



## **~California Dungeness Crab Task Force~**

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### **DCTF MEETING UKIAH, CALIFORNIA OCTOBER 25-26, 2016 MEETING SUMMARY**

The purpose of this meeting summary is to:

- Provide a summary of discussions and outcomes from the October 25-26, 2016 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  
Tony Anello, Alternate for Chris Lawson, Bodega Bay, High Tier  
John Atkinson, Jr., San Francisco, High Tier  
George Bradshaw, Alternate for Ricardo De Solenni, Crescent City, Low Tier  
Bill Carvalho, Crab Processor  
Luke Clark, 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  
Jeff French, Alternate for Bill Blue, Half Moon Bay South  
Keith Gilmore, Alternate for Ron Blodgett, Fort Bragg, Low Tier  
Craig Goucher, Alternate for Mike Zamboni, Trinidad  
Richard Hagel, Alternate for Mark Horner, Crescent City, Low Tier  
David Helliwell, Eureka, Low Tier  
Dan Hunt, Alternate for Larry Collins, San Francisco, Low Tier  
Porter McHenry, Alternate for Geoff Bettencourt, Half Moon Bay, High Tier  
Carrie Pomeroy, CA Sea Grant  
Victor Pomilla, Alternate for Gerry Hemmingsen, Crescent City, High Tier  
Rick Powers, Alternate for Roger Thomas, Commercial Passenger Fishing Vessel  
Todd Whaley, Nonresident  
Jim Yarnall, Sport fishing

#### **ABSENT**

David Crabbe, Nongovernmental Organization  
Marc Gorelnik, Sport fishing  
Paul Johnson, Crab Processor

#### **CA DEPARTMENT OF FISH AND WILDLIFE PRESENT**

Peter Kalvass, CA Dept. of Fish & Wildlife  
Sonke Mastrup, CA Dept. of Fish & Wildlife  
Cpt. Bob Puccinelli, CA Dept. of Fish & Wildlife  
Dr. Craig Shuman, CA Dept. of Fish & Wildlife

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

Rachelle Fisher, Strategic Earth Consulting  
Kelly Sayce, Strategic Earth Consulting  
Sara Shen, Strategic Earth Consulting  
Cyndi Dawson, Ocean Protection Council



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

Rachelle Fisher, DCTF Administrative Team (Admin Team), welcomed everyone to the meeting. She introduced Kelly Sayce, Admin Team, and the meeting notetaker Sara Shen. A recording of the meeting (via hand-held voice recorder) is available 30 days following the meeting, in accordance with the Bagley-Keene Open Meetings Act.<sup>1</sup> DCTF Members, Alternates, California Department of Fish and Wildlife (CDFW), Ocean Protection Council (OPC), and members of the public introduced themselves.

Ms. Sayce 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. Ms. Sayce reviewed the [DCTF meeting ground rules](#), gained support from the DCTF to follow the ground rules, and respectfully requested the public to do the same.

The Admin Team walked through the [agenda](#) and [voting procedures](#). Ms. Fisher acknowledged the agenda was full and, depending on the direction of the conversations, agenda items may be taken out of order at the discretion of the Admin Team.

*1. Update on the California commercial Dungeness crab trap limit program evaluation, including a presentation of data related to the California Dungeness crab fishery. DCTF discussions may include, but will not be limited to, evaluation and review of commercial Dungeness crab fishery and trap limit program, status of the Dungeness Crab Account, addressing program loopholes, status of initial trap limit program recommendations provided to the Legislature in 2015, and crab quality.*

### ***Dungeness Crab Account***

Sonke Mastrup, CDFW, walked through the [accounting of the Dungeness Crab Account](#) (established pursuant Fish and Game Code 8276.5(a)(4)). The use of funds across all but one CDFW's department has remained consistent throughout the duration of the commercial Dungeness Crab Trap Limit Program (trap limit program). CDFW Enforcement has shown a recent increase since the fund has been underutilized by CDFW Enforcement in previous years.

DCTF Members stated the funds in the Dungeness Crab Account were intended to be used solely for the purpose of implementing the trap limit program. The funds should not be used for other uses, such as picking up lost/abandoned gear, marine protected area (MPA) enforcement, recreational fishing violations, etc. CDFW explained the uses of the Dungeness Crab Account as outlined in the legislation are vague, and could benefit from further clarification if the fleet is concerned about how the funds are being used. CDFW Enforcement expressed difficulties with breaking down Dungeness crab-related enforcement efforts during the season. Recovery of crab gear, however, is not to be funded by the Dungeness Crab Account but rather as outlined in [Senate Bill 1287](#).

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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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The DCTF asked how CDFW received their spending authority on the Dungeness Crab Account. Although the state budget process is complex, spending authority for the Dungeness Crab Account comes from the Legislature. In previous years, spending authority for CDFW to use the funds was capped at a maximum of \$700,000 per year. As of this year (2016), this maximum cap was increased to \$1.4M. Members of the DCTF expressed confusion and frustration over the spending authority and use of the fund. CDFW and the Legislative representative were unclear how or why there was a change made in CDFW's spending authority. CDFW explained that even though spending authority had increased, it is unclear if CDFW would utilize the full amount. Members requested additional clarification on the increased spending authority.

Various DCTF Members explained the \$1,000 biannual trap permit fee was implemented to cover the costs of litigation. Since litigation over the commercial Dungeness Crab Trap Limit Program is no longer an issue, the costs of the program should decrease. Some Members stated that the biannual permit fee should be eliminated and the cost of trap tags should better reflect the actual costs of implementing the program.

The DCTF discussed concerns with CDFW Enforcement's use of the Dungeness Crab Account. Various Members explained they have not seen a change in enforcement in the north coast since the trap limit program was implemented. Various Members from the south explained they have experienced an increase in enforcement presence in their area. Some Members believed it was inappropriate for CDFW Enforcement to use the Dungeness Crab Account to pay for regular maintenance and general upkeep of patrol vessels. CDFW Enforcement explained it could see rationale for using the Dungeness Crab Account to pay for expenses associated with enforcing the program (e.g., vessel maintenance and fuel). Additionally, there might be an opportunity to show how the funds from the Dungeness Crab Account were used, as well as estimated costs for implementing the trap limit program. Some Members stated they would like to see California's enforcement modeled after Oregon's, which focuses on portside enforcement to decrease costs. Other Members stated without a real threat of enforcement, people will abuse the system.

CDFW stated that there is a hold on the Dungeness Crab Account for \$517,255 as a result of [Assembly Bill 164](#) (AB 164). DCTF Members stated that the use of the Dungeness Crab Account to pay for AB 164 was inappropriate since the original lawsuit was filed before the trap limit program was implemented and had nothing to do with the program. Members expressed frustration about the lack of transparency associated with the passing of AB 164 and the use of the Dungeness Crab Account for this purpose. CDFW explained the \$517,255 will not be removed from the Dungeness Crab Account until the lawsuit is settled. A representative from the Joint Committee on Fisheries and Aquaculture, Tom Weseloh, explained his office requested the hold be removed from the Dungeness Crab Account and was denied.

Although the state's expenses are beginning to catch up to the biannual revenue, there is still a surplus available in the Dungeness Crab Account. The Admin Team asked Members to consider providing guidance/recommendations to the state on how the Dungeness Crab Account funds should be used, and/or request a more detailed accounting of the use of funds from the state. Mr. Weseloh cautioned the DCTF and explained that any DCTF recommendations will be taken literally by the Legislature and should be as clear and detailed as possible.



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DCTF Members generally agreed to prioritize allocating any remaining funds in the Dungeness Crab Account to fund a future DCTF or an industry-representative body. Mr. Weseloh, explained any use of the fund beyond implementation of the trap limit program, including funding the DCTF, would require a change in statute. However, there may be an opportunity for the DCTF to request CDFW to allocate some of their appropriation to support the DCTF if it is allowable under statute through budget conversations. CDFW will have to interpret the statute to see if this is possible. Members expressed frustration about the fleet's ability to use/access the Dungeness Crab Account, which is paid into by the fleet, for their priority issues. One Member suggested the fleet be informed of any anticipated uses of the fund beyond CDFW's normal operating costs. CDFW explained that some budget discussions are confidential, and it is difficult to anticipate how other sectors of the state's government may use the fund. However, there may be an opportunity for CDFW to sit down with a small working group composed of the fleet, or the DCTF, annually to discuss budget plans for the Dungeness Crab Account. Members agreed there is value in understanding how the funds will be used and manage expectations on what the fleet is getting for their money.

Public comment was taken on the topic at hand.

- Tom Dempsey, The Nature Conservancy (TNC), stated that the idea of a fishery-generated account is not unique to California Dungeness crab industry and there are examples on the east coast (e.g. the New England Fishery Council) that can be looked to for capping costs and what expenses can be incurred with the account. There may be value in looking at federal fisheries laws to inform the DCTF's efforts and increase transparency around the use of the Dungeness Crab Account.
- Mark Gentry, commercial fisherman, expressed concern about use of the Dungeness Crab Account for AB 164 and the precedent it would set for the state utilizing the account for other unrelated state litigation.
  - CDFW and the Admin Team suggested a DCTF recommendation could be made to the Legislature to add more specificity to the law to prevent the state from using the Dungeness Crab Account to support other litigation.
- Bill Alexander, commercial fisherman, asked what percentage of CDFW Enforcement fuel and maintenance is covered through the Dungeness Crab Account. He also asked who is monitoring the trap tag replacement program.
  - CDFW Enforcement explained that it works together with the License and Revenue Branch to monitor the trap tag replacement program. It is unclear how Dungeness Crab Account funds are being used to support fuel and boat maintenance, but the issue could be further investigated.

### ***Evaluation of the Dungeness Crab Trap Limit Program***

Carrie Pomeroy, California Sea Grant and non-voting DCTF Member, shared a [presentation](#) developed in partnership with CDFW to support the DCTF in their review and evaluation of the trap limit program, as requested by the California Legislature. The presentation is a form of an evaluation with the opportunity to expand if the DCTF desires more information to inform their decision-making efforts or their review of the trap limit program. To inform and expand upon the data available from CDFW, questions were posed to the DCTF and discussed:

- *Has access to the fishery changed since the program was implemented?*



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- A few Members identified a financial struggle to get into the fishery due to the cost of trap tag and permit fees, trap tier assignments impacting boat value, etc.
- Other Members explained there is less concern about access to the fishery, and more concern about limitations of upward mobility from the lower to higher tiers.
- One DCTF Member asked for additional information on the number of permits that were “grandfathered” into the fishery. Dr. Pomeroy said she would look into addressing this question.
- *Has fishing capacity changed since the program was implemented?*
  - Some Members explained the fishery is feeling more competitive. Someone who fished 300 traps before the trap limit program, but received a 450 allocation is more inclined to fish the full allocation.
  - Another Member stated he is fishing fewer traps after the implementation of the trap limit program, which has caused him to fish more efficiently.
  - Dr. Pomeroy explained the trap limit program only added 1,300 traps after the initial allocation due to appeals. However, it is difficult to say whether this is an overall increase in traps compared to before the implementation of the program since there is no count of the number of traps used before the program was implemented.
  - A Member explained the purpose of the trap limit program was to set a limit on the total fishing capacity. The program has been successful in accomplishing this goal.

Dr. Pomeroy welcomes DCTF Members to circle back with her or Christy Juhasz, CDFW, to help continue answering the questions associated with the evaluation of the commercial Dungeness Crab Trap Limit Program.

The Admin Team and Mr. Weseloh asked the DCTF what information they would like to share with the Legislature regarding the trap limit program, including if the program is working, if changes need to be made, if the sunset date should be extended beyond 2019, etc.

The DCTF brainstormed an initial list of potential adjustments that may be made to the trap limit program in the future.

- Build in mechanisms to allow fishermen to increase their trap allocation while maintaining the profitability of individual permits.
- Adjust the costs of the trap tags and potentially remove the biannual trap tag fee to more accurately reflect CDFW’s costs to implement the trap limit program.
- Consider reallocating and/or utilizing available permits that have undergone attrition, make these permits available to those looking to move up/down between tiers, to support new entries to the fishery, etc.

This list of ideas will continue to be discussed by the DCTF and its constituents prior to recommending any changes to the trap limit program.

The DCTF discussed the need to continuing updating the Legislature on the trap limit program and whether the program should sunset.

- The DCTF is expected to provide an evaluation of the Dungeness Crab Trap Limit Program through 2019. However, the level of detail of the evaluation is unclear. Members generally agreed



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the current method of evaluating the trap limit program (e.g., providing a public PowerPoint presentation compiled by CDFW and Dr. Pomeroy to support formal recommendations from the DCTF) was sufficient.

- Various Members did not support a sunset date on the trap limit program and stated the program should stay in place for the extend the sunset date with the understanding that the date could be revisited in a few years.

Public comment was taken on the topic at hand.

- Zach Rotwein, commercial fisherman, expressed that the difficulty to enter the fishery is also impacted by the high price of crab and value of the industry.
- Mark Gentry, commercial fisherman, believes the data related to the fishery prior to implementation of the trap limit program was irrelevant since there was no chance of repealing program. Many of the changes experienced in the fishery may not be related to the trap limit program. He stated the pre-program data should not be shared with the Legislature since it would just cause confusion and may negatively impact decision-making if the wrong conclusions were drawn. He also explained that the numbers included in the PowerPoint presentation should be more thoroughly reviewed to ensure all numbers match up and the correct information is being shared with the Legislature. Mr. Gentry would also like to ensure the DCTF or a future industry-representative body has some control over what data is shared with the Legislature to ensure it is not misused.
  - Dr. Pomeroy explained the importance of using both pre- and post-data to evaluate the program and attempt to see any effect. She agreed it is difficult to say whether changes being seen are the result of the program or other factor(s) that will be discussed during the DCTF meeting. This presentation provides information to inform DCTF discussions.
  - One Member stated the DCTF's role is to help the Legislature interpret the data through recommendations.
  - The Admin Team explained that much of the information shared during the presentation was background to inform the DCTF's decision-making over the next two days. The level of data and detail that will be sent in the report to the Legislature needs to be decided by the DCTF. However, since this presentation has been shared with the DCTF, it is publicly available on the [DCTF's webpage](#).
- Dave Bitts, commercial fisherman and President of the Pacific Coast Federation of Fishermen's Associations (PCFFA), supports the trap limit program. The program capped the number of traps in the ocean, protected the fishery from competition, enhanced sustainability of the fishery, and there is now less abandoned gear in the water. The biggest challenge of the program is there are now large barriers to enter the fishery due to the value of permits. It is also difficult to grow your business and increase trap allocations. He was unclear how to address these adverse effects of the program.
- Stephen Melz, commercial fisherman, said he appreciated the need to ensure fishermen can move from a 175 to 250 tier permit. However, such a recommendation could devalue the 250 tier permit and be in direct conflict with reducing whale entanglements when more traps are introduced into the fishery.





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- Dave Bitts, commercial fisherman and President of PCFFA, explained that upward mobility in the tier/permit system should be balanced with the ability for fishermen to lower the trap tier so there is not an inadvertent increase in the number of traps in the ocean.
- Zach Rotwein, commercial fisherman, suggested that if individuals are allowed to increase their trap allocation it will be important consider potential lawsuits associated with these actions.
- Dick Ogg, commercial fisherman and Dungeness Crab Fishing Gear Working Group participant, stated there may be an opportunity to utilize the traps associated with the permits that have been removed from the fishery. These traps could be reallocated to the lower tiers and allow upward mobility in permit tiers without increasing the number of traps in the ocean.
- Mark Gentry, commercial fisherman, requested the DCTF consider including a sunset date in the trap limit program. Following additional discussion with the DCTF, Mr. Gentry expresses concern about having the trap limit program sunset.

Various DCTF Members requested a straw poll to assess the level of agreement regarding the trap limit program. Support shown through a straw poll does not reflect adoption of an idea.

*Straw Poll- The commercial Dungeness Crab Trap Limit Program is working (12 up; 6 sideways; 0 down; 0 abstain)- Pass*

*Straw Poll- The commercial Dungeness Crab Trap Limit Program should continue beyond 2019 for another 5 years (17 up; 1 sideways; 0 down; 0 abstain)- Pass*

*Straw Poll- The commercial Dungeness Crab Trap Limit Program sunset date should be extended 10 years to 2029 (14 up; 5 sideways; 1 down; 0 abstain)- Pass*

*Straw Poll- The commercial Dungeness Crab Trap Limit Program should not have a sunset date (2 up; 11 sideways; 6 down; 0 abstain)- Fail*

One DCTF Member expressed support for a DCTF recommendation stating the trap limit program has been successful in capping the number of traps used in the fishery. Some DCTF Members did not support extending the 2019 sunset date without recommending actions to help permit holders move to different tiers. Other DCTF Members explained the need to be thoughtful when designing a way for fishermen to increase their trap allocation. A few DCTF Members stated they would not support extending the sunset of the trap limit program unless the DCTF or a comparable body was in existence.

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

**APPROVED:** The DCTF recommends the Dungeness Crab Account (Fish and Game Code Section 8276.5) only be used for expenses that are specific to the Commercial Dungeness Crab Trap Limit Program and above and beyond normal administration of the commercial Dungeness crab program. Specifically, the use of Dungeness Crab Account funds should be prioritized as follows:



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- Support an industry-representative organization;
- Reduce fees to fishermen (as described in Fish and Game Code Section 8276.5(a)); and
- Cover CDFW’s costs associated with implementation of the Commercial Dungeness Crab Trap Limit Program, including CDFW Enforcement.

DCTF would like to be informed of all current and anticipated uses of the Dungeness Crab Account funds.

The DCTF recommends full vetting and annual reporting of the use of Dungeness Crab Account as required by Fish and Game Code Section 8276.5(a) to ensure transparency of the account’s use. The DCTF recommends an annual Dungeness Crab Account budget planning conversation to be held between CDFW and the DCTF to ensure fees align with actual and anticipated programmatic costs.

The DCTF requests a detailed accounting of CDFW Lay Enforcement Division’s (LED) use of the Dungeness Crab Account, including current and projected costs for additional enforcement operations as a result of the Commercial Dungeness Crab Trap Limit Program beyond regular Dungeness crab fishery enforcement activities.

The DCTF recommends the \$517,225 appropriated from the Dungeness Crab Account (Fish and Game Code Section 8276.5) as a result of AB 164 should be drawn from a more appropriate funding source. Utilizing the fund to support the lawsuit referenced in AB 164 (*Marilley v. McCammon*) would violate the intended use of the Dungeness Crab Account. The lawsuit referenced in AB 164 is based on Dungeness crab vessel permit and commercial license fees—fees that are deposited to the Fish and Game Preservation Fund, not the Dungeness Crab Account. There is no direct connection between the fees referenced in the litigation and the Dungeness Crab Account. Additionally, there is no direct connection to the focus of the litigation and the Commercial Dungeness Crab Trap Limit Program, which was established years after the lawsuit was filed.

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

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

Thumbs up (16): Anderson, Anello, Atkinson, Bradshaw, Carvalho, Clark, Cunningham, Doyle, Fahning, French, Gilmore, Goucher, Hagel, McHenry, Pomilla, Whaley

Thumbs sideways (4): Helliwell, Hunt, Powers, Yarnall

Thumbs down (0): None

Abstain (0): None

Absent (2): Gorelnik, Johnson

**APPROVED:** The Commercial Dungeness Crab Trap Limit Program (Fish and Game Code 8276.5) is working overall. The DCTF recommends extending the sunset date of the Commercial Dungeness Crab Trap Limit Program from 2019 through 2029.





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The Commercial Dungeness Crab Trap Limit Program should not be modified at this time. The DCTF brainstormed a list of potential adjustments to Commercial Dungeness Crab Trap Limit Program (Fish and Game Code 8276.5) for the commercial Dungeness crab fishing fleet's consideration. This list of ideas should continue to be discussed by the DCTF and its constituents prior to recommending any changes to the Commercial Dungeness Crab Trap Limit Program.

The DCTF recommends the periodic review and evaluation of the Commercial Dungeness Crab Trap Limit Program to be conducted by the DCTF. The DCTF will forward any future recommendations for potential adjustments to the Commercial Dungeness Crab Trap Limit Program to the Legislature, Department, and Commission.

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

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

Thumbs up (18): Anderson, Anello, Atkinson, Bradshaw, Carvalho, Clark, Cunningham, Doyle, Fahning, French, Gilmore, Goucher, Hagel, Helliwell, Hunt, McHenry, Pomilla, Whaley

Thumbs sideways (2): Powers, Yarnall

Thumbs down (0): None

Abstain (0): None

Absent (2): Gorelnik, Johnson

3. *Discussion of an industry-representative organization for the Dungeness crab fishery to inform Dungeness crab fishery management and address other industry priorities beyond the DCTF's sunset in 2017. DCTF discussions may include, but will not be limited to, organizational structure, funding, and other operational considerations.*

Following the DCTF's submission of the January 2017 legislatively mandated report, there will no longer be funding from OPC to support the DCTF's administration. If the DCTF, or another industry-representative body, wishes to continue functioning it will be important to understand the long-term goals of that body and provide recommendations to the Legislature on how to move forward. This topic has been discussed since 2009 at various DCTF meetings and Executive Committee calls. The Admin Team explained this DCTF meeting is the last opportunity for the DCTF to weigh in on this topic.

The Admin Team reminded the DCTF they have already indicated that they see value in an industry representative body. Recommendation 4 of the DCTF's January 2016 report to the Legislature stated:

*The DCTF sees value in continuing to inform the management of the Dungeness crab fishery in partnership with the Department. There are benefits in maintaining an organizational body beyond 2017, however updates/adjustments to the operating structure of the current DCTF (including, but not limited to, the DCTF's composition, process for appointing alternates, process for replacing members, etc.) may need to be reconsidered. The DCTF looks forward to providing a recommendation on the future, long-term structure of the DCTF on or before January 2017.*



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The Admin Team explained that now the DCTF needs to provide the Legislature with an update or guidance on how a future body should be established, what it should do, how it should be convened, etc.

DCTF Members highlighted that many of the topics and votes on the October 2016 meeting agenda may be impacted by whether an industry-representative body is in existence. Various DCTF Members requested a straw poll to assess the current level of support for the DCTF or an industry-representative body. Support shown through a straw poll does not reflect adoption of an idea.

*Straw Poll- The DCTF supports and industry-representative body. (17 up; 1 sideways; 0 down; 0 abstain)- Pass*

In response to requests by DCTF Members (and as requested at the last EC conference call), the Admin Team circulated a [survey through the DCTF public email](#) list in September 2016 to ask the broader fleet about their opinions regarding the functioning and structure of an industry representative body. The Admin Team walked through the [results of the survey](#) and, while the response rate was low (45 respondents), it was an opportunity to consider additional insights on this topic with limited resources.

DCTF Members and members of the public requested more information about establishing an industry-representative body through the California Department of Food and Agriculture. The Admin Team provided some background and directed the group to a [handout](#) that had been circulated in advance of the DCTF meeting (and at various DCTF and Executive Committee meetings since 2014). They further explained that if the fleet moved forward with Legislation to establish a body through the California Department of Food and Agriculture there would be a referendum circulated to the fleet to assess the fleet's support for a body.

### ***Role of an Industry-Representative Body***

DCTF Members brainstormed on the role of a future industry-representative body and developed the following list:

- Inform fisheries management
- Act as a watch-dog for high priority industry issues
- Serve as a conduit of information to the fleet
- Serve as a conduit of information to decision-makers
- Respond to policy issues
- Inform the value of the product through coordinated public relations
- Establish annual research priorities

Some Members believed marketing (e.g., price negotiations) is an unnecessary role for the body. While there is value in public relations efforts, the DCTF generally agreed the body should not be engaged in price-negotiations or traditional marketing since the dealers and Oregon Dungeness Crab Commission are already engaged in those activities. The DCTF agreed the body should be set up in a way that it can respond to pressing fishery management or emergency issues and funding should account for unforeseen needs of the body.

Public comment was taken on the topic at hand.



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- Stephen Melz, commercial fisherman, asked what the implications were of only 45 individuals responding to the survey.
  - The DCTF was not surprised by the low response rate because it was an online tool with limited budget for circulating more broadly (e.g., via mail).
  - The Admin Team explained that email and online tools are not the most effective tools for reaching a large fishing audience. However, when paper ballots were mailed to the fleet for DCTF elections in 2008, the response rate was only 20%.
- Zach Rotwein, commercial fisherman, requested more information about the organizations that can be established through the California Department of Food and Agriculture.
  - The Admin Team gave some background information and suggested everyone review the [meeting handout](#).
- Tim Sloane, Executive Director of PCFFA, suggested the DCTF think about the need for an industry-representative body to address marketing. He explained the role of PCFFA in marketing during the 2015-2016 season delay due to domoic acid and suggested there is a need for an industry-representative body with a mandatory funding structure to address marketing concerns during hard times and these types of events.
- Tom Dempsey, TNC, stated that he saw value in the work of the DCTF to-date and stated an important role for a future industry-representative body would be to advise in collaborative research and experimentation, setting research priorities, and identify partnerships/collaborations moving forward.
- Mark Gentry, commercial fisherman, expressed concern about the direction of the conversation. The DCTF began the day discussing trap limit program recommendations and is now discussing how to use Dungeness Crab Account funds for an industry-representative body that utilizes mandatory fees to engage in marketing, which is not appropriate. He does not feel like the DCTF is reflective of the make-up of the fleet and elections should have been used to update the DCTF since 2008. He reiterated the importance of regular elections for DCTF commercial fishing seats. Any future body should not be seated without new elections. We should also be focusing on identifying funding to support the DCTF through to 2019.

### ***Funding of an Industry-Representative Body***

DCTF Members agreed that in addition to addressing long-term funding for the DCTF, short-term or bridge funding would be needed to give the DCTF more time to weigh in on the future of the DCTF or industry-representative body beyond 2019.

DCTF Members generally supported CDFW allocating any remaining fund from the Dungeness Crab Account to support the DCTF through 2019. CDFW said they would look into their authority to use the funds for that purpose, but would likely not have an answer on whether the funds could be used to support a future DCTF and/or to have Strategic Earth continue as DCTF Administrators until spring of 2017 at the earliest. OPC also indicated they would work with CDFW to look at how money from the Dungeness Crab Account can be moved between the agencies to continue supporting the DCTF. A realistic timeline for the answer to this question is six months. In the meantime, Members suggested looking to nonprofit organizations, processors, port associations, and donations from fishermen to keep the DCTF functioning until the Dungeness Crab Account funds could be allocated.



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Mr. Dempsey, TNC, indicated his organization sees tremendous value in the working of the DCTF and would be open to helping support the immediate, short-term needs (i.e., 6 months-1 year) of the DCTF. Various DCTF Members thanked TNC for the offer and supported TNC providing funds to support the immediate needs of the body. A few other Members suggested it would be appropriate to request voluntary donations from the fleet to supplement TNC's funds.

A long-term solution to funding an industry-representative body is to utilize legislation to direct funds from the Dungeness Crab Account. Legislation would take up to two years, so this effort would need to be commenced immediately to prevent a lag between 2019 and the passing of Legislation. One Member highlighted the importance of imparting to the Legislature the value of the DCTF to encourage their approval of allocating the Dungeness Crab Account's remaining funds to support the DCTF or industry-representative body.

The DCTF generally agreed funding the DCTF/future representative body would need to take a three-phased approach:

- Immediate Funding Needs: Funding could be provided by TNC and donations from the industry to support the DCTF through 2017. Immediate and short-term funding needs range from \$60K-\$100K per year.
- Short-term Funding Needs: CDFW, OPC, and Mr. Weseloh will investigate the feasibility of allocating some of the surplus funds from the Dungeness Crab Account to the DCTF to support operations through early 2019.
- Long-term Funding Needs: The DCTF will develop a recommendation in 2017, if immediate funding is available, for the long-term operations and funding of the DCTF or an industry-representative body to support the body in the long-term. Long-term funding needs are anticipated to range from \$100K-\$200K per year depending on the role of the body.

Public comment was taken on the topic at hand.

- Tom Dempsey, TNC, explained the DCTF should consider both the long-term funding of the DCTF/industry-representative body and the short-term funding of the DCTF through 2019. A short-term plan may help build a bridge to prevent a lag in the efforts of the DCTF to help the industry continue to discussion on an industry-representative body.
- Tim Sloane, Executive Director of PCFFA, asked if the Members of the DCTF were still subject to Bagley-Keene after funding is unavailable in 2017. If not, PCFFA is volunteering to host ad hoc conference calls to continue these conversations.
  - CDFW explained that as an entity the DCTF is still subject to Bagley-Keene regardless of whether or not it is funded.
- Tom Walsh, commercial fisherman, indicated there are cost recovery programs that utilize assessments on landings in Alaska that could be used to inform the funding of a California industry-representative body.
- Stephen Melz, commercial fisherman, inquired how much DCTF Members were paid to attend meetings and requested the information be more readily shared with the public.
  - The Admin Team explained DCTF Members received no compensation for serving on the DCTF. Additionally, as of the current meeting, Members are required to cover their own travel expenses.



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- Zach Rotwein, commercial fisherman, was uncomfortable utilizing TNC funding to support the immediate needs of the DCTF. He expressed concern about any nonprofit or environmental group contributing to the DCTF and suggested the immediate funding needs should be fully addressed by industry donations.
- Dave Bitts, commercial fisherman and President of PCFFA, agreed with Mr. Rotwein's comments.

### ***Structure and Functioning of an Industry-Representative Body***

The Admin Team reminded the group that in 2015, Members expressed support for updating the DCTF/industry-representative body to be more reflective of the make-up of the fleet. DCTF Members discussed the various components of the body that need to be addressed, including the voting structure and make-up of an industry-representative body.

- Voting: Members generally agreed a 2/3 voting structure should be maintained for a future body to ensure recommendations pass with votes that represent the majority of the body.
- Make-up of body: The DCTF discussed commercial fishing representation, along with representation of sport/rec, processors, and other nonvoting seats.

Commercial fishing representation: Some Members would like the future industry-representative body to be reflective of the current DCTF. Others would like the commercial fishing seats redistributed based on the current make-up of the fleet (i.e., reflective of fleet mobility). Some DCTF Members stated there should be equal representation north and south of the Sonoma/Mendocino County Line. Other Members believed the divide between northern and southern representatives was exaggerated. The following options were shared by DCTF Members for the full DCTF's consideration:

- Current DCTF structure: 1 South of Half Moon Bay, 2 Half Moon Bay, 2 San Francisco, 2 Bodega Bay, 2 Fort Bragg, 2 Eureka, 2 Trinidad, 4 Crescent City, and 1 out-of state representative.
- Even votes on north and south sides of Pt. Arena: 2 South of Half Moon Bay, 2 Half Moon Bay, 2 San Francisco, 2 Bodega Bay, 2 Fort Bragg, 2 Eureka, 1 Trinidad, 3 Crescent City, and 2 out-of state representatives.
- Two representatives per port consisting lower and upper tier production (not related to trap tiers, but rather landings): 2 South of Half Moon Bay, 2 Half Moon Bay, 2 San Francisco, 2 Bodega Bay, 2 Fort Bragg, 2 Eureka, 2 Trinidad, 2 Crescent City, and 1-2 out-of state representatives.
- One representative per port without considering production tiers: 1 South of Half Moon Bay, 1 Half Moon Bay, 1 San Francisco, 1 Bodega Bay, 1 Fort Bragg, 1 Eureka, 1 Trinidad, 1 Crescent City, and 1 out-of state representative.
- Current DCTF structure, but with fewer seats in Crescent City: 1 South of Half Moon Bay, 2 Half Moon Bay, 2 San Francisco, 2 Bodega Bay, 2 Fort Bragg, 2 Eureka, 2 Trinidad, 2 Crescent City, and 1 out-of state representative.
- The Admin Team encouraged DCTF Members to develop and share other options with the Admin Team for circulation following the DCTF meeting.



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**Sport and recreational representation:** Some Members felt including sport representatives on the DCTF would blur the focus of the group. Others thought it was important to include sport representatives on the DCTF to better inform the issues being discussed. Members generally saw value in having sport representatives and Commercial Passenger Fishing Vessels (CPFVs) on the DCTF, but debated the number of representatives and whether those representatives should be given a vote. The DCTF Member representing recreational interests did not think it was necessary for recreational representatives to have a vote and serve in an advisory role. Conversely, the DCTF Member representing CPFV interests felt it was imperative that CPFVs have a vote on the industry-representative body.

**Processor representation:** Many DCTF Members saw value in including processors on the industry-representative body moving forward. One Member indicated that without a vote, processors would be less inclined to participate.

**Other seats:** The DCTF generally supported including advisors/nonvoting seats for California Sea Grant/scientists, CDFW, the Legislature, and nongovernmental organizations. There should be north-south balance across these seats, and also balance with the types of nongovernmental organizations appointed (e.g. environmental groups, port and harbor associations, etc.).

**Other considerations for seats:** One Member expressed concern about giving too much voting power to non-commercial fishing interests. Various Members indicated that if sport, CPFV, and processing seats were allowed to vote, the funding source(s) of the body would need to be reevaluated since these groups do not pay into the Dungeness Crab Account. Utilizing a landing tax or poundage fee would ensure processors and fishermen were both paying into the body. One Member stated that anyone who is impacted economically by the Dungeness crab resource should have a seat on the body and a vote. The Admin Team cautioned the DCTF that the larger the group gets, the more difficult it is for the group to be nimble and responsive to issues as they arise.

- **Elections:** DCTF Members agreed more frequent elections are important. They discussed the value of having elections annually, biannually, every 3 years, or every 4-5 years. Various Members felt annual elections were too frequent. Some Members stated it takes time to build relationships within a body and therefore elections should be performed every 3-4 years. Some Members suggested staggering elections by port or production level (i.e., rotating elections) to maintain some institutional knowledge following elections.

The Admin Team acknowledged the low response rate of the previous DCTF elections and urged the DCTF to consider ways to simplify the voting process to increase the response rate.

Some DCTF Members suggested elections be performed at a port level rather than have the industry-representative body's administrative team perform elections to reduce costs. Additionally, if ports generally agreed they were happy with their representatives, they could choose not to perform an election. Others felt port associations were not completely representative of the fleet (and some ports do not have associations), and mailing ballots by a third party to all fishermen would be a more inclusive, transparent process.





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- Term-Limits: Some Members did not support term limits stating that ports should be allowed to re-elect individuals and the election process would serve as a means to remove Members who were no longer representing the interests of their constituents. Other Members thought term limits would be helpful to ensure fresh perspectives were added to the body.
- Other considerations:
  - How should individuals be replaced between elections?
  - Should there be alternates allowed?
  - How should the body be administered? There was general support in retaining Strategic Earth as administrators of an industry representative body.
  - How should the body be set up? Through mandatory or voluntary fees?
    - If set up through mandatory fees, should a [commission or council through the California Department of Food and Agriculture](#) be employed?
    - If set up through voluntary fees, should it be a nongovernmental organization or for-profit entity?
    - The way the DCTF is currently set up, OPC uses state funds to administer the DCTF. DCTF Members suggested sending industry funds to the OPC to continue administering the DCTF. OPC stated they would not be able to receive funding from the industry to administer the DCTF.
  - Should the organization be subject to the Bagley-Keene Open Meetings Act?
    - If the body was set up through the California Department of Food and Agriculture it would be subject to Bagley-Keene. The Open Meetings Act requires all materials sent to the DCTF are publicly available, meetings are noticed 10-days in advance (except in the case of emergency meetings when there is a public health issue), engaging in serial meetings is not permitted, etc.
  - How frequently should the body meet (both in-person and via conference call)?
  - How can Members be more effective in reaching their constituents?
    - CDFW said they are unable to share a list of each representative's constituents due to confidentiality issues, but letters could be mailed to each permitholder sharing the contact information of their representative.

Public comment was taken on the topic at hand.

- Zach Rotwein, commercial fisherman, stated that a processor with strong ties to Asian markets should be considered to serve on the DCTF.
  - Many DCTF Members expressed support for this suggestion.
- Mark Gentry, commercial fisherman, stated it is important to consider high and low tier out-of-state commercial fishing representatives and nonprofit organizations on the body. He expressed concern about potential litigation if nonprofits do not have a voting seat.
- Dave Bitts, commercial fisherman and President of PCFFA, expressed concerned about the size of the industry representative body and the ability to reach a quorum. The larger the group, the more difficult it will be to mobilize and the more expensive it is to maintain. He suggested making the group more manageable by having one representative per port.
- Mark Gentry, commercial fisherman, would like the [survey](#) to be more broadly distributed to the



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fleet through mailings to all permitholders to get a better understanding of the position of the fleet.

- The Admin Team explained a referendum would be circulated to the fleet if steps were made to establish an organization through the California Department of Food and Agriculture.
- Stephen Melz, commercial fisherman, suggested elections every two years and rather than term limits if someone has already served on the body they would still be eligible to serve on the DCTF but would go to the bottom of the voting pool.
- Zach Rotwein, commercial fisherman, expressed that rotating elections may be useful to ensuring fewer newer individuals are present on the body at one time.
- Jason Denet, commercial fisherman, asked the DCTF to consider allowing non-permitholders to participate in DCTF Member elections. There are a number of individuals who lease vessels who should have a say in their representatives on the DCTF.
  - The Admin Team asked the DCTF to consider the mechanics of how to include boat captains, crew, etc. in the election process.
- Stephen Melz, commercial fisherman, expressed support for term-limits.

Various DCTF Members requested a straw poll to assess the level of agreement on the structure of a future industry representative body. Support shown through a straw poll does not reflect adoption of an idea.

- *Straw Poll- The DCTF supports the following commercial fishing make-up of an industry representative body: 2 South of Half Moon Bay, 2 Half Moon Bay, 2 San Francisco, 2 Bodega Bay, 2 Fort Bragg, 2 Eureka, 1 Trinidad, 3 Crescent City, and 2 out-of-state representatives. (3 up; 14 sideways; 1 down; 1 abstain)- Pass*

Members of the DCTF did not feel prepared to vote on the details of the industry-representative body and suggested revisiting the make-up and voting structure at a future DCTF meeting. The Admin Team explained this topic has been on DCTF and Executive Committee meeting agendas since 2014. If short-term funding is not identified to keep the DCTF functioning, this is the DCTF's last opportunity to weigh in on the body. If short-term funding can be acquired and another DCTF meeting can be scheduled, **DCTF Members are expected to share these options with their constituents and be ready to make a final recommendation at the next DCTF meeting.**

**ACTION:** *Consideration and possible adoption of a recommendation regarding a long-term Dungeness crab industry-representative organization, including, but not limited to, the organization's structure, funding, other operational considerations, and identification of priority topics for the organization to address.*

**APPROVED:** The DCTF requests that bridge funding be granted by The Nature Conservancy with matching funds by industry (e.g. port associations and processors) to support the immediate funding needs for the DCTF to function beyond January 2017 until the DCTF identifies short- and longer-term funding sources to support an industry-representative organization.



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The DCTF recommends CDFW and the Ocean Protection Council pursue options to allocate funding from the Dungeness Crab Account (Fish and Game Code 8276.5) in the short-term (i.e., through 2019).

The DCTF may also investigate legislative options to pursue long-term funding through access to the Dungeness Crab Account to support the DCTF or an industry-representative organization beyond 2019.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
15	4	0	1	2

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

Thumbs up (15): Anderson, Anello, Atkinson, Carvalho, Clark, Doyle, Fahning, French, Gilmore, Hagel, Helliwell, Hunt, McHenry, Whaley, Yarnall

Thumbs sideways (4): Bradshaw, Cunningham, Pomilla, Powers

Thumbs down (0): None

Abstain (1): Goucher

Absent (2): Gorelnik, Johnson

**APPROVED:** The DCTF identified the following priorities of a future industry-representative organization:

- Inform fisheries management;
- Be responsive to high profile and policy issues;
- Serve as a conduit of information to/from the fleet to the Legislature, Department, and Commission;
- Identify industry research priorities; and
- Serve as a source for public relations efforts related to industry issues.

At this time, the DCTF is not interested in a future industry-representative organization addressing commodity marketing or pricing as part of its charge.

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

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

Thumbs up (18): Anderson, Anello, Atkinson, Bradshaw, Carvalho, Clark, Cunningham, Doyle, Fahning, French, Gilmore, Goucher, Hagel, Helliwell, Hunt, McHenry, Pomilla, Whaley

Thumbs sideways (2): Powers, Yarnall

Thumbs down (0): None

Abstain (0): None

Absent (2): Gorelnik, Johnson

**APPROVED:** The DCTF continues to see value in the DCTF or a similar industry-representative body. The DCTF continues to discuss updates/adjustments to the operating structure of the current DCTF



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(including, but not limited to, the DCTF’s composition, process for appointing alternates, process for replacing members, etc.) and a future foundational structure outside SB 369 (beyond 2019). The DCTF supports the continued use of a 2/3 voting structure.

DCTF Members will take proposed structure options back to their constituents for further discussion. A final decision on this structure will be made on or before November 15, 2017.

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

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

Thumbs up (19): Anderson, Anello, Atkinson, Bradshaw, Carvalho, Clark, Cunningham, Doyle, Fahning, French, Gilmore, Goucher, Hagel, Helliwell, Hunt, McHenry, Pomilla, Whaley, Yarnall

Thumbs sideways (1): Powers

Thumbs down (0): None

Abstain (0): None

Absent (2): Gorelnik, Johnson

**APPROVED:** The DCTF supports new elections of commercial fishing representatives as soon as feasible (i.e., funding dependent). The DCTF recommends an election every 3 years among permitholders to ensure fresh perspectives are added to the organization, while also maintaining institutional knowledge. Alternates would be requested to attend all DCTF meetings. The details of how elections will be carried out will be determined at a later date.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	6	0	0	2

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

Thumbs up (14): Anello, Atkinson, Carvalho, Clark, Cunningham, Doyle, Fahning, French, Gilmore, Goucher, Hagel, Hunt, Pomilla, Whaley

Thumbs sideways (6): Anderson, Bradshaw, Helliwell, McHenry, Powers, Yarnall

Thumbs down (0): None

Abstain (0): None

Absent (2): Gorelnik, Johnson

4. *Update on the status and next steps of the California Dungeness crab lost fishing gear recovery program as outlined in Senate Bill 1287, including timing of implementation, framework, costs associated with the program, etc.*

The Admin Team introduced [SB 1287](#) and outlined the components of the bill which include:

- Waivers on trap tag fees for military service (*from the DCTF’s January 2015 report, Recommendation 2*);



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- Modifying fair start to apply to vessels not individuals (Fish and Game Code 8279.1) (*from the DCTF's January 2015 report, Recommendation 9*);
- Give CDFW Director more authority for recreational fishery during a closure; and
- Sideboards on a Lost Fishing Gear Recovery Program (*from the DCTF's January 2016 report, Recommendation 3*).

The bill will become law January 1, 2017. Many of the components of the bill were based on the recommendations from the DCTF, and Mr. Weseloh stated some of the DCTF's recommendations were also included in the bill's intent language.

The Admin Team explained the Lost Fishing Gear Recovery Program (gear recovery program) still needs to be developed by CDFW since SB1287 only provides a high-level framework. The post-season gear recovery program will not be in place for the 2016-2017 commercial fishing season. CDFW explained they would like to understand the DCTF's perspective on the outputs, deliverables, and behaviors of the gear recovery program. CDFW will investigate all of their options for developing the details of the gear recovery program (e.g., how to inventory and store gear, how long to fishermen have to purchase their gear, how will unclaimed traps be disposed of, who can handle the gear, who should be the third-party to help run the program, fiduciary responsibilities, how is pumped gear addressed, etc.), and then will go through a public regulatory process (i.e., Title 14). The soonest the gear recovery program could be in place would be the 2017-2018 season assuming the regulatory process is complete. CDFW is talking with other states, Sea Doc Society, and the Half Moon Bay Seafood Marketing Association (HMBSMA) to gather lessons learned from their programs.

The DCTF brainstormed needs for the gear recovery program to ensure it is cost-effective and efficient.

- Important to be scalable to be reflective of the needs of each port.
- Value of a third party to run the program in each port on behalf of CDFW to ensure cost-effectiveness.
- A hardship clause should be included in cases of catastrophic gear loss.
- Ensure measures are in place to prevent those who are not permitted to handle gear from picking up gear during the season and "hoarding it" until after the season closes.
- Develop a centralized database to track lost/abandoned gear.
  - Tom Dempsey, TNC, explained TNC has developed an electronic tool that is being piloted by Half Moon Bay. Fishermen take a picture of lost gear, email it to a password protected server that can scrub the image and location to help ensure recovery trips are targeted.
  - Jennifer Renzullo, SeaDoc Society, explained SeaDoc Society has a reporting mechanism available to Whale watchers, Coast Guard, and others to report the coordinates of lost gear on a web-based tool. The information is then forwarded to those vessels who are responsible for collecting gear.
- Ensure fee-setting is reasonable.
  - Although CDFW will be responsible for setting fees, DCTF Members requested CDFW consider setting fees for different ports or types of gear (e.g., useable versus unusable gear). Various Members also suggested the cost to buy back gear should not exceed the cost to a new complete trap (including lines and buoys).



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- CDFW will be setting the costs of retrieved gear based on the costs of administering the gear recovery program. Members expressed concerns that fees will be set much higher when there is less gear in the ocean.
- Consider allowing non-commercial fishermen (e.g., CPFVs or recreational fishermen) to retrieve gear for the gear recovery program.
  - Concerns were expressed by various DCTF Members and CDFW on the appropriateness of this option.
- Consider a requirement that phone numbers are included on each trap tag.
- If gear is recovered through the gear recovery program, fishermen should not receive a citation in addition to the program fee.
- Develop an evaluation to see if the gear recovery program has been effective in reducing whale entanglements.

SB 1287 states the DCTF will review and provide feedback on the gear recovery program developed by CDFW. The DCTF generally agreed CDFW make the gear recovery program outline available to the DCTF, PCFFA, and port associations, circulated through the DCTF public email list, posted on the Salmon, Albacore, Dungeness crab Facebook page, and mailed to every permit holder prior to commencing the regulatory process.

A DCTF Member asked if recreational gear can be addressed through this program. The Admin Team explained SB 1287 only affects the commercial fishery. A recreational program would have to be established through a separate process.

DCTF Members expressed concern about being unable to renew their permits due to a few lost traps. Other DCTF Members explained, and CDFW confirmed, fisherman can have six untagged traps onboard their vessel during the season. Therefore, if someone sees a peer's lost trap, they can retrieve it and return it to the rightful owner without entering the trap into the program and generating a fee. This method can also be used to retrieve "junk" traps that someone may not want to buy back.

Public comment was taken on the agenda item.

- Stephen Melz, commercial fisherman, confirmed the gear recovery program was not currently mandatory.
  - The Admin Team explained there are currently programs in place to retrieve gear, but payment for that gear is voluntary. Funds recovered from those programs are intended to fund the program.
  - Jennifer Renzullo, SeaDoc Society, explained the funds are used to pay for fishermen to retrieve gear. In previous years, some individuals have been reluctant to pay for their gear, which necessitated SB1287.
  - Tom Dempsey, TNC, stated in Half Moon Bay, fishermen were generally happy to pay for their gear, except a few folks. Those funds were used to pay boats to retrieve gear, storage, etc. Half Moon Bay is still working out some of the kinks to minimize cost and maximize efficiency.
- Jennifer Renzullo, SeaDoc Society, stated that in order to evaluate effectiveness and methods of the voluntary program, SeaDoc Society has been selective in who they ask to retrieve the gear.





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They have seen some fishermen collect and hold onto traps in the hopes they will be paid for the traps once the gear recovery program is in place. She expressed hesitancy to allow recreational fishermen to retrieve gear for profit. Contacting fishermen is the highest cost of the program. To reduce the costs of the program, an online inventory could be developed so a fisherman could look into whether their gear has been recovered.

- Bill Alexander, commercial fisherman, stated when permit holders receive their permits, they should be allowed to indicate whether they want to buy back their recovered gear or not (and relinquish ownership) so the gear recovery program is modeled after the current voluntary programs and fishermen are not required to purchase their recovered gear. He expressed concern about the gear recovery program growing too large, unwieldy, and expensive.
- Dave Bitts, commercial fisherman and President of PCFFA, believes the gear recovery program would work better if the program is managed by a gear retrieval entity in each port (e.g., port association or other entity) under the guidance of CDFW. The gear retrieval entity should set the fee for retrieval rather than CDFW. The fee for retrieval should compensate the person retrieving the gear while also being reasonable to the person buying the trap back. It should be less than the cost of replacing the trap. If fishermen cannot pay for their gear, they should not lose their permit, but the number of traps they should be allowed to fish should be reduced based on the number of traps he/she doesn't pay for. He expressed support for a centralized way for the fleet to track lost traps and deliver the GPS coordinates to the gear retrievers. The owner's phone number should be included in the trap.
  - CDFW explained local port authorities can run the gear recovery program. However, only CDFW can set the fee for the lost traps, not the ports. Different fees can be established in different ports if different ports have different costs for running the program. CDFW further explained that SB1287 requires nonrenewal of permits if permit holders do not pay for their gear. This provision cannot be changed without changing the law.
- Tom Dempsey, TNC, an electronic system is a valuable tool to track lost gear and make the gear recovery program more efficient. It can only be successful if it utilizes local port associations and resources. The California Dungeness Crab Fishing Gear Working Group has discussed the gear recovery program as one of the tools that the fishery is pursuing to help the fishery reduce the risk of whale entanglements in the future. It could be a valuable means to reduce entanglements without being expensive to the fishery. It will be important to track the impact of the programs to show their effectiveness in reaching their goals (i.e., lost gear and reducing whale entanglements).
- Mark Gentry, commercial fisherman, expressed concern that there will be unintended consequences of the gear recovery program. When there are few traps recovered by the program, the costs to fishermen will be higher. For example, if only five traps are retrieved from a port, those five traps will pay for the entire program.
  - CDFW agreed and explained that they are looking for the program to be scalable to prevent these unintended consequences. It should be scalable to the need.
- Zach Rotwein, commercial fisherman, expressed concerns about requiring different fees for different ports because there is a lot of overlap in where port associations pull the gear. It will be important to simplify things as much as possible.
- Stephen Melz, commercial fisherman, suggested the fee should not be set at an amount equal to the cost of new gear since that would encourage individuals to abuse the program.



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- A DCTF Member explained the retrieval vessel would not receive the full amount. The fee would be split between the retrieval boat, the third-party administering the program, and CDFW.
- Zach Rotwein, commercial fisherman, believes those retrieving the gear should receive “fair profit” (i.e., based on gas prices) for retrieval of a trap, not just market value. Even though, it takes time to pump traps, there shouldn’t be different prices for different traps since the goal is to get them out of the ocean. Suggested environmental groups who are concerned about whale entanglements should also donate money to support this program.
- Dick Ogg, commercial fisherman and Dungeness Crab Fishing Gear Working Group participant, asked if there was a possibility to notify those individuals who left their gear and give them an opportunity to retrieve it on their own before the program retrieves the gear. If someone can’t buy their trap back, they may be interested in going out to get the gear themselves.
  - A DCTF Member explained this was a possibility. Fishermen can request a waiver or let their peers know where the gear is located.

**ACTION:** *Consideration and possible adoption of recommendation(s) for the California Department of Fish and Wildlife’s review to inform the development of a California Dungeness crab lost fishing gear recovery program.*

**APPROVED:** DCTF developed an initial list of considerations to inform CDFW’s development of a program to implement the lost fishing gear recovery program outlined in SB 1287. As part of a brainstorm the DCTF identified a number of priority areas that the program should:

- be scalable to be responsive to regional needs and the type(s) of gear pulled;
- involve entities in addition to the Department of Fish and Wildlife (e.g., port associations) to help implement the program, reduce costs, and improve efficiency, including developing electronic ways to monitor traps collected and designing a centralized database for tracking gear; and
- consider a provision to account for catastrophic loss and hardship on an individual or case-by-case basis.

The DCTF recommends gear recovery fees charged to the permitholder should not exceed the market value price of a complete new crab trap (i.e., including lines and buoys). The DCTF recommends a working group comprised of industry representatives be identified to be available to work with CDFW to continue to develop the details of the program.

CDFW has agreed to present and provide a program outline for the industry’s review that will be shared with an industry-representative body (if it exists) and/or via port associations, the current DCTF public email list, Pacific Coast Federation of Fishermen’s Associations (PCFFA), social media, etc. prior to implementation of the program.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
15	5	0	0	2



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

Thumbs up (15): Anderson, Atkinson, Bradshaw, Clark, Cunningham, Doyle, Fahning, Gilmore, Goucher, Hagel, Hunt, McHenry, Pomilla, Whaley, Yarnall

Thumbs sideways (5): Anello, Carvalho, French, Helliwell, Powers

Thumbs down (0): None

Abstain (0): None

Absent (2): Gorelnik, Johnson

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

[NOTE: This agenda item was structured as more of a discussion, and included public comment throughout. The summary below combines both DCTF and public comments.]

Patrick Kennelly, California Department of Public Health (CDPH), Susan Kalssing, Office of Environmental Health Hazard Assessment (OEHHA), and Craig Shuman, CDFW, provided an update on the status of domoic acid and pre-season crab quality testing and how this information may impact the commercial and recreational Dungeness crab fishery openers. All [domoic acid test results](#) and [crab quality results](#) are available online. Below Point Reyes, domoic acid samples have come back clean. In Sonoma County (i.e., Bodega Bay) and Mendocino County (i.e., Fort Bragg) some samples have come back elevated, but CDPH is optimistic they will quickly resolve themselves. Samples in Crescent City and Trinidad have also come back slightly elevated and will be retested prior to the December 1 opener. If there continue to be issues in some areas, CDPH and OEHHA will likely recommend a closure of commercial fishing from those areas that continue to test “dirty” based on the feedback received during the [August 2016 Executive Committee call](#).

A number of reference materials were made available as meeting handouts to inform discussion with CDPH, OEHHA, and CDFW:

- [Frequently Asked Questions: Harmful Algal Blooms and California Fisheries](#)
- [Ocean Science Trust Report: Framing the Scientific Opportunities on Harmful Algal Blooms and California Fisheries: Scientific Insights, Recommendations and Guidance for California](#)
- [Domoic acid questions from PCFFA with responses from CDPH, OEHHA, and CDFW-10/12/2016](#)

The DCTF and public asked questions:

- What is the science behind the 30ppm action level? *The action level is set by the federal government. More information is available [here](#).*
- How will the sport fishery be addressed if there are high levels of domoic acid? *The sport fishery will open, but an advisory will be issued in those areas that exceed the 30ppm threshold.*
- How will the state handle fishery openers if domoic acid is spotty?
  - CDFW stated they can close an area based on guidance from CDPH and OEHHA. There is no authority to delay or close areas that are clean and do not receive a health advisory from CDPH/OEHHA. Therefore, the areas south of Pt. Reyes that have tested clean will open without delay. There may be areas that do not open in 2016-17 based on the results



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of the domoic acid testing. The 2015-2016 season was unique since all areas were dirty and received a health advisory from CDPH/OEHHA. Under these circumstances, CDFW was required to delay all Dungeness crab fishing in California until they received word from CDPH/OEHHA that areas were safe. CDFW can close an area regardless of whether it is splitting a district or management area.

- Are any additional harmful algal blooms (HABs) anticipated this year?
  - Although waters are cooler than last year, they are still warm. HABs do not appear to be present in bivalves at the moment and no new blooms are anticipated. Mr. Kennelly will continue to check in with the Environmental Branch of CDPH on the status of HABs.
- Does the pH of the water impact HABs?
  - It all depends on the species. Some species of phytoplankton are blooming more often as a result of ocean acidification and some species are more toxic at different pHs.
- If management areas and districts are opened in an untraditional fashion, how will fair-start be handled?
  - CDFW is investigating this question and will issue a formal response in the coming weeks. During the 2015-2016 season no inter-district fair starts occurred, only a fair-start between management areas.
- Are two clean tests always needed to open an area?
  - It is important for CDPH to maintain a high degree of flexibility. There is a general protocol with the opportunity to adjust based on perceived outliers. For example, if an area has a crab at 150 ppm followed by two clean tests, CDPH may request an additional sample because there would be suspicion about the levels truly dropping that quickly. However, if there is an area with one crab at 40ppm CDPH may not require a second test before deeming an area clean.
- What is the difference between a closure and an advisory?
  - During a closure, no one can fish an area. If an advisory were issued, the contaminated area could be fished, but specific protocols would be in place to track the crab caught on those advisory areas and ensure crab are eviscerated before landing on the market. The industry indicated they would prefer closures over advisories.
- What “buffers” are in place between testing sites to ensure public health is maximized?
  - Generally, a 10-15 mile buffer between sample sites is needed to determine an area is clean. However, CDPH maintains the ability to be flexible in that determination based on geography and oceanographic conditions.
- How quickly can samples be processed by CDPH labs?
  - Samples are processed in approximately 2 days. However, if samples are received on a Friday, they will not be processed until the following Monday, yielding results on Tuesday. Samples are prioritized based on how close the fishery is to its traditional opener or how close the samples are to being clean enough to re-open an area.

The DCTF and public provided additional feedback:

- The [Tri-State Dungeness Crab Meeting](#) was very informative and offered a forum to really highlight the immense amount of work carried out by CDPH.
- Concerns were expressed about the need to update the domoic acid threshold (30ppm).



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- During the 2015-2016 season, areas were opened to sport fishing with little to no notice. Moving forward, the sport fishery would appreciate more notice before areas are opened.
- Concern about the use of the advisory in 2015-2016 season. When areas tested clean and were opened CPDH still issued an advisory recommending the public not consume the viscera. This “advisory” felt unfair since the fishery waited to open until the crabs were clean and there should be no impacts to public health. However, the “advisory” contributed to the public’s continued fear of the product.
  - CDPH and OEHHA clarified there was no advisory when the areas reopened. There was a recommendation that the public eviscerate Dungeness crab before consuming it. These are the same recommendations that were issued in Oregon and Washington. Moving forward, the state would like to educate the public on not consuming viscera even when domoic acid is not an issue since viscera contain other unhealthy contaminants. Instead of a recommendation, the state can refer to this suggestion as a “best practice”, which is nomenclature that resonates with the fleet, industry, and public.
- At this point in time, there is support for closures as opposed to advisories. However, the fleet may like to revisit this suggest later in the season based on the results of continued domoic acid testing.
- The industry may want to consider recommending a “drop dead date” where the fishery does not open (in the closed area) for the remainder of the season if that area does not clean up.

CDFW, CDPH, and OEHHA asked for guidance on how to continue engaging the fleet in the conversation about HABs and domoic acid. DCTF Members expressed support for continuing to convene regular Executive Committee conference calls (funding permitting), CDFW convening ad hoc public conference calls, conference calls with PCFFA, and regular dissemination of information through the DCTF public email list, CDFW email lists, PCFFA, etc.

9. *Review and discussion of the recommendations and next steps generated by the Dungeness Crab Fishing Gear Working Group to reduce the risk of whale entanglements during the 2016-17 fishing season, and beyond.*

### **Whales**

Ms. Sayce provided the DCTF with an update on the [California Dungeness Crab Fishing Gear Working Group](#) and its efforts to address whale entanglements. The Working Group is comprised of commercial and recreational fishermen, representatives from environmental organizations, and representatives from federal and state agencies. The group was convened by CDFW, OPC, and the National Marine Fisheries Service (NMFS) to develop recommendations to reduce the risk of whale entanglements in Dungeness crab fishing gear. Since the DCTF’s October 2015 meeting, the Working Group has had two in-person meetings and numerous conference calls. In September 2016, the Working Group developed a 2016-17 Guide for [Best Fishing Practices](#) and a [Recommendations and Next Steps Memo](#). Both are available on the [Working Group’s webpage](#) and the former has been broadly circulated to the fleet.

DCTF Members generally agreed with the recommendations in the Best Practices Guide. Some Members questioned whether the number of buoys used should also be addressed, while others did not believe the number of buoys in a gear set up would increase the risk of whale entanglements. One Member stated if



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the Best Practices Guide is effective at reducing whale entanglements, there could be an opportunity to turn the recommendations in the guide into formal recommendations. Some DCTF Members expressed reservations about potential regulatory changes to the fishery when whale numbers and behavior could change. Others felt the Working Group is taking small steps to show the fleet's good will on the issue.

The DCTF discussed the pilot projects outlined in the Recommendations and Next Steps memo. Some DCTF Members, and members of the public were interested in working with project leads to help inform the studies. CDFW encouraged the fleet to engage in these projects as they will be valuable in showing the fleet's willingness to address the issue of whale entanglements. Anyone interested in participating in the pilot projects was encouraged to reach out to [Kelly Sayce](#).

As a next step, the Working Group is also looking into how to improve reporting and identify the source of the entanglement. The Working Group discussed the idea of printing both sides of the CDFW-issued trap tags. The Admin Team clarified this idea was discussed without understanding or discussion about the Dungeness Crab Account and ways those funds could be used. CDFW developed a cost analysis:

- 198,700 buoy tags are ordered every other fishing seasons for \$0.88 per tag. Tags cost a total of \$174,856 every 2 years.
- Printing both sides would increase the cost to approximately \$1.23 per tag. Double-sided tags would cost a total of \$244,401 every 2 years.

The increased cost of the tag could come from the Dungeness Crab Account and would not increase the cost to fishermen since the cap of \$5 per tag is in statute.

CDFW explained they do not need additional authority to print double-sided tags, but preferred to make the change with the blessing of the DCTF. Various DCTF Members believed printing double sided tags would be good for public relations, but utilizing an extra \$70K from the Dungeness Crab Account that could be used to fund the DCTF was concerning. Many felt pressure from environmental groups to make this change without fully knowing if it would be effective. Some DCTF Members expressed doubt that double-sided tags would yield valuable information to disentanglement teams and suggested testing double-sided tags for a short period as a first step.

Public comment was taken on the topic at hand.

- Stephen Melz, commercial fisherman, does not believe the fleet will get their money's worth of publicity from printing double-sided tags and suggested a donation to whale disentanglement groups may be a better use of funds.
  - CDFW would need to investigate whether funds from the Dungeness Crab Account can be funneled to a nonprofit organization. Various DCTF Members felt it would be in poor taste to borrow money to fund the DCTF (i.e., TNC) while donating money to another nonprofit organization. They suggested revisiting this suggestion when the DCTF has more consistent funding.

DCTF Members requested a straw poll to assess the level of agreement for printing double sided trap tags. Support shown through a straw poll does not reflect adoption of an idea.





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- *Straw Poll- The DCTF supports printing double-sided trap tags one time. (10 up; 9 sideways; 1 down; 0 abstain)- Pass*

### ***Spring/Summer fishery***

In light of whale entanglements and domoic acid concerns, a few DCTF Members and members of the public requested the spring fishery be added to the meeting agenda. The Admin Team asked the DCTF how they would like to approach the topic.

- One DCTF Member explained that the industry needs to take voluntary measures to reduce whale entanglements otherwise there will be involuntary measures imposed on the fleet. Season modifications driven by industry may be a way to address this issue. The goal of modifying the season is to maximize the take of the resource while reducing bycatch of whales and handling mortality. Based on research by [Yochum et al 2016](#) and [Cusack 2016](#) there may be value in reducing the fishery by a few weeks, especially in the summer. The Oregon Dungeness Crab Commission is also working on a bioeconomic model based on these two research papers that will be ready in November 2016.
  - Dr. Pomeroy cautioned the DCTF on utilizing the Oregon studies to inform California efforts. The information included in the models matter and things may look different in California than Oregon. She suggested she review the bioeconomic model when it is available to ascertain its utility in this discussion.
  - One DCTF Member mentioned the Yochum et al 2016 study was performed in Oregon where the summer fishery is greatly reduced. However, a similar study in California may show greater impacts on the resource in the summer since effort is higher.
- Various Members expressed concern about handling mortality in California in the late season. Other DCTF Members stated that recommending closing the fishery earlier should not be based on a single study and additional research should be performed in California especially since many California fishermen rely heavily on the late fishery. It's important to assess whether shortening the season is best for the animals and industry in the long run. Other DCTF Members felt the fishery should not be shortened in case the full season is needed to keep the fishery economically viable in the future.

The DCTF discussed the type of data that would be useful to continue informing this discussion including data on whale entanglements late in the fishing season, soft-shell crab information in California, the Oregon Dungeness Crab Commission's bioeconomic study. DCTF Members asked CDFW their opinion on the subject. CDFW explained there was insufficient biological data to make any determination and changes to the season would need to be made legislatively. The DCTF will consider whether soft-shell studies should be a research priority in California. There may also be opportunities for Oregon researchers to speak at upcoming DCTF and Executive Committee discussions.

Public comment was taken on the topic at hand.

- Stephen Melz, commercial fisherman, suggested that shortening the season would jeopardize people's livelihoods and may not maximize the biological production. Size, sex, and season has been an effective tool at managing the fishery to-date. The DCTF should take shortening the season off the table.



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- Patrick Davis, commercial fisherman, stated that smaller buyers also rely on the late fishery and should be represented on the DCTF. Draggers and shrimpers want to cut the season short so they do not lose out on the late season Dungeness crab biomass.
- Zach Rotwein, commercial fisherman, does not support closing the fishery earlier. Size, sex, season regulations have eliminated potential concerns regarding handling mortality. There has been an increase in crabs and handling mortality in the Southern Management Area recently. Perhaps handling mortality is benefiting rather than harming the fishery. Sounds like a resource grab where draggers are trying to keep the biomass for the fall fishery. This hurts those small boats who don't fish other fisheries and who rely on the late spring/early summer fishery.
- Tom (*full name not provided by speaker*), commercial fishermen, believes the discussion should be tied to crab quality testing in District 10 since handling mortality in the early 2014-2015 fishing season in District 10 was higher than ever experienced in the late fishery.

The Admin Team acknowledged the discussion was varied and Members need more information before a vote can be performed. There are opportunities to add this topic to future agendas if the DCTF desires continued conversation after checking in with their constituents. The Admin Team will continue to keep the DCTF informed of relevant studies and encouraged the DCTF and public to share any such studies as they come across them.

**ACTION:** *Consideration and possible support for recommendation(s) related to the Dungeness Crab Fishing Gear Working Group's recommendations/next steps and overall efforts. Guidance on ideas for the Working Group's consideration and other items may also be provided.*

**APPROVED:** The DCTF supports the recommendations and next steps outlined in the [California Dungeness Crab Fishing Gear Working Group's October 24, 2016 memo](#).

The DCTF also supports the [2016-2017 Best Fishing Practices Guide](#) developed by the California Dungeness Crab Fishing Gear Working Group as a first step towards addressing the risk of whale entanglements in Dungeness crab fishing gear.

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

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

Thumbs up (19): Anderson, Atkinson, Bradshaw, Carvalho, Clark, Cunningham, Doyle, Fahning, French, Gilmore, Goucher, Hagel, Helliwell, Hunt, McHenry, Pomilla, Powers, Whaley, Yarnall

Thumbs sideways (1): Anello

Thumbs down (0): None

Abstain (0): None

Absent (2): Gorelnik, Johnson

**APPROVED:** The DCTF supports CDFW printing the buoy tags (associated with the Dungeness crab trap limit program tags) on both sides for one (1) trap tag cycle. The California Dungeness Crab Fishing



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Gear Working Group has discussed printing both sides of the CDFW-issued buoy tag as a strategy that may improve identification of the type of gear on entangled whales. The DCTF is interested in understanding whether this step is effective in helping the National Marine Fisheries Service and others gather better information on whale entanglements before the fleet takes additional steps to invest in this option for the long-term.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
9	10	1	0	2

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

Thumbs up (9): Anderson, Anello, Carvalho, Clark, Cunningham, Doyle, Fahning, Gilmore, McHenry

Thumbs sideways (10): Atkinson, Bradshaw, French, Goucher, Helliwell, Hunt, Pomilla, Powers, Whaley, Yarnall

Thumbs down (1): Hagel

Abstain (0): None

Absent (2): Gorelnik, Johnson

### 10. General Public Comment

CDFW Enforcement indicated there have been increased reports of people fishing inside Marine Protected Areas (MPAs). The problem is associated with many fisheries, not just Dungeness crab. Fishermen are advised to not fish inside MPAs at any time.

### 11. Next steps

The Admin Team recapped immediate next steps.

The Admin Team will:

- Draft a meeting summary and circulate it to the DCTF for final approval before making the summary available on the DCTF webpage.
- Draft a 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.
- Work with TNC to discuss and implement the DCTF's immediate funding needs.
- Work with CDFW, OPC, and the Legislature to understand how to allocate Dungeness Crab Account Funds in the short-term.
- Work with CDFW and the Legislature to get clarification on why CDFW's spending authority on the Dungeness Crab Account increased this fiscal year.
- Work with Dr. Pomeroy to understand the application of the Oregon soft-shell and bioeconomic studies to California and identify the number of permits that were "grandfathered" into the fishery.
- Circulate information and documents relevant to the work of the DCTF via email and on the DCTF webpage.



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- Add a discussion about the sunseting Fish and Game code sections to the next DCTF agenda.

### DCTF Members will:

- Review DCTF structure, funding, etc. options with their constituents.
- Contact the Admin Team if they would like to participate in whale entanglement Working Group pilot projects.

### CDFW will:

- Look into allocating funds from the Dungeness Crab Account to support the DCTF through 2019.
- Investigate CDFW Enforcement's accounting of the Dungeness Crab Account funds, specifically the percent of vessel maintenance and fuel that is funded through the account.
- Work with the Admin Team to provide the DCTF with clarification on why CDFW's spending authority on the Dungeness Crab Account increased this fiscal year.
- Share an outline for the Lost Fishing Gear Recovery Program with the DCTF as it is available.