



## ~California Dungeness Crab Task Force~

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

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### DCTF MEETING UKIAH, CALIFORNIA OCTOBER 16-18, 2017 MEETING SUMMARY

**NOTE: This is a DRAFT summary of the California Dungeness Crab Task Force's (DCTF) October 16-18, 2017 meeting and is currently being reviewed by the DCTF for accuracy. This summary will be deemed final following the DCTF's approval and posted online at:**

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

The purpose of this meeting summary is to:

- Provide a summary of discussions and outcomes from the October 16-18, 2017 DCTF meeting held via conference call; and
- Inform DCTF Members and the general public of the ongoing work of the DCTF.

#### ATTENDEES

Jim Anderson, Half Moon Bay, Low Tier  
John Atkinson, Jr., San Francisco, High Tier  
John Beardon, Alternate for Mark Horner, Crescent City, Low Tier  
Bill Blue, Half Moon Bay South  
George Bradshaw, Alternate for Ricardo De Solenni, Crescent City, Low Tier  
Joe Caito, Alternate for Bill Carvalho, Crab Processor  
Tony Cannia, Fort Bragg, Low Tier  
Mark Capra, Alternate for Marc Gorelnik, Sport Fishing  
Larry Collins, San Francisco, Low Tier  
Mike Cunningham, Eureka, High Tier  
Vince Doyle, Fort Bragg, High Tier  
Keith Gilmore, Alternate for Ron Blodgett, Fort Bragg, Low Tier  
Craig Goucher, Alternate for Mike Zamboni, Trinidad  
David Helliwell, Eureka, Low Tier  
Gerry Hemmingsen, Crescent City, High Tier  
Chris Lawson, Bodega Bay, High Tier  
Porter McHenry, Alternate for Geoff Bettencourt, Half Moon Bay, High Tier  
Brian Nolte, Alternate for Todd Whaley, Nonresident  
Matthew O'Donnell, Alternate for Brett Fahning, Crescent City, High Tier  
Carrie Pomeroy, CA Sea Grant  
Rick Powers, Alternate for Roger Thomas, Commercial Passenger Fishing Vessel

#### CA DEPARTMENT OF FISH AND WILDLIFE

Ruth Flores, CA Dept. of Fish & Wildlife  
Christy Juhasz, CA Dept. of Fish & Wildlife  
Sonke Mastrup, CA Dept. of Fish & Wildlife  
Cpt. Bob Puccinelli, CA Dept. of Fish & Wildlife  
Assistant Chief Mike Stefanik, CA Dept. of Fish & Wildlife

#### OTHER

ABSENT

David Crabbe, Nongovernmental Organization

Jim Yarnall, Sport Fishing

Vacant Seat, Crab Processor

Vacant Seat, Nongovernmental Organization

DCTF ADMINISTRATIVE TEAM PRESENT

Rachelle Fisher, Strategic Earth Consulting

Kelly Sayce, Strategic Earth Consulting

Sara Shen, 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/notetaker Sara Shen.

The meeting venue was changed from Ukiah, California to a conference call due to the tragic fires in the Sonoma-Napa-Mendocino areas. Due to the urgency and timeline-driven agenda items that the DCTF is tasked with at this time, a conference call was deemed the best option for convening the DCTF and involving interested members of the public. The meeting is recorded and will be erased after 30 days in accordance with the Bagley-Keene Open Meetings Act. DCTF Members, Alternates, CDFW staff, Ocean Protection Council (OPC) staff, 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 and agreed with taking agenda items out of order to prioritize sunseting Fish and Game Code sections. Ms. Fisher reviewed the procedures for public comment and explained that public comment would be taken on every agenda item and there will be an opportunity for public comment on non-agenda items. Call participants may also email their comments in real-time and the Admin Team will read one written comment per person per agenda item during the call. DCTF Members and the Admin Team may call on the public for additional information and clarification as needed to support DCTF discussions. The Admin Team requested that members of the public consider a solutions-based approach when providing comments and participate with respect for all DCTF Members and other call participants.

Public comment was taken on the topic at hand.

- George Castagnola, attorney, emailed the following comment<sup>1</sup>: I'm listening to the meeting and there are a number of members of the public who are attending who had something to say. To make [the public] wait for three days to address their issue is unrealistic, especially since they do not know when they will be able to give their input. What I suggest is that you give the members of the public an opportunity to say what they came to say [at the start of] the meeting and then if they choose to wait to discuss their comments later, they can do so. Thank you for your time.
  - The Admin Team explained that public comment will be taken on each agenda item and general public comment will be taken at the end of the day. If a topic is not discussed on the day you are participating in the meeting, you may provide those comments at the end of each day.
- Stephen Melz, commercial fisherman, emailed the following comment: These items are too important to be dealt with over the phone. Vote to reauthorize and deal with these issues when we can meet face to face.

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<sup>1</sup> Note: Written comments may be paraphrased or edited as needed for grammatical errors or to ensure clear context in the summary's narrative. Public comments may also be moved around in the summary under the appropriate agenda items to better reflect the meeting discussion.

- Patty Davis, commercial fisherman, emailed the following comment: Firstly I would like to say, having this meeting via phone conference has robbed fisherman, the people who this task force is supposed to represent, of the ability to participate in the meeting in a meaningful way. We don't have the opportunity to see the dynamic of this group or meet together before or during breaks or after the meeting days to discuss issues and work together. These phone meetings are a way for you to hold a meeting that guarantees the least amount of access and participation from the people you are supposed to represent. The only issues this meeting should address in this forum are the sunseting legislation. And each of those issues should be fully discussed. All other subjects should be tabled at this time. A new meeting should be set up in which everyone can participate in a real way.

The Admin Team stated that a conference call was not intended to undermine the importance of the DCTF meeting and related agenda topics. Due to scheduling conflicts, it was not possible to reschedule the meeting to early November 2017. If the meeting was postponed until Spring 2018, DCTF recommendations related to the sunseting Fish and Game Code items would be received late and it may be challenging to consider the recommendations within the 2018 legislative timeline. Tom Weseloh, Joint Committee on Fisheries and Aquaculture, suggested the DCTF attempt to develop as many recommendations as possible related to the sunseting Fish and Game Code prior to the end of the year so the Legislature can begin working internally and with the California Department of Fish and Wildlife (CDFW) to address them.

The DCTF supported moving forward with a conference call and suggested prioritizing the agenda to focus on the topics related to sunseting code sections. The Admin Team will conduct regular check-ins with the DCTF and general public throughout the three-day conference call to ensure meeting goals are being achieved.

*2. Update on the California commercial Dungeness crab trap limit program evaluation, including a presentation of data related to the California Dungeness crab fishery. DCTF discussions may include, but will not be limited to, evaluation and review of commercial Dungeness crab fishery and trap limit program, status of the Dungeness Crab Account, concerns associated with trap tags, and addressing program function.*

In the [January 2017 report](#), the DCTF recommended extending the sunset date of the the California Commercial Dungeness Crab Trap Limit Program (trap limit program) (Fish and Game Code 8276.5) from 2019 to 2029. The DCTF will continue to review and evaluate the program and will forward any future recommendations for improving the program to the Legislature, CDFW, and the Fish and Game Commission, which may include:

- Building in mechanisms to allow fishermen to increase their trap allocation while maintaining the profitability of individual permits.
- Adjusting the costs of the trap tags and potentially removing the biennial trap tag fee to more accurately reflect CDFW's costs to implement the trap limit program.
- Considering reallocating and/or utilizing available permits that have undergone attrition and making these permits available to those looking to move up/down between tiers to support new entrants into the fishery, etc.

Christy Juhasz, CDFW and non-voting DCTF Member, and Carrie Pomeroy, California Sea Grant and non-voting DCTF Member, shared a [presentation](#) updating their previous review of recent Dungeness crab fishery activity to include the 2016-17 Dungeness crab fishing season to support the DCTF's annual review and evaluation of the trap limit program. The DCTF did not have any questions related to the presentation.

Public comment was taken on the presentation at hand.

- No public comment was received.

Following the presentation, the DCTF discussed suggested changes to the trap limit program outlined in the [Options and Considerations for Amendments to the Commercial Dungeness Crab Trap Limit Program](#) document.

*Option: Change the 2-year trap tag to an annual trap tag*

Some DCTF Members saw value in moving to an annual trap tag, in which fishermen are required to return the prior year's tags before receiving the next year's tags. This would allow CDFW to more easily track how many tags each permit holder should have since it would eliminate the need for, and potential abuse of, in-season and between season replacement tags. It could help fishermen keep track of their gear and be more accountable for lost traps. Members from Crescent City stated their port does not support changing to an annual tag at this time.

A DCTF Member suggested that a stamp could be used for annual renewals to reduce the cost of the trap limit program to fishermen. Fishermen would have to purchase their full set of tags one time and would receive an annual "stamp" to affix to the tag. This would prevent fishermen from requesting new tags and fishing more traps than their allocation while also reducing the cost of the tags. The Admin Team explained that the National Marine Fisheries Service (NMFS) utilizes the color and year on the current trap tags to determine when (i.e., in which season) an entanglement occurs.

DCTF Members requested clarification on whether fees would increase if annual trap tags were utilized. The Admin Team clarified that biennial trap tag fees are specified in statute and would require legislation to change. The Legislature and CDFW have not stated whether or not they would pursue a trap tag fee change if the fishery switched to annual trap tags. One DCTF Member stated that California's trap tag fees should be consistent with Oregon's, which are about \$1 per tag. CDFW clarified that the California trap tag fees cover more than the cost of the tag, including administration and enforcement costs of the program. CDFW suggested that moving to an annual tag would increase costs because tags would be mailed every year instead of every two years, but the program cost increase is unclear at this time.

The DCTF asked CDFW's License and Revenue Branch (LRB) if there were any concerns with moving to an annual tag especially with the need to rotate tag colors among the seven trap tiers. LRB expressed no concerns at the time. CDFW Law Enforcement Division clarified that the California spiny lobster fishery operates using an annual trap tag.

Various DCTF Members requested a straw poll to assess the level of agreement regarding annual trap tags. 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- Move from a biennial tag to an annual tag to increase accountability and improve the function of the in-season replacement tags. (5 up; 2 sideways; 7 down; 5 abstain)- Fail*

*Straw Poll- Move from a biennial tag to an annual sticker to increase accountability and improve the function of the in-season replacement tags. (2 up; 5 sideways; 7 down; 5 abstain)- Fail*

*Straw Poll- Status quo: Maintain the biennial trap tags. (6 up; 9 sideways; 1 down; 4 abstain)- Pass*

Several DCTF Members stated they did not support moving to an annual tag without knowing the costs associated with this change. The DCTF requested that CDFW provide an estimated cost for an annual trap tag at the next DCTF meeting.

Public comment was taken on the topic at hand.

- Deenie Davis, commercial fishing representative, understood the original statute outlined that an annual would cost \$2.50/tag and the 2-year tag was decided on at \$5.00/tag. If there was a decision to change to annual trap tags, then they should cost \$2.50/tag. She recommended maintaining the biennial trap tag approach, and did not support voting on an annual without clarifying the cost in statute.

*Option: Eliminate provision allowing 10% in-season replacement tags.*

A number of DCTF Members supported eliminating the provision allowing individuals to obtain up to 10% in-season replacement tags to avoid loopholes that lead to individuals fishing above their trap allocation. Others felt

there was value in keeping the 10% in-season replacement tag provision, especially to support those in the 175-trap tier who may rely more heavily on their full trap allocation. Members highlighted that this topic has been discussed numerous times since the trap limit program was put into place.

The [presentation](#) given by CDFW and Dr. Pomeroy showed 1,586 in-season replacement tags were issued during the 2016-17 season. CDFW clarified that of those requests, 37 individuals asked for the full 10%, while others requested less. Additionally, a small number of individuals request the full 10% every year. Based on this information, the DCTF did not think it was necessary to prioritize this issue for this meeting, but may revisit it at a future meeting.

*Option: Permit Stacking*

The DCTF discussed a proposal to allow the stacking of two 175-trap permits to increase an individual's trap allocation to 350 traps (Note: the discussion only referenced stacking 175-trap permits and no other permits.). Some Members agreed with this proposal as long as length restrictions remain in place on vessels. The DCTF discussed how 175-trap permits are a reasonable way to enter into the fishery and stacking the permits would allow an individual to build his/her business since permits with higher trap allocations are too expensive for new entrants. Additionally, some DCTF Members believed that providing the option to stack 175-trap permits would provide more of an opportunity for a new entrant to make a living from the fishery. A DCTF Member stated that the number of 175-trap permits that are active has increased from previous years, which could indicate that some fishermen are able to make a living off the permit. Some DCTF Members believed that allowing 175-trap permits to be stacked would hinder new entrants to the fishery since there would be fewer permits available for purchase, subsequently driving up the cost to purchase a new permit.

DCTF Members generally agreed this topic deserved more discussion and requested that it be added to future DCTF and Executive Committee (EC) meeting agendas. The Admin Team requested DCTF Members and the public share any information that would be helpful to inform this discussion moving forward. Additionally, other fisheries that stack permits could be investigated as case studies to inform this discussion.

Public comment was taken on the topic at hand.

- Dick Ogg, commercial fisherman, asked for clarification on why the DCTF would consider a 1-year tag without addressing the 10% in-season replacement. He explained that the 10% in-season replacement tags can lead to negative public perceptions since the public views the lost tags as lost gear. The public is concerned that 10% of gear is lost annually which shines a poor light on the Dungeness crab industry especially in the face of whale entanglements. Moving to an annual tag and removing the 10% in-season replacements would help with this issue. He also agreed that the industry would not support an annual tag at an increased cost.

**ACTION:** *Consideration and possible adoption of recommendation(s) related to the commercial Dungeness crab trap limit program including, but not limited to, monitoring and evaluation of the commercial Dungeness crab trap limit program, management of the Dungeness Crab Account, issuing of trap tags, etc.*

See agenda items 3 (Sunsetting Fish and Game code sections) and 5 (Dungeness Crab Task Force) for related action items.

*3. Discussion of Legislative needs related to sunsetting Fish and Game Code sections relevant to the California Dungeness crab fishery (i.e. Fish and Game Code Sections [8276-8280.6](#)) including, but not limited to, the process for reauthorizing code sections with or without DCTF input, identification of code sections that require clarification, amendments, or deletion, and recommendations to address identified needs.*

A number of [Fish and Game Code regulations will sunset in 2019](#). As the Legislature is looking to reauthorize those regulations, they are looking for guidance from the DCTF on whether the sunsets should be extended, which code sections are redundant and can be removed, clarifications that may be needed on existing code, amendments, etc.

The Admin Team walked through the [Proposed Redline of Sunsetting Fish and Game Codes](#) document and asked the DCTF how they would like to respond to these sunsetting codes and whether any amendments or clarifications were needed to improve fishery operation and management. The Admin Team acknowledged that there would not be time in the meeting to walk through the code line by line, but that the regulations and associated documents had been shared in advance of the meeting via the [DCTF webpage](#) and [public email list](#) and DCTF Members should be familiar with them.

DCTF Members agreed there was value in voting on a broad statement to extend the sunset date to 2029 to be consistent with the recommendation in the [January 2017 report](#) to extend the trap limit program's sunset date to 2029. The DCTF considered postponing amending code sections to future meetings, and was encouraged by Mr. Weseloh to develop a full and explicit package of recommended amendments as soon as possible, while leaving the state some latitude to adjust things as needed to ensure feasibility.

DCTF Members discussed how to prioritize the sunsetting Fish and Game code sections. They agreed that the ongoing functioning of the DCTF, the trap limit program, domoic acid/fair start, permit transfers, and gear retrieval were of the highest priority to address during this meeting. The Central Management Area's<sup>2</sup> presoak period, although not sunsetting in 2019, was also identified as high priority to address during this meeting since it reflected an ongoing safety issue. A few DCTF Members also requested holding a discussion about adding the Central Management Area to the Tri-State Agreement. The Admin Team stated that such a discussion would have to be postponed to a future meeting because it had not been noticed on the [October 16-18, 2017 meeting agenda](#) as required by the Bagley-Keene Open Meeting Act. In addition, since this topic was not urgent, there was value in waiting to have the conversation about the Central Management Area's inclusion in the Tri-State agreement when the DCTF could meet in person.

Public comment was taken on the topic at hand.

- George Castagnola, attorney, emailed the following comment: With respect to Fish and Game laws that should disappear, one is the requirement that buoys need to be both marked with the fisherman's number in addition to the fact that the buoy needs a tag. The rule about marking the buoy was introduced before tags were required. At this time, I have two clients who have been cited by CDFW for not having the L number on the buoy and in addition to having the tag. When a pot is lost, grass grows over the marking on the buoy or the number on the buoy fades. However the tag generally stays clean because it is plastic with raised numbers and it generally sits out of the water so that it doesn't fade or gets grassed over. In addition, this law is outdated because the only reason for the number on the buoy is to identify the owner of the pot and the tag does this.

Various DCTF Members requested a straw poll to assess the level of agreement regarding the sunsetting Fish and Game Code sections. 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- The DCTF recommends reauthorizing all codes sections as-is. The DCTF will continue to review Dungeness crab fishery regulations and will recommend modifications to those sections as needs arise. The DCTF recommends the sunset date be extended to 2029, except as indicated below.*

*The DCTF recommends eliminating the following Fish and Game Code Sections, as they are redundant: 8280.1, Dungeness crab Vessel Permit (Limited Entry Qualifications), lists the criteria for initial qualification for a limited entry permit for the commercial Dungeness crab fishery and may no longer be relevant now that all limited entry permits have been in place for 2 decades. 8280.5, Hardship Permit Review Panel, is no longer applicable since the limited entry permit system has been established and all limited entry permits have been in place for the past 2 decades.*

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<sup>2</sup> The Central Management Area is the area south of the Mendocino-Sonoma County line to the California-Mexico Border and is often referred to as "District 10" although it encompasses a number of fishing districts.



*Additional amendments to the code sections may be included as part of the DCTF's 2017 package of recommendations. (18 up; 2 sideways; 0 down; 0 abstain)- Pass*

One DCTF Member questioned why the sunset date needed to be extended 10 years and asked if a 5-year sunset would be more appropriate. The Admin Team explained that during the 2016 DCTF meeting, the same discussion regarding the trap limit program extension occurred. Since it can take 1-2 years for a change to be made through the Legislature, it would be tedious and time consuming for the DCTF to readdress the sunset provisions every 2 years or so. Various DCTF Members agreed that legislative amendments were generally time-consuming and it would be a better use of the DCTF's time to recommend a 10-year sunset.

**ACTION:** *Consideration and possible adoption of recommendation(s) related to Fish and Game Code sections including, but not limited to, those related to limited entry, crab quality testing, etc.*

**APPROVED:** The DCTF recommends reauthorizing all sunset code sections without changes except as specified in these DCTF recommendations.

- The sunset date on Fish and Game Code sections including, but not limited to 8276.2, 8276.3, 8276.4, 8276.5, 8279.1, 8280.2, 8280.3, 8280.4, 8280.6, and 9002.5, should be extended to 2029.
- Fish and Game Code Sections 8280.1 and 8280.5 should be eliminated as they may no longer be relevant since the limited entry program has been in place for two decades.
- Additional actions related to sunset code sections taken by the DCTF during its October 2017 meeting are recommended to be updated as outlined in additional votes below.

The DCTF will continue its charge to review Dungeness crab fishery regulations and will continue to recommend modifications to those sections as need arises.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	1	0	0	2

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

Thumbs up (19): Anderson, Atkinson, Beardon, Blue, Bradshaw, Cannia, Caito, Capra, Collins, Cunningham, Doyle, Gilmore, Goucher, Helliwell, Hemmingsen, Lawson, McHenry, Nolte, O'Donnell

Thumbs sideways (1): Powers

Thumbs down (0): None

Abstain (0): None

Absent (2): Vacant Processor, Yarnell

*4. Discuss options for maintaining the structure of the fleet including, but not limited to, length restrictions associated with permits, standardizing documented vessel lengths, etc.*

The EC identified transferability (Fish and Game Code Section 8280.3) as a high priority topic for the DCTF to discuss and address. Section 8280.3 will sunset in 2019 and there have been concerns expressed by the EC, members of the public, and CDFW around establishing a standard measurement of vessel length, the need for vessel length requirements, etc. Recently, several [options and considerations](#) were developed and shared with the Admin Team to inform the DCTF's discussion. Mr. Weseloh clarified that the Legislature can extend the sunset date of this section, however decision makers have requested the DCTF clarify any amendments to this section to avoid the Legislature taking liberties.

*Vessel Lengths on File*

When limited entry was first established, the vessel lengths provided to CDFW were not consistent (i.e. some measured hull length, length overall, or at the water line). This has led to inconsistent vessel length measurements

being recorded and CDFW unable to verify a vessel's length, as well as cases where different lengths on the same vessel have been presented to CDFW during the permit transfer process. Additionally, some surveys are out of date and not all vessels on file have a survey associated with them.

CDFW stated that maintaining length restrictions is time consuming, expensive, and complicated for CDFW to implement and enforce. They suggested that with the commercial trap limit program in place, length restrictions may no longer be necessary. DCTF Members disagreed, stating that length restrictions help maintain the complexity and current makeup of the fleet. Many Members felt that removing length restrictions would cause the permits to be transferred to larger boats and eliminate smaller vessels. No DCTF Members were in favor of eliminating length restrictions.

The DCTF discussed options to address establishing consistent length measurements for all vessels. Various DCTF Members suggested requiring all permit holders to provide a vessel survey in the next 5 years from a licensed marine surveyor utilizing a defined standard length measurement to establish a baseline measurement for all vessels. This would help CDFW ensure that vessels stay within their 5-ft allowable increase. Another option discussed was to require both vessels involved in a permit transfer to be measured at the time of transfer. Various Members asked if there was a need to require all vessels to be measured. CDFW has records for permits that have been transferred, however approximately 50% of vessels have not been transferred recently and do not have an updated vessel length on file. CDFW does not have access to the abstracts of title, and any changes on the abstracts of title are based on the information individuals report to the Coast Guard. CDFW could not comment on whether abstracts of title would be usable by CDFW as a record of vessel length.

DCTF Members discussed requiring all permit holders to submit an updated vessel survey utilizing the new definition of length overall (see *Standardized Length Overall Measurements*, below). A few Members acknowledged that fishermen have been lengthening their vessels for years (see sponsoring below) and this new requirement would essentially "reset" all of the vessel lengths on file. While many DCTF Members were concerned about some individuals being able to lengthen their vessel without penalty, others believed that without this new measurement, individuals would be able to continue lengthening their vessels indefinitely.

One DCTF Member expressed concerns that their permit measured larger than their vessel, and if he were required to submit a new marine survey, his documented length would be smaller. CDFW explained that there is nothing in the law that requires a permit to lose length. Various DCTF Members stated the intent would be for the surveys to document increases in vessel lengths, not decreases.

Public comment was taken on the topic at hand.

- Dick Ogg, commercial fisherman, stated that the original intent of the law was to maintain the complexity of the fleet. A permit is issued to a vessel with the intent of allowing an extension of no more than 5ft. However, after you own a vessel you may increase it as much as you want, but when you sell the permit it must be divorced from the [increased] vessel. Is this true?
  - Mr. Ogg's question was not addressed.
- Stephen Melz, commercial fisherman, emailed the following comments: I agree with CDFW in that vessel length should not be a requirement in vessel permit transfers. Trap limits have already taken care of effort and a larger vessel helps in boat safety and gear management. Restrictions on increasing vessel size are only an effort to maintain high permit prices for those that have them. Leave the system alone or remove vessel length from the permit.
- Landon Carpenter, commercial fisherman, emailed the following comments: Once again, I would just like to add that I'm in favor of doing away with the vessel length restrictions. You have a combination of state boats, documented, and non-measured vessels. Any additional time, resources, and complications arising from further requirements and red tape regarding vessel lengths seem to add very little to the capitalization reduction, which the limited entry program sought out to limit.
- Deenie Davis, commercial fishing representative, emailed the following comments: We should hit the reset button. Give 1-2 years to submit a new survey, and those will be the "permit lengths". Only boats that have not added length since limited entry will be allowed an up-grade. Also, if for some reason a permit is



transferred to a smaller boat, the permit should not lose its “permit length”. It needs to reset with all boats. Because those lengths [that CDFW does] have surveys on have not followed a standard measurement method.

Various DCTF Members requested a straw poll to assess the level of agreement regarding updating vessel lengths on file with CDFW. 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- Establish consistent records [of vessel length] for all vessels to establish a baseline. Have boats report lengths to establish baseline (over 3 years) for ALL vessels. (11 up; 6 sideways; 2 down; 1 abstain)- Pass*

Various DCTF Members indicated they chose to vote sideways on this straw poll because they felt like three years was too long a period to provide for permit holders to update their vessel measurement, but understood the process could be challenging for some ports (e.g., difficulty of permit holders based at northern ports to obtain a marine surveyor in a timely fashion). Another Member stated that permit holders should be restricted from lengthening their vessels more than 5ft between now and when they are required to submit a new survey. The Admin Team explained that such a proposal would be difficult to enforce since CDFW does not currently have accurate length documentation for many vessels. Mr. Weseloh explained that if permit holders were given three years to submit a new survey, the three years would start when a bill was passed in January 2019 so permit holders would have until January 2022 to submit the survey. Various DCTF Members suggested requiring permit holders to submit an updated survey by the March 31, 2020 permit renewal date and for CDFW to issue a notice in 2019 after the bill for this regulation passes.

A few Members stated they recently had a survey performed and did not want to remeasure their vessel. DCTF Members also suggested that if an individual does not submit a new survey, the length documented with CDFW will be assumed to be length overall and will be used in all future permit transactions.

CDFW and Mr. Weseloh highlighted that it will be important for the Legislature and CDFW to work together on a bill for this issue to ensure the intent of the DCTF is clearly written into the law to the extent possible.

#### *Standardized Length Overall Measurements*

Permit transfers require a marine survey to ensure the permit is being transferred to a vessel of appropriate size as defined in Section 8280.3. The marine survey is supposed to capture “length overall”, however, there is no standard definition in the Fish and Game Code for “length overall.”

The DCTF discussed options for standardizing the definition of “length overall”. The US Coast Guard’s definition of length overall (CFR §170.055(k)(2) [here](#)) is: “the horizontal distance between the forward-most and after-most points on the hull.” Various Members felt it would be simple to use the same definition as the Coast Guard. One Member explained that a surveyor will likely use the Coast Guard measurement. Another definition proposed by a DCTF Member for consideration is “the distance between the forward-most point of the bow stem with nothing added to it, which is measured by a plumb line hung off the bow stem and plumb line off the aftermost point of the stern. Attachments fixed to the stern/bow are not measured.” Another Member suggested using the Department of Transportation’s measurement for monohull vessels: “either 1) 96 percent of the length from the fore side of the stem to the aftermost side of the stern on a waterline at 85 percent of the least molded depth measured from the top of the flat plate keel; or 2) the length from the fore side of the stem to the axis of the rudder stock on that waterline, whichever is greater.” Members stated that the measurement should be made straight off the bow and stern with nothing added (e.g. a swordfish plank off the bow not be part of length overall). Permit holders should also be required to certify that they have not changed their vessel in any way and if they have, they should be required to document the changes. Over the course of the discussion, Members moved toward the idea of adopting the Coast Guard’s definition of length overall, but suggested excluding items hanging from the front or back of the vessel.

Various DCTF Members requested a straw poll to assess the level of agreement about standardizing the definition of length overall. 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- Measurement of Dungeness crab permitted vessel length should be based on the Coast Guard definition: the horizontal distance between the forward-most and after-most points on the hull, excluding attachments fixed to the stern/bow. (19 up; 1 sideways; 0 down; 0 abstain)- Pass*

Public comment was taken on the topic at hand.

- George Castagnola, attorney, explained that he has done a number of surveys for permit transfers. He stated that the definition the DCTF is leaning toward does not reflect their intent. Wooden boats have 2- to 4-inch rubrails that are attached to the hull, but the rubrails are considered to be part of the hull and are often included in measurements. Often there is a false stem on a vessel to protect the vessel from collision. There is often steel attached to the bow to protect the bow that may be about one half of an inch long. Marine surveyors often measure the length of the hull as the intended length when the hull was first built. There is also a certain level of subjectivity. With the definition used in the straw poll, rubrails would not be included. Even small measurements of ¼ inch to 2 inches can mean the difference between allowing a permit transfer and not. He suggested CDFW work with marine surveyors to develop an appropriate definition and instruction book for measuring vessels.
- Deenie Davis, commercial fishing representative, emailed the following comments: We know historically there were different measurements used. Some surveyors even used deck measurements. We should establish the “length overall” as the Coast Guard definition. Boats within the fishery have already added anywhere from 5’ to 15’.
- George Castagnola, attorney, emailed the following suggested definition of length overall: Length overall shall be defined as the hull with additions like rub rails and false stems that were added at the time the boat was built for the purpose of protecting the hull.

### *Sponsoning*

Members discussed “sponsoning,” which is defined as lengthening a vessel beyond the allowed, one-time 5-ft increase and then offering that vessel for sale without a vessel-to-vessel permit transfer involved. For example, someone could add 10ft to their vessel this year, offer it for sale next year with that additional length and circumvent the 5-ft transfer limitation. Subsequent owners could do the same, nullifying the 5-ft limitation in these cases until a transfer occurs. According to CDFW, there is nothing in the Fish and Game Code addressing vessel modifications. The only time the maximum one-time 5-ft increase applies is when the permit is transferred.

Options the DCTF generated to address sponsoning include:

- Require a current vessel survey at the time of a vessel sale, provided that the existing commercial Dungeness crab vessel permit is part of the sale. CDFW would ensure vessel sales are also in compliance with permit transfer length restrictions.
- Vessels that have extended beyond a one-time 5-ft increase may not transfer their permit onto a new vessel.
- Require a survey at the time of transfer and the time of sale.

Various DCTF Members requested a straw poll to assess the level of agreement regarding sponsoning. 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- Require a survey at the time of sale as well as time of transfer. A maximum one time 5ft length restriction applies. (6 up; 13 sideways; 0 down; 1 abstain)- Pass*

Public comment was taken on the topic at hand.

- Deenie Davis, commercial fishing representative, stated that she had concerns about the sideways votes counting toward an affirmative since with the last straw poll it shows many people are unsure about their

position. The issue should be more thoroughly investigated before doing a final vote on this topic. She stated that the previous straw poll should not be deemed as a “pass.”

- The Admin Team explained that DCTF Members agreed to the voting structure, which has been memorialized in the [charter](#). If someone is unsure of their position, they should vote thumbs down. Various DCTF Member stated they felt the sideways vote was a way to indicate they could live with the option, not that they were unsure of their position.

**ACTION:** *Consideration and possible adoption of recommendation(s) related to clarifying, amending, or eliminating Fish and Game code sections related to permit transfers and vessel lengths including, but not limited to, permit transfers, standardizing and documenting vessel lengths, policies on the lengthening/widening of vessels, etc.*

**APPROVED:** The DCTF recommends clarifying the definition of “length overall” in Fish and Game Code section 8280.3 to be defined as the horizontal distance between the forward-most and after-most points on the hull and attachments fixed to the stern and bow are not measured.

In an effort to establish consistent records of the measurement of all vessels in the commercial Dungeness crab fleet for CDFW, the DCTF recommends all permit holders submit a recent vessel survey with the standard definition of “length overall” to CDFW by March 31, 2020. In cases where a survey indicates a smaller vessel than is documented on the permit, the previously documented length would be maintained on that permit. Should an individual choose not to submit a survey by March 31, 2020, the original vessel length on file will be assumed to be the “length overall” and all future transfers and sales associated with the permit will be based on that measurement.

The DCTF also recommends that a survey by a licensed marine surveyor be required at the time of a permit transfer as well as at the time of a vessel sale. Vessels associated with a permit should continue to only be allowed a one-time increase of a maximum of five feet in length.

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

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

Thumbs up (18): Anderson, Atkinson, Beardon, Blue, Bradshaw, Caito, Cannia, Capra, Collins, Cunningham, Goucher, Helliwell, Hemmingsen, Lawson, McHenry, Nolte, O’Donnell, Powers

Thumbs sideways (1): Gilmore

Thumbs down (0): None

Abstain (0): None

Absent (3): Doyle, Vacant Processor, Yarnell

*5. Continue the DCTF’s 2016 discussion of establishing an industry-representative organization for the Dungeness crab fishery to inform Dungeness crab fishery management and address other industry priorities beyond the DCTF’s sunset in 2019. DCTF discussions may include, but will not be limited to, incorporation status, structure, funding, and other operational considerations.*

The DCTF will sunset in 2019. In the January [2016](#) and [2017](#) reports, the DCTF stated there is value in continuing the DCTF beyond 2019. There was also DCTF support for reconsidering the group’s structure and composition. In the reports, the DCTF identified a role for the body (January 2017 report, Recommendation 4), recommended a 2/3 voting structure (January 2017 report, Recommendation 5), recommended elections be held every three years (January 2017 report, Recommendation 6), and recommended short and long-term funding sources (January 2017 report, Recommendation 3). Following the submission of the January 2017 report, OPC funding was no longer

available to support the DCTF. The DCTF recommended the surplus in the Dungeness Crab Account<sup>3</sup> be allocated to support the DCTF through 2019, and likely long-term. The Nature Conservancy offered to support the DCTF's administration and operations until funds from the Dungeness Crab Account could be allocated.

#### *DCTF: Funding*

Until the DCTF sunsets in 2019, CDFW will allocate approximately \$70,000, based on previous budgets, from the Dungeness Crab Account to support the DCTF until its 2019 sunset. Beginning in early 2018, the funds would be used to support the DCTF's current administration and facilitation costs, including one in-person DCTF meeting, three Executive Committee conference calls, meeting summaries, meeting preparation, and preparation of a legislative report. The amount likely would not cover DCTF Member travel costs. The facilitation contract may have to undergo a competitive bid process and may not be awarded to Strategic Earth Consulting (current Admin Team).

The DCTF asked how much money was available in the Dungeness Crab Account to fund the DCTF long-term. CDFW explained that the Department of Finance requires at least a one-year reserve in the account. Since CDFW's spending authority on that account is \$700,000 per year, they expect there is close to \$1M in the account presently. CDFW revenues are running close to the \$700,000 per year allocation. CDFW can only commit funds through the DCTF's 2019 sunset. Long-term funding of the DCTF is still to be determined. The Admin Team explained that the Fish and Game Code states that the funds from the Dungeness Crab Account can only be used to manage the commercial trap limit program. If the DCTF would like the funding to be used to cover operational costs, a specification in the Fish and Game Code may be helpful. A DCTF Member suggested making a recommendation that the Dungeness Crab Account be used to support the DCTF, the trap limit program and, if reserve requirements are met, reduce the fee for the biennial trap tags. CDFW expressed doubt that it would be possible to decrease the fee for the trap tags since funding the trap limit program and the DCTF would utilize all of the revenue from the trap tag fees. DCTF Members generally supported using the Dungeness Crab Account to fund the DCTF as long as their trap tag and biennial permit fees do not increase.

The DCTF discussed whether it was appropriate to use trap tag fees to fund the DCTF since sport fishermen, processors, and Commercial Passenger Fishing Vessel (CPFV) owners, who don't pay trap tag fees, also have a vote on the DCTF. The DCTF generally saw value in maintaining these noncommercial fishing perspectives on the DCTF despite the funding source (see section "*DCTF: Non-commercial Fishing Seats*" on page 18) and agreed that using the Dungeness Crab Account to support the DCTF was appropriate with or without extra funding from other interests. Sport and CPFV representatives expressed support for continuing to participate with the commercial fishery on the DCTF and potentially allocating some funds from sport licenses to the DCTF.

The DCTF and CDFW also discussed the \$517,000 hold that was placed on the account in 2016 to pay for a pending lawsuit (see [Assembly Bill 164- Claims Against the State: Payment](#) for additional information). The California State Supreme Court denied an appeal by the plaintiffs ([here](#)) meaning that the lower court's decision in favor of the state remains in place and the \$517,000 is no longer needed for the settlement. The hold on the \$517,000 has not yet been released but may occur in the coming months through Legislation, the Governor's budget, or another yet-to-be-determined process.

A couple DCTF Members believed that \$70,000 from the Dungeness Crab Account was too much money to support the DCTF and that the administration/facilitation contract should go to the lowest bidder. Other DCTF Members believed \$70,000 was insufficient and the budget should be closer to \$100,000-\$150,000 to fully fund the DCTF, including travel, printing, meeting rooms, etc. The Admin Team estimated that the cost to continue running the DCTF would be approximately \$100,000/year.

#### *DCTF: Function and Incorporation*

One DCTF Member expressed concern about the inflexibility of the DCTF due to the fact there is only one meeting per year to vote on important topics like the trap limit program, whale entanglements, domoic acid, etc. He

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<sup>3</sup> The Dungeness Crab Account was established pursuant to Fish and Game Code 8276.5(a)(4) to administer and enforce the commercial Dungeness Crab Trap Limit Program.

expressed support for having an industry representative body that could work closely with fisheries managers, agencies, nongovernmental organizations, and the legislature, but the body needs to be more flexible moving forward. The Admin Team explained that the DCTF's inflexibility was due to a number of factors, including that funding to-date has only been available for one in-person meeting per year, it has been challenging to get a quorum of DCTF Members to attend meetings, and Bagley-Keene noticing requirements make it difficult for the DCTF to respond rapidly to issues. If the DCTF would like to be more responsive it will be important to make sure adequate funds are available to convene the group. Additionally, reducing the size of the body may make it easier to convene a quorum. Another Member stated there were pros and cons to acting too quickly on issues and felt the DCTF had done a good job of responding to important issues in a timely manner over the years.

A DCTF Member expressed support for the OPC continuing to administer the DCTF as it has since 2009. He suggested that the DCTF work with CDFW and OPC to develop a budget that would be funded by the Dungeness Crab Account. OPC stated they would be willing to be a partner and administer DCTF contingent upon the interest of the DCTF supporting the OPC's involvement and funding being made available from a source outside OPC budgets. OPC would support the DCTF as they have in the past by hiring an outside facilitator to support the DCTF's needs. Other DCTF Members agreed they would prefer the DCTF to remain under the OPC rather than to be reestablished as a nongovernmental organization or under the California Department of Food and Agriculture. The group discussed the fact that OPC could not use funds from the Dungeness Crab Account to administer the DCTF without a change in the Fish and Game code authorizing OPC's use of that account.

Various DCTF Members requested a straw poll to assess the level of agreement regarding funding the DCTF and its incorporation status. 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- The DCTF recommends and supports the OPC administering the DCTF. The DCTF recommends authorizing the OPC to receive money from the Dungeness Crab Account. The DCTF recommends allocating \$150,000 dollars per year from the Dungeness Crab Account to the OPC to support the administration of the DCTF through 2029 (including annual account review) (18 up; 2 sideways; 0 down; 0 abstain)- Pass*

#### *DCTF: Commercial Fishing Seats*

The composition of the commercial fishing representation (seats) is outlined in [Fish and Game code 8276.4](#). In previous DCTF meetings, various DCTF Members expressed an interest in revisiting the makeup of the commercial fishing seats while others prefer to maintain status quo. Suggestions for changes to commercial fishing seats included increasing the number of representatives south of the Mendocino-Sonoma County line, increasing the number of representatives south of Half Moon Bay, reducing the number of representatives in Crescent City, and increasing the number of out-of-state representatives.

DCTF Members reviewed the [options document](#), which had been refined by the EC on [September 19, 2017](#). Various Members stated they would not support any option that did not include an equal number of representatives north and south of the Sonoma-Mendocino county line, including the non-resident permitholder which should be considered a northern representative. Others stated that a 2/3 vote to pass a recommendation alleviates the need for equal representation. Two DCTF Members suggested the DCTF commercial fishing seats remain unchanged. One DCTF Member expressed the DCTF and its Executive Committee are too heavily weighted to the higher production levels and not reflective of the fleet. One Member suggested there should be seven representatives per port, however that would expand the 17 commercial fishing seats to 63, which many Members thought would be unmanageable. A Member suggested updating the commercial fishing seats to reflect the makeup of the fleet and port landings. The Admin Team reminded the group that the makeup of the fleet and landings by port change over time since the abundance and distribution of crab and fishing effort change over time. Some Members stated that the number of seats per port should be reflective of the number of permits in that port. Others suggested the amount of financial investment in the fishery should have more representation on the DCTF. A couple Members stated that each permit should have equal opportunity on the DCTF. Some DCTF Members expressed frustration that new options were being added for consideration since they did not have the opportunity to discuss the new options with their constituents. One Member suggested that if there is more than one representative from the South of Half Moon



Bay “port complex,” each representative should come from different ports (e.g., Port San Luis, Morro Bay, Monterey Bay, and Santa Cruz).

Various DCTF Members requested a straw poll to assess the level of agreement regarding the commercial fishing seats on the DCTF. 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- The DCTF recommends the commercial fishing representation on the DCTF as follows:*

- *Three members from Crescent City.*
- *One member from Trinidad.*
- *Two members from Eureka.*
- *Two members from Fort Bragg.*
- *Two members from Bodega Bay.*
- *Two members from San Francisco.*
- *Two members from Half Moon Bay.*
- *Two members from ports south of Half Moon Bay.*
- *One member who has a valid California nonresident crab permit.*

*(8 up; 10 sideways; 2 down; 0 abstain)- Pass*

Various DCTF Members who voted “sideways” stated that, while not preferred, the option on the table was better than “status quo” and was a reasonable agreement. Those who voted “down” stated they would prefer an extra seat south of the Mendocino-Sonoma county line.

Public comment was taken on the topic at hand.

- Deenie Davis, commercial fishing representative, emailed the following comment: DCTF Members have stated in the past that they don’t know what their constituents want. It is telling that DCTF members aren’t interested in who they represent.

#### *DCTF: Commercial Fishing, How to Seat*

The DCTF discussed how to seat the commercial fishing representatives. Members stated that DCTF Members should limit approaching DCTF discussions from a place of division (e.g., north/south, high/low landings, large/small vessel, etc.) and should focus on making recommendations that consider the entire commercial Dungeness crab fishery as a whole. One DCTF Member suggested that regular elections would help ensure representatives were not out for themselves but representing their constituents and the fleet. One DCTF Member highlighted that some ports are frustrated with their representatives and would like to see representatives make more of an effort to reach out to their constituents and bring issues from the DCTF meetings back to their ports for discussion and review.

The DCTF made a [recommendation during the October 2016 DCTF meeting](#) that elections should occur every three years and that the next election should take place as soon as possible. A few DCTF Members suggested that the elections should be staggered by port so the full DCTF is not replaced every three years. This would help maintain institutional knowledge while ensuring fresh perspectives on the body.

The DCTF discussed the criteria needed to identify representatives when there were more than one representative in a port. Options and considerations included:

- All permits in the 350 trap tier and lower would be represented by one DCTF Member (low tier) and those above 350 traps would be represented by another DCTF Member (high tier). The representative would be elected.
- No elections. Representatives would be selected/appointed by each port, likely through port association meetings.
- Hold an election and the 2-3 people with the highest number of votes by port would fill the DCTF seats in those ports.



- In ports where there are two representatives, representatives should represent high and low landings (production) as described in the founding legislation: *Production levels shall be based on the average landing during the previous five years, of valid crab permit holders who landed a minimum of 25,000 pounds of crab during the same period.*

The Admin Team provided background on how commercial fishing elections were carried out when the DCTF was originally seated in 2009. The OPC sent a letter to all permit holders and asked for nominations for each port. Port and production tier-specific ballots were then mailed to all permit holders to elect representatives. Permit holders were only allowed to vote in their port(s) and production tier(s). Each port had a different value distinguishing high and low tier based on the average landings of those who landed more than 25,000lbs in the five years prior to the election (between 2003 and 2008) in each port. For example, Crescent City's average was approximately 350,000lbs. Therefore, anyone who landed 350,000lbs or more was in the high production tier and anyone who landed 349,999lbs or less was in the low production tier.

DCTF Members generally supported elections using the production levels (landings) as described in the founding legislation, which would allow individuals to move between production levels as they increase or decrease their production. Various DCTF Members stated that crab trap tier assignments were less important than landings. In circumstances where there is only one representative in a port (i.e., Trinidad and nonresident) all permit holders will elect that individual and the individual who is elected would represent all permit holders in that port. Elections should be port specific so that each port elects their own representatives. The production levels should be recalculated for each election.

One DCTF Member clarified that if a non-resident permit holder did not make any landings in California, s/he could be elected to the DCTF and could vote for the non-resident representative. Another Member stated individuals who did not make landings should not be allowed to vote. The Admin Team suggested the group to consider the legal challenges and perceptions that could be associated if someone who owned a permit was unable to participate in the DCTF and/or the DCTF's elections.

Since there is no description in the legislation about how to seat the third seat in Crescent City, some Members suggested allowing Crescent City to appoint that individual regardless of the permit holder's production tier. Others suggested the third representative be elected, but the production level of that individual did not need to be clarified.

Public comment was taken on the topic at hand.

- Deenie Davis, commercial fishing representative, emailed the following comment: Needs to stay the same. If you make changes without direct input it will definitely be seen as an attempted power grab especially since you have failed to have elections since the DCTF was formed. There are current members of the DCTF who were never elected. If you want to change the structure then there should be public meetings in each port before any changes. Can't be association meetings. And DCTF Members are supposed to represent all permit holders, not just association members.
- Stephen Melz, commercial fisherman, emailed the following comment: The subject of port representation keeps assuming that the representatives are seeking out information from the permit holders they represent when that does not happen at least in Half Moon Bay.  
If the Task force is going to continue, representatives must to be held accountable for their representation of the permit holders that they are speaking for. As it stands now, due to a privacy of information act, representatives are not given the phone numbers of the permit holders and can use this loophole to not contact permit holders when issues come up. Permit holders are advised to contact their representative, If permit holders are not made aware of pending issues, how do they know when to contact their representative. This needs to be changed.  
Is it possible to write in a requirement that if a permit holder contacts his representative, gives him his contact information and written consent to contact him when there is an issue, that representative is required to contact the permit holder when an issue is being voted on?

- The Admin Team explained that this type of procedure was more appropriate for the DCTF charter than for legislation and suggested revisiting it when the DCTF revisits their charter.

Various DCTF Members requested a straw poll to assess the level of agreement regarding the seating of commercial fishing seats on the DCTF. 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- The commercial DCTF Members are seating through elections: Seats are based on high/low landings. Based on permit's average landings from previous 5 years. Would be updated every 3 years. Staggered elections every 3 years (rotating throughout ports) to maintain the institutional knowledge (15 up; 4 sideways; 1 down; 0 abstain)- Pass*

*Straw Poll- The commercial DCTF Members are seated through elections. Seats are based on high/low trap tier (1-7). Would be updated every 3 years. Staggered elections every 3 years (rotating throughout ports) to maintain the institutional knowledge (2 up; 11 sideways; 7 down; 0 abstain)- Fail*

Public comment was taken on the topic at hand.

- Deenie Davis, commercial fishing representative, stated that she preferred seating DCTF Members based on landings, and cautioned that it may be challenging to recalculate landings every 3 years. CDFW is often 6 months or more behind in entering landings data into the database which could lead to voting not being informed by accurate information. CDFW would need to have all landings recorded prior to an election taking place.
  - CDFW explained they are transitioning to electronic landings receipts in the next year, so landings will be recorded within 24-48 hours. Currently, it takes CDFW only a couple weeks to enter paper landings receipts.
  - Ms. Davis also stated that upon further consideration, she disagreed with using landings to determine multiple representatives on the DCTF. She stated it would be better to use trap tiers since tiers will not need to be recalculated. She said the recalculating landings every 3 years could cause elections to be delayed because permit holders may object to and appeal their production level. She also expressed frustration that there have not been new elections since the DCTF was first established.
- Patty Davis, commercial fisherman, emailed the following comment: I think there should be term limits on [DCTF] representatives in each port and each tier level. Representatives should have to be elected by the members of their port and tier level. Under no circumstances should Representatives be appointed or be allowed to roll over into new terms.

### *Elections*

The DCTF discussed who should carry out the elections. Currently, all permit holder's contact information is confidential. CDFW had a confidentiality agreement with OPC to carry out the 2009 elections, including calculating the production levels based on CDFW data. DCTF Members stated they were comfortable with OPC and CDFW supporting the elections if the Admin Team were also involved in the process. OPC confirmed they were willing to support the DCTF elections in partnership with CDFW and the Admin Team.

### *DCTF: Non-commercial Fishing Seats*

As indicated by [Fish and Game code 8276.4](#), currently the DCTF includes the following non-commercial seats:

- two voting processors;
- two voting sport fishermen;
- one voting CPFV;
- two non-voting non-governmental organization representatives;
- one non-voting Sea Grant representative; and
- two non-voting CDFW representatives.

Any changes to this structure would require an amendment to the Fish and Game code.

The DCTF discussed whether there should be processors, sport fishermen, and CPFV representatives on the DCTF and whether they should have a voting seat. Various DCTF Members stated that there is value in having these non-commercial fishing perspectives on the DCTF. A sport representative on the DCTF stated it is important to include the sport perspective in DCTF discussions and for the sport industry to stay informed on issues the DCTF addresses, particularly those that affect the sport industry. Another DCTF Member stated that they had concerns about having sport and CPFV representatives on the DCTF. A CPFV representative highlighted that many CPFVs are licensed commercial vessels and should have a voice on the DCTF, as some of the DCTF issues affect the CPFV fleet (e.g., presoak).

Public comment was taken on the topic at hand.

- George Castagnola, attorney, stated that a lot of the issues facing the fishery currently are political with a lot of well organized groups politically engaging in Dungeness crab issues. The commercial fishing industry needs as much representation as it can get. Since there are a lot of recreational fishermen in California, it would benefit the commercial fishermen to have recreational fishermen on the DCTF.
- Deenie Davis, commercial fishing representative, said she did not think the recreational fishermen or CPFV representatives had a place on the DCTF since they are not commercial permit holders.

Various DCTF Members requested a straw poll to assess the level of agreement regarding the non-commercial fishing seats on the DCTF. 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- Composition of Non-Commercial Reps: Status quo including 2 voting sport representatives and one voting CPFV (16 up; 1 sideways; 3 down; 0 abstain)- Pass*

*Straw Poll- Composition of Non-Commercial Reps: 2 voting sport representatives and no CPFV (4 up; 4 sideways; 13 down; 0 abstain)- Fail*

A couple DCTF Members expressed concern that the sport and CPFV votes could swing an election. One Member suggested sport and CPFV seats be nonvoting. Sport and CPFV representatives stated that without a vote, it may be difficult to ensure sport and CPFV attendance. Generally, the sport and CPFV representatives vote with the majority and try to stay silent on the controversial issues so they do not swing a vote on a commercial issue. Another DCTF Member stated that the sport seats have more votes than Trinidad and suggested reducing the sport votes to one. A DCTF Member stated having two sport representatives was to include the recreational fishing perspectives from both the northern and southern ports. Another Member stated that if the DCTF was to go to the Fish and Game Commission on sport issues, it will be important to have sport representatives on the DCTF. CDFW highlighted that sport proposals are also circulated to the DCTF for review while they are under consideration.

Public comment was taken on the topic at hand.

- Deenie Davis, commercial fishing representative, suggested that the DCTF recommend reducing the sport vote by one since the three sport and CPFV votes have an impact on the DCTF's recommendations.

Various DCTF Members requested a straw poll to assess the level of agreement regarding the non-commercial fishing seats on the DCTF. 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- Composition of Non-Commercial Reps: 1 sport (voting), 1 sport (non-voting), 1 CPFV (voting) (11 up; 6 sideways; 3 down; 0 abstain)- Pass*
- *Straw Poll- Composition of Non-Commercial Reps: Status quo including 2 voting sport representatives and one voting CPFV (9 up; 3 sideways; 8 down; 0 abstain)- Fail*

The DCTF briefly discussed the CDFW, Sea Grant, and NGO seats and suggested they remain unchanged.

*DCTF: Non-commercial Fishing, How to Seat*

DCTF Members discussed how to fill the non-commercial seats. The Admin Team explained that founding legislation was silent on how to seat the non-commercial seats and left it open for interpretation. In the past, a public request for nominations was sent out to seat the sport and CPFV seats. The nominees were interviewed by OPC staff and the OPC chair appointed the individuals. In the cases of California Sea Grant and CDFW, to date these agencies have selected their own representatives. After discussing the options in the [Options and Considerations document](#), DCTF Members were generally supportive of utilizing the current process moving forward.

Public comment was taken on the topic at hand.

- Christian Zajac, commercial fisherman, how will the scientists be appointed to the DCTF?
  - The Admin Team explained that unless the DCTF makes a recommendation otherwise, Sea Grant will appoint their own representatives.

#### *Alternates*

DCTF Members utilize alternates to attend meetings and vote in their place when they are unable to attend. Although Fish and Game Code 8276.4 mandates that DCTF Members are allowed to have alternates, the law is silent on how alternates are selected or appointed. When developing the charter, the DCTF agreed that Members would select their own alternates. The DCTF discussed the need for alternates, as well as the process for selecting alternates. DCTF Members supported maintaining the status quo moving forward.

Public comment was taken on the topic at hand.

- Deenie Davis, commercial fishing representative, suggested the DCTF consider having ports elect their alternate(s).

#### *DCTF Member Replacements*

In the recent past, DCTF Members have stepped down prior to an election cycle for various reasons (e.g. they retire, sell their vessels, or decide they do not have the time for the DCTF, etc.). The DCTF's charter states that if someone steps down prior to an election the seat will be filled by the alternate until the next election. The Admin Team asked the DCTF if the process for selecting replacements should be updated

DCTF Members suggested a number of options for selecting replacements, including:

- Status quo: The alternate (who is selected by the DCTF Member) will fill the seat until the next election cycle.
- Port associations could select the replacement.
- Hold an election between election cycles.
- The runner up from the last election would fill the seat.

A DCTF Member stated he did not support port associations selecting a replacement since they do not represent all fishermen in a port. Other Members felt the port association would be more cost effective and efficient at reaching out to individuals in the port to identify a replacement. Another DCTF Member did not support having the runner-up from the previous election filling the seat because the runner-up may have very few votes, especially when a Member was unanimously elected. Various Members expressed support for allowing a Member to select his/her replacement because they will often select someone who is like-minded. Additionally, if permitholders do not like the replacement, they can vote someone else into the seat during the next election cycle.

Various DCTF Members requested a straw poll to assess the level of agreement regarding alternates and replacements. 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- The elected DCTF Member will select their replacement. (19 up; 1 sideways; 0 down; 0 abstain)- Pass*

- *Straw Poll- A special election would be held by the Admin Team, OPC, and CDFW. (0 up; 2 sideways; 18 down; 0 abstain)- Fail*
- *Straw Poll- Port associations vote in a replacement. (1 up; 9 sideways; 10 down; 0 abstain)- Fail*

Public comment was taken on the topic at hand.

- Deenie Davis, commercial fishing representative, recommended that if a representative has not been in place for at least one year then there should be a special election using the landings calculations from the previous election. She did not think associations should select replacements since not all permit holders are part of an association. There have been association meetings where DCTF business has been discussed and those who are not members of the association have been forced to leave.

**ACTION:** *Consideration and possible adoption of recommendation(s) to establish a long-term Dungeness crab industry-representative organization, including, but not limited to, the organization’s incorporation status, structure, funding, other operational considerations, etc.*

**APPROVED:** The DCTF recommends extending Fish and Game Code section 8276.4. The DCTF supports the Ocean Protection Council (OPC) administering the DCTF and recommends authorizing the allocation of \$150,000 dollars per year from the Dungeness Crab Account to the OPC to support the administration and facilitation of the DCTF through 2029.

The DCTF recommends the California Department of Fish and Wildlife (CDFW) provide the DCTF with an annual review of the Dungeness crab account.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	0	1	0	2

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

Thumbs up (19): Anderson, Atkinson, Beardon, Blue, Bradshaw, Caito, Capra, Collins, Cunningham, Doyle, Gilmore, Goucher, Helliwell, Hemmingsen, Lawson, McHenry, Nolte, O’Donnell, Powers

Thumbs sideways (0): None

Thumbs down (1): Cannia

Abstain (0): None

Absent (2): Vacant Processor, Yarnell

**APPROVED:** The DCTF recommends amending Fish and Game Code section 8276.4(a)(7) to change the commercial fishing representation as follows:

- (7) Seventeen members representing commercial fishery interests, elected by licensed persons possessing valid Dungeness crab permits in their respective ports and production levels, as follows:
  - (A) Three members from Crescent City.
  - (B) One member from Trinidad.
  - (C) Two members from Eureka.
  - (D) Two members from Fort Bragg.
  - (E) Two members from Bodega Bay.
  - (F) Two members from San Francisco.
  - (G) Two members from Half Moon Bay.
  - (H) Two members from ports south of Half Moon Bay.
  - (I) One member who has a valid California nonresident crab permit.

All commercial fishing representation would have voting authority.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
9	9	2	0	2

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

Thumbs up (9): Beardon, Blue, Caito, Cannia, Gilmore, Goucher, Helliwell, Lawson, O'Donnell,

Thumbs sideways (9): Anderson, Atkinson, Bradshaw, Capra, Collins, Cunningham, Hemmingsen, McHenry, Powers

Thumbs down (2): Doyle, Nolte,

Abstain (0): None

Absent (2): Vacant Processor, Yarnell

**APPROVED:** The DCTF recommends amending Fish and Game Code section 8276.4(a) to adjust the membership of the DCTF as follows:

- Elections for DCTF Members shall occur in each port every three years to allow for fresh perspectives to serve on the body. DCTF elections shall be staggered/rotating across ports to maintain institutional knowledge. *Details to appoint alternates are included in a subsequent recommendation.*
- For ports with one representative, elected members and their alternates will represent all permitholders in that port regardless of landings history.
- For ports with two representatives, elected members and their alternates will represent both the upper and lower production levels.
- For ports with three representatives, two elected members and their alternates will represent both the upper and lower production levels. A third elected member will represent all permitholders in that port regardless of landings history.
- Upper and lower production levels shall be calculated as the average of all permits in a port who landed a minimum of 25,000 pounds of crab during the five years prior to each election.
- Elections will be coordinated by CDFW and/or OPC with support from a contracted DCTF Administrative team.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	2	2	0	2

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

Thumbs up (16): Anderson, Atkinson, Beardon, Blue, Bradshaw, Caito, Capra, Collins, Doyle, Gilmore, Goucher, Helliwell, Hemmingsen, McHenry, Nolte, O'Donnell

Thumbs sideways (2): Lawson, Powers

Thumbs down (2): Cannia, Cunningham

Abstain (0): None

Absent (2): Vacant Processor, Yarnell

**APPROVED:** The DCTF recommends amending Fish and Game Code section 8276.4 to clarify how DCTF member alternates and replacements are identified as follows:

- A DCTF member will choose their alternate in the event they are unable to attend a DCTF meeting.
- In the event that a DCTF member is unable to fulfill his/her duty on the DCTF for a full three-year term, a replacement will be selected by the DCTF member until a new election can be held.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent



20	0	0	0	2
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*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (20): Anderson, Atkinson, Beardon, Blue, Bradshaw, Caito, Cannia, Capra, Collins, Cunningham, Doyle, Gilmore, Goucher, Helliwell, Hemmingsen, Lawson, McHenry, Nolte, O'Donnell, Powers

Thumbs sideways (0): None

Thumbs down (0): None

Abstain (0): None

Absent (2): Vacant Processor, Yarnell

**APPROVED:** The DCTF recommends amending Fish and Game Code section 8276.4(b) to adjust the structure of the DCTF as follows:

- (1) Two members representing sport fishing interests: one voting and one non-voting.
- (2) Two members representing crab processing interests with voting authority.
- (3) One member representing commercial passenger fishing vessel interests with voting authority.
- (4) Two nonvoting members representing non-governmental organization interests.
- (5) One nonvoting representative of Sea Grant.
- (6) Two nonvoting members representing the California Department of Fish and Wildlife.

Members representing sport fishing interests, crab processing interests, commercial passenger fishing vessel interests, and non-governmental organization interests will be appointed by the OPC chair following a public solicitation for nominations. CDFW and Sea Grant will select their own representatives.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	4	0	0	2

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

Thumbs up (16): Atkinson, Beardon, Blue, Bradshaw, Caito, Cannia, Capra, Collins, Cunningham, Doyle, Goucher, Hemmingsen, Lawson, Nolte, O'Donnell, Powers

Thumbs sideways (4): Anderson, Gilmore, Helliwell, McHenry

Thumbs down (0): None

Abstain (0): None

Absent (2): Vacant Processor, Yarnell

*6. Review of 2015-16 and 2016-17 delayed California Dungeness crab fishery openers as a result of elevated levels of domoic acid. Discussion will focus on developing recommendations to clarify or amend the Fish and Game Code to improve the safety and orderliness of season openers under delayed conditions. Discussion topics may include, but will not be limited to, 30-day fair start clauses, presoak periods, and CDFW's ability to delay an opener once the California Department of Public Health declares an area "safe." Conversation will include updates from CDFW on the status of domoic acid and pre-season crab quality testing for the 2017-18 season.*

*Domoic Acid: 30-day Fair Start Clauses & Area Openers*

When an area is delayed due to domoic acid or any other public health issue, CDFW will open the area once the Office of Environmental Health Hazard Assessment (OEHHA) declares the crabs in the area "safe" after consultation with the California Department of Public Health (CDPH) . CDPH and OEHHA are responsible for determining the size of the area that should be opened for fishing. Fishermen have expressed concerns over the last two seasons about this process for opening the commercial Dungeness crab fishery and how 30-day fair start clauses are applied to partial fishing district openers under these delayed conditions. CDFW and CDPH have stated they are operating within their authority and any requests to open the fishery in a different fashion would require a

change to the Fish and Game code. The DCTF discussed how to ensure a less complicated, more orderly season opener(s) and what regulations could be modified to accomplish this goal.

Before the DCTF discussion began, the Admin Team reminded the DCTF that the EC suggested openers should consider a number of guiding principles, including:

- all seafood that is caught and put on the market should be safe;
- provide an equal opportunity to all ports to participate in the fishery, production levels, and vessel sizes;
- ensure that product is widely available in the broader market, and;
- minimize impacts to the fleet (e.g. missing marketing opportunities).

A DCTF Member suggested waiting to open an area until the entire California coast can be opened at the same time. He stated that without 30-day fair start protections in place for each area, unnecessary pressure is placed on smaller areas. Additionally, opening smaller areas in quick succession can lead to increases in abandoned gear. Other Members stated that opening by fishing district or the entire coast could have negative impacts on the markets and result in missed marketing opportunities, especially around Thanksgiving and Christmas. Additionally, if managers wait until an entire management area is “safe” there is the possibility the season will open in the spring (as experienced during the 2015-16 season), which could cause issues with whale entanglements. Various Members stated they could change their position on opening coastwide or by management area if 30-day fair start clauses were in place for all openers regardless of size (i.e. even if they are smaller than a fishing district).

One Member suggested that the size of the area openers be modeled after the Tri-State protocols in place to address quality delays as indicated by a proposal developed by Eureka ([here](#)). The Admin Team reminded the group that this proposal only considers the Northern Management Area, and any process determined to address health related delays should consider the entire coast. Additionally, it is important to consider how whales may fit into the discussions around the opening of areas, the size of those areas, and timing. One Member believed the proposal could also be applied to the Central Management Area. A couple Members disagreed and stated that since the Central Management Area did not operate in the same fashion as the Northern Management Area, the Central Management Area should open as areas are deemed “safe” and each area, regardless of size, should receive 30-day fair start protections rather than waiting for the whole management area to be cleared by CDPH. Various Members in the Northern and Central Management Areas agreed that areas should be opened as they are deemed “safe” and 30-day fair start protections should be applied to all areas regardless of size.

Members considered whether they should advise CDPH on the minimum size of an area to open. CDFW stated that the size of areas were based on a number of factors including CDPH’s understanding of domoic acid and discussions with CDFW. The DCTF generally agree it would not be a good use of time to continue this conversation.

The DCTF continued discussing how to change the opener under domoic acid delayed conditions to better meet the needs of the fishery. CDFW suggested that a better use of the meeting time would be to recommend that the Director work with the DCTF to establish guidelines for opening the fishery rather than changing statute now. This would allow fishermen to adapt their approach, establish procedures, and work with CDFW to plan for the next event. One DCTF Member supported CDFW’s recommended approach. Mr. Weseloh expressed concern about the timeline associated with this option. If legislation was developed as CDFW suggested, it would not go into place until January 2019. After that, the process would be delayed further as it went through the Administrative Procedures Act, which could be costly for CDFW. Timelines and costs should be considered. He suggested the group try to agree on as much as possible today and allow CDFW flexibility in those areas that still need further discussion.

Public comment was taken on the topic at hand.

- Dick Ogg, commercial fisherman, supports opening the fishery as soon as it is safe, but expressed concerns about gear concentration in small areas when opening areas as they are deemed “safe” by OEHHA and CDPH. When gear is concentrated in a small area, whale entanglements are a concern and should be

considered when deciding the size of area to open. He suggested opening by district until January 15 and then opening by smaller areas after January 15.

- Stephen Melz, commercial fisherman, emailed the following comments: [Would like to have the DCTF consider a fair-start time frame shorter than 30 days] (e.g. 10, 15, or 20-day fair start).

Various DCTF Members requested a straw poll to assess the level of agreement regarding the openers under health and safety delays. Members were asked to identify their top two preferences of the three options on the table. 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- Following a delay for health and safety issues such as domoic acid, and once an area is deemed "safe" by CDPH and OEHHA, the DCTF supports opening areas as they clean up. The DCTF recommends amending Fish and Game code section 8279.1 so that 30-day fair start provisions are applied to any type of health/safety delay on any size area (e.g. if the fishery is opened by areas smaller than a fishing district, each area will be subject to the fair start) within all management areas.  
(13 up; 3 sideways; 0 down; 1 abstain)- Pass*

*Straw Poll- Straw: Following a delay for health and safety issues such as domoic acid, and once an area is deemed "safe" by CDPH and OEHHA, the DCTF supports opening:*

*In the Northern Management Area, open by management area until January 15. After that time, fishing will commence in as much area as possible and only the areas that are deemed "safe" by OEHHA and CDPH will be opened and as discussed with industry representatives.*

*Central Management Area: Open as areas clean up*

*All areas: 30-day fair start apply*

*(2 up; 12 sideways; 0 down; 1 abstain)- Fail*

*Straw Poll- Straw: Following a delay for health and safety issues such as domoic acid, and once an area is deemed "safe" by CDPH and OEHHA, the DCTF supports opening:*

*In the Northern Management Area, open by management area until January 15. After that time, fishing will commence in as much area as possible and only the areas that are deemed "safe" by CDPH will be opened and as discussed with industry representatives.*

*Central Management Area: Open as districts clean up*

*All areas: 30-day fair start apply*

*(3 up; 2 sideways; 0 down; 1 abstain)- Fail*

The DCTF discussed the timing of openers following a delay. The Admin Team highlighted that concerns had been expressed in the past about the fishery opening on a holiday and discussed how to give the Director more flexibility to avoid this in the future. Members stated that crab processing plants are often closed around Christmas and it is difficult to deliver the product on holidays. A DCTF Member suggested that after CDPH declares an area is ready to open, the Director receive input from the industry on the size of area and timing for the opener so that the fishery does not open on a holiday or in too small of an area. Members suggested the Director's discretion to open the fishery could be informed by the DCTF, EC, two fishermen from each port, etc. The Bagley-Keene Open Meetings Act requires 10-day noticing of agenda items for any meeting and would make it difficult for the Director to make timely decisions if he relied on public meetings of the DCTF or EC to decide when to open the fishery following a delay. Members stated that at least 24 hours are needed to prepare for the setting of gear after notification that a fishery will open. Other DCTF Members suggested that after CDPH declares an area is ready to open, the Director be given a fixed number of days (e.g. 3 days, 5 days, etc.) to open the fishery and that the opener should not fall on a holiday like Christmas. CDFW supported identifying a number of days between when OEHHA and CDPH declares an area "safe" and when CDFW issues the notice to open, which could help with the noticing process and avoiding opening on a holiday.

*Domoic Acid: presoak periods*

Requests have been made for the DCTF to discuss changing the presoak period below the Mendocino-Sonoma County line (Central Management Area) from 18 hours to 64 hours (consistent with the Northern Management Area) to improve safety of the fishery, especially during domoic acid delays (see options and considerations document [here](#)). Although Fish and Game code 8283 is not sunseting in 2019, various DCTF Members identified this as a high priority issue to be addressed by the DCTF.

A couple DCTF Members stated that their port(s) would only support changing the presoak in the Central Management Area to be consistent with the Northern Management Area if the Central Area considered joining the Tri-State Agreement, which requires annual preseason crab quality testing. The Admin Team explained that since the topic of the Central Management Area joining the Tri-State Agreement was not included on the agenda it would need to be tabled until a future meeting due to Bagley-Keene Open Meetings Act requirements. Various DCTF Members expressed concern with the Central Management Area requesting a change to their presoak without participating in Tri-State crab quality testing, which interferes with some individuals' ability to make business decisions. The DCTF discussed changing the northern presoak to 72 hours if the Central presoak was changed to 64 hours. The challenge with decoupling the issue of presoak from having the Central Management Area join Tri-State was acknowledged and discussed.

The sport and CPFV representatives on the DCTF stated that a 64-hour presoak in the Central Management Area would impact the recreational fishery and be a safety concern. They suggested the CPFV and recreational fishery also be given a presoak of up to 36 hours and/or open the CPFV and recreational fishery sooner. This change would require Fish and Game Commission approval, and the DCTF discussed the appropriateness of having a commercial body make recommendations related to the sport fishery. A DCTF Member stated that the presoak issue is about safety and not intended to infringe on the recreational opener.

Various DCTF Members requested a straw poll to assess the level of agreement regarding the presoak periods. 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 (Day 1, October 16)- The DCTF recommends amending Fish and Game code section 8283 to change the Central Management Area's presoak period from 18 hours to 64 hours to be consistent with Districts 6, 7, 8, and 9. (4 up; 9 sideways; 7 down; 0 abstain)- Fail*

*Straw Poll (Day 1, October 16)- The DCTF recommends amending Fish and Game code section 8283 to change the Northern Management Area's commercial Dungeness crab presoak from 64 hours to 72 hours to be consistent with OR/WA (Northern Management Area). (6 up; 6 sideways; 6 down; 2 abstain)- Fail*

*Straw Poll (Day 2, October 17)- The DCTF recommends amending Fish and Game code section 8283 to change the Central Management Area's presoak period from 18 hours to 64 hours. The DCTF recommends amending FGC to change the Northern Management Area presoak period from 64 hours to 72 hours to be consistent with OR/WA. (12 up; 3 sideways; 4 down; 1 abstain)- Pass*

The DCTF considered performing a straw poll on changing the CPFV presoak to 36 hours and the recreational presoak to 18 hours, but postponed the poll since the results of the polling on day 1 showed it was unlikely that a recommendation would be made to change the presoak in the Central Management Area.

DCTF Members discussed their "thumbs down" votes, which centered primarily around the connection to presoak and the Tri-State agreement. Some Members stated they would only support a 64-hour presoak if preseason crab quality testing were required in the Central Management Area in late October so traveling boats could more easily decide if they want to fish the area. Another Member stated that their port believed 18 hours in the Central Management Area was fine and most fishermen in the area built their business model around the 18-hour presoak. One Member suggested a 48-hour presoak in the Central Management Area as a compromise. Another Member stated that a 64-hour presoak in the Central Management Area would cause traveling boats to have to spend more time in the area and wouldn't change the safety of the opener or what time of day individuals fish. Various

Members expressed concern that the issue is being discussed as a business decision for a small number of traveling vessels when the focus should be on safety for the larger majority of the fleet.

DCTF Members suggested that this topic be revisited when it can be discussed within the context of the Tri-State Agreement and crab quality testing in the Central Management Area.

Public comment was taken on the topic at hand.

- Noah Oppenheim, Pacific Coast Fishermen’s Federation Association (PCFFA), stated that PCFFA board members endorse a 64-hour presoak for the Central Management Area.
- Deenie Davis, commercial fishing representative, emailed the following comments: Why is [Crescent City] unwilling to explain why their port wants presoak and Tri-State coupled? Isn’t CDFW asking for the presoak times be consistent in all areas?
  - CDFW stated since there are no biological or management issues, they did not have a position on the need for a standardized presoak.
- Don Marshall, commercial fisherman, emailed the following comments: I am a two crab permit owner. I would like to see the presoak time extended to offer extra safety to smaller and medium boats who may engage an opener under bad weather conditions. Bigger boats that do not want this obviously want to keep the odds in their favor by finding the crab and beginning harvest before many boats have set all there traps. I recommend a 64-hour presoak in conjunction with a mandatory hold inspection and a CDFW- designed zip tie for each crab boat block to prevent spot checking or moving gear to find better crab numbers before the opener. This practice is common in the north where the presoak already exists. A hold inspection and block tie cutting could be conducted by CDFW in one day for all boats in each port. Trap tag money is already earmarked for enforcement and this is an easy way for CDFW to manage the fishery opener from one location in each port and reduce cheating. It helps improve the level of equality for the fleet.
  - He further explained that a longer presoak will improve fishermen’s ability to set gear during the day, which may reduce whale entanglements. A small percentage of boats stand to benefit from an 18-hour presoak while a larger percentage of boats would gain a lot in safety with a longer presoak.
- Mark Gentry, commercial fisherman, did not feel this was a topic that should be addressed and that the Central presoak should remain as-is. Although there are safety issues, he didn’t understand what was broken. He explained that individuals could change their business model and purchase a larger boat to deal with the weather and other circumstances like this.
- Stephen Melz, commercial fisherman, believes this topic is a safety issue and that it would be irresponsible to maintain the 18-hour presoak and not extend it.

#### *Domoic Acid Testing Update*

In Eureka, tests showed crabs with domoic acid levels just above the threshold at 44ppm. CDFW explained that they were working to get confirmation from CDPH to determine whether two clean tests were needed before the area could be opened. DCTF Members discussed whether they wanted to provide guidance to CDPH on the size of areas they close or delay. CDFW explained that CDPH will do their best to isolate the area with high levels of domoic acid and will work with the fleet and enforcement to determine where lines need to be drawn once the season opens. CDFW explained that their goal is to ensure as much fishing as possible while also isolating the areas of high domoic acid.

Public comment was taken on the topic at hand.

- Chris Zajac, commercial fisherman, requested a change in nomenclature so that the state is not calling crabs with high levels of domoic acid “dirty” or “contaminated” since those words have poor public perception.

**ACTION:** *Consideration and possible adoption of recommendation(s) related to clarifying and amending Fish and Game code sections related to 30-day fair start clauses, presoak periods, openers following a public health delay, etc.*

**APPROVED:** Following a delay for health and safety issues such as domoic acid, and once an area is deemed “safe” by the California Department of Public Health and the Office of Environmental Health Hazard Assessment, the DCTF supports opening each area as it is deemed safe. The DCTF recommends amending Fish and Game code section 8279.1 so that 30-day fair start provisions are applied to any type of health/safety delay for any size area (e.g. if the fishery is opened in areas smaller than a fishing district, each area would be subject to the fair start provisions) for all management areas.

DCTF recommends the Director gives three days’ notice that a preset will begin unless the preset will land on a state or federal holiday, December 24, Thanksgiving eve, or New Year's Eve. In these cases, the preset will begin the day after the holiday.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
13	3	2	1	3

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

Thumbs up (13): Anderson, Atkinson, Beardon, Bradshaw, Caito, Cannia, Capra, Collins, Goucher, Helliwell, Hemmingsen, Lawson, McHenry

Thumbs sideways (3): Blue, Cunningham, O’Donnell

Thumbs down (2): Doyle, Nolte

Abstain (1): Powers

Absent (3): Gilmore, Vacant Processor, Yarnell

**NOT APPROVED:** The DCTF recommends amending Fish and Game code section 8283 to change the Central Management Area’s presoak period from 18 hours to 64 hours. The DCTF recommends amending Fish and Game code section 8283 to change the Northern Management Area presoak period from 64 hours to 72 hours to be consistent with OR/WA.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
10	3	4	3	2

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

Thumbs up (10): Atkinson, Beardon, Blue, Bradshaw, Cannia, Collins, Cunningham, Gilmore, Helliwell, Lawson

Thumbs sideways (3): Anderson, Caito, Goucher

Thumbs down (4): Doyle, McHenry, Nolte, O’Donnell

Abstain (3): Capra, Hemmingsen, Powers

Absent (2): Vacant Processor, Yarnell

*7. Presentation and update on the status and next steps of CDFW’s efforts to implement the California Dungeness crab lost fishing gear recovery program as outlined in Senate Bill 1287, including timing of implementation, framework, costs associated with the program, etc.*

In 2015, the DCTF made a recommendation for a mandatory lost fishing gear recovery program ([here](#)) that would allow individuals to pull gear after the close of the season and require fishermen to pay for the recovered traps. Failure to pay fees within one year would result in fishermen losing their permit(s). The state of California passed [Senate Bill \(SB\) 1287](#) in 2016, which put the program into law and tasked CDFW with implementing it. Over the last year, CDFW has been working to develop the program while keeping in mind lessons learned from existing port-run voluntary programs, along with legal constraints and costs. Prior to the meeting, CDFW shared an outline for the program ([here](#)) and SeaDoc Society circulated a scoping report ([here](#)) intended to help inform the program’s development.



CDFW shared a [presentation on how they anticipate the program could be implemented](#) and highlighted some challenges they were having with implementing SB 1287, including:

- CDFW is unable to accept payment from third party under this program.
- Civil Code § 2080 et seq. governs the process by which a trap retriever could claim ownership of a trap (and then dispose of through sale, etc.). The code requires the finder of lost property (valued <\$250), to turn it over to the police who will notify the owner and, after 90 days, if the owner has not claimed the property, then ownership would vest in the finder (in this case, the trap retriever). The current Civil Code makes it impossible for CDFW to ask a third party organization to request funds from the trap owner.

CDFW stated that the more it is involved in implementing the program, the more cost prohibitive it would be. CDFW explained there were presently two options to run the program:

- A third party organization would receive a retrieval permit from CDFW and be responsible for contacting the trap owner directly and exchanging funds without CDFW involvement; or
- CDFW would be responsible for identifying and contacting the trap owners, soliciting payment, and addressing any non-paying trap owners. This would also require a third party trap retriever, paid by CDFW, to submit a logbook identifying the number of traps retrieved. If payment is not received by a specified due date, late fees could be applied. If fees continue to be unpaid by April 1 of the following permit year, then that permit would be revoked.

Mr. Weseloh expressed concern about CDFW's legal interpretation of SB 1287 and suggested that the legislative council and CDFW's legal staff discuss the implementation of this law more thoroughly, specifically the laws about lost property and trap ownership.

DCTF Members generally agreed that, to make the program cost effective, a third party entity should be involved to implement all aspects of the program. CDFW should only be involved when the third party organization is unable to contact a trap owner (i.e., if a trap tag is missing inside the trap) or if the trap owner refuses to pay his/her fees within a specified amount of time.

DCTF Members discussed whether missing contact information inside a trap was a large concern. Fishermen are required by law to put their contact information inside a trap, however, there may be circumstances either where the law is not followed or the tag with the information is lost. The DCTF discussed how there might be more of an incentive to include contact information in each trap once the trap recovery program is in place. Some DCTF Members suggested establishing a mechanism to allow contact lists to be shared with the third party organizations running the programs in each port to help with trap identification. Jennifer Renzullo, SeaDoc Society, explained that missing contact information has been a problem for the voluntary programs in the past and it increases the amount of trap fees CDFW will need to deal with. However, there should be an understanding that some trap fees will be handled by CDFW with the goal to minimize trap fees that go that route.

To reduce CDFW's involvement further, DCTF Members asked if fishermen's contact information could be shared with the third party entity running the program to cross-reference buoy markings and trap tags when identification is missing in the trap. CDFW explained the permitholder's contact information is confidential, and are hoping that a website could be established with an inventory of traps found so fishermen may self-identify their lost gear. A DCTF Member suggested that a website may be ineffective since people may not visit the site. Suggestions for sharing permitholder information with a third party entity include:

- executing a confidentiality agreement between CDFW and the third program operator(s);
- asking fishermen to authorize CDFW to share their contact information with the program operator(s) when they renew their permits annually, or;
- let permitholders know that CDFW will share their contact information with the program operator(s) when they renew their permits.

DCTF Members expressed concern with the second option, as they believed most permitholders would not agree to voluntarily share their information. They felt the third option was the most viable if it is legal, but Members could also live with the first option.

Public comment was taken on the topic at hand.

- George Castagnola, attorney, stated that one of the most important issues the DCTF must deal with is removing derelict gear from the ocean. It is a big political issue especially with whale entanglements. The commercial Dungeness crab fishery is well positioned to respond.
  - He further stated It is important to do something with respect to gear retrieval and whale entanglements quickly. Apparently, what has been being done is not satisfying a lot of people. There is a lawsuit filed and if we don't demonstrate that we are doing something "new" to address the issues. An injunction is going to be sought to take action now. Whale entanglements in Dungeness crab fishing gear is a new phenomena that was not seen throughout generations of Dungeness crab fishing. It is difficult to get the permissions from CDFW to pick up lost and derelict gear (especially in MPAs) after the season. A fisherman should be allowed to pick up lost gear anytime he comes across it and bring it back to the docks just like they have for generations. Whale entanglements began when restrictions prevented fishermen from picking up lost fishing gear. Mr. Castagnola asked if a fisherman could retrieve lost traps from a marine protected area (MPA) without receiving a citation.
- The Admin Team explained that Mr. Castagnola's question should be directed to CDFW Enforcement and Ms. Fisher would make an email introduction via email following the call. The Admin Team explained that the topic of lost fishing gear recovery and whale entanglements would be addressed later in the meeting.
- Lisa Damrosch, Half Moon Bay Seafood Marketing Association (HMBSMA), stated that the HMBSMA developed a proposal for how the program should be run ([here](#)). She stated that it is unclear if the program proposed by CDFW is reflective of the industry's desires. CDFW should be engaged only as a last resort and should not be involved in contacting trap owners or receiving fees unless there are issues as outlined in the prior discussion.
  - CDFW explained they anticipate their involvement should be a "last resort." However, there may be a need for legislative changes to make that possible. Mr. Weseloh suggested CDFW and legislative council discuss whether legislative changes are needed to implement the program as outlined by the industry.
- Deenie Davis, commercial fishing representative, stated that the law currently allows fishermen a two week "grace period" to pick up their gear after the season closes. However, fishermen are not allowed to have gear on their vessels two weeks after the season closes. She believes this window hinders fishermen's ability to "clean up" their gear following the season making the two week "grace period" unproductive. She asked if the gear sold gets deducted from the permitholder's permit renewal fees. She also stated that there should be a hardship clause for those who cannot afford to pay their fees. Additionally, some fishermen will choose not to profit off of the gear retrieval program and will leave lost gear on the docks for individuals to pick up without cost.
  - CDFW explained that there is no "grace period"; all gear must be removed from the water at the end of the season. Any gear remaining in the water after the close would be in violation of the law. They explained that gear may be left after the season due to weather, loss, etc. and fishermen are allowed to have their own traps on their vessels during the two weeks after the close of the season. The two week window prohibits someone else from pulling another permitholder's gear. CDFW offered to get in touch with Ms. Davis following the call to respond to these concerns and questions about interpretation of the two week "grace period."
- George Castagnola, attorney, explained that whale entanglements are an immediate problem that is related to lost gear. People are going to show whales caught in Dungeness crab gear which documents that there is a problem. In order to combat the problem, the industry needs to develop their own documentation, which is not available. None of these problems (i.e. whale entanglements) were documented before the last 4-5 years. Before that time, fishermen would bring in their peers' gear and put them on the dock. He suggested the "documentation" showing there were no entanglements 4-5 years ago be used to remove this law and revert back to the old traditions when fishermen would pull each other's gear.

- CDFW said the goal is to remove gear from the water when it is not being fished. However, relative to whale entanglements, derelict gear is not the only problem or solution.
- Deenie Davis, commercial fishing representative, emailed the following comments: I agree with George. It has become much more difficult for fisherman to help each other by bringing in stray pots because of the new regulations. This includes not being able to have more than six pots on board that don't belong to you and having to document exactly where and when stray pots are picked up. Many fisherman want to retrieve their own gear and they consider it a tradition and good faith to bring in pots that belong to other boats and leave them on the dock for the owners. They do not wish to make a profit on the back of their fellow fisherman.
- Lisa Damrosch, HMBSMA, acknowledged that legal discussions between CDFW and the legislative council are needed before the program can move forward. The voluntary programs through HMBSMA and the SeaDoc Society have shared feedback and lessons learned from their experiences running the programs with CDFW. She hopes this feedback will be thoughtfully considered as CDFW develops the state's program.
- Jennifer Renzullo, SeaDoc Society, asked CDFW if the traps are turned over to CDFW when the port is unable to receive payment from the trap owner, will the ports be reimbursed when CDFW receives payment since they incurred costs to retrieve and store the gear?
  - CDFW explained that the intent was to reimburse the port/third party organizations who retrieved and stored the gear.
- Deenie Davis, commercial fishing representative, followed up and asked if the gear is sold, does the amount the gear is sold for credit the permitholder whose gear was sold? Or is the program receiving payment from both the permitholder and the sale of gear?
  - CDFW explained they do not plan to take possession of any gear. The gear retriever will hold onto it until it is claimed by the owner until it is either destroyed or sold. There is a standard permit renewal fee and the cost of the traps are added to the renewal fee. If the program cannot collect the fees then it would be turned over to CDFW. If the trap has no identification it is considered abandoned and the program can sell it and keep the money. There may be a need to discuss a deadline for when the fee is paid and gear picked up and after that point, when the gear may be sold. This is something that requires further discussion.
- George Castagnola, attorney, emailed the following comments: The proposals are making an incredible amount of work for CDFW and create more red tape that fishermen historically seek to avoid. These proposals are also creating more situations where fishermen who are trying to make a living are going to wind up in court, paying fines, lawyers, etc. Is there a reason why fishermen should not be allowed to pick up lost traps, even if they are in a reserve, and put them on a local dock without having to hire a lawyer to explain what they can and cannot do. The DCTF should go back to tell the crabbers to get more active in cleaning up the lost pots on an informal basis.
  - The Admin Team clarified that the trap retrieval program is already in law.
- Deenie Davis, commercial fishing representative, emailed the following comments: I suggest that the request for the release of contact information for the Gear Recovery Program also include the release of contact information to DCTF representatives.

Various DCTF Members requested a straw poll to assess the level of agreement regarding the gear recovery program. 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- When permitholders renew their permit, require contact information made available for 3rd party retrieval program to use. (18 up; 1 sideways; 1 down; 0 abstain)- Pass*

*Straw Poll- Utilize a confidentiality agreement between CDFW and 3rd party retrieval program at the port to make permitholder contact information available to the program. (0 up; 16 sideways; 2 down; 2 abstain)- Pass*

*Straw Poll- Status quo: Keep permit holder contact information confidential from 3rd party retrieval program and require program administrators to contact CDFW when they are unable to locate the owner of a trap. (2 up; 1 sideways; 15 down; 0 abstain)- Fail*

The DCTF discussed how to address hardship when an individual cannot pay their fees, especially in years of high gear loss due to bad weather. The law currently states that permit holders have one year to pay their permit fees before the permit is revoked. Some DCTF Members believed the law is too harsh, especially since fishermen are now required to pay trap retrieval fees. DCTF Members discussed alternatives for nonpayment. Others believe this will not be a widespread issue since it's usually the same individuals whose gear is recovered. Options developed by the DCTF to address hardship include:

- For every trap an individual does not pay for, they will be issued that many fewer tags the following season. This option would also reduce the number of traps in the water which may address the whale entanglement issue.
  - CDFW's License and Revenue Branch explained that this option would require a lot of work and accounting for CDFW and would raise a number of questions (e.g. are those individuals allowed to purchase replacement tags? When would those traps be allowed to be fished again once the fees are paid?, etc.).
  - A DCTF Member explained that if someone was unable to fish the traps they didn't pay for they would have less income and more of a financial burden, making it impossible to pay those fees. Another DCTF Member suggested that the option was logistically complicated and may not be enforceable.
- Allow a hardship waiver for those who are unable to pay their fees to give them more time to pay their fees and remove any penalties for delayed payment.
- Allow a hardship waiver for those who are unable to pay their fees and add a penalty for delayed payment, similar to the Department of Motor Vehicles (DMV) procedures.
- Allow a hardship waiver for those who are unable to pay their fees such that permit holders have one year to pay their fees. If they do not, they lose their permit.

Public comment was taken on the topic at hand.

- Deenie Davis, commercial fishing representative, emailed the following comments:
  - I would highly recommend that the DCTF revisit the hardship issue. You need to think hard about the type of things that can happen and how that can impact permit holders and their families. I disagree with the taking this vote on the Hardship [issue] too soon. It is premature to say Hardship should not be addressed. I heard some representatives say they needed more time to come with options. Why aren't you allowing that time?
  - During the 2015-16 season, some Gear Recovery Programs sent boats out as a way to provide some income to those fishermen who were unable to fish due to elevated levels of domoic acid. But that income was provided on the backs of other fishermen who were also not fishing. That created real hardship. Also, as some Representatives noted, there are other real hardships: storms that move or stick gear, the loss of a boat and even the loss of a person. This is a very serious issue and it needs to be given more thought.
- Dick Ogg, commercial fisherman, explained that the ports are doing a good job to try to get the gear out of the water via the voluntary programs, but there will be more incentive for fishermen to participate once CDFW is involved in the program.

Various DCTF Members requested a straw poll to assess the level of agreement regarding the a hardship waiver for the gear recovery program. 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- Create a hardship clause. Those who are unable to pay for recovered traps, will have to pay a fine for not renewing on time (e.g., late fee, payment plan). (5 up; 8 sideways; 4 down; 3 abstain)- Fail*

*Straw Poll- Create a hardship clause. Permit can be renewed without paying trap retrieval fees but the retrieval fees must be paid within 1 year or the permit can not be renewed. (2 up; 13 sideways; 2 down; 3 abstain)- Pass*

*Straw Poll- Status quo. Keep the program as is where permitholders have one year to pay all of their fees or they lose their permits. (7 up; 10 sideways; 2 down; 1 abstain)- Pass*

One DCTF Member expressed concern that permitholders are only allowed to retrieve six untagged or lost traps during the season. He explained that when the gear is seen 30-40 miles from port and a fisherman already has six traps onboard, there is a problem with being able to retrieve lost gear in-season. The Admin Team highlighted that the six trap rule is on the agenda, but since it is not sunsetting (it is in Title 14 regulations), the Admin Team suggested addressing this topic at a future meeting and focusing on higher priority issues. They also clarified that the 6-trap regulation came from CDFW trying to prevent loopholes that would allow individuals to fish more than their trap allocation.

DCTF Members highlighted that the costs of the program to CDFW and permitholders is still unclear. It will be important for the program to compensate the trap retrievers as well as pay for trap storage, and to confirm/clarify other program fees and details.

**ACTION:** Consideration and possible adoption of recommendation(s) to provide guidance to CDFW and others to inform the development of the California Dungeness crab lost fishing gear recovery program.

**APPROVED:** The DCTF looks forward to working with CDFW to implement the lost fishing gear recovery program outlined in Fish and Game Code 9002.5 and would like to recommend the following adjustment to help reduce CDFW costs: require that when permits are renewed permitholders are informed that CDFW will share their contact, license, and permit information with a 3rd party entity that will be supporting local retrieval efforts. The 3rd party entity will maintain the confidentiality of the information and use it to locate the owner of recovered gear.

If this recommendation is not lawful, the DCTF recommends CDFW enter into confidentiality agreement with the 3rd party entity that will be supporting local retrieval efforts to share contact information of permitholders to assist in efforts to locate owners of the recovered gear.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
18	2	0	0	2

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

Thumbs up (18): Anderson, Atkinson, Beardon, Blue, Bradshaw, Caito, Cannia, Capra, Collins, Cunningham, Doyle, Gilmore, Goucher, Hemmingsen, Lawson, McHenry, Nolte, O'Donnell

Thumbs sideways (2): Helliwell, Powers

Thumbs down (0): None

Abstain (0): None

Absent (2): Vacant Processor, Yarnell

8. *Presentations and discussion on the status of whale entanglements in the Dungeness crab fishery, including, but not limited to, the efforts of the California Dungeness Crab Fishing Gear Working Group to reduce the risk of whale entanglements and pilot projects planned for the 2017-18 fishing season.*

The California [Dungeness Crab Fishing Gear Working Group](#) (Working Group) is charged with reducing the risk of whale entanglements in California Dungeness crab fishing gear. Due to the importance and timeliness of this issue, the DCTF has requested regular updates on the Working Group's efforts, including projects planned for the

2017-18 fishing season. A number of resources are available for the DCTF and interested members of the public to learn more about the Working Group's activities:

- [The Dungeness Crab Fishing Gear Working Group webpage](#)
- [Risk Assessment and Mitigation Program \(RAMP\) Overview](#)
- [September 2017 Key Highlights](#)
- [2017-18 Best Fishing Practices Guide](#)
- [Dungeness Crab Fishing Gear Working Group Fact Sheet](#)
- [Dungeness Crab Fishing Gear Working Group: Draft Management Measures Toolbox Guiding Principles](#)
- [California Dungeness Crab Fishing Gear Working Group: Statement of Research Priorities](#)

Lauren Saez, National Marine Fisheries Service (NMFS), shared a [presentation](#) about recent whale entanglements in west coast fisheries. She shared details about how whale entanglements are reported, what is known about how and where entanglements occur, and data associated with entanglement numbers in all fisheries along the west coast.

DCTF Members directed a number of questions to Ms. Saez:

- How many whales are involved in and killed via ship strikes?
  - Ms. Saez said she did not have those numbers on hand, but her office does track those numbers and they are available. The Admin Team explained there has been information circulated recently about the large number of ship strikes in the media. A [lawsuit was filed](#) recently by the Center for Biological Diversity that did not address ship strikes and focused solely on the California Dungeness crab fishery.
- Is the increase in whale entanglements related to the increase in the whale's populations?
  - Ms. Saez explained humpback whale populations are increasing, however, the trend in entanglements is above what would be expected with increasing populations.
- What sort of data gaps are there in entanglement reporting and how can the DCTF and broader Dungeness crab fishery help bridge those gaps?
  - Ms. Saez explained that NMFS has been working closely with the Working Group to identify the data gaps and understand how the fishing community can be helpful in addressing those gaps. The Admin Team reminded the group that the DCTF made a recommendation last year to print double-sided trap tags in response to NMFS stating that it would be helpful in better identifying sources of whale entanglements and gear owners. Other presentations during this agenda topic will continue to address this question.
- When were the most recent population counts done on the various whale populations and when is NMFS scheduled to perform new ones?
  - There was a survey conducted last summer that will be released in the near future. Ms. Saez will follow up with the Admin Team to share the results as it is available if there is interest by the DCTF. The information should also be available on the NMFS webpage.
- Why were there fewer entanglements reported in 2017 than 2016?
  - It's difficult to say, but it could be related to oceanographic conditions or implementation of [best fishing practices](#). Whales distribute differently based on oceanographic conditions. In spring 2016, the whales seemed to be aggregating in Monterey Bay where there food was. Whales follow their food source. This year they could be further offshore this year. This year there may be less overlap between fishing effort and whale distribution.
  - Jarrod Santora, University of California Santa Cruz, suggested there is likely a correlation between whale distribution and krill distribution (see further discuss below). In 2016, whales were located inshore because there was less krill offshore so the whales preyed on inshore species like anchovy. In 2017, krill increased and whales moved further offshore where there was less fishing activity.
- Is there a correlation between whale entanglements and domoic acid?



- Ms. Saez explained that NMFS is starting to look into whether domoic acid impacts whales' likelihood of getting entangled. It's a new field of study and not something that is well understood. Part of the issue in 2016 was the overlap with the height of fishing effort, but there could also be something in the biology of whales. This question has also been raised by the Working Group.
- How have whale populations increased since hunting ceased in 1986?
  - Humpback whale populations are increasing, but not at a rate that would reflect the number of entanglements that are being recorded. There are subspecies of Humpback whales that are improving while others are still threatened. Therefore, even if some populations are increasing, other whale populations are still susceptible to the impacts of entanglements.

Public comment was taken on the topic at hand.

- George Castagnola, attorney, explained that whales tend to get sick for various reasons. The Navy's echolocation exercises have caused whales to beach themselves. He asked if there were any studies on whether entangled whales suffered from illnesses. Since whales communicate through echolocation, they should be able to detect long strings of gear with lead weights. Entangled whales could have something wrong with their echolocation that could be related to a virus. Does NMFS have any information on correlations between the Navy's sonar use and entanglements?
  - Ms. Saez explained that the large whales that are getting entangled (e.g. grey whales and Humpback whales) do not use echolocation. Most entanglement reports are live animals and few wash up on the beach so, there are few cases of in-depth necropsies to understand the cause of entanglements. It's a question that we are interested in.
  - Mr. Castagnola had additional questions. The Admin Team offered to put Mr. Castagnola in touch with Ms. Saez.
- Deenie Davis, commercial fishing representative, emailed the following comments: What percentage of entanglement sightings by public are verified as correct? Given the hostility of certain groups/people to commercial fishing, is there any effort made to be sure reports are legitimate?
  - Ms. Saez explained that NMFS makes every effort to fully investigate reports of entanglements. NMFS filters the information received and does not add reports unless they are legitimate (i.e. not just a phone call from an anonymous person with no photographic evidence. NMFS uses a scale of confidence with the information to confirm the legitimacy of the report including photographic information, whether the report comes from a trusted source, or a disentanglement response team is out verifying the entanglement in-person. In all cases, NMFS tries to get out to confirm an entanglement, but it's not always possible.

Dr. Santora shared a [presentation](#) about the relationship between oceanographic conditions, forage species, and whale entanglements. His presentation focused on ocean conditions between 2013 and 2016, which were years of unprecedented oceanographic conditions. Whale distribution patterns reflected the concentration and location of their preferred prey. There are higher krill concentrations when the coastal waters are cool and there is a lot of upwelling. Anchovies are more abundant in warmer waters when there is less upwelling. Whales and other predators tend to prey switch to target those species that are most readily available and their distribution will likely follow where prey are available. During the warm years we saw between 2014 and 2016 there was a sharp decline in krill so whales switched to preying on anchovies. Anchovy abundance during those years were concentrated along the coast especially in Monterey Bay, and whales were more likely to be more concentrated inshore, which is believed to be correlated to anchovy abundance. The Working Group is now tracking the ocean conditions to try to use this forage information as an indicator of risk for whale entanglements in future efforts.

DCTF Members and Alternates who are also on the Working Group shared their perspectives on the forage data and how it will inform the Working Group's efforts. A couple DCTF Members stated that the data could be valuable in helping to predict large aggregations and general distributions in the future. Another Member stated that this information was the foundation of the Working Group's Risk Assessment and Mitigation Program (RAMP) to help predict future problems.

DCTF Members directed a number of questions and comments to Dr. Santora:

- If there is an increase in anchovy populations in 2018, would the expectation be that whales concentrations would move towards the shelf later in the 2017-18 fishing season?
  - Dr. Santora agreed this was a possibility. However, with the current La Niña conditions, 2017 was a strong krill year. Strong krill years are often followed by another strong krill year. The 2018 season could have a lot of krill, which would keep whales offshore despite increases in anchovies. He explained that surveys are showing high levels of anchovy in the north. Dr. Santora will continue to monitor the situation and report back to the Working Group to see if anchovy expansion impacts whale populations.
- Once DCTF Member stated that this information may help inform where and when people fish and potentially encourage fewer fishermen to fish later in the season.

The Admin Team explained that the Working Group will be checking in with Dr. Santora on this data at key points throughout the season. Dr. Santora stated that he recently shared a forage “report card” with the Working Group.

Public comment was taken on the topic at hand.

- Dick Ogg, commercial fisherman and member of the Working Group, asked if whales preferred anchovy or krill. He stated that the data can tell us where the anchovies and krill are aggregating, but if we better understand their feeding preference, we can better predict which aggregations they will target.
  - Dr. Santora stated that whales behavior changes based on what they are feeding on. When they feed on krill they are more spread out. However, when they feed on anchovy their behavior changes and they are found in larger concentrations working together to actively chase anchovy. This could be why they get entangled because they are actively chasing. Specific stocks could have a preference for different species. While some stocks may prefer krill, some smaller groups may break off and focus on anchovy. They have historically prey-switched based on high krill or anchovy years, but as whale populations and competition increase there may be some stocks that target the less abundant species.

Ms. Juhasz shared a [presentation](#) on the Working Group’s efforts especially during the 2017-18 fishing season. She shared background on how the Working Group was established, what information is informing their efforts, and what the Working Group is doing to better understand and address the risk of whale entanglements in Dungeness crab fishing gear. She highlighted that the Working Group will pilot a RAMP program in the 2017-18 fishing season in which the Working Group will review a number of factors to assess the risk of whale entanglements and develop a response to address the risk. The Admin Team summarized the Working Group’s [September 2017 Key Highlights](#) document. They explained that the Working Group developed a recommendation for marking of gear for all fixed-gear fisheries, will pilot the RAMP in the 2017-18 fishing season, is supporting vessel and aerial surveys to better understand the overlap of fishing effort and whale distribution, are testing electronic reporting tools, and are working with other researchers to test gear modifications. The Working Group is also working to reach out to the public, Dungeness crab fleet, decision-makers, and others to keep everyone informed on the Working Group’s continual efforts. The Working Group is also looking for funding to support the RAMP in the long-term and the many research projects underway or under consideration.

The Working Group requested the DCTF to consider:

- Potential whale-gear interactions and how they relate to changes in season openers, including domoic acid and other delays.
- Supporting the Working Group’s efforts in reducing the risk of whale entanglements through DCTF funding, identifying this issue as a long-term priority project, etc.
- Supporting the Working Group in reaching out to the fleet to share information about whale entanglements and the Working Group’s efforts.

DCTF Members expressed general support for the Working Group’s efforts. One DCTF Member stated that efforts to identify areas and periods of higher risk of entanglement is helpful. Various Members suggested a recommendation from the DCTF that they support continuation of the DCTF’s efforts and marking other fixed-gear fisheries. One DCTF Member stated that many ports are funding their representatives to attend Working Group

meetings and they are committed to continuing that effort. One DCTF Member asked if it was necessary for the DCTF to make a statement in support of the Working Group. The Admin Team explained that a vote (as are all DCTF votes) was optional, but that it showed a sense of partnership and collaboration between the DCTF and Working Group who are both working to address the issue of entanglements in the Dungeness crab fishery. The goal of this discussion was to inform the DCTF and public about the efforts of the Working Group, especially in the face of the lawsuit filed by the Center for Biological Diversity regarding whale entanglements in the California Dungeness crab fishery.

Public comment was taken on the topic at hand.

- Deenie Davis, commercial fishing representative, emailed the following comments: We completely support the Working Group. We should be looking at some kind of landing assessment to support them.
- George Castagnola, attorney, emailed the following comments: If regulations are going to be implemented, please write them up clearly and have them posted at the different harbors so that everyone gets clear information. There is an avalanche of information that is disseminated and it is important that information related to regulations be clearly posted. Many fishermen are not computer literate. Before any regulations are imposed, I hope they are going to be based on complete information as opposed to speculation. I say this because I am not convinced that other variables are not at the root of this situation.
  - The Admin Team explained that the Working Group is not seeking regulatory changes at this time. The RAMP is intended to be piloted for the 2017-18 season to see if there is a need for any regulatory changes.
- Chris Zajac, commercial fisherman, asked if some of the 70 whale entanglements that were reported in 2016 were due to false reports, as he witnessed a whale watch boat falsely report an entanglement in Dungeness crab gear. He explained that the fishing community is not seeing the entanglements despite being on the water often. He further explained that crab gear creates a food web for whales and said that if fishermen move their gear it won't make a difference as food webs will simply be created elsewhere.
  - Ms. Saez reiterated the process for verifying whale entanglement reports.
  - Chris Zajac, commercial fisherman, also stated that a phone meeting is insufficient if regulatory measures are going to be put in place.
    - CDFW stated that the point of the RAMP is to respond only to confirmed information. The program will not respond to unconfirmed entanglements. It is undeniable that the industry is entangling whales and the Working Group is trying to reduce that.
  - Chris Zajac, commercial fisherman, requested that there be equity in the voting of areas shut down due to increases in whale entanglements. For example, those living in or near the Monterey area should be a part of the conversations to address whale entanglements when Monterey is an area of concern. He stated that the meetings tend to have one-sided discussions with only scientists, while fishermen need a platform to use their science to counteract the negative information.
    - The Admin Team explained that the Working Group is piloting the RAMP in an effort to reduce the risk of whale entanglements. If the RAMP moves beyond a pilot, there may be a smaller team of more local fishermen who get together with agencies and others to discuss the issue and figure out how to address it. The Admin Team offered to get in touch with Chris following the call to share information about the Working Group and their effort.

**ACTION:** *Consideration and possible support for the Dungeness Crab Fishing Gear Working Group's efforts to-date and 2017-18 Working Group recommendations/next steps. Guidance on ideas for the Working Group's consideration and other items may also be provided.*

**APPROVED:** The DCTF supports the California Dungeness Crab Fishing Gear Working Group's efforts to address the issue of whale entanglements in Dungeness crab fishing gear including the piloting of a draft Risk Assessment and Mitigation Program (RAMP) and the recommendation that all fixed fishing gear establish standardized marking at the surface.

Fishing ports are committed to supporting Working Group representatives to continue their participation on the body. The DCTF supports the Working Group continuing its efforts and looks forward to learning more as those efforts progress.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
18	1	1	0	2

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

Thumbs up (18): Anderson, Beardon, Blue, Bradshaw, Caito, Capra, Collins, Cunningham, Doyle, Gilmore, Goucher, Helliwell, Hemmingsen, Lawson, McHenry, Nolte, O'Donnell, Powers

Thumbs sideways (1): Atkinson

Thumbs down (1): Cannia

Abstain (0): None

Absent (2): Vacant Processor, Yarnell

9. *Conversation of current commercial Dungeness crab fishing regulations including, but not limited to, waivers to allow retrieval of more than six untagged or derelict traps by a any vessel (permitted or not permitted) in-season and the "96-hour rule."\*\*\**

Due to time constraints, the DCTF was not able to get to this topic and plans to revisit in in 2018.

#### 10. *General public comment*

- Stephen Melz, commercial fisherman, emailed the following comments: Currently under fair start provisions, dual permitholders are not allowed to separate boats into different areas when a closure is in effect. They are either waiting in the area with both boats or operating outside of the area with both boats. From a business and effort shift standpoint this makes no sense. Why not spread out the effort instead of bottling it into one spot. Crew are able to go from area to area, why not separately permitted boats? The boats are paid for separately, permitted separately, operated separately so why would they not be able to fish in separate areas? This rule is a blatant penalty on businesses that are trying to provide a broader earning base for their employees.
- Deenie Davis, commercial fishing representative, emailed the following comments: It is very important that this issue is thoroughly discussed. Fair start restrictions should only apply to each individual permit. Whether an individual permit is owned by someone who also owns another permit should not be considered. The way the current statue is written and enforced discriminates against multi- permitholders. It also does nothing the serve the good of the overall fishery. According to CDFW recent clarifications, the fair start does not allow multi-permitholders to fish in different areas. If that was the intent of a previous recommendation, it was not taken.
  - CDFW clarified that this no longer the case. The Fish and Game Code Section was updated as of January 1, 2017 based on a prior DCTF recommendation. Fair start regulations now apply to a vessel, not a person. Therefore crew are able to fish in multiple locations as can an individual who owns multiple vessels. The Admin Team further clarified that this recommendation was made by the DCTF in their [January 2015 report](#) and included in SB 1287 in 2016.
- Deenie Davis, commercial fishing representative, emailed the following comments: One of the important aspects of a public meeting is that it allows the public to bring forward issues that they feel are important that the DCTF is not taking action on. When you convert those public meetings to phone meetings and then rush the meeting by restricting the issues discussed, the public is robbed of their ability impact the issues the DCTF take up. Also, as previously stated, it is not acceptable that members of the public to not have the opportunity to interact with the representatives and each other. Representative should have to face their constituents in a DCTF meeting at least 1-2 times per year.

## *11. 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 legislative report prior to January 15, 2017 including the recommendations from this meeting, and will circulate it to the DCTF for final approval before forwarding to the Legislature. The legislative report will also be shared with the whale entanglement Working Group.
- Work with CDFW, OPC, and TNC to discuss and implement the DCTF's immediate funding needs.
- Circulate information and documents relevant to the work of the DCTF via email and on the DCTF webpage.
- Continue sharing domoic acid results with the DCTF and public as they become available.
- Connect Deanie Davis and George Castagnola to discuss lost fishing gear recovery and marine protected areas, respectively.
- Share Lauren Saez's contact information with George Castagnola.
- Check in with NMFS on the results of the most recent whale population survey and share with the DCTF.
- Topics for upcoming meeting agendas may include:
  - Trap Limit Program
    - Stacking 175-trap permits
    - Biennial versus annual trap tags
    - In-season replacement tags
  - Including the Central Management Area in the Tri-State Agreement
  - 96-hour rule
  - Allowing more than 6 traps on a vessel in-season
  - The need for new DCTF elections
  - CDFW's proposed implementation of the lost fishing gear recovery program

DCTF Members will:

- Contact the Admin Team if they would like to participate in whale entanglement Working Group pilot projects.

CDFW will:

- Initiate a contract to support the DCTF using funds from the Dungeness Crab Account through 2019.
- Investigate CDFW Enforcement's accounting of the Dungeness Crab Account funds, specifically the percent of vessel maintenance and fuel that is funded through the account.
- Share details about changes in cost to the Dungeness Crab Trap Limit Program if the program switched to annual trap tags.

## *13. Adjourn*