

Draft Meeting Summary
DCTF Executive Committee
Tuesday, December 22, 2015

Meeting Participants

EC Members Present	Geoff Bettencourt, Bill Blue, Bill Carvahlo, Larry Collins, Mike Cunningham, Vince Doyle, Brett Fahning
EC Members Absent	None
Other Meeting Participants:	Craig Shuman, CA Department of Fish and Wildlife Pete Kalvass, CA Department of Fish and Wildlife Christy Juhasz, CA Department of Fish and Wildlife Cpt. Steve Riske, CA Department of Fish and Wildlife Cpt. Bob Puccinelli, CA Department of Fish and Wildlife Valerie Termini, Ocean Protection Council Rachelle Fisher, DCTF Administrative Team Kelly Sayce, DCTF Administrative Team

Meeting Summary

All “next steps” are ***in bold*** below.

1. *Welcome, introductions, agenda overview*

- The DCTF Administrative Team (Admin Team) welcomed everyone to the meeting and explained the purpose of the call was to discuss the continued delay in the commercial Dungeness crab fishery due to high levels of domoic acid in California Dungeness crab.
- The Admin Team explained the Dungeness Crab Task Force (DCTF) Executive Committee (EC) was directed by the DCTF to address the topic of domoic acid during the October 26-27, 2015 DCTF meeting. The EC may provide timely guidance on this issue to the California Department of Public Health (CDPH), the Office of Environmental Health and Hazard Assessment (OEHHA), and the California Department of Fish and Wildlife (CDFW), along with other agencies involved. The EC, however, cannot make decisions on behalf of the DCTF and will report back to the full DCTF with the outcomes of this conference call.
- The Admin Team introduced EC members, Ocean Protection Council (OPC) staff, and CDFW staff.
- Guidelines for providing public comment were briefly reviewed, and the Admin Team walked through the agenda. The Admin Team reminded those on the call that public comments are also welcomed via email at info@dungenesscrabtaskforce.com. Emailed comments received during the conference call will be read aloud during the call as time permits.

2. *Informational updates on topics including, but not limited to, results of domoic acid testing in Dungeness crab along the California coast. The ensuing discussion may include, but will not be limited to, guidance to the California Department of Fish and Wildlife regarding potential action(s), and consideration(s) of including regular domoic acid testing as part of annual pre-season crab quality testing.*

- The Admin Team provided a brief update since the last EC call.
 - On November 5, 2015, the EC held an emergency conference call to discuss elevated levels of domoic acid in California Dungeness crab. Following this discussion, the EC developed a guidance memo for CDFW, the Fish and Game Commission, CDPH, and OEHHA that provided suggestions regarding testing frequency, testing locations (by port cluster), and how to open the fisheries (commercial and recreational).

- Guidance provided by the EC has been used by the agencies involved to inform testing protocols and to consider options for opening the Dungeness crab fishery.
- Christy Juhasz, CDFW, and Pete Kalvass, CDFW, provided an update on domoic acid testing to-date.
 - All updated test results are available on [CDPH's webpage](#). To-date very few areas are clean, however, updated test results are due over the coming days and weeks. Testing results may come in slower over the holidays.
 - CDFW developed [maps to provide a visual representation of sampling sites](#). Due to concerns of the high levels in the Manchester sample, CDPH is considering adding a sampling site in the Northern Bodega Bay area of Sea Ranch. The EC was reminded that a minimum of two consecutive clean tests is required before any area will be deemed safe for fishing activities to commence.
 - Poor weather conditions have made it difficult to get regular samples in some of the port areas, particularly in the Northern Management Area.
- EC Members discussed the sampling protocols and speed of receiving results.
 - One EC Member expressed concern about the high volume of samples being sent to CDPH, which in turn has created a backlog and results are not available in a timely fashion.
 - CDFW explained that it has been challenging for CDPH to provide timely results while navigating the holidays in November and December. Additionally, CDPH has also been processing rock crab samples, which makes it difficult to also keep up with Dungeness crab samples. CDFW further explained that the agencies involved have discussed using other labs to process the samples. However other labs charge \$150/crab to process making outsourcing cost prohibitive. However, due to weather in the northern range of the fishery, more recently samples have been taken on a biweekly basis, rather than weekly, which has helped with some of the backlog.
 - One EC Member requested CDPH prioritize samples that continue to have the highest levels of domoic acid, which may help prioritize Dungeness crab.
 - CDFW welcomed this guidance, and asked the EC to be mindful that the domoic acid issue is a statewide effort that is largely being driven by the public health agencies.
 - An EC Member asked if sampling will continue to be done in areas where crabs have tested clean twice in a row.
 - CDFW explained that sampling would cease once a port area tested (including all the sites within that port area) clean two consecutive times. Once a site within a port area tests clean nearby sites could be considered however this would be the decision of CDPH. Based on recent discussions concerning the rock crab fishery, if a port area tests clean for two consecutive weeks, CDPH has conducted sampling at an adjacent site in an effort to be thorough.
 - Various EC Members expressed concern with this approach. One EC Member stated that testing should continue until all sites are clean throughout the state, since we have seen specific sites test clean over consecutive samples and then switch back to testing poor.
 - Another EC Member agreed that testing should continue in areas that test clean for ongoing verification, especially due to the low volume of crabs being tested. One EC Member agreed with the protocol that all six crabs must test clean at each sampling site to open the fishery.
 - CDFW acknowledged that fishermen have been asking for more sites to be sampled.
 - CDFW explained that following the opening of Oregon's commercial fishery, there will be tests as the crabs are landed in an effort to be absolutely confident in the decision to open the fishery. During the season, Oregon will test razor clams as a proxy for Dungeness crab.
 - Various EC Members expressed concern with Oregon's approach of testing the first crab landed on the fishery opens. The EC explained once the fishery is open there should be no concern that the crabs are not safe to eat. Additionally, fishermen will have already set

traps, and if the fishery were to close again it would be chaos. Oregon should wait until they are totally sure the crabs are safe.

- The Admin Team and CDFW explained that Oregon and Washington use the same standards as California (i.e., domoic acid levels must be less than 30ppm for a fishery to open) and that tests in Oregon have consistently tested below that threshold, even with a recent spike in the new round of testing. California and Oregon's procedures and protocols are reflective of the precedent set by Washington earlier in the year.
- The criteria CDPH uses for opening a fishery is stricter than for closing a fishery. CDFW explained if a fishery is closed, one bad crab will not re-open a fishery. However, once a fishery is open, a single bad crab will not close it. CDFW confirmed that a single poor testing crab in the rock crab fishery was not responsible for the rock crab closure.
- The EC discussed what types of information they should share with CDPH, OEHHA, and CDFW that the agencies may not be considering.
 - One EC Member suggested testing fewer crabs in more locations similar to what was done in Oregon. This may help alleviate the burden on CDPH laboratory while also getting a better coverage of sampling in California. He explained that if three crabs were sampled in an area and all three were bad, it would be a clear indication that greater focus should be on that area.
 - CDFW cautioned this suggestion and questioned if the data yielded from the suggested sampling protocol would tell a complete or accurate story. While protocols do change over time due to time and resources the suggested sampling protocol would be a greater cost and burden to the fishermen who are retrieving samples. CDFW further explained that unless there was another phytoplankton bloom, there is not an expectation that crabs will become elevated once an area and its adjacent sites have two consecutive clean tests.
 - CDFW stated it is unclear how many sampling sites Oregon used, but it is likely Oregon was able to cover more coastline because it is a smaller area compared to California's coast.
- Christy Juhasz, CDFW, provided an update on the recreational Dungeness crab fishery opener and the commercial and recreational rock crab fishery opener.
 - The Fish and Game Commission stated the recreational Dungeness crab fishery would open as CDPH and OEHHA deem areas (e.g., counties or management areas) as safe. The public health agencies, in consultation with CDFW, are considering opening the Dungeness crab recreational fishery across three large sections of coastline as they test clean: south of Pt. Lopez; south of the Mendocino-Sonoma county border; and north of the Mendocino-Sonoma county border.
 - To open any of the three "sections", the adjacent sampling sites must also test clean, creating a buffer between clean areas. For example, to open the section south of the Mendocino-Sonoma county border, the area north (e.g., Fort Bragg) would also need to test clean.
 - The area south of Pt. Lopez was identified as the first area to open the recreational Dungeness crab fishery. This section has tested clean, and would provide the agencies with the opportunity to be responsive to the rock crab fishery, which only received a partial area closure and continues to have gear in the water.¹ Additionally, once the area below Pt. Lopez is open, CDPH may continue "spot checking" areas that test clean, including Morro Bay, which has tested clean from the beginning.
 - One EC Member suggested moving the line at Pt. Lopez south to Pt. Conception. He explained the Morro Bay test area sites are few small and there are 65 miles between the sampling sites at Pt. Lopez and Pt. Conception. Other Members supported this suggestion.
 - CDFW and the health agencies are continuing to consider the EC's guidance to open the commercial Dungeness crab fisheries statewide and are striving toward this outcome, if possible.

¹ On [November 6, 2015](#) the commercial and recreational rock crab fishery was closed north of the Ventura-Santa Barbara County line due to elevated levels of domoic acid.

- One Member expressed support for CDFW's overall approach to opening the rock crab fishery and the recreational Dungeness crab fishery. He stated that while he preferred a statewide commercial opener, it might be important for the EC to reconsider this guidance when more information is available.
- The EC discussed multiple versus a single California commercial Dungeness crab fishery opener.
 - A few EC Members stated that the entire California coast should be clean before reopening the commercial Dungeness crab fishery. Another EC Member cautioned that it is important to ensure crabs going in the freezer this year are safe. Another EC Member stated he would like to see the commercial fishery open, regardless of whether it was via statewide or split commercial opener.
 - One EC Member stated that if there was a split commercial opener and no fair start provision, there will be a lot of effort in California as well as difficulty processing the high quantity of crabs landed at the start of the season. Since Oregon and Washington will open on January 1, 2016, if California opens between January 4-15 it will also be difficult to find processing space. A single statewide opener is essential because as long as any area of California continues to be closed there will be a newsworthy headline, which could negatively impact the markets.
 - CDFW explained that a fair start will be in place per Fish and Game Code 8279.1 should Oregon and Washington open prior to California, or if the Southern Management Area (south of the Mendocino-Sonoma County line) opens before the Northern Management Area. Additionally, if Oregon or Washington open before California, there will be a 30-day fair start for those fishing Oregon and Washington's openers before they can fish in California.
 - One EC Member stated that while he supported a single statewide opener currently, the longer the closure goes on the more it will be necessary to look at alternatives, including opening by management area. He stated the longer the delay the more damage is done to the markets. If the fishery does open by area, it will be important to ensure a large buffer between zones is established to make sure crabs are safe.

Public comment

- Dave Bitts, commercial fisherman and President of the Pacific Coast Federation of Fishermen's Association (PCFFA), suggested the fleet move forward with the disaster relief process.
- Tom Weseloh, Office of Senator McGuire, stated that those who are eligible for unemployment through the Employment Development Department remain eligible to make a claim. He encouraged members of the fleet to track their costs and expenses in an effort to prepare for the time when that information will be needed to declare a disaster. He further stated that the CDPH should expedite the public release of Dungeness crab and rock crab testing results to ensure everyone can stay on top of the issue.
 - CDFW stated they were looking into the process for declaring a disaster.
- Zach Rotwein, commercial fisherman, requested clarification if the fair start provisions would still be in effect if California chose to open the commercial fishery using lines other than the Mendocino-Sonoma County Line (e.g., open south of Monterey, north of Eureka, etc.).
 - CDFW explained they are looking into the law to answer that question, and at this time the answer is unclear. However, if the Northern Management Area opens before the Southern Management Area, a fair start may not go into effect since it is not in statute.
- EC Members revisited the discussion from the November 5, 2015 EC conference call regarding the commercial presoak period once the fishery opens.
 - A few EC Member's expressed support for a 64-hour presoak statewide, including in the Southern Management Area, due to safety concerns.
 - One EC Member asked about the Director's authority to change presoak periods that are in statute particularly when an emergency provision is active.
 - The Admin Team explained it is unknown what the Director's authority is under an emergency provision, but the EC is welcome to make a suggestion in case the Director has some flexibility.

- One EC Member stated that during an emergency provision in the Northern Management Area, the presoak would change to 36 hours. Another Member stated that the provision was recently changed in the presoak period in the Northern Management Area regardless of a delay is 64 hours.
- CDFW explained that there would be a 64-hour presoak in the Northern Management Area and 18 hours in the Southern Management Area regardless of a delay.
- The EC unanimously agreed that there should be a 64hour presoak throughout California when the commercial fishery reopens this season due to safety concerns.

Public comment

- Craig Goucher, commercial fisherman, stated Trinidad has always been in favor of a 64-hour presoak.
- The Admin Team explained that domoic acid sampling is currently done on a volunteer basis such that fishermen who pull the samples are not reimbursed for the time or expenses. There has been interest expressed by DCTF Members, CDFW staff, and others to compensate fishermen involved in sampling if funding is available. The Admin Team asked for the EC's feedback on this topic.
 - One EC Member stated that the local port association in San Francisco is willing to reimburse samplers for their fuel costs. He advocated for local associations in other ports to consider doing the same. He suggested any surplus monies from the trap limit program and the crab quality testing through Pacific States Fisheries Management Council could be used to reimburse the port associations.
 - The Admin Team explained that legislative action would be needed to appropriate the surplus funds from the commercial Dungeness crab trap limit program. They further explained there is approximately \$7,500 available from crab quality testing that could be used to help reimburse samplers. Additionally, local port associations could be another option.
 - One EC Member representing processors stated his company would be willing to make a donation to local port associations to help offset sampling expenses and suggested other processors may be willing to do the same. He further stated that it would be inappropriate to use crab quality testing funds for this purpose and sharing costs with processors would be more appropriate.
 - Multiple EC Members agreed it would be appropriate for local port associations to reimburse the vessels doing the sampling.
- One Member asked if the sport fleet should be involved in conducting samples. If this is possible, then CPFV owner/operators should also be compensated.
 - CDFW explained that although the sport fleet has not collected any samples, boats have offered to do so and could be used as a backup option.
- The EC agreed that a memo should be developed supporting the reimbursement of fishermen collecting samples on a port-by-port basis with help of processors. Port associations should cover half the costs and processors should cover the other half. Additionally, the EC supports asking the sport fleet to help collect samples.
 - The EC discussed providing guidance on reasonable reimbursement rates, similar to what was done for crab quality testing. The EC agreed that guidance was not necessary in this case and should be left up to the discretion of the port associations.

Public comment

- Craig Goucher, commercial fisherman, stated Trinidad association is currently paying for fuel for those fishermen involved in pulling samples for domoic acid testing. He expressed concern that it would be inappropriate to use the quality test money to offset the domoic acid testing costs, since only three ports contribute to those funds and the \$7,500 available would probably be exhausted rather quickly.

- Chris Lonero, commercial fisherman, emailed the following comment: Would it be prudent to discuss a hard date, where if the crab does not come clean, that we decide to mutually close the season, since it would do more harm than good to go fishing? What I mean here is the public view of crab this year, the possible lack of Federal/State relief if there is some participation in the fishery takes place, the quality of crab, etc. For example, should we say if we do not have clean crab by Jan 15th, we will not pursue an opening this year, and instead start work on providing the governor the data he needs to execute some type of relief. Just a thought....
- Zach Rotwein, commercial fisherman, expressed concern about the Ocean Protection Council (OPC)'s presentation about the impacts of climate change on Dungeness crab that was given during the December 3, 2015 Legislative hearing in Santa Rosa. He also expressed concern about the subsequent article in the Santa Rosa Democrat about the presented information.
- Steven Melz, commercial fisherman, expressed concern about having the season closed completely, explaining that fishermen have the right to fish if crabs are clean and no one should deprive the public of good crab. He stated that over the coming months good crab will be needed in the market so that the 2016-17 season begins with good crab.
- Bob Maharry, commercial fishermen, explained that he did not support a complete season closure of the commercial Dungeness crab fishery stating that fishermen have until July 15 to fish crab.
- The Admin Team explained that once the public health agencies deem California Dungeness crab safe to eat, a public advisory might be issued recommending consumers eviscerate crab prior to cooking and not consume any of the broth that a whole crab may have been cooked in. It will be important for the industry to start thinking about how to open under this advisory so it doesn't further damage markets. The EC was asked for feedback and insights on this potential advisory to follow best consumer practices.
 - One EC Member explained that such an advisory would be damning to the market since it would send a message that the crabs continue to pose a health concern. He suggested if the industry and the state are waiting until they are confident the crabs are clean and below safety thresholds then there should be no need for such an advisory.
 - Various EC Members agreed and stated that an advisory would only be needed if the fishery opened under the current conditions without clean tests. One EC Member stated the advisory would be confusing to the consumer. A few EC Members stated that Dungeness crab with domoic acid levels under 30ppm are no longer a risk to consumers, and therefore the advisory is unnecessary and would further damage the markets.
 - CDFW explained there is a possibility that the southern portion of the closure will open to the recreational fishery as mentioned earlier in the meeting. Upon that opening the health agencies would like to see this sort of language attached to the season opener in that area. CDFW further stated that due to the intermittent nature of testing, the state of California wants to be cautious.
 - One EC Member suggested taking away the intermittent nature of the testing so the advisory is not needed.
 - CDFW explained they would convey the EC's concerns to CDPH and that this discussion topic will continue. They explained the recreational fishery may open with this advisory, but understands the commercial fishery would like to remain closed until CDPH sees no reason to issue an advisory.
 - The EC asked if additional tests would be needed to make CDPH more comfortable with opening the fishery without the advisory.
 - One Member asked if other fisheries have experienced these kinds of advisories in the past.
 - CDFW explained that the spiny lobster fishery in the Northern Channel Islands had an advisory a few years ago telling consumers to only eat the tail meat. The public is also used to navigating this type of advisory with rock crab. CDFW further stated that since the Dungeness crab fishery is currently a high profile fishery, there is a need to ask CDPH to consider Dungeness crab differently.
 - The EC requested the Admin Team detail their concerns regarding such an advisory in the guidance memo that will be developed to continue to inform the agencies involved in this issue.

- The Admin Team asked how the industry is planning to reach out to foreign markets once the fishery opens.
 - One EC Member representing processors explained that California processors are looking to the Oregon Dungeness Crab Commission to reach out to foreign markets, since Oregon markets will be opening first. Additionally, processors are investing money in marketing and public announcements for California markets once they open. He further stated that it is difficult to combat the negative press, including concern from China and other foreign markets that California Dungeness crab is not safe to eat. He noted that California does not have a Dungeness crab commodities commission like Oregon, and stated it is unclear how much money would be needed to develop media strategies.
 - Another EC Member stated that PCFFA hired a public relations (PR) firm out of San Francisco to help with statewide PR efforts, including issuing press releases. After consulting with the Mayor's office, a Dungeness crab feed in the Bay Area is planned for when the sport fishery opens. The event will involve restaurants and processors, as well as the press and elected officials. He further explained the fishery and markets would only be successful if the industry works together to get the fishery back in full swing.

Public comment

- Craig Goucher, commercial fisherman, emailed the following comment: It could be a worse case scenario to have a [public] advisory [accompany the opening of the fishery]. [Particularly if this issue] goes on and our samples don't clean up completely everywhere, after months of testing. But to consider an advisory if all our samples get under 30ppm everywhere is wrong and unfair to our industry.
- Tom Weseloh, Office of Senator McGuire, stated that Oregon issued the following statement upon the opening of the season: "It is always recommended you eviscerate crab and discard the "butter" (viscera or guts) prior to cooking. The consumption of crab viscera is not recommended." He suggested this language may be more appropriate than what is being suggested by CDPH. There was a recent conference call between Senator McGuire, Assemblymember Wood, processors, and others to discuss marketing. Participants on the call agreed to continue discussing the issue and to include other sectors of the industry in an effort to approach marketing Dungeness crab in a collaborative manner.

3. General Public Comment

No public comment was provided.

4. Next Steps and Adjourn

- One EC Member requested that representative from CDPH participate in the next EC call.
 - **The Admin Team requested CDPH participation at the December 22 conference call and will continue to extend an invitation for CDPH attendance during future EC calls.**
- One EC Member stated discussions about the opening of the commercial season should come from the DCTF, not PCFFA. Rather, PCFFA should focus their efforts on marketing.
 - Dave Bitts, commercial fisherman and President of PCFFA, stated the organization wants to help share information with the Dungeness crab fleet, but does not want to get in the way of the work of the DCTF, including the recommendations surrounding the season opener.
- The Admin Team recognizes there is a continued interest by CDFW, OPC, EC Members, and others to continue discussing how to address the issue of domoic acid in the long-term. **DCTF Admin will work with the EC to convene a meeting in early 2016 to focus on this discussion topic.**
- The Admin Team summarized the next steps that emerged from the call discussions.
 - **A summary of the call will be circulated to the EC for review and then posted the DCTF webpage.**
 - **The Admin Team will develop a memo from the EC to the CDPH, OEHHA, CDFW and other interested agencies outlining the guidance from this meeting. The EC will have three days to review it before it is finalized.**