

CDFW Update to DCTF: Lost/Abandoned Gear Retrieval Program

California Department of
Fish & Wildlife
October 2017 DCTF Meeting



Goals of Dungeness Crab Lost/Abandoned Gear Retrieval Program

- Eliminate gear after close of season
- Provide incentive for retrieving traps
 - Requires payment for each trap when owner can be identified
- Promote better trap management during the fishing season

Section 9002.5 FGC Statute Requirements

- Department will develop regulations in consultation with DCTF:
 - Establish retrieval permits
 - **Set trap fee to compensate retrievers on a per trap basis and to cover all administrative costs**
 - Can use NGOs to help implement program
 - Traps will be returned to owners who pay
 - **Renewal of Dungeness crab vessel permit not allowed until payment for retrieved traps**

Two Main Department Administrative Issues

- Department can't accept payment from third party under program
- Lost Property & Trap ownership
 - Civil Code §§ 2080 et seq. governs process by which a trap retriever could claim ownership of a trap (and then dispose of through sale, etc.)
 - Requires the finder of lost property (valued < \$250), to turn it over to the police who will notify the owner & after 90 days if the owner has not claimed the property, then ownership would vest in the finder (in our case, the trap retriever).

2017 Port Survey – Scoping Report

- **Conducted by UC Davis from July 20 – Aug 6, 2017**
 - Crescent City, Trinidad, Eureka, Fort Bragg, Bodega Bay, Moss Landing, Morro Bay & SF*
- **Department Responsibilities**
 - Issue gear retrieval permits to fishermen, municipalities and/or associations
 - Notify permit holder about retrieved traps
 - Collect payment from fishermen of fees for recovered traps
 - Maintain communication between retrieving and trap-owner parties
 - Disbursing funds for retrieved gear

*1 person by phone

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- **Permitted Gear Retriever Responsibilities**
 - Store trap(s) retrieved and if not compensated by owner within defined time period, may dispose or sell traps
 - Provide CDFW with documentation (e.g. logbook, invoice) for all traps retrieved
 - Return traps to owners once reimbursed
- **Program Conditions**
 - Gear Retrieval period will begin 2 weeks after the close of season (grace period) and last 4-6 weeks.
 - Permitted trap retrievers will be paid for traps that are identifiable to owner
 - Deadline for payment of fees – failure to pay results in non-renewal of permit the following year.
 - Participation in program is voluntary and DCVP vessels will still be able to retrieve traps independently.

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Key Issues Raised with Program: Two Routes of Trap Fee Payment

- Retrieval permittee contacts trap owner directly
 - They exchange funds w/out Dept. involvement
- OR-----
- Dept. is needed to identify trap owner and deal with any non-paying trap owners
 - Retriever submits logbook for traps and is paid by Dept.
 - Dept. contacts trap owner for payment
 - If payment not received by due date, could result in late fees and ultimately result in non-renewal of permit by April 1, the following permit year

Key Issues Raised with Program (cont'd.)

- Penalty of non-payment = non-renewal permit
 - Alternative penalties to permanent non-renewal (i.e. renew after all fees paid and/or reduce trap allotment by unpaid traps)
- Onerous Trap Fee when Department involved
 - Fee applicable to all traps retrieved under program
 - Fleet support for Dept. route only in instances of non-payment, all other traps processed under Dept “radar”
 - Dept. can’t set a fee for 3rd party to collect
- If Dept. is needed to identify trap owner by permit number
 - Confidential info. can’t be shared with retriever
 - Payment for those traps automatically enters Dept. route

DCTF - Discussion of Unresolved Issues

- Is DCTF supportive of two routes of payment plan to keep trap fees lower?
 - May require legislative amendment to accommodate this.
- Do we need alternative penalties for non-payment?
- Lost Property & Trap ownership in Civil Code §§ 2080 et seq.