transferred. However, the Admin Team is working under the assumption that there will be no gaps in DCTF operations during that time and will keep the DCTF in the loop as things evolve.

The DCTF supported the approach outlined in the Work Plan including continuing to hold meetings in Ukiah, having the Admin Team conduct port tour to share information about the DCTF, etc.

DCTF Members discussed the budget table on page 4 of the Work Plan. One Member asked if some of the DCTF's budget could be allocated to research. CDFW and Mr. Weseloh explained that the regulations that established the Dungeness Crab Account, and is being used to fund the DCTF, does not allow for the funds to be used for research. One Member highlighted that budget may need to be set aside to ensure the DCTF can respond quickly in the event of another disaster (e.g. domoic acid, etc.). Another Member expressed concern about the funds available in the Dungeness Crab Account and requested further clarifications on it. The Admin Team explained that an accounting of the use of the Dungeness Crab Account is made available annually at the October DCTF meeting. Members were generally supportive of the DCTF's budget.

Public comment was taken on the topic at hand.

- No public comment was received.

#### *Senate Bills 1309 and 1310*

The Admin Team reviewed the [recommendations from the DCTF's October 2017 meeting](#) and highlighted that all of the DCTF's recommendations were included in [SB1309](#) and [SB1310](#). Mr. Weseloh concurred and highlighted that a few additional items were added after consulting with CDFW including allowing CDFW to continue conducting crab quality testing beyond January 1 to January 15, adding clarifications that areas closed due to public health and safety concerns may not be fished, cleaning up the fair start language, and clarifying the code so it is clear that all traps must be removed from the ocean by 11:59pm on closing day. Senator McGuire hopes the bills are reflective of the DCTF's recommendations and welcomes a continued open line of communication with the DCTF.

A Member asked the DCTF if they should make a recommendation to request Senator McGuire amend SB1310 to move of the deadline in section 8280.3 to allow permit holders to send in new vessel surveys to CDFW from March 31, 2020 to March 31, 2019. He explained that since the bill is now an urgency bill and would become law as late as September 30, 2018, CDFW would have sufficient time to notify permit holders of the regulatory change and it would reduce the number of individuals taking advantage of an opportunity to lengthen their vessels before the deadline. Although CDFW do not weigh in on the topic, they explained that it would take about three weeks to send a notice to the fleet of the new regulations and enough time would be needed to ensure fishermen were able to respond. Various Members agreed that it would be smart to reduce the amount of time permit holders have to submit new vessel surveys since it could lead to overcapitalization of the fishery with too many large vessels in the fleet. A Member remarked that there was value in maintaining a March 2020 deadline due to a shortage of licensed marine surveyors in the northern ports. Members countered the argument expressing the ease of individuals becoming marine surveyors. One Member stated that they March 2020 deadline would allow an important opportunity for new fishermen to improve their business. Other Member explained that the purpose requiring permit holders to send in new vessel surveys was not to change the structure and complexity, but to support the success of the industry by helping CDFW do their job and manage permit transfers against a standardized baseline vessel length measurement. Mr. Weseloh stated that the State Senate had already approved

SB1310 and if any changes were made to the bill, it would have to go through the approval process in the State Senate again. A Member explained that the DCTF did not fully understand the implications of the regulations during the October 2017 meeting, and the DCTF should update their recommendation. Various DCTF Members agreed, however, they expressed concern about jeopardizing the bill by making amendments at this time.

Mr. Weseloh thanked the DCTF for the thoughtful discussions and highlighted that Senator McGuire is listening to the DCTF, as is evidence by SB 1310. He stated he and Senator McGuire welcome input on the bills and if anyone has concerns on the bills to reach out to Mr. Weseloh directly.

Public comment was taken on the topic at hand.

- Patty Davis, commercial fisherman, agreed that requesting amendments to SB1310 could jeopardize the bill. He highlighted that even if the date were changed, some individuals would still find other ways to take short cuts.
- Don Marshall, commercial fisherman, expressed frustration that CDFW needed a new baseline measurement for all vessels to support permit transfers and believes vessel length restrictions should not be considered in permit transfers. Like other states, California should eliminate vessel length restrictions. If vessel length restrictions remain, Mr. Marshall supports maintaining the March 2020 deadline since some individuals have already based their business plans on this date and it allows young fishermen the opportunity to be on an even playing field with other fishermen who have already made changes to their boats. It would also allow fishermen to increase the size of their vessels making it easier to move gear for whales.
- Stephen Melz, commercial fisherman, explained that the March 2020 deadline was extensively discussed during the October 2017 meeting. During that discussion, the DCTF acknowledged that some individuals would use the legislation as an opportunity to lengthen their vessels. He further stated that CDFW supported eliminating boat length restrictions to allow fishermen to more easily move gear to prevent whale entanglements. Recommending an amendment to SB1310 to change the 2020 deadline rescinds these opportunities. He feels that once the DCTF agrees on something, it is unfair to quickly change the decision. Ben Platt, commercial fisherman, stated that he was receiving negative feedback from his peers on changing the 2020 deadline since some individuals had already made plans to accommodate the 2020 deadline. He encouraged the DCTF to become divided on a topic like vessel length, suggesting that the real threats to the industry are external (i.e. domoic acid and whale entanglements).

The Admin Team suggested taking a straw poll to assess the level of agreement on amending SB1310 to change the deadline for vessel length surveys. Support shown through a straw poll does not reflect adoption of an idea. *Note: Tally does not include the abstentions from the three non-voting members present at the meeting.*

*Straw Poll - Recommend amending SB1310 to change due date of vessel length surveys from March 2020 to March 2019. (4 up, 3 sideways, 10 down, 5 abstain) - Fail*

Since the straw poll failed, the DCTF agreed they would not forward a recommendation requesting an amendment to SB1310. The topic was revisited on the second day of the meeting and the DCTF came to the same conclusions as the first day.

Admin Team asked the DCTF if they would like to send a thank you letter to Senator McGuire and the other bill author(s) and/or send a letter of support of the bills. The DCTF generally supported sending a thank you letter and letter of support.

**Administrative Note:** *Consideration and possible adoption of a final 2018-19 DCTF Work Plan.*

**APPROVED:** The DCTF adopts the 2018-19 Work Plan with the following amendments:

- Add new objectives focused on improving opportunities for new/younger fishermen to enter the fishery while supporting a sustainable and economically viable fishery.
- Remove fair start from the list of high priorities.
- Add investigating changing the Central Management Opener to the first or second Tuesday of November and investigation and consideration of evisceration orders to the low priority list.

The priorities listed in the Work Plan may continue to be informed and updated via guidance by the DCTF Executive Committee and DCTF. New priorities may also be brought to the attention of the DCTF for consideration through the [Guidelines to Submit Requests DCTF & Executive Committee Agenda Items](#).

The DCTF supports adjusting the Work Plan, including the DCTF meeting schedule, based on the progress of Senate Bill (SB) 1310, elections/appointments, and any other needs that may arise.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	3	0	0	0

*Note: Roll call is not taken for administrative votes.*

**NOT APPROVED:** The DCTF would like to convene a conference call to discuss and vote on recommendations related to how CDFW should distribute disaster relief funding.<sup>3</sup>

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
0	6	13	3	0

*Note: Roll call is not taken for administrative votes.*

**ACTION:** Consideration and possible adoption of letter(s) of support for SB 1310.

**APPROVED:** The DCTF requests the Administrative team develop a letter on their behalf thanking Senator McGuire and the Joint Committee on Fisheries and Aquaculture for their support of the recommendations in the DCTF's December 20, 2017 report and offers their support for SB1310.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
21	1	0	0	0

*Note: This vote was deemed as administrative in real-time during the meeting. Roll call is not taken for administrative votes.*

**APPROVED:** Following the passage of SB 1310, the DCTF recommends the Ocean Protection Council, California Department of Fish and Wildlife, and Legislature consider conducting elections in one-third of the commercial fishing ports. This first election should focus on those ports that require changes in representation as indicated by SB 1310, including Crescent City and south of Half Moon Bay. Trinidad should also be included in the first election.

The DCTF recommends annual elections in one-third of the ports as legal interpretations allow.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
22	0	0	0	0

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (22): Adams, Anderson, Atkinson, Beardon, Bettencourt, Blue, Bradshaw, Cannia, Capra, Carvalho, Collins, Cunningham, Doyle, Gilmore, Helliwell, Lawson, O'Donnell, Pomilia, Powers, Whaley, Wickliffe, Yarnall

Thumbs sideways (0): None

Thumbs down (0): None

Abstain (0): None

Absent (0): None

<sup>3</sup> Note: CDFW may convene a public conference call in place of a DCTF call to discuss disaster relief.



5. Discuss and consider updates to the DCTF's administration, including, but not limited to, identifying a timeline for filling vacant appointed seats, updating the Executive Committee membership, and considering new commercial fishing elections.

#### *DCTF Elections*

The last elections for the DCTF were held during 2018-19 fishing season and holding new elections is a high priority. The Admin Team is working with CDFW and OPC to identify when the next elections can take place. Since the management of the DCTF transfers from CDFW to OPC once the bill passes, OPC is currently looking into the process associated with performing elections and appointing non-commercial fishing seats. If SB1310 passes, then the DCTF may be required to hold an election before an October meeting. If that is true, since the 2008-2009 elections took three months to complete due to the time needed for noticing, mailing, processing ballots, and finalizing votes, the October DCTF meeting may need to be postponed.

DCTF Members discussed how to provide guidance to OPC and minimize the time it would take to perform elections to ensure the DCTF can be up and running immediately following the passage of SB1310. Various Members suggested holding an election for  $\frac{1}{3}$  of the DCTF commercial fishing representatives at a time to preserve institutional knowledge while also adding new perspectives to the group. One Member pointed out that with a full election there might not be a complete turnover or representatives because some Members may be re-elected. Some Members suggested the first round of elections should be held in ports where SB1310 changes the representation. Mr. Weseloh explained that based on his interpretation of SB1310, elections could be performed in ports on a rotating basis (e.g.  $\frac{1}{3}$  of ports one year,  $\frac{1}{3}$  of ports the next, and a final  $\frac{1}{3}$  the following), the challenge would be figuring out how to implement it. A DCTF Member asked whether the DCTF could hold an October meeting during an election cycle when not all Members had been elected yet. The Admin Team explained that OPC would look into it, but expressed doubt that a meeting would be possible since a minimum of  $\frac{2}{3}$  of Members must be present to convene a meeting and it would be difficult to move forward on any topics when only  $\frac{2}{3}$  of Members are present since there would need to be unanimous support on every recommendation to move topics forward. A Member suggested sending a formal recommendation to the OPC with suggestions on how to move forward with the elections within the parameters of the law. Various Members suggested that the first election should be in the port of Half Moon Bay, Crescent City and Trinidad.

#### *Executive Committee*

The DCTF discussed the future of the Executive Committee (EC). The Admin Team reviewed the [EC's responsibilities](#), and explained that the EC will continue to operate over the summer until SB1310 passes although some EC Members are experiencing fatigue. The DCTF discussed whether there was a need to update the EC's membership. A couple EC Members requested replacements. There was discussion among a couple Members on how to find replacements for EC Members. The Admin Team suggested having EC Members stay until the election and allow the election to help in the decision process. EC Members agreed that they would stay until the election. CDFW added that the EC plays a very important role for the DCTF and is the group CDFW asks for advice; the EC's counsel is highly valued.

Public comment was taken on the presentation at hand.

- No public comment was received.

**Administrative Vote:** *Consideration and possible modification of the Executive Committee, including, but not limited to, the membership.*

No Vote Taken

*6. Review and discuss amendments to Fish and Game Code Section 9002.5 related to the Lost Fishing Gear Recovery Program through SB 1309 and draft Title 14 regulations.*

Ms. Juhasz shared a presentation on a [proposed rulemaking package for the Lost Fishing Gear Retrieval Program](#) including [draft Title 14 Gear Retrieval Program regulatory text](#). The DCTF discussed whether the proposed package aligned with the intent of the DCTF's prior recommendations related to the program and asked clarifying questions.

The regulations are designed to keep the program local and minimize CDFW's involvements so that the program would be primarily operated by a third party entity and CDFW would only engage when permit holders do not pay the permittee for the recovered gear. As written in the draft regulations, the permittees would be the entity responsible for managing and overseeing the program at a local scale and the designated agents, or gear retrievers, would be individuals who would actively collect lost gear. Program is intended to be designed in a fashion that supports the payment structure outlined in Fish and Game Code while also ensuring permittees and gear retrievers are qualified to run and participate in the program. A DCTF Member questioned the need to include government and charitable organizations in the list of permittees. Another Member stated that local government agencies, such as Harbor Associations, who have local infrastructure and are subject to certain requirements, should act as intermediaries to the gear retrievers. The Admin Team clarified that entities like the Harbor Association can apply for Gear Recovery Program permits in the draft regulations' current form. A Member stated his preference is for the Gear Recovery Program permits to go directly to fishermen without a third-party managing the program in the area. Another Member stated that the gear retrievers should not be required to have a CPFV license as indicated in Section 132.7(c)(4)(A)(1). A Member asked whether permit holders accept liability if there was an issue in carrying out the program. CDFW responded that as the issuer of the permit, the State of California is the primary entity liable. Members generally agreed that the regulations should be drafted to ensure capable and experienced individuals were retrieving lost gear. Various Members expressed concern about the logbooks and requirement to notify CDFW two days in advance of retrieving gear due to its impracticality and its restrictiveness on allowing fishermen to pick up gear when they see it. CDFW explained that the purpose of the proposed regulations are to discourage people who are not Dungeness crab fishermen from participating, ensure that CDFW has a sense of when gear retrievers are on the water, and to ensure CDFW has documentation that can be used to prove a case in court and to hold permittees accountable. .

CDFW reviewed the gear owner notification requirements and explained that SB1309 will allow CDFW to share permit holder's contact information with permittees to help facilitate the permittees ability to contact the permit holders. However, a confidentiality agreement will be in place so the contact information may only be used by the permittee for the purposes of implementing the program, and could not be shared broader. Members expressed concerns about the difficulty in getting in touch with gear owners and the need for language that outlines due diligence for permittees to notify gear owners. Various Members suggested a requirement that permittees contact gear owners using methods that provide proof of notification including certified mail and email. Members discussed how long a permittees would be required to store gear before the permit holder picked it up and asked CDFW if this would be clarified in the regulations. One Member highlighted that SB1309 gives ownership of the gear to the retriever who is responsible for selling back to the owner. CDFW explained that the permittee and the gear owner would need to work out these details.

The DCTF discussed program fees and other logistics. Members briefly discussed whether permit holders could charge what they wanted to retrieve gear and charging owners based on how complicated it is to get in touch and return gear to the owner. A Member expressed concern about how gear being dragged across state lines by ships would be handled. CDFW responded that during the pilot program, these situations were best handled through compensation to the gear retrievers.

CDFW expressed openness to revisiting the proposed regulations based on the DCTF's feedback and invited those with questions and ideas on how to address issues of concern to be in touch with CDFW staff. DCTF Members thanked CDFW for developing draft regulations that are reflective of the DCTF and greater fleet's requests.

Public comment was taken on the topic at hand.

- Stephen Melz, commercial fisherman, asked for clarification on whether a valid crab permitholder could participate in the program.
  - CDFW responded yes, but clarified that the regulations allowed other people to participate as well.
- Don Marshall, commercial fisherman, asked for clarification on the number of traps a fisherman can have during and after fishing season.
  - The CDFW confirmed that a fisherman could have six untagged traps during fishing season. From July 16 through October 31, fisherman can carry unlimited, untagged traps on their vessels.
- Don Marshall, commercial fisherman, clarified whether a fisherman will owe \$300 to CDFW if he accidentally loses gear.
  - All permitholders will be subject to the program if the gear was lost or abandoned. However, the program does not prohibit any fishermen from returning a trap or two to the owner at any time. The only time fishermen are charged a fee is when the gear is recovered by the program gear retrievers. The program will charge a fee for the gear and if that fee is not paid to the program, the owner will be charged \$300 per trap by CDFW.
- Dick Ogg, commercial fisherman, verified that the program permittees will charge a per trap fee at their discretion. He further clarified that it would be helpful for the permittees to let fishermen know what those fees are.
- Patty Davis, commercial fisherman, stated that he has retrieved other fishermen’s gear and returned it to them without compensation and he intends to continue this behavior.

**ACTION:** *Consideration and possible adoption of recommendations to CDFW on Lost Fishing Gear Recovery Program regulations.*

**APPROVED:** The DCTF approves CDFW’s recommended Title 14 regulations package adding Section 132.7 as presented to the DCTF on June 5, 2018 with the following amendments:

- Add “and” in Section(c)(4)(A) between (1)-(3).
- Remove such as “possession of an Operator of Uninspected Passenger Vessels License” in Section (c)(4)(A)(1).
- Remove the 48-hour notification in Section (d)(2).
- Require all permittees/coordinators have access to a pump.
- Amend Section (f) to require permittees to do their due diligence to contact the trap owner by both phone and regular mail at a minimum.

The DCTF believes they have had sufficient opportunity to review these draft regulations and does not need a full 60 days to provide additional feedback. The DCTF looks forward to CDFW taking steps to continue moving the program’s regulations forward in a fashion that is consistent with the intent of the DCTF.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
20	2	0	0	0

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (20): Adams, Anderson, Atkinson, Beardon, Bettencourt, Blue, Bradshaw, Cannia, Capra, Collins, Cunningham, Doyle, Gilmore, Helliwell, Lawson, O’Donnell, Pomilia, Whaley, Wickliffe, Yarnall

Thumbs sideways (2): Carvalho, Powers

Thumbs down (0): None

Abstain (0): None

Absent (0): None

7. Review and discuss Tri-State protocols, including, but not limited to, California crab quality and domoic acid testing protocols and as they relate to Oregon and Washington, modifications to the season opener, fair start regulations, and considerations for crab quality testing in the Central Management Area.

Ms. Juhasz shared a [presentation](#) on Tri-State crab quality testing protocols and considerations for a July 24-25, 2018 Tri-State Dungeness Crab Committee Meeting. CDFW requested the DCTF's feedback on a number of topics that may be discussed during that meeting.<sup>4</sup>

*Should the fishery be allowed to delay beyond Jan 15 and how would that be implemented (i.e. 15 additional days, not beyond some other drop dead date)?*

CDFW highlighted that during the 2017-18 season California fishermen were requesting more flexibility to delay the opener longer than January 15 since crabs were not market quality. To inform Tri-State discussions CDFW asked the DCTF if there was a date that should not be surpassed. Various DCTF Members stated that the change in the opener should consider what is best to ensure the highest quality product. A Member stated that the January 15 deadline had historically been effective and the 2017-18 season created a new issue with quality crab being available at the season opener. Another Member generally agreed and stated that California should be able to continue to delay beyond January 15 if the crabs are not full enough. He suggested allowing the Director to continue to delay in 15-day intervals. Another Member explained that the crabs could not reach market quality without some fishing pressure to thin out the population. A few Members suggested allowing the Director to delay until February 1 because if the fishery were delayed beyond that time, there would not be any markets available and the season would start bumping up against whale migration.

A couple Members highlighted the need to coordinate the opener with Oregon and Washington to reduce pressure in California and ensure a fair price. Some Members did not think the opener needed to be consistent with Oregon since multiple openers along the coast support the different markets and gives fishermen more flexibility and options for fishing. Various Members discussed their preferences for the date, some preferred February 1 to allow more flexibility and to take into account the whales while others preferred February 15 because the crabs are more likely to be ready.

The Admin Team suggested taking a straw poll to assess the level of agreement on the suggested delay dates beyond January 15. Support shown through a straw poll does not reflect adoption of an idea. *Note: Tally does not include the abstentions from the three non-voting members present at the meeting.*

*Straw Poll - Recommend amending the Fish and Game Code to allow the Director to delay the fishery until February 1. (16 up, 6 sideways, 0 down, 0 abstain) - Pass*

*Straw Poll - Recommend amending the Fish and Game Code to allow the Director to delay the fishery until February 7. (3 up, 16 sideways, 2 down, 1 abstain) - Pass*

*Straw Poll - Recommend amending the Fish and Game Code to allow the Director to delay the fishery until February 15. (3 up, 14 sideways, 4 down, 1 abstain) - Pass*

A Member stated that Crescent City strongly suggests changing the January 15 opener to a later date to ensure fishermen have protections to legally delay fishing until crabs are market quality.

A Member asked for clarification on whether crab quality testing could continue after January 15. Mr. Weseloh

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<sup>4</sup> Note: The discussion and recommendations related to Tri-State was intended to support the California representatives' participation at the July 24-25, 2018 Tri-State Dungeness Crab Meeting and are not recommendations for changes in California regulations at this time.

and CDFW clarified that SB 1310 would allow testing until January 15 but, CDFW can not perform any more quality tests after January 15 regardless of the state of the crab. CDFW explained that once the season is open, the industry could test the crab without CDFW's support. A Member stated the need for oversight of crab quality testing to ensure a quality product is brought to market. Another Member emphasized the importance of quality testing being completed before the season opens because buyers will not purchase crabs when the season opens if they have not been tested. Another Member added that since it was difficult for CDFW to enforce excess waste laws, it is important to ensure crabs are tested to reduce crab mortality waste once the season opens. Various Members suggested that CDFW be able to continue supporting crab quality testing as long as the fleet requests it and CDFW should also be able to delay the season when there are poor quality crab until a certain date.

*Do we want to ensure consistency across three states on crab processing by including specificity to processing guides (e.g., time from cooking to picking)?*

Various DCTF Members commented that consistent protocols are needed in the processing and cooking of crabs for quality testing. Members discussed what the time from picking to cooking should be and suggested between 24 hours and 48 hours. A Member suggest 48 hours to allow time for processing, noting that most processing takes place the same day, but in some cases more time is required. Another Member suggested allowing 64 hours in case the samples are received on a Friday afternoon, however crabs would be cooked the same day. Many Members did not support allowing processors to freeze the crab prior to testing. While Members generally agreed that processors should develop the details of the quality testing protocols for processing crab, there was general agreement that crabs should be processed within 48 hours, without freezing.

*Should we establish one standard for meat recovery for all three states?*

A DCTF Member stated that based on information he received from tribes who are fishing north of Cascade Head, the crabs do reach 25% and therefore should be subject to the same standards as those south of Cascade Head. A Member stated that a 25% pick rate was essential for processors and suggested that if Tri-State did not change the standards, processors should refuse to buy crabs less than 25%. Another Member did not think the other states would agree to move to a 25% pick rate and suggested 24% as a compromise. A Member stated that the one-line scenario in Oregon needs to be eliminated. A Member is changing the recovery rates as discussed would be a financial burden to processors. DCTF Members representing processing interests responded that changing the pick rate to 24% or 25% would not impact the bottom line for the live market, consistency along the coast would be ideal, and it would be difficult to reach 25% in some areas.

The Admin Team suggested taking a straw poll to assess the level of agreement on changing the meat recovery rates. Support shown through a straw poll does not reflect adoption of an idea. *Note: Tally does not include the abstentions from the three non-voting members present at the meeting.*

*Straw Poll - Recommend amending the Tri-State Agreement so the Tri-State pick rate is 24%. (4 up, 12 sideways, 3 down, 4 abstain) - Pass*

*Straw Poll - Recommend amending the Tri-State Agreement so the Tri-State pick rate is 25%. (2 up, 12 sideways, 3 down, 6 abstain) - Fail*

*Straw Poll - Recommend no change to the Tri-State pick rate. (6 up, 9 sideways, 3 down, 5 abstain) - Pass*

*Should Tri-State add lines with separate opening dates based on results of testing (i.e. up to two lines dividing area in three distinct fishing zones)? Should CA consider a line be drawn in northern CA for quality?*

Some DCTF Members supported breaking up the northern management zones based on meat recovery rates. The group brainstormed possible options for where a line could be drawn including Cape Mendocino and Punta Gorda. Some Members suggested looking at historical data to see if there are areas that typically have fuller crabs before other areas. Various Members expressed concern about the implications of drawing a line that would bisect a major port complex. Others believed it was important to ensure there were opportunities to fish in areas where

crabs were ready and prevent further delay in areas with full crabs based on low meat recovery rates in other areas. A couple Members suggested that the lines could vary annually based on the situation. Some Members felt it was difficult to draw a line in California's Northern Management area that would improve fishing opportunities, while not negatively impacting a port. A DCTF Member proposed drawing a line differently every year based on the results of crab quality testing. Another Member suggested opening by block number instead of drawing a line.

DCTF Members also discussed drawing a line north of California in Oregon and Washington to address fair start concerns. A DCTF Member stated that the DCTF's role is not to recommend changes to Oregon and Washington's fishery management, but that the DCTF could develop language supporting Oregon and Washington if they want to draw a line.

The Admin Team suggested taking a straw poll to assess the level of agreement for no line, a line at Mendocino or a line at Punta Gorda. Support shown through a straw poll does not reflect adoption of an idea. *Note: Tally does not include the abstentions from the three non-voting members present at the meeting.*

*Straw Poll - Recommend not drawing lines in the Northern Management Area for quality. (9 up/sideways, 13 down/abstain) - Fail*

*Straw Poll - Recommend a drawing line in the Northern Management Area for quality at Cape Mendocino. (4 up/sideways, 18 down/abstain) - Fail*

*Straw Poll - Recommend a drawing line in the Northern Management Area for quality at Punta Gorda. (3 up/sideways, 18 down/abstain) - Fail*

Based on the results of the straw poll, the DCTF does not support drawing lines in the Northern Management Area at this time, and has concerns about keeping things status quo. As a result, the DCTF highlighted that they do not have enough information to make a decision and suggested more discussion on the topic moving forward.

*Should testing rounds stated in CA statute and Tri-State protocol be aligned?*

The testing rounds outlined in the Tri-State agreement are not in alignment with the California Fish and Game Code ([here](#), see pages 1-2). The DCTF discussed whether there was value in amending the code to reflect the Tri-State Agreement. Some Members stated that the first quality test should be performed around November 15 and an end-of-October test was unnecessary. Other Members supported the testing schedule outline in the Tri-State Agreement and expressed support for a test at the end of October and another test in November. A Member noted that to be consistent with Oregon's protocols the first round of testing would be targeted for November 15 and no later than November 22. A Member explained that historically, there used to be two tests one on November 1 and a second on November 15 since the two tests would help to project whether the Northern Management Area would open around December 1. However, a few years ago statisticians advised that an opening date couldn't be predicted from two data points, which resulted in Oregon changing their testing schedule to include a test in November and a second in December. Various DCTF Members stated that the most important test is the one just before the opener. Therefore, if California is looking to align with the Tri-State Agreement, they should drop the October test and be in alignment with Oregon. Another Member disagreed and stated that the October is an important predictor and should continue to be collected. Various Members highlighted there are impacts on the Central Management Area with an October test. Another Member stated that an early November test is ideal to predict what the market will look like when the season opens. Another Member expressed concern about having testing too close to the opener because of the possibility of bad weather hindering timely sampling. A Member stated his support for testing on or about November 1 and 15. Another Member agreed because it allows at least one test for fishermen so traveling vessels can make educated business decisions and there is enough space in the case of poor weather.

*Do we need any other testing in other ports south of Eureka in Northern Management Area?*

The DCTF briefly discussed whether testing should occur in ports south of Eureka in the Northern Management Area and generally agreed that testing was dependent on whether CDFW could get a vessel to volunteer to sample.

*Do we want to require quality testing in ports south of the Sonoma/Mendocino County? (Requires more in-depth discussion).*

The DCTF has discussed whether crab quality testing should be required south of the Mendocino-Sonoma County line and whether that area should also join the Tri-State Dungeness Crab Agreement has been occurring in the DCTF for many years. Reception to this topic has been mixed over the years. It was brought up again as the DCTF considered crab quality testing south of the Sonoma-Mendocino County line. Various Members asked whether California would be allowed to join Tri-State if they had different openers and different testing criteria than Oregon and Washington. A DCTF Member noted that one of the goals of Tri-State was to have the same start date coast wide, but expressed concerns about how that would affect the processors. Another Member expressed concern that the Central Management Area would be open to pushing the opener to December 1 since crabs are often market quality by November 15. A couple Members expressed opposition to changing the opening date for Central Management since it would eliminate the Thanksgiving market and devastate small operators. A Member commented that some ports in the Central Management Area would be receptive to being part of the Tri-State December 1 opener since they don't rely on the Thanksgiving market. Another Member suggested revisiting the idea of staggered openings. A Member suggested proposing to Tri-State that the Central Management Area join the Agreement and maintain a November 15 opener. CDFW thanked DCTF Members for their feedback and said it was helpful for supporting discussions at the July 2018 Tri-State Meeting.

*Should California consider allowing evisceration orders in the event that domoic acid continues to delay port openers? (Note: This would involve further discussions with the California Department of Public Health (CDPH))*

When the DCTF spoke about evisceration orders during the October 2016 meeting, there was not interested in pursuing them. However, Oregon employed evisceration orders this year and some fishermen would like to reconsider their utility. CDFW clarified that Public Health is charge of developing evisceration order protocols and the topic will likely be discussed at the July 2018 Tri-State meeting. They further explained that with an evisceration order, processors would be required to track every load and not every processor has a plan to deal with contaminated product. Mr. Weseloh suggested that CDPH might be able to help members of industry develop an implementation plan if there was widespread interest. One Member thought evisceration orders could be a useful tool so the season would not open at a time that would increase the risk to whales. A few Members expressed concern that only one or two buyers would be able to qualify for an evisceration order and stated that the tool would hurt many smaller buyers. A Member suggested the DCTF gather more information on evisceration orders from CDPH and look to Oregon and Washington for guidance before making a decision on the topic.

Some Members suggested adding evisceration orders to the low priority list of the DCTF Work Plan. The Admin Team suggested taking a straw poll to assess the level of agreement for adding evisceration order. Support shown through a straw poll does not reflect adoption of an idea. *Note: Tally does not include the abstentions from the three non-voting members present at the meeting.*

*Straw Poll - Prioritize evisceration order in the DCTF Work Plan as low priority (5 up, 9 sideways, 7 down, 0 abstain) - Fail*

Public comment was taken on the topic at hand.

- Stephen Melz, commercial fisherman, suggested allowing the Northern Management Area opener to be moved to February 15 due if Tri-State quality standards have not yet been met, but not any further to avoid whale entanglements. He also expressed support for proposing a 24% coast wide pick rate since a 25% may result in longer delays that could negatively impact whales. He further stated that if the fishing industry supported evisceration orders, processors would find a way to accommodate them.
- Don Marshall, commercial fisherman, expressed the need to take into consideration a poor salmon season when discussing changing the Northern opener dates because that could negatively impact some crab fishermen who rely on both. He suggested that opening areas, as the crabs are good quality like CDPH and CDFW has done in the Santa Barbara Channel Island with rock crab, could be valuable. He stated that he would be willing to help collect samples for testing if needed.
- Dave, commercial fisherman, remarked that an October test is not necessary and it is essential that at least one test be completed by November 15. He suggested not allowing the fishery to be delayed beyond January 1 to avoid whales and allow CDFW to continue testing the crabs beyond January 1.
- Patty Davis, commercial fisherman, expressed support for maintaining a January 15 Northern Opener and testing until crabs are market quality and support for two tests (one in October and another in November) to allow fishermen to make an informed decision about where they will fish. He also expressed support for a coast-wide pick rate of 24% as a compromise and stated that a 25% pick rate would result in longer delays and a higher risk of whale entanglements.
- Ben Platt, commercial fisherman, stated that for two years fishermen went ahead and fished with questionable quality crab, which led to a season where crab were dying on boats. He would like to avoid that type of situation in the future by delaying the opener until crabs are market quality.
- Mark Gentry, commercial fisherman, suggested not changing the Northern Management Area opener beyond January 15.
- Jason, commercial fisherman, suggested that the options developed by the DCTF should be presented to and discussed with the fleet before any regulatory changes are requested.

**ACTION:** *Consideration and possible adoption of recommendations of Dungeness crab fishery management measures or policy statements related to topics including, but not limited to, Tri-State crab quality and domoic acid testing protocols, season opener dates, fair start regulations, California testing locations, etc.*

**Note:** *The following votes below were taken to support the California representatives' participation at the July 24-25, 2018 Tri-State Dungeness Crab Meeting and are not recommendations for changes in California regulations at this time.*

**APPROVED:** The DCTF recommends the following considerations for the California representatives at the July 24-25, 2018 Tri-State Dungeness Crab Meeting:

- The DCTF is interested in establishing consistent processing protocols (e.g., time from cooking to picking) across all three states for preseason crab quality testing. The DCTF recommends the processors develop standardized protocols for testing and suggests crabs be picked no more than 48 hours after cooking and the product not be frozen during the testing process.
- The DCTF is interested in having more flexibility in delaying the season in California beyond January 15 if quality-testing results do not meet Tri-State standards at that time. The DCTF showed strong support for allowing a delay until February 1 and general support for delaying until February 15 if crabs do not meet Tri-State standards. DCTF Members expressed concern about the increased risk of whale entanglements if the fishery is delayed beyond February 1.
  - Should the opener be moved beyond January 15, the DCTF supports extending quality testing to help address concerns associated with the waste of soft crab.
- The DCTF supports the state continuing to implement crab quality testing using the Tri-State standards beyond the opener (e.g. if the season opens on January 15, crabs should continue to be tested in California until they meet Tri-State standards).



Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
17	5	0	0	0

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (17): Anderson, Beardon, Bettencourt, Blue, Bradshaw, Caito, Cannia, Capra, Collins, Cunningham, Lawson, O'Donnell, Pomilia, Rotwein, Whaley, Wickliffe, Yarnall

Thumbs sideways (5): Atkinson, Doyle, Gilmore, Helliwell, Powers,

Thumbs down (0): None

Abstain (0): None

Absent (0): None

**APPROVED:** The DCTF recommends the following considerations for the California representatives at the July 24-25, 2018 Tri-State Dungeness Crab Meeting:

- The DCTF supports consistent meat recovery standards throughout the three states. The DCTF recommends the pick rate for all areas (all states) be 24% before opening. Lower meat recovery rates will reduce the possibility that the season will open late and increase the risk of whale entanglements. However, the DCTF can live with status quo (23% north Cascade; 25% south).
- The DCTF is not ready to recommend lines/blocks with separate opening dates based on crab quality in the Northern Management Area, but are interested in continuing to explore the possibility.
- The DCTF would like to retain its current preseason quality testing schedule and timelines as outlined in California statute (Fish and Game Code section 8276.2), which indicates the first test in the Northern Management Area will occur on or around November 1 and, if necessary, a second test be conducted so sample results are available by November 15.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	6	0	0	0

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (16): Beardon, Bettencourt, Blue, Bradshaw, Caito, Cannia, Capra, Collins, Cunningham, Doyle, Lawson, O'Donnell, Pomilia, Whaley, Wickliffe, Yarnall

Thumbs sideways (6): Anderson, Atkinson, Gilmore, Helliwell, Powers, Rotwein

Thumbs down (0): None

Abstain (0): None

Absent (0): None

8. *Review and discuss the status of whale entanglements in the Dungeness crab fishery, including, but not limited to, the California Dungeness Crab Fishing Gear Working Group's efforts to reduce entanglement risk, SB 1309, and proposed rulemaking related to whale entanglement mitigation efforts.*

#### *Entanglement and Working Group Update*

Ms. Juhasz, shared a [presentation](#) on the status of whale entanglements in the California Dungeness crab fishery and the Dungeness Crab Fishing Gear Working Group's (Working Group) efforts to develop a Risk Assessment and Mitigation Program (RAMP). Members discussed the presentation and how they would like weigh in on the Working Group's efforts.

Members discussed the increase in whale entanglements with one individual highlighting that the increase in whale entanglements could be the result of more observations rather than an actual increase in entanglements. Another Member referenced data he had seen at a 2015 workshop ([here](#), see slide 14) and expressed the importance of looking the bigger picture when trying to understand entanglement patterns. A Member noted that increased trends in whale entanglements

have coincided with domoic acid and believes there may be an important correlation. CDFW explained that NMFS is looking into whether domoic acid has directly or indirectly caused increases in entanglements through changes in whale behavior. They have found evidence that changing oceanographic conditions have resulted in shifts in prey species and changes in whale foraging patterns, which may relate to the incidence of entanglements.

Various Members expressed concern that environmental groups may be attempting to cause harm to the industry and the DCTF should be thoughtful in their approach to address the issue to ensure the economic sustainability of the industry. Members discussed the lawsuit filed by the Center of Biological Diversity related to this issue and highlighted the need to stay active on the topic to ensure the longevity of the fishery while minimizing whale entanglements. CDFW explained that they were working to settle the lawsuit and do not see a Take Reduction Team as the best path forward for the industry. They encouraged the DCTF and the industry to continue working with the state and Working Group to address this issue through generation of ideas, testing tools, etc. Once DCTF Member also suggested hiring a public relations organization (e.g., Pacific Coast Federation of Fishermen's Associations (PCFFA), etc.) to stay in front of the issue and keep fishermen informed. CDFW highlighted that public relations on this topic was also a priority for their agency.

The Admin Team reviewed the most recent whale entanglement numbers and explained that the Working Group is continuing to investigate the sources of entanglements and continuing to fine-tune the RAMP to address the issue. The RAMP was piloted this season and was seen as a valuable means to detect and evaluate increase in entanglement risk and inform whether or not a response was needed. An interesting observation from the pilot was from the November 30 RAMP status update. That update indicated high concentrations of humpback and blue whales observed, particularly off of Monterey Canyon and the Gulf of the Farallones. Fishing effort also appeared to be high in those areas. To assess whether there was an overlap between whale concentrations and fishing effort that would increase the risk of whale entanglements, the Working Group's subcommittee, the Evaluation Team, coordinated an aerial survey. The survey concluded that there was minimal overlap between fishing effort and whales. Therefore the relative entanglement risk was deemed low and the Working Group did not need to recommend any actions. The Admin Team clarified that the Evaluation Team convened many times throughout the season to assess the status of entanglement risk and provide the agencies with recommendations as needed. The Evaluation Team is only convened when certain criteria are met as outlined in the Risk Assessment Framework (RAF). The Evaluation Team convenes to start investigating and collecting data including how many fishermen, gear, and whales are in the area and whether the season is almost over. The Evaluation Team also communicates to the fleet about the status of entanglement risk. In response to these communications, some fishermen changed their fishing behavior.

DCTF's discussed other sources of information to better inform the RAMP. One Member suggested reaching out to shipping companies to ask them for data on whales and their locations. Additionally, there could be opportunities to ask the shipping industry to allocate funds to address entanglement issues.

The DCTF discussed disentanglement efforts. One Member, who also participates on the Working Group, explained that the National Marine Fisheries Service (NMFS) regularly analyze images of and gear pulled from entangled whales to try to understand how the entanglement occurred. The Working Group is also supporting NMFS in carrying out these "forensic" reviews to look at gear and entanglement patterns. A Member requested information on how many whale entanglements have been resolved. The Admin Team stated they would follow up with NMFS and circled back to the DCTF.

The DCTF discussed the other pilot projects the Working Group has engaged: solar loggers and ropeless-buoy systems. The solar loggers help show the concentrations of gear to understand the overlap of whales. The Working Group is also using them to determine how fast fishermen move in and out of an area to inform response times in the event that the Director require mandatory gear movement. Additionally, some Working Group participants tested ropeless buoy systems that could be used in areas of high whale concentrations. A Working Group participant highlighted that there were difficulties using the gear and there have been some enforcement concerns expressed about the use of the gear. Line profiles were also tested this season by Dr. Pete Nelson using a variety of different rope patterns. The results of this research are anticipated to be available in the Fall. The Working Group continues to be open to testing other gear

innovations (e.g., different color lines, sinking vs. floating line, etc.) and is looking to East Coast fisheries efforts to ensure testing is efficient. There are other engineers and companies interested in designing gear that will help prevent whale entanglements. Some DCTF members and other meeting participants expressed interest in supporting the Working Group's efforts to test gear innovations and will reach out to the Admin Team to coordinate their efforts.

The DCTF discussed coordination with East Coast and other West Coast fisheries, recognizing that the East Coast has been dealing with whale entanglements for a longtime. A DCTF Member highlighted that Oregon convened a meeting a couple years ago and invited East Coast representatives to share information about their experiences. The Admin Team explained that while the East Coast has more experiencing testing tools than California; they are also looking to West Coast efforts to inform their work. The East Coast, as well as Oregon and Washington, are interested in how the RAMP works while considering that the conditions and operations of the fisheries in these area are different. CDFW explained that there has been a lot of communication with the East Coast, and no one has found a solution, adding that the West Coast has different species of whales in different locations.

DCTF Members expressed frustration that most of the media surrounding entanglements do not highlight the great work of the Working Group and Dungeness crab fishermen. The Admin Team explained that while the Working Group does develop some external communications, there is no media team available to the Working Group. Additionally, Working Group participants have requested that meetings be closed to the public to allow participants the ability to speak freely, making it impossible to invite media to witness the Working Group's efforts first-hand.

Public comment was taken on the topic at hand.

- Don Marshall, commercial fisherman, remarked that he would like would like the Working Group to better highlight the direct correlation between changes in fisheries and whale entanglements. Since many fishermen are not able to switch over to salmon, as they had historically, many Dungeness crab fishermen are fishing later into the season.
- Ben Platt, commercial fisherman, expressed the need for funding to support public relations highlighting the Dungeness crab fishermen's story.
- Don Marshall, commercial fisherman, requested clarification on who has access to solar logger and VMS data.
  - The Admin Team responded that only fishermen have access to the solar logger data and they must give others, including CDFW, the permission to access it. During the pilot, fishermen have grant permission to CDFW and the Pacific States Marine Fisheries Commission to analyze the data and inform the pilot. If solar loggers are utilized moving forward, the idea would be to collect near real-time data. The federal agencies (i.e., NOAA) are the only one with access to VMS data.
- Jason, commercial fisherman, asked for clarification on who develops the ideas for pilot projects, how fishermen are chosen to test the ideas, and who analyzes the data.
  - A DCTF Member who is also a Working Group participant responded that anyone can contribute ideas and that the Working Group is happy to try to test them. The Working Group is always looking for fishermen to volunteer to test new ideas. The data is analyzed by a variety of expert based on the nature of the project. Another Working Group participant emphasized the need for more fishermen to test new ideas. The Admin Team added that there is not a clear solution to the issue at this time and the Working Group is open to new ideas to test. The Admin Team has requested feedback from the fleet via email and will be convening a port tour in the fall to solicit additional input. CDFW added that if they apply for Section 6 grant funding, they would request money to compensate fishermen for the time required to test new ideas and gear. CDFW is also in the process of talking to New Zealand and Australian fishermen to get additional ideas.

#### *Surface Gear Rulemaking Package*

CDFW stated that they will be introducing a rulemaking package in the coming days that seeks to formalize the reduce the risk of whale entanglements by reducing surface gear and formalizing the Working Group's [Best Practices Guide](#). They explained that photographs of whale entanglements sometimes depict a lot of trailer buoys and excess surface line. To

establish good practical limits, CDFW's rulemaking package would make it illegal to fish with ridiculous amounts of scope on surface line and the Working Group's Best Practices Guide recommends fishermen tighten their gear further. CDFW recommends fishermen follow the Best Practices Guide despite the rulemaking. Once the rulemaking is introduced, it will go through a public comment period and, if approved by the Office of Administrative Law, would go into effect for the 2018-19 fishing season. CDFW further explained that the regulations were set up in a fashion to reduce complexity for enforcement purposes (i.e., restricting gear set-up at two depths as opposed to three).

A Member asked whale experts have identified a minimum length of line that would cause a threat to a whale. A DCTF Member who also serves as a Working Group participant responded that fishermen use varying lengths, making it difficult to determine what the optimal length would be to support fishing while also reducing entanglements. He explained that line lengths can be so long that they create loops underwater and excess surface extra rope and buoys could all contribute to entanglements. The Working Group continues to gather information to inform optimal gear set up to prevent entanglements while also allowing fishermen properly and efficiently service their gear. Members generally agreed that reducing excess, unnecessary gear makes sense.

A DCTF Member opposed the two buoy restriction deeper than 35 fathoms because he runs a thicker line and needs more float. He explained that the two-buoy requirement would make fishing more difficult; he requested that three buoys be allowed at less than 35 fathoms. The Admin team clarified that a main buoy and two trailer buoys would be allowed for a total of three buoys at the surface. A DCTF Member asked for clarification on how the length of rope and number of buoys was determined. The Admin Team explained that if there are three to four buoys, NMFS has advised that the gear may be more prone to entangling whales and could cause an entangled whale to struggle more. A DCTF Member who also serves on the Working Group explained that the Working Group was trying to find the best setup for the fleet that also helps prevent whale entanglements. A Member noted that the numbers of buoys was less of an issue than the amount of rope on the surface. CDFW added that the need to reduce the length of the surface line was important, but reducing the number of buoys was also important to prevent excess weight on a whale. A Member suggested allowing 2 buoys on gear in less than 35 fathoms. Another Member suggested amending the draft regulations to clarify how to measure the gear set-up due to differences in how buoys are attached. A Member expressed concern with how enforcement will be able to enforce the rule without pulling the gear on deck to measure it. A Working Group participant stated that enforcement has a 25-foot boat that could be positioned parallel to the rope to help measure surface gear.

Public comment was taken on the presentation at hand.

- Stephen Melz, commercial fisherman, agreed the proposal to allow two trailer buoys on shallower gear set-ups. He also stated that clarifications should be made on how to measure surface line and offered a suggestion that it be measured from the leading edge of the main buoy to the end of the last buoy.
- Don Marshall, commercial fisherman, expressed concern that three buoys would be needed for 25 feet of surface line.
- Patty Davis, commercial fisherman, expressed support for the draft regulations and stated that he typically uses one big main buoy except when he fishes greater than 50 fathoms when he uses two.
- Mark Gentry, commercial fisherman, stated that gear set-up restrictions were unnecessary and fishermen should put the least amount of gear in the water to fish effectively.

### *SB1309*

The Admin Team briefly reviewed [SB1309](#) and highlighted the bill's mandates for surface gear marking and allowing the Director of CDFW the ability to take action during a whale entanglement emergency. When the Executive Committee discussed the bill in April, the bill gave the Director the ability to respond to whale entanglement emergencies if there was unanimous support from the Working Group. The bill has been updated since that discussion because the Legislature did not think it was appropriate for the Working Group be given that authority. A DCTF Member added that due to the litigation, the Director should have the authority to respond to entanglements, but there should be sideboards on his authority. For example, the bill could be amended to give the Director the ability to could close the fishery during certain situations, such as when potential biological removal (PBR) limits are reached. Mr. Weseloh added that language granting the Director authority during such emergencies has been drafted, but it is under review by Senator McGuire at this time.

CDFW stated that since the state is participating in settlement negotiations it is important to show progress.

A Member pointed out that when granting the CDFW Director authority to implement closures there needs to be a consideration on the different types of gear entangling whales because Dungeness crab fishermen should not be blamed for all entanglements. The Admin Team responded that SB1309 requires CDFW to establish standard surface gear marking for all fixed-gear fisheries, which will eventually help addresses that issue. A Member remarked that relying on PBR to inform the fishery’s closure is inappropriate since whale population numbers are only updated every three to eight years. CDFW responded that while NMFS has established biological limits, the public has a lower threshold for what they believe is appropriate. CDFW wants it to be clear that the industry is doing everything possible to minimize whale deaths and CDFW does not recommend establishing a number for how many deaths are acceptable. Additionally, CDFW would only consider closures in emergency situations and will draw on other available tools before considering a closure.

A Member recommended that the DCTF support the legislation to help with the settlement talks for the lawsuit and reduce the chance that the management of the fishery could go to the federal agencies. He added that the fishery has been successfully managed by the state for 100 years. Another DCTF Member agreed stating that federal management of the fishery would not be ideal. However, he expressed concern that the Director, a Governor appointee, would be given so much authority. He suggested allocating some of the disaster money to fund a buyback program to reduce entanglements. CDFW responded that CDFW Directors depend on their staff and fishermen to help them make important decisions and the individual would lose their job if they made decisions that do not align with the advice they receive. The Admin Team added that the Director has the option to reach out to the Working Group and its Evaluation Team. A Member asked if it was possible to influence who serves on the Evaluation Team if they will be advising the Director. CDFW explained that the Evaluation Team is a subset of the Working Group. The Working Group has scientists and government staff who are also in a position to advise the Director. By creating participating in the Working Group, the fleet is in a position to advise the Director on this issue. A Member expressed confidence in the Working Group and suggested that if the Working Group recommends the bill moving forward, the DCTF should support them. A Member agreed and suggested adding wording to the bill that requires the CDFW Director to contact the Working Group for input during an emergency.

Public comment was taken on the presentation at hand.

- Don Marshall, commercial fisherman, expressed his concern about Oceana’s participation on the Working Group. He supported a buyback program and expressed concern about the lawsuit.
  - CDFW stated that they are actively working on the lawsuit and engaging with CBD. The lawsuit should not cause the DCTF to change their strategy since the DCTF and Working Group’s efforts will be positive to a judge.

**ACTION:** *Consideration and possible adoption of letter(s) of support and/or recommendations for amendments to active legislation and rulemaking packages, including, but not limited to, SB 1309.*

**APPROVED:** Following the passage of SB 1310, the DCTF recommends the Ocean Protection Council, California Department of Fish and Wildlife, and Legislature consider conducting elections in one-third of the commercial fishing ports. This first election should focus on those ports that require changes in representation as indicated by SB 1310, including Crescent City and south of Half Moon Bay. Trinidad should also be included in the first election.

The DCTF recommends annual elections in one-third of the ports as legal interpretations allow.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
22	0	0	0	0

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (22): Adams, Anderson, Atkinson, Beardon, Bettencourt, Blue, Bradshaw, Cannia, Capra, Carvalho, Collins, Cunningham, Doyle, Gilmore, Helliwell, Lawson, O’Donnell, Pomilia, Powers, Whaley, Wickliffe, Yarnall

Thumbs sideways (0): None

Thumbs down (0): None

Abstain (0): None

Absent (0): None

**APPROVED:** The DCTF supports SB 1309, and specifically those sections related to whale entanglements. The DCTF recommends the following:

- Amending section 9005 to require all California fixed-gear fisheries to have standard gear marking. This regulation will be instrumental in helping to inform the source of whale entanglements in California waters.
- Retaining section 8276.1 that identifies the development of a risk assessment and mitigation program (RAMP) developed by the Dungeness Crab Fishing Gear Working Group.
  - Should the bill include a provision to authorize the CDFW Director with the ability to respond to emergency whale entanglement events, the DCTF recommends “bounds” be placed on that authority. The DCTF supports the Pacific Coast Federation of Fishermen’s Association suggested amendments that include a two-year bill sunset and utilizing Potential Biological Removal (PBR) as the threshold by which emergency action can be taken by the Director in the short-term.
  - The DCTF recommends the Legislature and Director consult with the industry, specifically the Dungeness Crab Fishing Gear Working Group, at all stages of the Director’s decision-making process.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
15	7	0	0	0

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (15): Beardon, Blue, Bradshaw, Caito, Cannia, Capra, Collins, Cunningham, Gilmore, Helliwell, Lawson, Rotwein, Whaley, Wickliffe, Yarnall

Thumbs sideways (7): Anderson, Atkinson, Bettencourt, Doyle, O’Donnell, Pomilia, Powers

Thumbs down (0): None

Abstain (0): None

Absent (0): None

**APPROVED:** The DCTF supports CDFW’s draft rulemaking package to amend Title 14 regulations and add Section 132.6 with the following amendments:

- Allow up to two trailer buoys on gear set-ups at depths less than 35fm.
- A clarification should also be added that the total length of the surface gear should not exceed 24ft from the leading edge of the main buoy to the after edge of the last trailer buoy.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
18	3	0	0	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (18): Anderson, Atkinson, Beardon, Bettencourt, Blue, Bradshaw, Caito, Cannia, Capra, Collins, Cunningham, Doyle, Gilmore, Helliwell, Lawson, Pomilia, Rotwein, Whaley

Thumbs sideways (3): Powers, Wickliffe, Yarnall

Thumbs down (0): None

Abstain (0): None

Absent (1): O’Donnell

**ACTION:** *Consideration and possible adoption of recommendations related to whale entanglements and/or the California Dungeness Crab Fishing Gear Working Group.*

See vote above regarding SB 1309

#### *9. Next steps*

The Admin Team recapped immediate next steps.

The Admin Team will:

- Draft a meeting summary and circulate it to the DCTF for final approval before making the summary available on the DCTF webpage.
- Draft a letter of support for SB1309 and 1310 as well as a thank you letter to Senator McGuire.
- Draft a communication to OPC, CDFW, and the legislature regarding the DCTF's recommendation related to elections
- Draft a memo to the Tri-State Dungeness Crab Committee
- Draft a public comment letter on behalf of the DCTF for the draft surface gear rulemaking package
- Provide CDFW with the DCTF's brainstorm on disaster relief and circle back with the DCTF when information is available on next steps.
- Share information about the DCTF's discussions with the Dungeness Crab Fishing Gear Working Group.
- Work with CDFW, OPC, and TNC to discuss and implement the DCTF's elections and circle back with the DCTF on the status.
- Circulate information and documents relevant to the work of the DCTF via email and on the DCTF webpage.
- Update the DCTF's 2018-19 Work Plan
- Topics for continued investigation include:
  - Changing the opener south of the Mendocino-Sonoma County line to the first Tuesday of November
  - Evisceration orders
  - Zone declarations
- Look up the timing Oregon uses for servicing gear
- Track elections process especially as it relates to the passage of SB1310 and circle back with the DCTF
- Ask NMFS how many whales were disentangled in 2017 and whether sinking lines have been observed on entangled whales

DCTF Members will:

- Contact the Admin Team if they would like to participate in whale entanglement Working Group pilot projects.
- Work with the Admin Team to set up port meetings for the fall port tour

CDFW and OPC will:

- Look into whether Dungeness Crab Account funds can be used to fund research
- Complete elections after the passage of SB1310.

#### *10. Adjourn*