

**Summary of Dungeness Crab Tri-State Issues for
California Dungeness Crab Task Force (DCTF) Consideration
April 2014**

The following document outlines a suite of tri-state issues discussed at the May 2013 Coastal Dungeness Crab Tri-State Committee meeting. These issues were highlighted for DCTF discussion, with the goal to provide DCTF feedback, recommendations, and/or actions back to the Tri-State Committee in advance of its May 2014 meeting.

This document, together with the options provided, was prepared by the California Department of Fish and Wildlife, with support from the DCTF Administrative Team, and is designed to be a starting point for DCTF discussions during their April 2014 meeting.

Consider flexibility in setting soft-shell delayed start dates outside of present 15-day increments.

Background: California's "soft-shell" delay of 15-day increments are set in statute and so do not allow flexibility if shorter delay increments are warranted based upon pre-season testing. This has been an issue in the past, forcing OR/WA to conform to the CA 15-day increments.

Option 1: Set a specific soft shell delay increment of less than 15 days in statute

Pros: Opportunity to align with OR/WA delay preferences of less than 15 days, and more fishing opportunities when 15-day increments is unnecessary. For example, 2005 season was delayed to Dec 31, even though crab were estimated to be ready on Dec 16, one day into next delay increment. Allows fishery to open closer to date when quality standard is met. May allow fishery to take advantage of late-Dec holiday market if delay is past mid-Dec.

Cons: Takes legislation, agreement among industry members may be contentious, and set increments, including the current 15-day increment, allows less flexibility in opening the season when quality standard is met. Gives less time for fishermen to prepare for opener.

Option 2: Change statute to allow Director to set soft shell delay period in concert with Tri-State process on an annual basis (i.e., open as soon as possible after coast wide quality standard is met).

Pros: Flexibility could allow consideration of markets/processing forces (e.g., holiday markets, price negotiations) as well as using test data in selecting an optimal opening date. Opens fishery when crab are ready, without waiting for pre-determined but, at times, arbitrary 15-day increment. May allow fishery to take advantage of late-Dec holiday market if delay is past Dec 15.

Cons: Variable days allow more chances for disagreements among states and industry members. Resolving these controversies may require added time for Department approvals, and noticing protocols may be delayed decision conferences by WA/OR/CA Department Directors will be more difficult to pre-schedule because mid-to-late December is a very difficult time to coordinate ad-hoc meetings/conferences for Department officials. Introduces another source of uncertainty in planning for season opener. Gives less time for fishermen to prepare for opener.

Option 3 – Status Quo

Pros: Some feel it has worked reasonably well thus far. Gives industry an opportunity to prepare for opener, especially when it is delayed.

Cons: Increments lack flexibility and may have delayed the season longer than was necessary. When delay is past Dec 15, results in loss of late-Dec holiday market.

Consider new season start date of later than Dec 1 north of District 10 (D10).

Background: Season was delayed in three (3) of the last nine (9) years with test data (2005 thru 2013). In 2010, under previous testing protocols the season opened Dec 1, but likely would not have under current testing protocols. This results in four (4) delays out of nine (9), or 44% of time, with three (3) of those in consecutive high volume years. All four (4) delays were until Jan 15 or Dec 31, so likely none of the delays would have been avoided with a permanent Dec 15 opener. However, a Dec 15 opener would have meant improved crab quality, despite not meeting test criteria and might avoid delays in the future.

Option 1: Specify a date in December (without option for delay)

Pros: Eliminates the uncertainty and loopholes associated with pre-season testing, including concerns about accuracy and availability of test results. Saves on cost and workload associated with conducting the testing. Provides certainty for industry, for marketing, and other business decisions. As an aside, testing could still be done for informational purposes leading to voluntary industry-led season delays. Would give “out of area” boats in D10 more fishing opportunity there every year (could be considered a “Con” for D10).

Cons: May delay fishing unnecessarily when crab are marketable and public is expecting the traditional Dec 1 opener. Would give “out of area” boats in D10 more fishing opportunity there every year (could be considered a “Pro” for “out of area” boats). Would result in opening on poor quality crab in some years. Would eliminate the current “fair start” penalty for D10 fishing, because no season delay is possible. However, other penalty options could be considered for boats moving out of D10 to fish northern areas.

Option 2: Specify a date prior to Jan 2 (with testing and option for delay)

Pros: May make some current testing unnecessary if testing can start later and might avoid some season delays. This may make testing more cost effective. Would give “out of area” boats in D10 more fishing opportunity in the area every year (could be a “Con” for D10).

Cons: Would give “out of area” boats in D10 more fishing opportunity there every year (could be a “Pro” for “out of area” boats). Loopholes in testing protocols still present.

Option 3: (provided by Crescent City fishermen): Jan 1 start date. Decide if one pre-season test prior to opening is necessary on or around Dec 27 to see if season needs to be further delayed until Jan 15 if crab come out lower than 25%

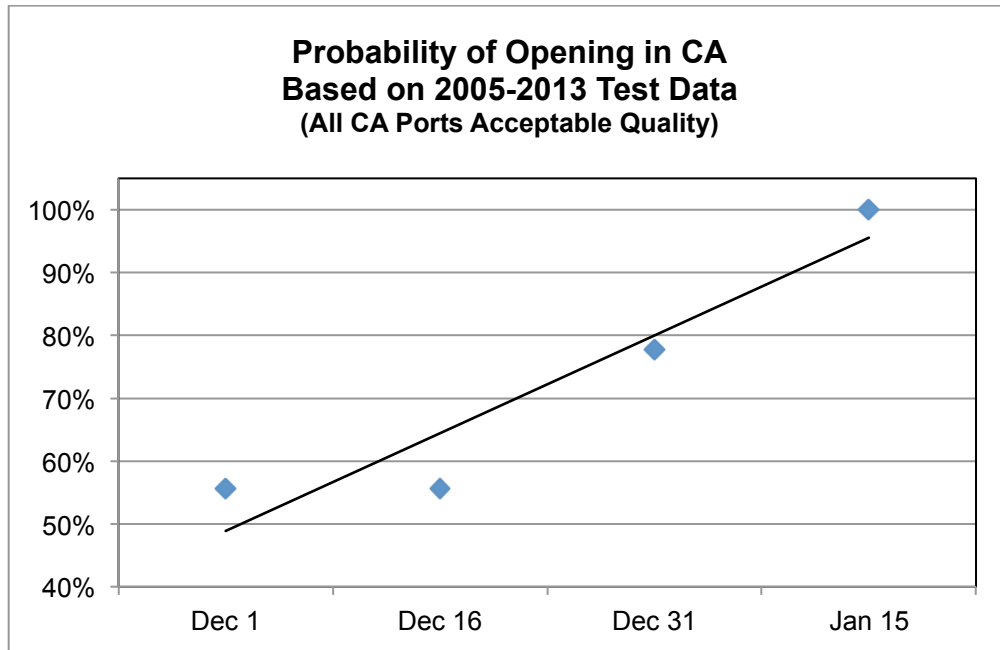
Pros: Would eliminate the need for multiple costly tests and loopholes in the protocol. Might increase crab price, based on experience with previous season delays into January.

Cons: Crab season north of Point Arena would always miss out on Dec holiday market. May or may not align with Tri-State representatives and other Northern area fishermen proposals. May have larger policy implications for CA's dealings with OR and WA.

Option 4: Status Quo

Pros: Testing data shows that crab are ready by Dec 1 the majority of seasons. Currently, the public expects a Dec 1 opener.

Cons: Testing is costly and time consuming and may be reduced in some years by a later opening. Loopholes in testing protocols still present.



Consider including District 10 (D10) in Tri-State.

Background: SB 369 mandates the DCTF to discuss “the positive and negative implications of including District 10 in the Tri-State agreement.” Presently, when the season is delayed due to “soft shell” issues in any part of the Tri-State coast north of D10, Tri-State fair start provisions apply to boats fishing the earlier openers north of D10. However, Washington Department of Fish and Wildlife (WDFW) regulations apply fair start provisions to their boats fishing north of D10 prior to WDFW northern zonal season openings in any year, regardless of soft shell conditions. CA regulations apply fair start penalties to boats fishing D10 in “soft shell” years if they fish northern openers.

Option 1: Open at the same time as northern California

Pros: D10 may not incur added effort prior to northern CA opening.

Cons: D10 would lose traditional Thanksgiving markets and potential economic advantage of an earlier opening. D10 would have to undergo pre-season testing and be subject to season soft shell delays.

Option 2: Keep Nov 15 opener but impose fair start penalty every year regardless of soft shell delay as condition of entry into Tri-State and pre-season testing.

Pros: Would require OR/WA to recognize D10 and would require OR/WA to impose fair start penalties every year, not just “soft shell” delayed years.

Cons: Could require soft shell testing and possible delayed openers in D10, which might lose Thanksgiving market in delayed years.

Option 3: Treat D10 as a separate unique fishery and require separate exclusive permit for D10, or require declaration of D10 fishing prior to each season.

Pros: Would eliminate the need for a fair-start penalty, because each vessel would decide which fishery to participate in prior to any testing, and could only participate in that fishery. Would reduce effort shift to D10 in most years. Would reduce crowding in D10 in most years. Creates more predictability for D10 fishery, and reduces industry focus on the decision to delay (or not) in northern fishery.

Cons: Would inhibit fleet flexibility in years when crab productivity was uneven across Districts. Would reduce fishing opportunity for those boats that traditionally participate in both D10 and northern fisheries.

Option 4: Status Quo

Pros: Some fishermen prefer a firm opener of Nov 15 that cannot be delayed, ensuring fresh crab for the Thanksgiving market.

Cons: Effort shift into D10 will continue as before with no plan for addressing the issue.

Consider a 72-hour pre-soak period to avoid a 12AM start time for pulling gear.

Background: Fish and Game Code section 8276.3 mandates a 64-hr pre-soak or 8AM start on dump day. In order to avoid a 12-midnight opener for safety reasons, a 72-hr pre-soak would mandate an 8AM opener.

Option 1: Change 12-midnight season opener to 8AM to match dump day start time of 8AM for safety and enforcement reasons.

Pros: Would align pre-soak and opening day times at a safer 8AM for all three states.

Cons: Takes legislation and has not been raised as an issue by CA fishermen or enforcement in the past.

Option 2: Status Quo

Pros: Season opener at 12-midnight on Dec 1 has been tradition.

Cons: Enforcement and safety could be improved with a later opening.

Consider recommending changes to the current Tri-State pre-season testing protocols.

Background: Almost every year there are contentious issues that arise during the test process, especially in years in which it appears the crab won't be ready by Dec 1.

Option 1: Open the season when one port is not able to test or is just below the criteria, while all other ports met the criteria.

Pros: Reduces inconsistencies in quality testing results. May be more cost effective in some years. Does not require legislation to change.

Cons: Does not directly address contentious issues that can arise during the test process.

Option 2: Consider chartering non-Dungeness crab permitted vessels and fishermen for pre-season testing.

Pros: A neutral party can carry out the testing which will improve the quality of data.

Cons: Could be very costly.