



## ~California Dungeness Crab Task Force~

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

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### REPORT

TO: Joint Committee on Fisheries and Aquaculture, Mike McGuire, Chair  
California Fish and Game Commission, Eric Sklar, President  
California Department of Fish and Wildlife, Charlton Bonham, Director

CC: California Ocean Protection Council, Mark Gold, Executive Director  
California Fish and Game Commission, Melissa Miller-Henson, Executive Director  
California Fish and Game Commission, Elizabeth Pope, Acting Marine Advisor  
California Department of Fish and Wildlife, Craig Shuman, Marine Region Manager  
Pacific States Marine Fisheries Commission, Dave Colpo, Sr. Program Manager

FROM: California Dungeness Crab Task Force

DATE: December 11, 2019

RE: October 2019 recommendations from the California Dungeness Crab Task Force as requested by Fish and Game Code 8276.4

APPENDICES: (1) Dungeness Crab Fishing Gear Working Group Fact Sheet  
(2) DCTF Charter - Updated October 2019  
(3) DCTF Summary from October 16-17, 2019  
(4) January 15, 2016 Interim Report  
(5) January 13, 2017 Final Report  
(6) December 20, 2017 Final Report  
(7) Marine Life Entanglement Settlement 2019- Case 3:17-cv-05685-MMC  
(8) DCTF Meeting Summary from October 16-18, 2017 meeting  
(9) Tri-State Dungeness Crab Commission Memorandum of Understanding (MOU)  
(10) DCTF Membership List  
(11) Assembly Bill 1472  
(12) Dungeness Crab Fishing Gear Working Group Updates and Recommendations, November 12, 2019

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This report provides recommendations from the California Dungeness Crab Task Force (DCTF) to the Joint Committee on Fisheries and Aquaculture (the Legislature), the California Department of Fish and Wildlife (CDFW), and the Fish and Game Commission (the Commission) to inform future Dungeness crab fishery management. The report includes an update on the DCTF's activities since October 2017, and more specifically, recommendations for a financial audit of the Dungeness Crab Account, new Legislation to address safety concerns in the fishery, address requests from the Tri-State Dungeness Crab Committee, and to address domoic acid and marine life entanglement issues..

The DCTF's work was completed pursuant to Fish and Game Code §8276.4 with financial support as directed by Fish and Game Code §8276.5.

**Additional information, including DCTF history, previous reports, and meeting summaries with details on the development of the recommendations provided in this report, is available on the DCTF webpage: <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>.**

## **BACKGROUND**

The commercial Dungeness crab fishery is one of the most valuable and productive fisheries in California<sup>1, 2</sup> with an average ex-vessel value<sup>3</sup> of approximately \$55.6 million per calendar year.<sup>4</sup> This is due in large part to strong demand for product by consumers, including international markets. The California Dungeness crab fishery has faced recently unprecedented events (e.g. elevated levels of domoic acid, whale entanglements ([Appendix 1](#)) resulting in litigation against the industry) that have created management and economic challenges for fishery managers and the Dungeness crab industry. Members of the Dungeness crab industry continue to show an interest in remaining engaged on the fishery's management to maintain the health of the fishery, safeguard its economic viability, minimize ecological impacts, and preserve the California fishing communities that rely on the resource.

The fishery consists of a diverse group of individuals, communities, viewpoints, and opinions regarding the management goals and objectives for the California Dungeness crab fishery generally vary by production level, vessel size, and homeport location.<sup>5, 6</sup> This makes it challenging at times for fishery participants to reach agreements. Nonetheless, the DCTF continues to reach agreements and forward recommendations to fisheries managers and those with decision-making authority. The DCTF looks forward to continuing this work and informing the Legislature, CDFW, and the Commission on the outcomes of their discussions regarding the industry's priority issues.

### ***Management of the California Commercial Dungeness Crab Fishery***

The California Dungeness crab commercial fishery is managed by CDFW pursuant to California Fish and Game Code §8275 *et seq.*, which requires the fishery to use a 3-S management strategy (sex, size, and season). Commercial harvest is restricted to male crabs, greater than 6.25 inches carapace (body) width, from mid-November through the end of June (Central Management Area<sup>7</sup>) and December 1 through July 15 (Northern Management Area). The California Fish and Game Code specifies the opening of the season for the Central Management Area (the area between in Sonoma-Mendocino county line and the Mexican border) as November 15 and the Northern Management Area (the area between in Sonoma-Mendocino county line and the Oregon border) as December 1.<sup>8</sup> In 2018-19, there were 552 permits, of which 437 were active and

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<sup>1</sup> Hackett, Steven, D. King, D. Hansen and E. Price. 2009. *The Economic Structure of California's Commercial Fisheries*. Technical Report . California Department of Fish and Game, Sacramento.

<http://www.dfg.ca.gov/marine/economicstructure.asp>

<sup>2</sup> The Dungeness crab fishery is an important contributor to the economy of several port communities such as Crescent City (Pomeroy, C., et al. 2010. Pomeroy, C., et al. (2011). *California's North Coast Fishing Communities: Historical Perspective and Recent Trends*. California Sea Grant Technical Report T-072,. La Jolla, CA: 350p.

<http://www.csgc.ucsd.edu/EXTENSION/ADVISORS/Pomeroy.html>

<sup>3</sup> Ex-vessel value is the amount paid to fishermen when they land (deliver) their catch to buyers the docks.

<sup>4</sup> Pers. communication C. Juhasz, California Department of Fish and Wildlife.

<sup>5</sup> Dewees, C.M. et al. 2004. Racing for crabs: Cost and management options evaluated in Dungeness crab fishery. *California Agriculture*. Vol. 58(4): 186-193.

<sup>6</sup> Pomeroy, C., et al. 2010. *California's North Coast Fishing Communities: Historical Perspective and Recent Trends*. California Sea Grant Technical Report T-072. La Jolla, CA: 350p.

<http://www.csgc.ucsd.edu/EXTENSION/ADVISORS/Pomeroy.html>.

<sup>7</sup> The Central Management Area refers to all coastal districts south of the Mendocino/Sonoma County Line to the Mexican border.

<sup>8</sup> Preseason crab quality testing is used to predict the meat recovery rate prior to the season opener. A recovery rate of 25% is required for the December 1 season opener in the Northern Management Area. If this standard is not met, testing

115 were inactive (or “latent”<sup>9</sup> referring to those permits (vessels) with landings of less than 200lbs in the previous season).

In contrast to the commercial fishery, the Dungeness crab recreational fishery is managed by the Commission, with measures such as a specified season, daily bag limits, and minimum size requirements. The specifics of the season vary by region while CPFVs are the only sport fishing mode that has trap limits.

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## DCTF PROCESS AND PROCEDURES

The DCTF’s operating and voting procedures are described in Fish and Game Code §8276.4 and the DCTF Charter ([Appendix 2](#)). The DCTF is composed of 27 members, including 17 members representing commercial fishing interests, two members representing sport fishing interests, two members representing crab processing interests, one member representing commercial passenger fishing vessel (CPFV) interests, two members representing nongovernmental organization interests, one member representing University of California Sea Grant, and two members representing the California Department of Fish and Wildlife (CDFW).

The California Ocean Protection Council (OPC) and CDFW carried out the most recent DCTF commercial fishing elections (as described in Fish and Game Code §8276.4) for half of the port complexes. Commercial fishermen are elected to the DCTF by their peers to represent their home port complexes and production level. The other half of the ports will have elections in 2020 and OPC and CDFW will conduct DCTF elections every three years in each port, on a staggered basis. Additionally, as mandated in Fish and Game Code §8276.4, the Chair of the OPC appointed members for the seven non-commercial fishing seats following a public solicitation for nominations. The results of the 2019 DCTF commercial fishing elections and the results of the non-commercial fishing representatives from the public solicitation are available on the [DCTF’s webpage](#).

The DCTF Charter establishes ground rules, member roles, and voting procedures for the group and was most recently amended in October 2019. In keeping with those procedures and in response to the Legislature’s request for management recommendations, the DCTF Charter states that, “a proposed recommendation that receives an affirmative vote of at least 15 of the voting members of the DCTF may be transmitted ... [and] shall be considered to be the consensus of the task force, and shall be considered to be evidence of consensus in the Dungeness crab industry.” The following voting protocol, described in the DCTF Charter, was used to conduct straw polls and final voting on DCTF recommendations:

- **Thumbs Down:** I do not agree with the proposal. I feel the need to block its adoption and propose an alternative.
- **Thumbs Sideways:** I can accept the proposal although I do not necessarily support it.
- **Thumbs Up:** I think this proposal is the best choice of the options available to us.
- **Abstention:** At times, a pending decision may be infeasible for a Member to weigh in on.

Thumbs up and thumbs sideways are *both* counted as affirmative votes in determining whether a recommendation has the required 15-vote majority.

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is repeated at specific time intervals until this recovery rate is achieved, with the fishery opening no later than January 15, regardless of test results at that time. Requirements for preseason testing do not apply in the Central Management Area.

<sup>9</sup> The Department does not use the term “latent” permit(s) formally. The definition of latent was developed by the DCTF.

## DCTF VOTES AND ANALYSIS

The following recommendations were developed by the DCTF over the course of one meeting held on October 16-17, 2019. The recommendations represent agreements of DCTF members (as per voting protocols defined in the DCTF Charter ([Appendix 2](#))); however, in some cases they are not the *verbatim* language used when the votes were taken. Because of the iterative nature of the conversations at the DCTF meetings, the language of some of the recommendations has been adjusted to improve clarity. The verbatim language, together with the voting record is included in [Appendix 3](#) for reference. Some recommendations are grouped together for clarity. Explanatory notes are provided below recommendations when necessary.

## DCTF RECOMMENDATIONS- October 16-17, 2019

### **The Dungeness Crab Account, Fish and Game Code §8276.5**

Fish and Game Code §8276.5 mandates that an annual accounting of the Dungeness Crab Account be provided by CDFW. During the October 2019 DCTF meeting, CDFW provided an update of the accounting through the 2018-19 fiscal year. The DCTF provided recommendations for transparency and use of the Dungeness Crab Account.

**Recommendation 1:** In accordance with Fish and Game Code §8276.5, the DCTF recommends CDFW conduct a detailed audit of the Dungeness Crab Account. The DCTF recommends additional reporting information with more information about income (i.e., income from biannual tags, biannual tag permits, replacement tags, and fines) and expenses (i.e., additional detail on Licence and Revenue Branch, Law Enforcement Division, and Marine Region expenses and other overhead expenses). The detailed audit should also include annual income, expense, and balance for all years since inception of the commercial Dungeness Crab Trap Limit Program and the Dungeness Crab Account.

Vote of all DCTF Members (ex officio Members abstained):

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

### NOTES:

An accounting of the uses of the Dungeness Crab Account through the 2018-19 fiscal year was provided at the October 2019 DCTF meeting.<sup>10</sup> The DCTF continues to have questions as to the sources of revenue in the account (e.g., Is the revenue only based on biannual trap tag sales? Does it also include replacement tags and/or the biannual permit?) and requests clarity on where the funds paid as part of the commercial Dungeness Crab Trap Limit Program are deposited. Additionally, the DCTF continues to have questions about how funds are being used within all areas of CDFW. For example, commercial fishermen indicated they have not seen changes in enforcement activities since the inception of the program and are concerned the funds are being used to subsidize other enforcement needs outside the Commercial Dungeness Crab Trap Limit program. With a \$2.2M surplus following the 2018-19 fiscal year, the DCTF requires a detailed audit of the account to better assess whether the CDFW is collecting excess funds. If excess funds are being collected, the DCTF would like to explore opportunities to reduce the costs of the program to fishermen as

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<sup>10</sup> California Department of Fish and Wildlife. 2019. 2019 Dungeness Crab Fishery Updates. Presentation to the California Dungeness Crab Task Force. Santa Rosa, CA. October 2019.  
[http://www.opc.ca.gov/webmaster/ftp/project\\_pages/dctf/meeting-5/CDFWData\\_DCTF%20Meeting\\_Oct262015-2.pdf](http://www.opc.ca.gov/webmaster/ftp/project_pages/dctf/meeting-5/CDFWData_DCTF%20Meeting_Oct262015-2.pdf)

outlined in Fish and Game Code §8276.5, and/or recommend other uses for the excess funds collected to support the commercial Dungeness crab fishery (e.g., support litigation on behalf of the fleet).

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**Recommendation 2:** Reiterating recommendation 3 from the December 20, 2017 report ([Appendix 6](#)), the DCTF recommends amending Fish and Game code §8276.4 and §8276.5 to prioritize the allocation of \$150,000 dollars per year from the Dungeness Crab Account to support the administration and facilitation of the DCTF through 2029.

The DCTF recommends that the Legislature and the Administration (California Natural Resources Agency, Ocean Protection Council (OPC), CDFW) work together to ensure that Dungeness Crab Account funds are used to support a higher level of administration and facilitation support of the DCTF than is currently allocated within the 2019-2021 DCTF administration and facilitation contract, including, but not limited to, funding DCTF member/alternate travel, increasing the number of DCTF and Executive Committee meetings per year, and supporting emergency meetings, as needed.

The DCTF recommends expanding the spending authority of the Dungeness Crab Account to CDFW, as needed and available, to support priority needs identified by the DCTF including \$150,000/year for DCTF operations.

Vote of all DCTF Members (ex officio Members abstained):

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

NOTES:

In the DCTF’s January 2016 report ([Appendix 4](#)), the DCTF expressed support for reauthorizing and continuing the DCTF beyond 2019. In the DCTF’s last report ([Appendix 6](#)), a recommendation was made to amend Fish and Game code §8276.4 to allocate \$150,000 per year from the Dungeness Crab Account (see Fish and Game code section §8276.5) to support the organization’s activities. As of July 2019, CDFW entered into a two-year contract with a contractor to facilitate and administer the DCTF at a rate of \$75,000 per year. The contract stipulates that the contractor administer up to one DCTF meeting and up to three Executive Committee conference calls per year. The DCTF believes this is inadequate to allow the DCTF to adequately and efficiently address the evolving priorities of the industry (see January 2017: Recommendation 4, page 14 of this report and [Appendix 5](#)). The DCTF believes the request to use funds from the Dungeness Crab Account is reasonable considering an October 2019 presentation from CDFW indicating a \$2.2M surplus in the Dungeness Crab Account.<sup>11</sup> The DCTF appreciates that CDFW must use the Dungeness Crab Account to cover costs to administer and enforce the commercial Dungeness Crab Trap Limit Program and continues to recommend full vetting and annual reporting of the use of the Dungeness Crab Account as required by Fish and Game Code Section 8276.5(a) to ensure transparency of the account’s use (see Recommendation 1, above).

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**Domoic Acid and The Dungeness Crab Fishery**

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<sup>11</sup> California Department of Fish and Wildlife. 2019. 2019 Dungeness Crab Fishery Updates. Presentation to the California Dungeness Crab Task Force. Santa Rosa, CA. October 2019.  
[http://www.opc.ca.gov/webmaster/\\_media\\_library/2009/04/DCTFUpdates-Oct2019Meeting-10142019.pdf](http://www.opc.ca.gov/webmaster/_media_library/2009/04/DCTFUpdates-Oct2019Meeting-10142019.pdf)

Since the 2015-16 commercial fishing season, elevated levels of domoic acid have threatened delays in the commercial California Dungeness season opener. The California Department of Public Health (CDPH), Office of Environmental Health Hazard Assessment (OEHHA), and CDFW are continuing to work collaboratively to ensure an orderly, timely openers that also consider public safety. At the October 2019 DCTF meeting, the agencies requested guidance from the DCTF related to the management of domoic acid in the Dungeness crab fishery.

**Recommendation 3:** The DCTF supports the concept of biotoxin management zones to create more understanding and predictability for the fleet in how the commercial Dungeness crab fishing season may open every year. The DCTF understands that CDPH, OEHHA, and CDFW (the agencies) will be working to develop a proposal for the biotoxin management zone areas. DCTF members will work with their ports to identify suggestions for zone lines to be considered by the agencies. The DCTF expects a follow up discussion with the agencies prior to the finalization of the biotoxin management plan zones.

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

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
17	2	0	1	1

NOTES:

The DCTF supports biotoxin management zones in concept as it provides more predictability to help fishermen better plan for the upcoming season based on their business model. Biotoxin management zones are a tool currently employed in other states to manage sampling and domoic acid delays. Biotoxin management zones are predefined areas that help improve the predictability of the boundaries within which delays and openers will occur. The size of each zone would need to be considered based on fishing effort, known domoic acid hot spots, number of sample sites available per area, buffer areas, etc.

The DCTF understands that the agencies will be working in the coming months to develop draft biotoxin management zones for the DCTF’s consideration. DCTF Members will work within their ports to provide the agencies with guidance in the near-term and anticipates CDFW sharing the draft biotoxin management zones with the DCTF at their October 2020 meeting.

**Recommendation 4:** The DCTF supports CDPH, OEHHA, and CDFW (agencies) pursuing the authority to implement evisceration options in California through the appropriate legislative processes as an option that could be available to the industry in response to elevated domoic acid levels in Dungeness crab. The DCTF also recommends the California Legislature approve a bill(s) that would provide these legal authorities to the agencies.

Once California is in a place to begin implementing evisceration options, the DCTF recommends Hazard Analysis and Critical Control Points (HACCP) plans be developed in consultation with the industry. The DCTF recommends the evisceration option not be available to the industry unless there is a delay in fishing until or after February 1.

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

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
17	1	0	1	1

NOTES:

Since the 2015-16 season, the commercial Dungeness crab fishery has continued to experience hardship and loss of certain markets due to domoic acid season delays. Some members of the industry would like there to be opportunities available to fish in the event of domoic acid delays. That being said, the DCTF flagged that HACCP plans would only be available to a few processors that have operations that would qualify for such a plan. Evisceration options will be unavailable to those who serve the live markets, which are predominant in the Central Management Area (south of the Mendocino/Sonoma County line). The DCTF highlighted that there would be less than a handful of processors who would qualify for a HACCP plan and they all reside in ports in the Northern Management Area (CA/OR border south to Mendocino/Sonoma County line) which would create economic disparities for those who fish in the south. For that reason, the DCTF believes evisceration options should only be considered if the fishery remains delayed on/beyond February 1 due to domoic acid to allow fishermen a fishing season in light of this issue of whale entanglements.

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**Marine Life Entanglement in Dungeness Crab Fishing Gear**

The ensuing recommendation is directly related to DCTF discussions about the efforts being made by the California Dungeness Crab Fishing Gear Working Group to address marine life entanglement in Dungeness crab fishing gear ([Appendix 1](#)).

**Recommendation 5:** The DCTF thanks the Dungeness Crab Fishing Gear Working Group for its continued efforts to support thriving whale and sea turtle populations along the West Coast together with a thriving and profitable Dungeness crab fishery.

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

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

NOTES:

The DCTF agrees that the issue of whale entanglements in the Dungeness crab fishery is an important priority for the fleet to address and supports the efforts of the California Dungeness Crab Fishing Gear Working Group (Working Group).<sup>12</sup> Marine life entanglements in California Dungeness crab fishing gear has been identified as a high priority issue by the industry especially in the face of a settlement agreement between the Center for Biological Diversity and CDFW ([Appendix 7](#)). Marine life entanglements create a risk for whales and sea turtles while also threatening the stability of the fishery and coastal fishing communities, both of which the public values. DCTF members support the work of the Working Group and see value in having fishermen in the group helping to develop strategies to address this issue.

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**Legislative and Regulatory Needs**

During the October 2019 DCTF meeting, the DCTF reviewed relevant active legislation and discussed recommendations related to potential regulatory and legislative needs.

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<sup>12</sup> The Working Group was established in 2015 to explore ways to reduce the risk of entanglements with Dungeness crab fishing gear. The Working Group is composed of commercial fishermen (including two DCTF Members), a recreational fisherman, a CPFV fisherman, environmental organizations, a whale disentangler, a processor, and state and federal agencies. For information about the Working Group is available online: <http://www.opc.ca.gov/whale-entanglement-working-group/>

**Recommendation 6:** The DCTF recommends amending Fish and Game code §8283 to change the Central Management Area’s commercial fishing presoak period from 18 hours to 64 hours.

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

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

NOTES:

Fish and Game code §8283 mandates an 18-hour presoak in the Central Management area. Many commercial fishermen have stated that the 18-hour presoak in the Central Management Area creates safety concerns for the fleet, especially during domoic acid delays. The DCTF last discussed this topic during the October 2017 meeting ([Appendix 8](#)) where it was not approved by the DCTF primarily because some individuals saw the issue as a business decision for traveling vessels and a negotiation tactic to require crab quality testing in the Central Management Area (see Recommendation 8). During the DCTF’s October 2019 meeting, they revisited the Central Management Area presoak and generally agreed that safety in the commercial Dungeness fishery should be paramount to all other issues. The precedent for a 64-hour presoak in California has already been set in the Northern Management Area and would not be unfounded. The DCTF acknowledges that managers would like to minimize the length of time fishing gear is in the ocean to reduce the risk of marine life entanglements. However, the DCTF believes that the safety of fishermen should be the highest priority for the state of California.

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**Recommendation 7:** If the Central Management Area’s commercial fishing presoak period changes from 18 hours to 64 hours, the DCTF supports also modifying the recreational fishing season in the Central Management Area to allow a 12-hour presoak period.

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

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

NOTES:

The DCTF does not want to hinder the recreational fishing season by extending the Central Management Area presoak period for the commercial fishery. To allow ample opportunity for the recreational fishermen to fish prior to the commercial opener, the DCTF believes it would be fair for the Fish and Game Commission to update the Title 14 regulations to allow a 12-hour recreational presoak period should the Legislature modify the commercial presoak period in the Central Management Area.

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**Tri-State and Preseason Quality Testing**

At the May 2019 Tri-State Dungeness Crab Committee Meeting<sup>13</sup>, the California representatives requested the opportunity to discuss new concepts within the DCTF before reaching an agreement at the Tri-State level. The DCTF provided recommendations for the California representatives to share with the Tri-State Dungeness Crab Committee.

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<sup>13</sup> Pacific States Marine Fisheries Commission. 2019. Coastal Dungeness Crab Tri-State Committee Meeting, May 13 and 14, 2019; [http://www.psmfc.org/crab/2018-2019%20Files/TriState2019\\_SummaryDecisions\\_Final.pdf](http://www.psmfc.org/crab/2018-2019%20Files/TriState2019_SummaryDecisions_Final.pdf)

**Recommendation 8:** The DCTF supports the Tri-State Dungeness Crab Committee’s suggestion to adjust California’s market quality pick rate from 25% (rounded) to 24% (no rounding).

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

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
8	8	1	2	1

NOTES:

In 1996, the Tri-State Dungeness Crab Agreement was established through an MOU between the Pacific States Marine Fisheries Commission (PSMFC) and Washington, Oregon, and California to facilitate communication and cooperation between the states in managing their Dungeness crab fisheries (see [Appendix 9](#) for MOU). Most notably, this agreement established preseason crab quality testing from the Washington-British Columbia border to the Mendocino/Sonoma County Line in California. Through the Tri-State Coastal Dungeness Crab Committee, the three states have discussed and aligned management of Dungeness crab fisheries in their respective states including coordinating fair start clauses<sup>14</sup> and season openers to the extent possible.

The preseason crab quality testing protocols, as part of the Tri-State Dungeness Crab Agreement, currently dictates that California’s Northern Management Area can not open until the meat quality reaches a 25% pick rate, rounded, for each test area. While the DCTF believes it is important to have the best product available on the market, reducing the pick rate overall by 0.5% may allow the season to open sooner, thereby reducing the risk of marine life entanglements<sup>15</sup> without compromising the quality of the product. The DCTF also discussed modifying crab quality testing protocols further to average all northern port test sites and allow for projections by the third test. While the discussion did not result in a recommendation, the DCTF identified that the concept needed further discussion and could be revisited at the next Tri-State Dungeness Crab Committee discussion.

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## NOTABLE MENTION

### **DCTF Discussion of Active Legislation - AB 1472**

Although the DCTF does not usually share votes that do not meet consensus standards as outlined in their Charter ([Appendix 2](#)), the DCTF wanted to highlight the outcome of the discussion and subsequent failed vote on AB 1472 - California Dungeness Crab Commission ([Appendix 11](#)).

There was not sufficient support of AB 1472 by DCTF Members generally. As is evidenced by the votes below, there is also a great deal of divisiveness around the topic. While some Members saw value in a Dungeness Crab Commission becoming established through the California Department of Food and Agriculture to support the marketing needs of the industry, a number of DCTF Members abstained from voting because they believed a more thorough discussion was needed within each port before they could vote on support for the bill. A number of DCTF Members clearly expressed that they do not support the concept of a marketing association under AB1472.

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<sup>14</sup> Fair start provisions mandate that anyone fishing in the Central Management area must wait 30 days after the delayed northern opener (i.e. Northern Management area, Oregon, or Washington) to fish in those northern waters.

<sup>15</sup> The risk of marine life entanglements increases in the spring months. The sooner the fishery opens, the sooner a majority of commercial fishing gear is removed from the ocean thereby reducing the risk of whale entanglements.

**FAILED:** The DCTF supports to Assembly Bill (AB) 1472 (session 2019-2020) and sees value in establishing a Dungeness crab marketing commission.

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

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
2	4	8	5	0

This bill was introduced without consulting the DCTF in the initial stages of the bill's development, which led many DCTF Members to express concern with the merits of the process in which the bill was created. Due to this, many DCTF Members generally agreed that any legislation affecting the Dungeness crab industry should be shared/reviewed by the DCTF prior introduction, when possible.

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### **DCTF NEXT STEPS**

As dictated by Fish and Game code §8276.4, the DCTF will deliver a report no later than January 15, 2022, and every third year thereafter. In an effort to ensure that recommendations are shared in a timely fashion and the appropriate entities are able to act on those recommendations while they are relevant, the DCTF anticipates sharing a report following each annual DCTF meeting. The DCTF looks forward to being responsive to the needs of the Dungeness crab industry and fisheries managers to discuss priority issues including those outlined in this report, and other priorities that may arise.