



## **~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 26-27, 2015 MEETING SUMMARY**

**NOTE: This is a DRAFT summary of the California Dungeness Crab Task Force's (DCTF) October 26-27, 2015 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/>**

#### **INTRODUCTION**

The purpose of this meeting summary is to:

- Provide a summary of discussions and outcomes from the October 26-27, 2015 DCTF meeting held in Ukiah, California; 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  
Geoff Bettencourt, Half Moon Bay, High Tier  
Tony Bettencourt, Alternate for Bill Carvalho, Crab Processor  
Bill Blue, Half Moon Bay South  
Tony Cannia, Alternate for John Yearwood, Fort Bragg, Low Tier  
Mike Cunningham, Eureka, High Tier  
Vince Doyle, Fort Bragg, High Tier  
Brett Fahning, Crescent City, High Tier  
Keith Gilmore, Alternate for Ron Blodgett, Fort Bragg, Low Tier  
Marc Gorelnik, Sport fishing  
Craig Goucher, Alternate for Mike Zamboni, Trinidad  
David Helliwell, Eureka, Low Tier  
Gerry Hemmingsen, Crescent City, High Tier  
Mark Horner, Crescent City, Low Tier  
Paul Johnson, Crab Processor  
Christy Juhasz, CA Dept. of Fish & Wildlife  
Chris Lawson, Bodega Bay, High Tier  
Carrie Pomeroy, CA Sea Grant  
Rick Powers, Alternate for  
Cpt. Steve Riske, CA Dept. of Fish & Wildlife  
Todd Whaley, Nonresident  
Jim Yarnall, Sport fishing

#### **ABSENT**

David Crabbe, Nongovernmental Organization  
Larry Collins, San Francisco, Low Tier  
Ricardo De Solenni, Crescent City, Low Tier  
Roger Thomas, Commercial Passenger Fishing Vessel

#### **DCTF ADMINISTRATIVE TEAM PRESENT**

Rachelle Fisher, Strategic Earth Consulting  
Kelly Sayce, Strategic Earth Consulting

#### **DCTF ADMINISTRATIVE TEAM ABSENT**

Valerie Termini, Ocean Protection Council



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**Day 1—Monday, October 26, 2015**  
**8:30am - 5:00pm**

1. *Welcome, introductions and agenda review*

Rachelle Fisher, member of the DCTF Administrative Team (Admin Team), welcomed everyone to the meeting. She introduced Kelly Sayce, Admin Team, and the meeting note taker Scott Benson. Ms. Fisher explained the meeting would be recorded (via hand-held voice recorder), and explained the recording would be erased after 30 days in accordance with the Bagley-Keene Open Meetings Act.<sup>1</sup> DCTF Members, Alternates, and members of the public introduced themselves. Ms. Fisher explained that Valerie Termini, Ocean Protection Council (OPC), and California Department of Fish and Wildlife (CDFW) License and Revenue Branch representatives were unable to attend the meeting. Ms. Fisher mentioned that Pete Kalvass, CDFW, would be arriving later in the day to discuss domoic acid and, therefore, the agenda may need to be adjusted to ensure Mr. Kalvass was present during that discussion.

Ms. Fisher advised the meeting agenda was full and would be managed efficiently so everyone would have an opportunity to participate and be heard on all issues. She asked the DCTF to use a solutions-based approach to topics and to participate openly and with respect for all Members. Ms. Fisher reviewed the DCTF ground rules and respectfully requested the public adhere to the same ground rules.

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. 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 walked through the agenda and explained that the purpose of the meeting was to address a number of issues currently facing the Dungeness crab fishery, including whale entanglements in Dungeness crab fishing gear, domoic acid concerns, a California lost fishing gear recovery program, the evaluation of the California commercial Dungeness crab trap limit program (trap limit program), long-term functioning of an organization to support the Dungeness crab fishery, and other current commercial regulations. The Admin Team stated that both straw polls and formal votes would be taken on issues discussed during the meeting. Voting structure of the DCTF was reviewed.

2. *Discussion of the outcomes and outputs generated by the Dungeness Crab Fishing Gear Working Group related to gear-whale interactions.*

Ms. Sayce explained that a Working Group comprised of commercial and recreational fishermen, representatives from environmental organizations, and representatives from federal and state agencies was convened by CDFW, OPC and the National Marine Fisheries Service (NMFS) to begin developing short-term strategies and explore long-term options to reduce the risk of whale entanglements in Dungeness crab fishing gear. Part of the Working Group's charge was to develop ideas and recommendations for consideration by the DCTF. She directed the DCTF to the [September 21, 2015](#) and [October 8, 2015](#) meeting summaries that detail the Working Group's activities, and explained that the Working Group's final recommendations from the October 8, 2015 meeting include:

1. Train fishermen as first responders to whale entanglements.

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<sup>1</sup> Note: Due to the delayed production of this meeting summary, the voice recording will be available 60 days following the meeting. Please contact [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com) for more information.



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2. Support establishment of a statewide lost fishing gear recovery program.
3. Improve data collection and enhance reporting (e.g., data loggers, data plotters, aerial surveys).
4. Design and implement pilot projects to investigate gear modifications.
5. Develop a best practices guide for crab fishermen.

Recommendations 1, 2, and 5 are already complete or underway. The first whale entanglement response team training was completed on October 20, 2015, which involved commercial fishermen in Half Moon Bay, San Francisco, and Bodega Bay. Implementation Teams have been developed by the Working Group to address recommendations 3 and 4. The Admin Team asked if the DCTF would like to respond to the recommendations of the Working Group.

DCTF Members were generally supportive of the Working Group and its recommendations, and expressed an interest in seeing the group continue to operate and provide updates to the DCTF on their progress. One Member who is also a Working Group participant mentioned that environmental groups, agencies, and others who are requesting action on the topic of whale entanglements are often not familiar with the onboard operations of a Dungeness crab fishing vessel. He went on to say that the Working Group served as a place where fishermen could share details about on the water operations to give important context to addressing the issue of whale entanglements. Another Member encouraged broad participation in the Working Group's pilot projects so that people with different levels of experience who use various gear-types could share their knowledge and inform the Working Group's efforts. Ms. Sayce noted the importance of building relationships and exchanging information through the Working Group activities. She invited Dungeness crab fishermen interested in participating in the Implementations Teams and/or pilot projects that the Working Group is undertaking to contact the Admin Team for more information.

CDFW commended the Working Group's efforts and expressed encouragement in seeing such a diverse group with disparate viewpoints and goals voluntarily working together to address this complex issue. CDFW will assist the Implementation Teams in obtaining the necessary permits to carry out the pilot projects. CDFW also commended the Working Group for agreeing to address the issue of whale entanglements as a collective Dungeness crab fleet rather than making a distinction between commercial vs. recreational interests.

Geoff Shester, Oceana and Working Group participant, stated that the whale entanglement effort had resulted in a very constructive experience, which was a different course than most of the environmental groups had initially expected. He mentioned that rather than the conservation community pushing for a specific outcome, the Working Group allowed an opportunity to ask questions to better understand the cause of the entanglements. It also has allowed fishermen to drive the solutions to help solve this issue. He voiced support for whale entanglement response trainings and for the DCTF to help support the Working Group's pilot projects. Oceana would like to be a partner in these efforts. He explained that since there is still so little known about the cause of the entanglements, Oceana is working with OPC, CDFW, and NMFS to gain additional data and information, which is anticipated to be an ongoing, long-term challenge to addressing the issue. Oceana is happy to be part of the Implementation Teams and hopes the Working Group will continue its efforts.

Members briefly discussed the type of information that would be useful to better understand the issue of whale entanglements. One Member stated that it would be helpful to know which rope type(s) (e.g. sinking versus floating line) are being recovered from entangled whales. He explained that understanding the ratio of the amount of line recovered from the whales relative to the quantity of each type sold by gear



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suppliers would be helpful. Another Member stated that he worked with NMFS to create a list of questions to ask fishermen when their gear is found on a whale. These questions were related to rope type, splices, etc. to better understand the different breaking strengths of different rope types, how to conduct a comparison among rope types, and the types of rope fishermen are using. He further explained that on the East Coast of the United States fishermen found rope orientation to be an important factor in reducing whale entanglements, which is why it is being investigated in California. He explained that the purpose of investigating various rope types is to gather more data from fishermen that can be used to look for patterns of entanglement (or if a whale was able to get untangled) related to rope type. A Member mentioned that sinking rope is more slippery and that rope characteristics such as this may cause certain rope types to entangle whales more readily.

One Member asked inquired whether the Working Group addressed disentanglement procedures. Another member responded it was briefly discussed by the Working Group and further discussed during the recent whale entanglement response network training. He explained that there are multiple levels of entanglement response and the Level 4 responders are interested in sitting down with fishermen to share experiential knowledge on how to improve disentanglement procedures by exploring different types of knives and alternative techniques. The Admin Team emphasized the importance of building relationships among fishermen, NMFS (the agency leading the trainings) and Level 4 responders. A DCTF Member asked whether future whale entanglement response trainings would be offered. The Admin Team acknowledged that fishermen from all ports are interested in receiving trainings and that NMFS and The Nature Conservancy are working on offering trainings in other ports. Various Members agreed that they would like a whale entanglement response training up and down the coast of California. Those Members who participated in the October 20 training stated that it was successful. A DCTF Member representing recreational interests stated that recreational fishermen would like to be a part of the whale entanglement response trainings. A DCTF Member stated that following the successful trainings in the southern ports, he would like to know if there are any fishermen interested in getting trained beyond Level 1. The Admin Team explained that individuals and ports can work with NMFS and decide how far they want to train. DCTF Members stated that they and their marketing associations could help publicize future trainings.

The Admin Team asked if DCTF Members would like to engage in the other efforts of the Working Group, including data collection efforts and testing gear types. One DCTF Member stated different gear types are being used regularly and crab fishermen are trying new gear and rigging set-ups all the time. He suggested that there is a need for better communication between the entanglement response teams and fishermen to understand which gear types are the problem. The Admin Team noted that the gear tests recommended by the Working Group would investigate how different gear types and set-ups play out in whale entanglements in a more organized, systematic way. One DCTF Member suggested that if fishermen are using different gear, they should participate in the gear modification pilot projects or share the information with the Implementation Teams. The Admin Team stated that if individuals would like to work with the Implementation Teams to test gear modifications or improved data collection tools, they could provide their name and contact information to the Admin Team who would then share their information directly with the Implementation Team leads.

Various DCTF Members asked what practices are in place in Oregon and Washington to minimize whale entanglements and collect better data, and inquired if there was an opportunity to coordinate with those states on these efforts. One Member stated that Oregon and Washington fishermen use logbooks and explained it will be important to understand whether the logbook data has been valuable in understanding whale entanglements before California considers logbooks. Another Member stated that handwritten logbooks are inefficient and require a lot of work for the agencies to digitize the information collected. He stated a better understanding of California's data needs and something digital (e.g. data loggers) would be



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more effective to getting California to understand the cause of whale entanglements. He questioned whether the typical data collected by logbooks (e.g. number of crabs per trap) would effectively address the questions related to whale entanglements. Another Member stated that since procedures in Oregon and Washington are already in use and are working, California should replicate those efforts. A DCTF Member noted that a lack of data was the biggest factor in addressing whale entanglements and stated there is a need for increased/improved data collection. He explained that once data is available, the DCTF and managers could make informed decisions about potential gear modifications.

Public comment was taken on the topic at hand.

- Jim Roberts, commercial fisherman- Stated that the program to reduce whale entanglements on the East Coast of the United States has been greatly ineffective.
- Geoff Shester, Oceana- Stated that data needs are the biggest piece of this discussion. He stated that NMFS identified two important data needs: 1) understanding the origin of entanglements including where the entanglement occurred, which fishery it occurred in, and which fisherman’s gear entangled the whale; 2) occurrence between where fishing is happening and where the whales are. The goal for the 2015-16 fishing season is not to answer those questions, but to investigate how to begin to address them, including understanding the cost of collecting the data and the value of the data considering the data gaps. The Working Group discussed the value of identifying ways to enhance data collection in 2015-16 so that the following season specific data collection tools could be put into practice. There are currently no recommendations for fleet-wide changes, only a discussion about how to collect the right information.
- Jim Roberts, commercial fisherman- Stated that out of 150,000 traps in California every year there are very few entanglements annually.

The Admin Team shared that they have been hearing concern from fishermen regarding the negative press related to the issue of whale entanglements that is directed at the fishing community. The Admin Team asked if the DCTF would like the Admin Team to develop a press release to describe the proactive steps the fishing community is taking to address this issue. The DCTF supported the Admin Team developing the press release and requested that it be released on November 9, 2015, but no later than three days prior to the November 15, 2015 commercial Dungeness crab opener.

**ACTION:** *Consideration and possible adoption of recommendations related to the Dungeness Crab Fishing Gear Working Group.*

**APPROVED:** The DCTF supports the recommendations and approaches recommended by the Dungeness Crab Fishing Gear Working Group, which is charged with developing short-term strategies and long-term options to reduce the risk of whale entanglements in Dungeness crab fishing gear beginning in the 2015-16 fishing season. The DCTF requests the Working Group also consider the following:

- Expand the entanglement response trainings to be coast-wide and include both recreational and commercial fishermen.
- Increase communication between fishermen and federal agencies heading up the whale entanglement response teams along the entire West Coast, as well as improve coordination along the entire west coast including Oregon, Washington, and Alaska on addressing whale entanglement concerns.

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



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

Thumbs up (19): Anderson, Atkinson, Bettencourt G., Bettencourt T., Blue, Cannia, Cunningham, Doyle, Fahning, Gilmore, Gorelnik, Goucher, Helliwell, Hemmingsen, Horner, Johnson, Lawson, Whaley, Yarnall

Thumbs sideways (0): None

Thumbs down (0): None

Abstain (0): None

Absent (3): Collins, De Solenni, Thomas

- 3. Update on the progress of 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, review of commercial trap limit program to-date including questions for evaluation, and addressing loopholes associated with replacement tags (both in-season and between seasons).*

Christy Juhasz, CDFW, and Carrie Pomeroy, California Sea Grant and ex officio DCTF Member, shared a [presentation regarding the Dungeness crab fishery](#), including fishery landings, commercial Dungeness crab trap limit program accounting, and other information relevant to the commercial Dungeness crab fishery. Ms. Juhasz and Dr. Pomeroy explained that the DCTF has been directed by the California Legislature to review and evaluate the trap limit program. They explained that although the current presentation is a form of an evaluation, there may be an opportunity to expand on it if the DCTF desires more information to inform their decision-making efforts or their review of the trap limit program. They directed the DCTF to a [handout](#), which listed a number of potential questions associated with seven key themes that could be addressed as part of an expanded evaluation of the trap limit program.

### **Trap Tags**

A DCTF Member expressed a concern about the potential abuses of between-season replacement tags. He stated that with the current 2-year tag, a fisherman could request a full replacement of all their tags between seasons resulting in the ability to fish double a permit holder's allocation. CDFW explained that an affidavit is required to verify the circumstances of tag loss for a permit holder to receive replacement tags. In circumstances where a full replacement was requested, CDFW investigated the circumstances of the "catastrophic loss." Although there have been complaints of fishermen using replacement tags to increase their trap numbers, there was no confirmation by CDFW Enforcement of this activity. Some Members stated they have witnessed fishermen throwing away their tags when they decide not to fish and requesting replacements the next year, or requesting replacements to avoid digging through their gear from the previous year. DCTF Members inquired how many replacement tags were requested for lost traps versus lost tags without gear loss. Members stated that the number of replacement tags is not reflective of the actual amount of lost gear since a trap may be retrieved without a tag.

The DCTF discussed potentially moving from a 2-year tag to a 1-year tag to reduce potential abuses. Members suggested working with CDFW License and Revenue Branch and CDFW Enforcement, as well as Oregon and Washington, to understand how best to design the 1-year tag system to be efficient and what the costs of a one-year would be. Various Members expressed it would be simpler to get new tags annually rather than digging through their pile(s) and identifying which tags are missing. Some Members also suggested that it might be most cost effective to keep the 2-year tag but require a renewal sticker on that tag between seasons. One Member suggested having ID chips in the tags and renewing them electronically. Members generally agreed that if tags were renewed annually instead of biannually, the cost of the tag should be less than \$5/tag. One Member stated that Oregon charges \$1/tag and would like



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to seen California closer to that amount. DCTF Members inquired what the cost difference would be between a 1-year tag and a 2-year tag.

Public comment was taken on the topic at hand.

- Jim Roberts, commercial fisherman- Expressed concern that 2-year tags cost \$5/tag and suggested CDFW reevaluate the cost structure to reduce the cost of the tag since it might be unnecessarily expensive.

### **In-Season Replacement Tags**

The DCTF discussed whether in-season replacement tags should be eliminated. A DCTF Member stated that Tier 7 fishermen depend on in-season replacement tags because losing very few traps represents a greater percentage of their allocation and can have large implications for their ability to catch crab. Other Members noted that some upper tier fishermen regularly ask for replacement of the full 10% of their trap allotment to increase the number of traps they can fish. One Member thought there seemed to be more abuses of between-season replacement tags than in-season replacement tags. Another Member stated that the need for in-season replacement tags if fishermen are mindful of and responsible with tracking their gear. He stated he does not fish his entire allotment at one time, so that he can have “backup” traps in case he loses a few. Additionally, eliminating in-season replacement tags will require individuals to be more careful with gear to avoid losing traps. A DCTF Member pointed out that people concerned by whale entanglements may link the number of in-season replacement tags with gear loss, even though it is not a realistic, and potentially over inflated, estimate of gear loss. This may be particularly true when permitholders request replacement tags simply to increase their allotment. Elimination of replacement tags could be a means to show the industry’s efforts in reducing the amount of lost and abandoned gear. Another Member pointed out that if there were no in-season replacement tags, fishermen would be more diligent about pulling their gear instead of leaving it behind. One fisherman stated that eliminating in-season replacement tags is not sufficient to reducing repeat offenders who habitually abandon gear. In those cases, issuing stronger violations for abandoned gear would be a more effective means of getting at the crux of the issue.

Public comment was taken on the topic at hand.

- Harrison Ibach, commercial fisherman- Stated that as a low-tier fisherman in-season replacement tags are useful for him, and questioned why anyone would want to eliminate in-season replacement tags.
- Nick Colazas, commercial fisherman- Expressed support for keeping in-season replacement tags and stated that even though he has 300 traps, losing 30 traps would be a large income loss.
- Jim Roberts, commercial fisherman- Stated that fishermen should not be allowed to get a replacement tag for stuck gear since the tag can be retrieved from that trap.

The Admin Team suggested taking a straw poll to assess the level of agreement regarding elimination of in-season replacement tags. Support shown through a straw poll does not reflect adoption of an idea.

*Straw Poll- Eliminate the in-season replacement tags (2 up; 8 sideways; 6 down; 5 abstain)- Fail*

### **Trap Limit Accounting**

Various Members noted there is a large surplus of money (approximately \$1.8 million) resulting from revenue generated by the trap limit program. CDFW explained the surplus would decrease (to approximately \$1.4 million) over the next few months as final accounting for the 2015-16 season is



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conducted for CDFW Enforcement, appeals, and other program costs. A Member asked about the breakdown of CDFW Enforcement costs. CDFW stated the main costs are associated with surveillance by aircraft and watercraft.

Various Members pointed that the \$1,000 biannual permit fee was meant to be a one-time cost to get the trap limit program started and should not have been included in the cost structure of the program indefinitely. Various Members agreed that due to the large surplus of the trap limit program, there should be a discussion about the necessity of the \$1,000 biannual permit fee to run the program. The Admin Team stated the DCTF was welcome to recommend eliminating the biannual permit fee to reduce the cost of the program, and/or to discuss how the surplus funds could be used to support other projects supported by the industry (e.g., lost gear recover program).

Public comment was taken on the topic at hand.

- Jim Roberts, commercial fisherman- Expressed concern that the commercial trap limit program surplus would be used for CDFW costs not related to the trap limit program if the fiscal allotments of the program remain unchanged.

Members continued discussing how to address the trap limit program surplus and potentially reduce the cost of the program to fishermen. A Member stated that while the surplus funds could be used to improve the fishery, waiting another revenue cycle to decide what to do with it would allow the surplus to grow higher and potentially put the funds at risk of being inappropriately spent. Another Member stated the \$1,000 biannual permit fee should be eliminated immediately since it was only intended to be a one-time fee. One Member suggested using the surplus funds to support the lost gear recovery program. Other Members believed it was inappropriate to fund the lost gear recovery program with commercial trap limit program funds and those who lose or abandon gear should fund the lost gear recovery program. The Admin Team informed the DCTF that using the surplus money for something other than the trap limit program would require legislative change.

The DCTF discussed a motion to eliminate the \$1,000 biannual permit fee. CDFW and the Admin Team noted that if a recommendation were made to eliminate the \$1,000 biannual permit fee today, the recommendation would have to go through both a legislative and Title 14 rule making process and a feasibility assessment, which would take at least one year to complete. One Member suggested a recommendation that if the process to eliminate the \$1,000 biannual permit fee could not be completed by March 2017, the \$1,000 biannual permit fee would be refunded to each permit holder.

A straw poll was used to assess the level of agreement regarding the \$1,000 biannual permit fee. Support shown through a straw poll does not reflect adoption of an idea.

*Straw poll: The DCTF recommends eliminating the \$1,000 biannual trap limit permit fee as a result of CDFW accounting indicating a large surplus of funds remaining in the Dungeness crab account. The fees will be refunded to fishermen if the regulatory process does not repeal these fees before March 2017. (9 up; 8 sideways; 0 down; 5 abstain)- Pass*

One DCTF Member suggested reducing the \$1,000 biannual permit fee to \$1 since it would create the ability to increase the fee more easily in the future. The Admin Team urged the DCTF to consider the amount of work it takes to change these fees through a regulatory process and that modifying the fee structure multiple times may not be the most efficient use of state resources. A couple DCTF Members suggested modifying the straw poll to say that the fee should be reduced, not eliminated, so that the funds can be used to support the DCTF and other potential initiatives. They requested more accounting to





understand the needs of CDFW to run the commercial trap limit program (i.e. if the program could be supported solely by trap tag fees) and the DCTF in the long-term. Additionally, a better understanding of how much a 1-year tag would cost would also be valuable to understanding how the \$1,000 biannual permit fee should be adjusted. The DCTF agreed that DCTF Executive Committee address the issue before the full DCTF makes a formal recommendation.

### **Continued Discussion on the Evaluation of the Trap Limit Program**

The DCTF discussed whether there was a need to go beyond the current presentation/evaluation to more thoroughly evaluate the commercial trap limit program. Dr. Pomeroy stated that the evaluation of the trap limit program could also include assessment of other DCTF initiatives, such as the whale entanglement issue. The DCTF discussed the complexity associated with interpreting the related data related to the commercial Dungeness crab fishery and trap limit program, and shared their experiences and observations of the implementation of the trap limit program thus far.

DCTF Members asked how many traps are actually being fished, since some vessels do not fish their total allocation. This kind of data would be useful in determining the actual effort in the fishery as opposed to the maximum amount of potential effort. One Member observed that Tier 6 vessels fished fewer traps prior to the implementation of the trap limit program, and now fish closer to their full allotment. He noted the reverse is true for Tier 1 boats, which reduced the number of traps they fished to meet the requirement of the trap limit program. Various Members agreed there are now more traps in the water belonging to Tier 6 boats, and landings historically associated with Tier 1 boats are shifting toward Tier 6 boats. One Member explained the trap limit program was increasing efficiency in the fishery, resulting in higher contributions by smaller boats. Ms. Juhasz and Dr. Pomeroy indicated these observations are helpful in interpreting the data, which can be presented in different ways to improve interpretation and better describe the changes being observed in the fishery.

One Member stated a buyback of unused trap tags to create incentives for fishermen to use fewer traps would be useful. This would type of program would also provide a better estimate of actual fishing effort. Members were interested to know about the distribution of traps by vessels, specifically those vessels that travel between management areas. One Member requested data associated with the number of Dungeness crab permitted vessels that were sponsored since increasing a vessel size can be a measure of increased effort. Ms. Juhasz, Dr. Pomeroy, and the Admin Team stated they would look into whether this sort of data was available to include in next year's presentation.

Various Members stated it's clear that the trap limit program successfully ended the "arms race" in the fishery by capping the number of traps allowed in the fishery. However, in order to better understand the change in fishing effort, several Members agreed it would be useful to know how many traps were fished prior to implementation of the commercial trap limit program. One Member suggested a survey of fishermen would help get that information. A few Members stated there were informal efforts to determine the number of traps fished by local fishermen prior to the trap limit program. However, the DCTF was unable to recall where those estimates were recorded. Other Members felt that efforts should not be directed at estimating effort levels prior to the trap limit program, noting that its main purpose was to end the arms race and it had achieved that purpose. Members agreed the current evaluation was sufficient and there would be value in Ms. Juhasz, Dr. Pomeroy, and the Admin Team presenting similar reporting and data at future DCTF meetings.

Dr. Pomeroy asked the DCTF if drafts of ongoing evaluations could be shared with the DCTF before finalizing and sending it to the Legislature. The DCTF agreed that the Executive Committee could review drafts of the evaluation before it is shared with the full DCTF. Additionally, Ms. Juhasz, Dr. Pomeroy,



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and the Admin Team can periodically check in with the DCTF before sharing a final evaluation at the last DCTF meeting in October 2016.

Public comment was taken on issues relating to the trap limit program.

- Jim Roberts, commercial fisherman- Stated that someone needs to clean up the fishing laws to reduce confusion and redundancy. He also expressed confusion on whether the law permitted fishermen to retrieve up to six tagged or untagged traps per trip.
  - CDFW clarified that the Title 14 regulations allow retrieval of six tagged or untagged traps per trip.

**ACTION:** *Consideration and possible adoption of recommendation(s) related to the Dungeness crab commercial trap limit program including, but not limited to, future data needs, monitoring and evaluation of the commercial Dungeness crab trap limit program, and the need for replacement tags in-season and between seasons.*

**APPROVED:** The DCTF recommends reducing/reevaluating the \$1,000 biannual crab trap limit permit fee as a result of CDFW accounting indicating a large surplus of funds collected from the California commercial Dungeness crab trap limit program as established by Fish and Game Code Section 8276.5.<sup>2</sup>

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	3	0	0	5

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

Thumbs up (14): Anderson, Atkinson, Bettencourt G., Blue, Cannia, Cunningham, Doyle, Fahning, Gilmore, Goucher, Hemmingsen, Horner, Lawson, Whaley,

Thumbs sideways (3): Bettencourt T., Helliwell, Yarnall

Thumbs down (0): None

Abstain (0): None

Absent (5): Collins, De Solenni, Gorelnik, Johnson, Thomas

4. *Updates from the California Department of Fish and Wildlife on topics including, but not limited to, domoic acid and pre-season crab quality testing.*

Peter Kalvass, CDFW, [shared information on the results of domoic acid testing](#) of California Dungeness crab that was conducted between September 11-October 19, 2015 in Crescent City, Trinidad, Eureka, Bodega Bay, and Half Moon Bay. He stated the results indicate that California crabs have exceeded alert thresholds identified by the California Department of Public Health (CDPH) in both the crab meat and viscera (“crab butter”). He explained CDPH tests the crabs and issues the advisories while CDFW acts as the facilitator to provide crab samples to the state laboratory. Mr. Kalvass explained the current situation is unprecedented and it is unclear if the commercial and recreational fisheries will be delayed. He also stated it is unclear what regulatory pathways would need to be investigated should there continue to be a public health issue and the season be delayed. CDPH will make a recommendation on how to address this issue and the Director of CDFW will respond shortly thereafter.

<sup>2</sup> Note: This vote was taken on Day 2 however it is captured on Day 1 to enhance the flow of this meeting summary. All DCTF discussions related to this agenda topic are included in the Day 1 summary.



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A DCTF Member asked how long it takes for crabs to metabolize domoic acid and return to safe levels. CDFW explained that it might take a few months for crabs to purge the domoic acid in their tissues depending on what they are eating. If Dungeness crabs are eating organisms that are high in domoic acid (e.g. razor clam siphons) the toxin will bioaccumulate and take longer to metabolize. A DCTF Member asked how domoic acid entered the meat from the viscera and if cooking the crab would have an impact on domoic acid levels. CDFW explained that CDPH conducts tests on cooked crab similar to the way processors prepare crab. It is unclear how the toxin gets from the viscera to the meat, but legs and body meat can be tested to determine the amount of domoic acid in the meat.

The DCTF discussed what future test results could be and the impact that would have on the commercial and recreational season openers. One Member stated there is no precedent set for how to address this issue and how the state should respond to high levels of domoic acid. One DCTF Member asked if there was a need for the Dungeness crab fleet to advise CDFW on next steps. CDFW explained the Director of CDFW would likely ask for input from the industry, both fishing and processing, but that CDFW Enforcement will also have a large say on how a fishery will be delayed and opened. CDFW stated the DCTF could be extremely helpful in helping to coordinate fishermen to help collect samples. Various DCTF Members expressed support for delaying the fishery until crabs are safe to eat, but stated concern about the number of variables and uncertainties of the situation. One Member recommended that the recreational fishery be closed by management area (i.e., north or south of the Mendocino/Sonoma County line) for public safety. Another Member recommended closing the commercial fishery statewide to prevent effort shifts that could put too much fishing pressure on open areas. One Member pointed out that management area closures would allow some people to fish if domoic acid levels decreased at different rates along the coast. One Member asked how a fishery delay would be communicated to the fleet and requested CDFW make every effort possible to keep fishermen informed of the outcomes of testing and season openers.

Questions were asked whether the recreational fishery would be closed or how the recreational fishery would open if it were delayed. If the state is unable to close the recreational fishery, a Member stated that it would be very important to get the word out to recreational anglers that crabs are not safe to eat. He expressed that the sampling locations and depths for commercial crab may not be representative of the harvesting of recreational crab since fishing is conducted in different areas and may yield different domoic acid results. A DCTF Member representing recreational fishing expressed support for the recreational fishery to be opened by management area, rather than statewide.

DCTF Members discussed the process for testing crabs. Various DCTF Members expressed a desire to have a fixed testing schedule, ideally weekly, until domoic acid levels had decreased to safe levels. CDFW noted that the frequency of testing was dependent on the capacity of the CDPH laboratory. A DCTF Member inquired whether other labs could be used to increase capacity. CDFW responded that CDPH is responsible for deciding which laboratories should be used to process the crab samples. Members discussed whether domoic acid testing could be coupled with regular pre-season crab quality testing performed under the Tri-State MOU, which would provide a framework for delaying and opening the fishery. CDFW explained that pre-season crab quality testing was a separate issue and domoic acid requires an independent sampling schedule. A Member asked if quality tests will be performed while crab continues to yield high levels of domoic acid. CDFW noted the quality testing protocol and schedule is established under the Tri-State MOU, which does not include a clause for conditions such as high domoic acid levels. A Member pointed out that with high levels of domoic acid, crab meat taken during quality testing could not be sold to pay for the testing as it normally is. CDFW stated there are surplus funds from



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quality testing that could be used to cover this year's crab quality testing costs in the event the crab could not be sold.

Various DCTF Members stated the issue should be addressed similar to a crab quality delay in which 30-day fair-start clauses would be employed and crabs are sampled every 15 days. One Member stated that the fishery should be delayed by management area, while other Members expressed support for a delaying and opening the fishery statewide. Another Member agreed and stated if a management area is not cleaning up, it will be important to not continue to delay the clean areas. Various Members stated that domoic acid should be treated like a quality issue. However, CDFW indicated domoic acid is a health and safety issue, not a quality issue. Members asked if 30-day fair-start clauses would "kick in" if the California fishery was delayed and the Oregon and Washington fisheries began before California. CDFW explained that it was unclear at this time, but the issue is currently being viewed as a public health issue, not a quality issue, which may be subject to different regulations. Various Members expressed support for fair start regulations if the fishery is delayed.

The DCTF discussed options for opening the fishery. One Member stated that it will be important to think about how to open the fishery so the start of the season is orderly. Some Members suggested that if the recreational fishery is also delayed, the commercial presoak should be permitted one week after the recreational opener. Some Members suggested opening within two-week windows, so the season would open on either the 1<sup>st</sup> or 15<sup>th</sup> of a given month. As soon as domoic acid levels are at safe levels, the season would be set to open on the 15<sup>th</sup> of that month or the 1<sup>st</sup> of the next month, depending on when test results came out.

The DCTF agreed there are a number of unknowns associated with this topic and that the Executive Committee should continue to engage with CDFW on the issue of domoic acid. The Admin Team agreed to convene an emergency Executive Committee meeting following the outcomes of the next round of crab quality testing.

Public comment was taken on the topic of domoic acid and fishery closures.

- Hugh Link, Oregon Dungeness Crab Commission- Stated that Oregon is also very concerned about the issue of high domoic acid in Dungeness crab and has taken steps to test the crabs in the state. He expressed concern about allowing the recreational fishery to proceed and the impacts that could have on the commercial market if a recreational fishermen gets sick from eating Dungeness crab. He further stated that Tri-State should be involved in this discussion.
- Jim Roberts, commercial fisherman- Noted Oregon could open before California and asked whether a 30-day fair start would be implemented for those fishing in Oregon before the California opener.
  - The Admin Team explained that the answer to this question is currently unclear.
- Don Bishop, fisherman- Suggested omitting the recreational fishery from any DCTF recommendation and closures, noting that many people are ready to fish the November 7 opener.
- Hugh Link, Oregon Dungeness Crab Commission- Stated there is no provision in the Tri-State Agreement for domoic acid, and this topic differs from crab quality.

**ACTION:** *Consideration and possible adoption of recommendation(s) related to the Dungeness crab commercial trap limit program including, but not limited to, future data needs, monitoring and evaluation of the commercial Dungeness crab trap limit program, and the need for replacement tags in-season and between seasons.*



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**NOT APPROVED:** In this year of unprecedented, high domoic acid levels, if Dungeness crabs continue to have high levels of domoic acid in any management area (i.e. north and south of Point Arena), the DCTF recommends:

- The management areas south of Point Arena participate in testing for domoic acid during the 2015-16 fishing season.
- Sport and commercial Dungeness crab fisheries in both management areas should delay until the crabs are “clean” (as per the Department of Public Health guidelines).
- To open the Dungeness crab fishery, the DCTF recommends the following:
  - The recreational fishery should open by management area as soon as the “all clear” is received from Department of Public Health.
  - The commercial fishery presoak will be permitted by management area one week after the recreational opener.
    - If the management area south of Point Arena is delayed past November 15, a 30-day fair-start clause will be employed for those fishing outside the area prior to the opener. If the management area north of Point Arena is delayed past December 1, a 30-day fair-start clause will be employed for those fishing outside the area prior to the opener.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
6	8	5	0	3

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

Thumbs up (6): Anderson, Bettencourt G., Blue, Gilmore, Helliwell, Lawson,

Thumbs sideways (8): Atkinson, Cunningham, Fahning, Gorelnik, Goucher, Hemmingsen, Horner, Yarnall

Thumbs down (5): Bettencourt T., Cannia, Doyle, Johnson, Whaley

Abstain (0): None

Absent (3): Collins, De Solenni, Thomas

5. *Discussion of the design, funding, and implementation of a California lost fishing gear recovery program that works in cooperation with the California Department of Fish and Wildlife. The DCTF may respond to the ideas generated by the DCTF Executive Committee at their [September 2, 2015 meeting](#).*

Ms. Fisher explained that at the [October 2014 DCTF meeting](#), the DCTF identified a lost fishing gear recovery program that can be fiscally sustainable in the long-term as a priority. A recommendation to this effect was included in the [January 2015 report](#) to the Legislature, CDFW, and Fish and Game Commission. Since October 2014, there have been multiple Executive Committee calls to further flesh out the framework for this program. From those conversations, two potential models have been developed: [the California model and the Oregon/Washington model](#). During the [September 2, 2015 Executive Committee meeting](#), the Executive Committee expressed general support for the Oregon/Washington model, but expressed a few concerns about the program. These concerns include the effectiveness of the program to remove stuck gear, allowing first right-of-refusal to the original gear owner, and potential for only functional gear to be removed (i.e., not recovering junk gear). The Admin Team asked the DCTF to consider the Executive Committee’s recommendation and to consider what would be the easiest and most effective program to implement.



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The DCTF discussed the voluntary program that is currently in place and being managed by the SeaDoc Society and two options currently in discussion for a permanent, mandatory program. One DCTF Member expressed support for the Oregon/Washington model since it would be easy to implement. He expressed that the California model would be more effective, but that it needed to be fine-tuned before it was implemented. Various Members stressed the importance of having some lost gear recovery program in place in the near-term, and fine-tuning it as the program was implemented. Some Members expressed support for the Oregon program stating that it makes fishermen responsible for their own gear due to the simplicity and proven effectiveness of the program. One Member asked what the incentive for fishermen is to pull traps in the Oregon/Washington model. Others responded the trap would change ownership and they could either keep the trap or sell it. Various Members stated the importance of implementing a lost gear recovery program immediately in light of the whale entanglement issue and the large amount of gear in the water year round.

Public comment was taken on the topic of lost gear recovery.

- Jennifer Renzullo, SeaDoc Society- Stated that Oregon fishermen often sell the gear they collect from their program.
- Hugh Link, Oregon Dungeness Crab Commission- Explained that Oregon's program operates both in and out of the commercial fishing season. He explained how the program worked and that the intent of the in-season trap recovery program was to help create incentives for stuck traps. He stated the voluntary program preceding the current gear recovery program was ineffective at removing gear since people could simply pay to get their traps back. Oregon used a stepped process to implement and fine-tune their gear recovery program. An important goal of the program was to hold fishermen accountable for recovering their own gear.

The DCTF asked Mr. Link for clarifications on the Oregon program. One Member expressed concern for implementing Oregon's in-season program since it could open the door for people to fish outside their trap allocation. CDFW agreed and explained that an in-season would be complicated to enforce and conflicts with current regulations that prevent tampering with other people's gear. One DCTF Member stated the current provision allowing six derelict or unmarked traps per vessel is a good way to clean up the ocean during the season if individuals would pull lost gear as they see it during the season. Another DCTF Member stated that there are not sufficient incentives in place to encourage fishermen to recovery those six traps during the season. Due to the complexity associated with an in-season program, the Admin Team suggested the DCTF focus on developing a post-season recovery program at this time. Various DCTF Members agreed stating that it would be difficult to clearly ascertain who had finished fishing and it could invite trap-tampering issues.

One DCTF Member expressed support for the [current program underway by SeaDoc Society](#). The Admin Team explained that the industry could continue with that program, but to make this model permanent and mandatory, it would require legislation. The DCTF discussed the timeline for changing legislation to implement a program. One DCTF Member stated that to ensure the success of the California model, CDFW would need to be responsible for coordinating the program and demanding payment from fishermen who have their lost gear recovered. CDFW Enforcement explained they did not have the means to store traps and were not interested in being responsible for the liability of the recovered gear.

A DCTF Member asked what current property rights are for traps left in California waters following the commercial fishing season. CDFW explained that, unlike Oregon and Washington, in California the original owner retains property rights once a trap is recovered. DCTF Members stated that to change property rights and adopt the Oregon/Washington model, legislation would be required, which could take



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up to two years. Various DCTF Members inquired as to how to design the lost gear recovery program to help CDFW build a case against repeat offenders.

DCTF Members stated they would continue to think about options for a lost fishing gear recovery program and revisit the discussion on Day 2.

### 6. *General Public Comment*

No members of the public provided comments on non-agenda items.

7. The Admin Team adjourned the meeting at approximately 5:00pm

### **Day 2—Tuesday, October 27, 2015**

**8:00am - 2:00pm**

#### ATTENDEES

Jim Anderson, Half Moon Bay, Low Tier  
John Atkinson, Jr., San Francisco, High Tier  
Geoff Bettencourt, Half Moon Bay, High Tier  
Tony Bettencourt, Alternate for Bill Carvalho, Crab Processor  
Bill Blue, Half Moon Bay South  
Tony Cannia, Alternate for John Yearwood, Fort Bragg, Low Tier  
Mike Cunningham, Eureka, High Tier  
Vince Doyle, Fort Bragg, High Tier  
Brett Fahning, Crescent City, High Tier  
Keith Gilmore, Alternate for Ron Blodgett, Fort Bragg, Low Tier  
Marc Gorelnik, Sport fishing  
Craig Goucher, Alternate for Mike Zamboni, Trinidad  
David Helliwell, Eureka, Low Tier  
Gerry Hemmingsen, Crescent City, High Tier  
Mark Horner, Crescent City, Low Tier  
Paul Johnson, Crab Processor  
Christy Juhasz, CA Dept. of Fish & Wildlife  
Chris Lawson, Bodega Bay, High Tier  
Carrie Pomeroy, CA Sea Grant  
Rick Powers, Alternate for  
Cpt. Steve Riske, CA Dept. of Fish & Wildlife  
Todd Whaley, Nonresident  
Jim Yarnall, Sport fishing

#### ABSENT

David Crabbe, Nongovernmental Organization  
Larry Collins, San Francisco, Low Tier  
Ricardo De Solenni, Crescent City, Low Tier  
Roger Thomas, Commercial Passenger Fishing Vessel

#### DCTF ADMINISTRATIVE TEAM PRESENT

Rachelle Fisher, Strategic Earth Consulting  
Kelly Sayce, Strategic Earth Consulting

#### DCTF ADMINISTRATIVE TEAM ABSENT

Valerie Termini, Ocean Protection Council



8. *Welcome and recap of Day 1*

The Admin Team gave a recap of the events from Day 1, including the results of the votes and straw polls taken on Day 1. DCTF Members and members of the public were reminded to sign up to participate on the Dungeness Crab Fishing Gear Working Group's Implementation Teams. The agenda topics to be covered on Day 2 include continued conversations about the lost fishing gear recovery program, the long-term functioning of the DCTF, and a discussion of the 96-hour rule<sup>3</sup>.

9. *Continued discussion of the design, funding, and implementation of a California lost fishing gear recovery program that works in cooperation with the California Department of Fish and Wildlife.*

The Admin Team recapped the discussion from Day 1 regarding the lost fishing gear recovery program and asked the DCTF how they would like to proceed with the discussion.

One DCTF Member stated that the DCTF should come up with some legislative language associated with one of the models (either the California model or the Oregon/Washington model) that is specific enough to establish a framework for the lost trap recovery program as legislation, but sufficiently vague so the details of the program can be fine-tuned outside the legislative process. He stated that many of the regulations associated with the lost gear recovery program should live in the Title 14 regulations as opposed to the Fish and Game Code, which would allow adjustments to the program to be made more easily. CDFW identified this type of approach was used to establish the commercial Dungeness crab trap limit program. Generally speaking, legislation can take up to two years to be put into law, while Title 14 regulations can take up to a year or less. The Admin Team acknowledged that based on the two models currently being discussed, legislation may be required to either change property rights (i.e., Oregon/Washington model) or allow the impound of gear (i.e., California model).

A DCTF Member offered a new proposal for the DCTF's consideration. He explained that a shortcoming of the California model is there is no incentive or requirement for fishermen to pick up their own gear, which is confirmed by individuals who believe they can simply pay someone to recover their gear. He explained the fishing community needs CDFW to participate in the program so it has some "teeth", and went on to identify examples where CDFW Enforcement does confiscate and store gear. He outlined a new lost fishing gear recovery proposal:

- *A fisherman must obtain a permit to retrieve lost gear after season ends.*
- *Retrieval period begins 10 days after the close of the season through Sept 30.*
- *Retrieved gear must be delivered to a CDFW impound yard by retrieval boat/crew.*
- *Owner of retrieved gear will pay fees.*
  - *Fees paid to retrieval boat: \$75/trap; \$25/buoy and line when no trap is recovered (especially when an attempt to pump a trap is failed).*
  - *Fees paid to CDFW for impound costs: \$25/trap; \$15/buoy and line when no trap is recovered.*
  - *Additional fees to consider (e.g., scrapping, etc.)?*
- *Owner notified after gear impounded.*
  - *CDFW holds gear for 60 days, then it will be sold or scrapped.*
  - *Owners are responsible for retrieval, impound, and disposal fees even if they do not get their gear back.*
- *Retrieval fees must be paid before permit renewal.*

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<sup>3</sup> Fish and Game Code Section 9004





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- *If an owner does not pay for his/her traps, s/he cannot renew their commercial permit.*
- *The fishing industry does not tolerate strings of gear in the ocean after season closes. Citations may be issued on top of fees for recovery of gear.*
  - *CDFW will be present as an observer on retrieval boats to issue violations and help build cases.*
- *This program is a successful way to retrieve traps from ocean- there will be less stray gear because owners take it upon themselves to remove to avoid possible fees/penalties.*

The DCTF discussed the issue of lost vs. abandoned gear. DCTF Members stated the lost fishing gear recovery program must be a collaborative effort between the fishing community and CDFW Enforcement in order to be effective. This could help CDFW Enforcement discover abandoned strings of gear and/or identify repeat offenders who leave gear in the water after the season is closed. CDFW expressed support for fishermen to coordinate with CDFW Enforcement in locating and retrieving lost and abandoned gear since CDFW does not have the resources to pull all such gear. However, an Enforcement Officer must be present at the time the gear was pulled to make a criminal case.

One DCTF Member stated that violations should be issued for those who leave strings of gear in the water (i.e., abandoned gear). The Admin Team suggested the DCTF define what constitutes a “string” to help a judge rule appropriately. A DCTF Member stated CDFW already has the authority to issue violations for gear left after the season, and a statement/recommendation could be made in support of CDFW exercising this authority. Members generally agreed CDFW should issue citations for those with large amounts of gear left in the ocean after the season. One DCTF Member asked about the goal of the lost gear recovery program: is it to get gear out of the water or to make a criminal case? He expressed support for a program that focuses on getting gear out of the water, and indicated repeat offenders may be adequately deterred by the newly proposed model (i.e., requiring people to pay fees civilly, potential to lose recovered gear if not picked up within a specific time).

The DCTF discussed the effectiveness of the Oregon/Washington model vs. the California model and the new proposal. Members in favor of the Oregon/Washington model highlighted its simplicity, effectiveness, and minimal burden on wardens. Some Members questioned the Oregon/Washington model’s effectiveness in recovering gear (especially stuck gear) as well as the California model and the new proposal’s fairness particularly in poor weather years. One Member stated he was not in support of Oregon’s in-season lost fishing gear recovery program. Various Members expressed support for the new proposal. One DCTF Member expressed concern that the new proposal places too much financial strain since all fishermen are bound to lose 1-2 traps every year. Another Member stated fishermen would continue picking up stray traps during the season and give it back to the owner free of charge. He further stated that new proposal’s framework is particularly intended to discourage those who leave large amounts of gear at the end of the season. One DCTF Member stated that the new proposal held fishermen accountable for their own gear. The Admin Team explained that whatever program is adopted by California can be evaluated specific to goals identified by the DCTF and updated accordingly.

The DCTF discussed pumping stuck gear. One DCTF Member stated there is no data on how effective the Oregon program is since they do not pump gear. The Admin Team clarified that a recent conversation with Oregon’s Department of Fish and Wildlife indicates that gear is pumped in Oregon. One DCTF Member explained that the primary incentive for pulling gear is financial. Many fishermen are not willing to pump gear for any amount of money since it is so difficult/time consuming. Penalties are likely the most effective incentives to discourage abandoning gear, particularly if a fisherman cannot renew their



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permit until all fees indicated in the new model (e.g. fees to boat for recovering trap, fees to CDFW for storing and returning gear) are paid. Various DCTF Members agreed.

DCTF Members briefly discussed the fee structure. A couple Members agreed the fees will likely be between \$65-\$150/trap. The Admin Team suggested in the interest of time the DCTF focus more on the framework of the program rather than the fee structure.

One DCTF Member representing sport interests suggested recreational traps also incur fees/penalties if they are recovered. Various DCTF Members supported this suggestion and indicated that recreational traps are often recovered in the current program. Another DCTF Member representing sport interests stated that any recreational lost gear recovery program should be left out of the DCTF's recommendation since it will need to go to the Fish and Game Commission, not the legislature. DCTF Members agreed to not include recreational gear in any lost fishing gear recovery program at this time.

DCTF Members wordsmithed the new proposal to make it appropriate for the Legislature. Based on lessons learned from the commercial trap limit program, the DCTF agreed to develop a general framework appropriate for the Legislature and then include the program details in Title 14 regulations. There was also general agreement that the Legislature and CDFW should work with the DCTF to further flesh out the details of the lost fishing gear recovery program, as was done during the development of the trap limit program.

Public comment was taken on the topic of lost gear recovery.

- Jim Roberts, commercial fisherman- Expressed support for the programs in Oregon and Washington and stated that it works well. He also expressed support for Oregon's in-season program.
- Jennifer Renzullo, SeaDoc Society- Explained there is a difference of scale between the California fishery and those in Oregon and Washington. She explained that California is likely dealing with thousands of traps, not hundreds, that need to be recovered and there will likely be a glut of traps. She explained that finding storage for traps has never been a problem since ports have always been willing to be helpful.
  - A DCTF Member stated that storage of traps has been a logistical problem in some places, but the program has been successful.

A DCTF Member expressed concern documenting the amount of lost gear recovered and how the public could perceive this. Another Member stated that the public will likely view the gear recovery program positively, so there should be no hesitation in reporting the numbers of recovered traps. The Admin Team asked if the data collected from the lost gear recovery program could be used to address issues such as whale entanglements. A DCTF Member agreed and expressed support for the collection of the data, but issued caution for how that data is shared. One DCTF Member stated data can be misconstrued, but there is an opportunity for the DCTF's evaluation (that was discussed on Day 1) to provide the context to the data and tell an accurate and clear story.

Public comment was taken on the topic of lost gear recovery.

- Hugh Link, Oregon Dungeness Crab Commission- Suggested California look into Fishermen's for Energy to haul away derelict gear and use it for energy. It is a positive story. He further explained that when they were initially designing the program in Oregon, they put a simple framework in the Legislature. Then, the Department of Fish and Wildlife worked with the industry to further refine the program.



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- Jennifer Renzullo, SeaDoc Society- Explained that National Fish and Wildlife Foundation Fishing For Energy program, the same program referenced by Mr. Link, funded the California lost fishing gear recovery program last year. Since the program does not have facilities in California, it ended up not being environmentally or cost effective.

DCTF Members asked CDFW which of the three models would be most palatable to CDFW Enforcement. CDFW expressed concern about each of the models and stated that with both the California model and the new proposal, an affidavit may be necessary to reduce concerns surrounding the identification of traps recovered by the program. He stated that the Oregon/Washington model was easiest to facilitate, but may not be the most effective option in terms of recovering lost gear.

A straw poll was used to assess the level of a lost fishing gear recovery program. Support shown through a straw poll does not reflect adoption of an idea.

### *Straw poll:*

- *Support for the Oregon/Washington lost fishing gear recovery program model (1 up; 15 sideways; 0 down; 4 abstain)- Pass*
- *Support for the “new proposal” for a lost fishing gear recovery program model (13 up; 2 sideways; 1 down; 4 abstain)- Pass*

Public comment was taken on the topic of lost gear recovery.

- Jim Roberts, commercial fisherman- Stated there are pros and cons with the Oregon/Washington model. The new proposal would unduly criminalize fishermen.

The DCTF discussed how to fine-tune the new proposal, including whether the lost gear recovery period should begin at the close of the season or if fishermen should get a two-week “grace period” before the program begins. CDFW clarified there is currently no grace period for fishermen to remove traps after the season. Fishermen must remove their traps immediately following the close of the season and the lost gear recovery currently begins two weeks after the season. A few DCTF Members expressed support for starting the lost gear recovery program immediately following the season, rather than two weeks later. Another DCTF Member supported waiting two-weeks following the end of the season before starting the gear recovery program. Another DCTF Member stated that if the weather is good and there is no hardship (for which an individual received a waiver), there is no reason for fishermen to not pick up their gear immediately following the season. DCTF Members generally agreed that since the retrieval period would need to be changed via Title 14 regulations, they would decide on the start dates of the program at the next DCTF meeting.

A DCTF Member expressed concern that the new proposal has not yet been circulated to all of the ports for review. Another DCTF Member stated there was not sufficient time to bring it back to the ports and come back to the DCTF since the DCTF will not be meeting for another year. The Admin Team explained that the new proposal is similar to the California model and shouldn't be a complete departure from what has already been discussed at the port level. The Admin Team asked the DCTF if they would like to add a caveat to their proposal that they support the Oregon/Washington model as an alternative. DCTF Members were generally not in support of adding a statement to the formal recommendation in support of the Oregon/Washington model.

The DCTF discussed the value and potential development of a database to house the data collected from a lost fishing gear recovery program. Gary Root, commercial fisherman from San Francisco and technology



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expert, stated he has observed over the years how the commercial fishing community has had a desire to observe and document lost traps. Database options can be developed to document the work the fishing community is engaging in to remove lost gear. The database could be used to monitor and record the lost trap recovery program's progress, and help CDFW build a case against repeat violators. It could also be used as a tool to detect duplicate observations in a way that the current paper and pen option does not. The data can also inform any public relations efforts. The DCTF discussed the variety of ways the database could be built, including input mechanisms. A Member expressed the need to ensure you can remove sightings once gear has been recovered so individuals do not target gear that is no longer there. Another Member expressed concern the database would highlight gear that was not recovered, which will tell a negative story publicly. A few DCTF Members stated that a database could help ensure the success of the lost fishing gear recovery program. Other DCTF Members stated the database could be used as an opportunity for people missing traps to retrieve their own gear. A DCTF Member explained that a similar program was available for the sport fishery in Northern California and was very supportive of the approach. A Member stated it would be important to allow charter boats, salmon trollers, and others to use the database to report lost gear, since they have been instrumental in identifying the locations of the gear in the past. Mr. Root explained there would be costs associated with developing a database and maintaining it, but that he may be willing to donate a portion of his time to help offset the costs. The DCTF discussed funding sources to build a database and suggested the DCTF could help support its development. The DCTF expressed they were interested in further exploring the development of a database and directed the Executive Committee to continue moving this discussion topic forward for further DCTF review and consideration at its next meeting in 2016.

***Administrative Vote:** EC to continue discussing specifics regarding online database to support gear recovery program (18 up; 0 down; 2 abstain) **APPROVED***

Public comment was taken on the topic of lost gear recovery.

- Jennifer Renzullo, SeaDoc Society- Said by creating a program that addresses all or most of the lost fishing gear in California and having a database can be a positive story that publicizes the California commercial fishery's successes. She explained that the database will need to be well thought out before allocating funding to it. It may be beneficial to keep reports of lost traps anonymous (as is done in the current lost fishing gear recovery program) and only give access to the location of the lost traps to the permitted retrievers. It also may be beneficial to publicly show the number of lost traps that were recovered by the program.

**ACTION:** *Consideration and possible adoption of recommendation(s) related to the design, funding, and/or implementation of a California lost Dungeness crab fishing gear program.*

**APPROVED:** The DCTF recommends the establishment of a statewide, industry funded lost fishing gear recovery program that contains the following elements:

- Dungeness crab permit holder obtains a permit from CDFW to retrieve gear after season ends.
- Retrieval period begins and ends as per Section 132.2(a) Title 14, CCR.
- Retrieved gear must be delivered to CDFW by retrieval boat/crew.
- Fees (e.g., paying boat, covering CDFW storage and administrative costs, scrapping traps, etc.) will be added to Title 14, CCR.
- Owners will be notified will be after gear impounded. Details about notification process and timeframe for holding [TBD].
- Owners responsible for retrieval, impound, disposal fees. If owner does not pay fees, owner cannot renew permit until fees have been paid.



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- The DCTF supports CDFW issuing citations in addition to fees for recovery of gear, which would require better coordination between those fishermen retrieving gear and CDFW enforcement.
- The industry does not tolerate strings of gear in the ocean after the season closes. This program is a successful way to retrieve traps from the ocean, as there will be less stray gear because owners take it upon themselves to remove it.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	3	1	0	4

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

Thumbs up (19): Anderson, Atkinson, Bettencourt G., Bettencourt T., Blue, Cannia, Cunningham, Doyle, Fahning, Goucher, Helliwell, Hemmingsen, Lawson, Whaley

Thumbs sideways (3): Gilmore, Gorelnik, Yarnall

Thumbs down (1): Horner

Abstain (0): None

Absent (4): Collins, De Solenni, Johnson, Thomas

*10. Discussion of the long-term structure of the Dungeness crab fishery, including the potential need for an industry-led organizational body to inform the management of the California Dungeness crab fishery beyond the DCTF's sunset in 2017.*

The DCTF Admin Team explained that following submission of the DCTF's January 15, 2017 legislatively mandated report, OPC will no longer fund the DCTF's activities (e.g., administration, meeting costs, etc.). The Admin Team asked the DCTF how/if they would like to consider the long-term structure and function of the DCTF or some other type or organizational structure.

Various DCTF Members expressed support for the continuation of some sort of body that is representative of the fleet. They stated it is essential to have a body available as a strong voice to discuss and advise on the trap limit program, whale entanglements, and other issues that may arise. Many Members agreed the long-term funding and current make-up of the DCTF should be revisited, including the number of representatives per port, term limits, replacement of members, etc. A few Members stated they would only be willing to support the continuation of a body beyond 2017 if the make-up of the DCTF is adequately addressed. One DCTF Member stated the structure of the DCTF is appropriate since it is difficult for a single group (e.g. big boats, little boats, etc.) or special interest to get their way. He stated that when deciding what a "DCTF 2.0" looks like, we shouldn't reinvent the wheel. Another Member stated that since consensus is needed to make a recommendation, he feels the structure of the current DCTF appropriately represents the fleet/coast. The Admin Team explained many of these potential changes would need to be made through a legislative process since Fish and Game Code established the DCTF.

The DCTF identified goals of a "DCTF 2.0", including the body should be transparent, legitimate, representative of the fleet, self-funded, flexible and nimble to respond to real-time issues, and be able to respond to public relations and communications issues. Various DCTF Members stated that marketing should not be a primary goal of the body, and should be explored at a later date. A few Members stated a DCTF 2.0 should continue to inform fisheries management similar to the current DCTF. The Admin Team circulated a [handout providing alternative options](#) for establishing a DCTF 2.0 for consideration and asked the DCTF which of the options available help to reach these goals.



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The DCTF discussed creating a DCTF 2.0 through legislation. Since the DCTF was created through legislation, the body is subject to the Bagley-Keene Open Meetings Act (Bagley-Keene). One DCTF Member stated that while the Act has a lot of value, it can be very difficult to work within Bagley-Keene's requirements and it is difficult to represent the fleet when adhering to Bagley-Keene's communications restraints. He suggested a DCTF 2.0 be established outside of legislation to avoid being subject to the constraints of Bagley-Keene moving forward. Members discussed the emergency meeting provisions associated with Bagley-Keene as a means to respond to issues in a timely fashion. The Admin Team explained that, except for conference calls, the timing in getting a DCTF meeting together has less to do with Bagley-Keene and more to do with the size of the body, the distances Members have to travel, and the costs of the meetings. Various DCTF Members stated Bagley-Keene helps make the DCTF legitimate by maintaining a high level of transparency despite its constraints. One DCTF Member stated Bagley-Keene protects the DCTF from special interest groups and has helped the DCTF become the industry's definitive voice, a voice that CDFW, the Legislature, and others look to to manage the fishery. Various DCTF Members agreed a DCTF 2.0 should be designed to reflect similar parameters as the DCTF (i.e. legitimacy, transparency, elected officials, etc.), while also allowing flexibility in how it functions.

One Member suggested establishing a DCTF 2.0 as a non-profit organization to avoid the constraints of Bagley-Keene and allow the body to engage in marketing. Another Member stated that a non-profit organization could develop bylaws that incorporate specific aspects of Bagley-Keene the DCTF finds useful/positive (e.g. meeting recordings, etc.), while excluding other aspects the DCTF does not agree with (e.g., restrictions to communication between DCTF Members). A DCTF Member stated expressed concern that special interest groups could more easily influence a non-profit or for-profit organization.

A Member discussed the viability of a non-profit or for-profit organization and questioned whether either could be funded through taxes and mandatory fees or voluntarily membership. Various DCTF Members stated that the surplus funds collected from the California commercial Dungeness crab trap limit program as established by Fish and Game Code Section 8276.5 could be used to fund a DCTF 2.0 as appropriate. One DCTF Member questioned if a DCTF 2.0 was established through the Legislature (as opposed to a non-profit organization or a private organization) would this potentially make appropriating funding via the trap program limit funds (Fish and Game Code Section 8276.5) or assessing a landing tax easier. One Member stated that voluntary funding is not a viable option since fishermen will not voluntarily pay into an organization. Another Member suggested asking OPC if they would be willing to continue funding the DCTF since the DCTF is still dealing with topics of interest to the OPC, including whale entanglements.

A Member suggested the DCTF come up with a charter that includes the framework under which a DCTF 2.0 will function (e.g. outline function, highlight commitment to transparency, etc.). He went on to say a third party should vet the charter/framework before approval by the collective commercial Dungeness crab fleet. Additionally, a third party could be paid to come up with a fair voting structure and make up of a DCTF 2.0 since the industry has different perspectives on what is fair. The Admin team inquired as to who may be the appropriate third party to come up with a "fair" structure. One DCTF Member suggested that a neutral organization like Pacific States Marine Fisheries Commission might be an appropriate.

A few Members expressed concern about the aging membership of the DCTF and suggested term limits may be a mechanism to ensure new ideas and young participants are included on a DCTF 2.0. One DCTF Member explained the importance of maintaining the institutional knowledge of the DCTF Members to ensure DCTF meetings are productive and efficient. Another DCTF Member stated that the DCTF's established track record is part of what adds legitimacy to the body and the reason the Legislature looks to the DCTF for insights. A few Members pointed out that before the DCTF came into existence, many



Members wouldn't speak to one another, and now Members are civil and get along due to their time working together on the DCTF. One Member stated they would like to discuss how new Members are appointed to the DCTF and expressed concern about the current process to replace Members. The Admin Team explained that the legislation that established the DCTF is silent on how Members are replaced. However, even though the DCTF added a replacement process to its charter, there should be a discussion on how to replace Members in a manner that is supported by the collective fleet. The Admin Team further explained the DCTF should also consider the fact that currently there are no funds for elections to replace Members.

The group discussed the make-up of the DCTF and generally agreed that representation from each port may need to be reevaluated. One DCTF Member explained that the development of the DCTF in 2008 was a long, arduous, contentious process. Since that time, the industry has come a long way through the work of the DCTF and should not be starting over, but building off the momentum already established. A few Members stated they would like to see fair representation on a DCTF 2.0, and that out-of-state contingent and fishermen from south of Half Moon Bay are under currently under represented on the DCTF. The Admin Team explained that the make-up of the DCTF can be reevaluated, but that legislation would be needed to officially make any changes. A few DCTF Members suggested polling the fleet to ask what the make-up of the fleet should look like rather than have the DCTF weigh in on this issue since there may be biases from DCTF Members. They identified a need for securing funding to implement a poll, and asked if it would be appropriate for OPC to coordinate such an effort. The Admin Team explained that OPC has stated that it will not provide the DCTF with any additional funds, including polling the fleet. Some Members expressed concern about polling the entire fleet since "latent" permitholders would have an equal voice to active fishermen. A few Members stated the DCTF should be responsible for addressing concerns about the make-up, and identified the Executive Committee to discuss this topic further including long-term funding of the DCTF, etc. Another Member stated it would be beneficial if all DCTF Members looked beyond their own self-interests to successfully represent the fleet.

The DCTF asked about the cost of the DCTF since it's inception. The Admin Team shared a breakdown of the accounting and that the OPC has given approximately \$500,000 to support the DCTF since 2008, which does not include OPC staff time, elections, polling, additional meetings, etc. They further explained that Commissions and Councils through the California Department of Food and Agriculture cost around \$200,000/year to maintain. One Member asked for a detailed accounting to administer of the DCTF moving forward (including how much it would cost for the OPC to continue to administer the organization) to better understand how much money would be needed to fund the body long-term. The Admin Team stated that new approximations could be made based on what has been discussed during this DCTF meeting, including the trap limit evaluation, addressing whale entanglements, gear recovery program, polling, elections, etc. One DCTF Member stated that understanding annual costs would better inform the DCTF's recommendation regarding the reduction of the \$1,000 biannual trap tag fee. Another Member suggested making the request that OPC continue administering and potentially funding a DCTF 2.0. If OPC declines, the DCTF can develop some alternative recommendations. One Member stated that it would be unlikely OPC would fund a DCTF 2.0 considering the funding OPC has provided the DCTF to date coupled with the \$1.4M surplus available in the trap tag program. He suggested OPC continue to administer a DCTF 2.0, but that it be funded through the trap limit program surplus as defined by Fish and Game Code Section 8276.5.

The Admin Team summarized that the Executive Committee will work to further address this topic and may poll the fleet, depending on available funding, on initial ideas before the next DCTF meeting. Members requested voting on a statement to give the Legislature notice that the DCTF will make a



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request to address the long-term functioning of the DCTF in the January 2016 report, with the intention to have the Legislature aware that there may be an ask for legislation in the near future.

**ACTION:** *Consideration and possible adoption of a recommendation regarding the long-term functioning and/or organizational structure of the Dungeness crab fishery including, but not limited to, a request for the DCTF or an alternative group to investigate options for the industry’s review and consideration.*

**APPROVED:** The DCTF sees value in continuing to inform the management of the Dungeness crab fishery in partnership with CDFW. There are benefits in maintaining a DCTF beyond 2017, however updates/adjustments (including, but not limited to, the composition of the DCTF, process for appointing alternates, process for replacing members, etc.) may need to be considered. The DCTF looks forward to providing a recommendation on the future, long-term structure of the DCTF to the Legislature in the 2017 report.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
11	7	0	0	4

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

Thumbs up (11): Bettencourt T., Blue, Cunningham, Doyle, Fahning, Gilmore, Goucher, Helliwell, Hemmingsen, Horner, Lawson

Thumbs sideways (7): Anderson, Atkinson, Bettencourt G., Cannia, Gorelnik, Whaley, Yarnall

Thumbs down (0): None

Abstain (0): None

Absent (4): Collins, De Solenni, Johnson, Thomas

**APPROVED:** The DCTF would like OPC to consider continuing to administer the DCTF beyond 2017. Excess funds from the trap tag program or other sources could be used to pay for the DCTF and its administrative costs, including OPC staff time, beyond 2017.

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

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

Thumbs up (16): Anderson, Atkinson, Bettencourt G., Bettencourt T., Blue, Cannia, Cunningham, Doyle, Fahning, Gilmore, Goucher, Helliwell, Hemmingsen, Horner, Lawson, Whaley

Thumbs sideways (2): Gorelnik, Yarnall

Thumbs down (0): None

Abstain (0): None

Absent (4): Collins, De Solenni, Johnson, Thomas

*11. Conversation of current commercial Dungeness crab fishing regulations including, but not limited to, hardship waivers and the “96-hour rule.”*

The Admin Team explained they heard concern expressed about the “96-hour rule” as defined in Fish and Game Code Section 9004. Some individuals have said it is not enforceable, others have said that California should land every 2 weeks like Oregon, and others have stated that waivers should be more





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readily available to avoid “96-hour rule” violations. The Admin Team invited the DCTF to discuss this topic.

A few DCTF Members explained that during the spring, servicing gear every 96-hours is inefficient and not cost effective because there are less crab in each trap. However, in light of the whale entanglement concerns and requests from the environmental groups to service gear more frequently, it doesn't make sense to change or eliminate the 96-hour rule. A few Members agreed, stating that the 96-hour rule has not caused much strife to the industry to-date and should be left alone. One Member expressed concern that CDFW Enforcement used trap limit funds to enforce the 96-hour rule. DCTF Members asked how CDFW Enforcement implements the rule. CDFW explained that while the law is difficult to enforce, it is valuable when enforcing violations for storing gear in the ocean and abandoning traps after the season. It is also used in cases where an individual has two vessels and puts out traps for both permits, but only fishes off one vessel.

One Member suggested that due to the difficulty of enforcing the 96-hour rule, California should consider switching to a requirement that landings are made every 2 weeks. Another Member stated that there are times when a fisherman will pull their gear a few times within a 2-week period and not make a landing.

The Admin Team asked if there was a provision to allow an individual to get a waiver for the 96-hour rule if their vessel breaks down. CDFW Enforcement said there was.

A straw poll was used to assess the level of agreement pertaining to the 96-hour rule. Support shown through a straw poll does not reflect adoption of an idea.

### *Straw poll:*

- *Modify the 96-hour rule. (0 up; 3 sideways; 12 down; 3 abstain; 4 absent)- Fail*

Public comment was taken on the topic of the 96-hour rule.

- Jim Roberts, commercial fisherman- Explained that he had been through a 7-day jury trial for a 96-hour rule violation because his boat had been broken down and he could not get a waiver. He expressed frustration that the current waiver process allows someone else to pull your gear, but the crabs cannot be landed. Additionally, the waiver does not allow you to leave your gear in the water. He requested the DCTF consider modifying the waiver process.
- Hugh Link, Oregon Dungeness crab commission- Explained that Oregon's 14-day delivery rule is not easily enforced. Someone could deliver a single crab and it doesn't mean they are fully tending their gear.

The DCTF discussed the waiver process. CDFW explained that when a fisherman receives a waiver for someone else to pull his/her gear, the reason the crab is not allowed to be kept/sold is to prevent people from fishing outside their trap allocation. There may be some circumstances where CDFW will use their discretion to allow individuals to keep the crab. He further explained that defining what constitutes a hardship or breakdown can be a difficult decision. A DCTF Member expressed support for CDFW Enforcement's opinion on whether the rule or the waiver process needs adjustment. One Member explained there are two different kinds of waivers: 1) a fisherman is unable to service traps and is done fishing for the season; or 2) a fisherman is unable to service traps for a time, but will continue to fish following the waiver process. When considering the first type of waiver, traps should be taken out of the water for the rest of the season and the crab should be kept. For the second type of waiver, traps be allowed to stay out indefinitely or for a specified amount of time (e.g. 2 weeks, 3 months, etc.). Another



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DCTF Member stated it would be difficult to define what constitutes an honest reason for a waiver. The DCTF generally agreed that the discussion of adjusting waivers should be tabled for a later conversation because making changes to the current waiver process opens up too many loopholes and requires additional discussion with the fleet.

**ACTION:** *Consideration and possible adoption of recommendation(s) related to waivers or modifications to the “96-hour rule.”*

**NOT APPROVED:** Modify the 96-hour rule including, but not limited to, eliminate the 96-hour rule, extend the timeframe to tend gear, and/or allow waivers for those unable to tend their gear within 96.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
0	6	9	3	4

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

Thumbs up (0): None

Thumbs sideways (6): Anderson, Doyle, Gilmore, Goucher, Helliwell, Lawson

Thumbs down (9): Atkinson, Bettencourt G., Blue, Cannia, Fahning, Gorelnik, Hemmingsen, Horner, Whaley

Abstain (3): Bettencourt T., Cunningham, Yarnall

Absent (4): Collins, De Solenni, Johnson, Thomas

## 12. General public comment

- Keith Gilmore, commercial fisherman- Requested the DCTF discuss the pros and cons of including the area south of Point Arena in the Tri-State Agreement on the next DCTF meeting agenda.
- Hugh Link, Oregon Dungeness Crab Commission- Announced there will be a yearly market report from Seafood.com later in the week.
- [An email was shared by Bill Carvalho, DCTF Member](#), regarding a processors concerns surrounding the lack of pre-season crab quality testing south of Point Arena.
  - CDFW explained there is some voluntary testing in District 10, but there is no delay should crab test poorly.

The DCTF discussed the issue of quality testing in District 10. One Member stated the cause of dead loss mentioned in Mr. Carvalho’s letter was not due to poor quality crab, but rather, warmer water temperatures. Another Member stated that aside from all the dead crab, quality was an issue south of Point Arena. Various DCTF Members expressed support for mandatory crab quality testing in District 10. Another Member stated the crabs tested in District 10 tested poorly, but both fishermen and processors ignored the results and continued to purchase poor quality crabs. A few Members stated that while they supported good quality crabs on the market, they were opposed to mandatory crab quality testing south of Point Arena since the playing field is not level with the early southern opener. A Member stated that District 10 would support mandatory crab quality testing if there would be fair start protections put in place regardless of a delay north of Point Arena. Various Members stated that California could implement a crab quality testing program south of Point Arena outside the framework and/or oversight of the tri-state committee. A Member requested two separate votes for crab quality testing and fair start. A few Members said those issues were coupled and had to be voted on as a single motion.



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A straw poll was used to assess the level of crab quality testing and a fair-start in District 10. Support shown through a straw poll does not reflect adoption of an idea.

### *Straw poll:*

- *District 10 tests into the opener. Maintain a November 15 opener, which could be delayed until quality meets tri-state testing guidelines. 30-day protections would be in place unless state openers were simultaneous. (8 up; 5 sideways; 2 down; 3 abstain; 4 absent)- Fail*

The DCTF agreed there was still more discussion needed on this topic before a formal vote was taken and it will likely be revisited at a future meeting.

### *13. Next steps*

The Admin Team recapped next steps. The Admin Team will develop a press release detailing the positive work of the industry with regard to whale entanglements, develop a cost structure for the new DCTF, and schedule Executive Committee calls to discuss a lost gear recovery program database, the structure of the DCTF, allocation of excess trap limit program funds, and, potentially, domoic acid. DCTF Members and other fishermen were invited to contact the Admin Team if they would like to participate in whale entanglement Working Group pilot projects.

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. The Admin Team will also draft a January 2016 legislative report 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. A future DCTF meeting will likely be held in October 2016, if not sooner. The Admin Team will circulate information and documents relevant to the work of the DCTF via email in the coming weeks.

### *14. The meeting adjourned at 2:00pm*