

**Draft Meeting Summary
DCTF Executive Committee
Tuesday, February 16, 2016**

Meeting Participants

EC Members Present

Geoff Bettencourt, Bill Blue, Bill Carvahlo, Larry Collins, Mike Cunningham, Vince Doyle, Brett Fahning

Other Meeting Participants:

Julie Oltmann, CA Department of Fish and Wildlife
Craig Shuman, CA Department of Fish and Wildlife
Sonke Mastrup, 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
Tom Weseloh, Senator McGuire's Office
Valerie Termini, Ocean Protection Council
Miriam Goldstein, Congresswoman Speier's Office
Adela Amador, Leader Pelosi's office
Noah Oppenheim, Congressman Huffman's office
Anne Clement, Senator Boxer's office
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) introduced EC members, Ocean Protection Council (OPC) staff, and California Department of Fish and Wildlife (CDFW) staff.
- The Admin Team welcomed everyone to the meeting and explained the purpose of the call is to receive updates on disaster relief, learn of the progress of domoic acid sampling, and discuss with CDFW about the potential opening of the commercial Dungeness crab fishery based on feedback from CDPH. The EC will also discuss the current lost fishing gear recovery program legislation.
- The Admin Team explained the Dungeness Crab Task Force (DCTF) Executive Committee (EC) is a subcommittee of the DCTF. The EC cannot make decisions on behalf of the DCTF and will report back to the full DCTF with the outcomes of this conference call. The EC was directed by the DCTF to address the topic of domoic acid during the October 26-27, 2015 DCTF meeting. Additionally, the EC is tasked with tracking and following up on DCTF recommendations, including the lost fishing gear recovery program.
- Meeting ground rules and [Guidelines for providing public comment](#) were 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, and also included in the meeting summary (which may be paraphrased to improve readability). Additionally, those comments received in advance or immediately following the call will be circulated to the EC and posted on the [DCTF webpage](#).

2. *Updates on issues involving the Dungeness crab fishery including, but not limited to, disaster relief efforts and the 43rd Annual Fisheries Forum.*

- An update was provided on disaster relief efforts:
 - On February 9, 2016, [Governor Jerry Brown requested a federal disaster declaration](#) for the commercial Dungeness crab fishery. The National Oceanic and Atmospheric

Administration (NOAA) is determining if a federal disaster will be declared. In the meantime, efforts are being made to put Legislation together to disperse federal funds once/if the disaster declaration is made. While not actively engaged in the disaster relief efforts, DCTF and EC meetings provide a public forum to share related updates.

- Miriam Goldstein, Congresswoman Speier's Office, explained that if NOAA declares the Dungeness crab fishery a disaster, funds will have to be allocated by Congress. Congresswoman Speier and Congressman Huffman are developing a bill to fund disaster relief, as well as to fund research and monitoring on harmful algal blooms and domoic acid. The two offices have been working with the DCTF Admin Team, industry members, and others to solicit feedback on how much money should be requested for the disaster relief. It is anticipated that ex vessel value data from CDFW will be considered in the estimate. If funding is approved for research and monitoring, a competitive grants process will be used to distribute those funds. Congresswoman Speier and Congressman Huffman are working to move forward a bill for disaster relief funds, however, approval of those funds (or the disaster declaration) is not yet guaranteed.
- The Admin Team provided an update on the 43rd Annual Zeke Grader Fisheries Forum, held on February 11, 2016 in Sacramento. During the Fisheries Forum, the Admin Team provided an update to the Legislature on the work of the DCTF over the last few years, and identified a number of anticipated recommendations the DCTF may present the Legislature in early 2017 (as outlined in the [DCTF's 2016 interim report](#)). A major topic of the forum was the current domoic acid situation. A link to [video of the hearing](#) is available on the [Joint Committee on Fisheries and Aquaculture webpage](#).

Public comment

- Zach Rotwein, commercial fisherman, stated he would like to see research and monitoring funding allocated to ensure domoic acid test results are processed in a timelier manner. He further stated California should look to how quickly Oregon processes domoic acid samples.
- Carolyn Folks, Santa Cruz, stated she didn't believe a disaster should be declared based on continual fishing but based on the disaster that has already occurred.
- Chris Cousins, commercial fisherman, asked if disaster relief would also be available to deckhands.
 - The Admin Team explained details on how disaster relief funds will be distributed to the fleet is unclear at this time. Ms. Goldstein further explained that bill will identify Pacific States Marine Fisheries Commission (PSFMC) as the entity to distribute those funds and will have flexibility to determine how the funds are distributed. Noah Oppenheim, Congressman Huffman's office, explained the intent is to distribute funds as equitably as possible, and anyone who can illustrate a clear loss from this disaster should qualify to receive relief funding.
- Andrew Guiliano, commercial fisherman, asked if opening the commercial fishery would jeopardize federal relief efforts.
 - Ms. Goldstein explained opening the fishery was unlikely to jeopardize disaster relief since losses have already been incurred.
- Mike Starr, commercial fisherman, stated that disaster relief money was just approved. Later in the meeting he sent an email stating that the Small Business Association, not the federal government, was making small business loans available at the local level, and apologized for the misunderstanding.
- George Castagnola, Attorney, explained that fishermen who have lost their homes/boats and are currently in dire situations need disaster relief immediately.
 - CDFW, Ms. Goldstein, Mr. Oppenheim, and Tom Weseloh, Senator McGuire's office, explained that, unfortunately, these processes take time. Ms. Goldstein and Mr. Oppenheim explained that a letter was sent to the Secretary of Commerce to expedite

the process. Mr. Weseloh explained that small business loans are available to those who may need funds in the near term.

- Craig Gerbi, commercial fisherman, emailed the following comment: Can you comment on disaster relief for newly transferred permits, would you use capital outlay to purchase and get ready for the delayed season, estimated losses from not fishing or prior years landings from prior owner(s).
- David Helliwell, DCTF Member and commercial fisherman, emailed the following comment: It would be good to recognize that small business loans do not require a first payment until five months after loan inception. Further, there is no prepayment penalty and loans can be paid off immediately and in full with disaster relief funds.
- Ralph Dairy, commercial fisherman, emailed the following comment: My buyer Hallmark fish does not buy in Crescent City, which forces me to land at Hallmark fisheries in Brookings Oregon. I was unable to make landings in California last year, due to a fractured vertebra. I think an average of the last 3 years of taxes should be considered, and disaster relief payments be based on this number. Crabbing was 100% of my livelihood the last 10 years.

3. *Updates on domoic acid and its impact on the California Dungeness crab fishery including, but not limited to, the status of test results and of the season opener. The ensuing discussion may include, but will not be limited to, guidance to the California Department of Fish and Wildlife and others regarding potential consideration(s) for opening the commercial fishery, regular domoic acid testing as part of annual pre-season crab quality testing, domoic acid protocols, etc.*

- The Admin Team briefly recapped the EC's previous conference calls, which discussed elevated levels of domoic acid.
- CDFW provided updates on domoic acid sampling and referenced [updated domoic acid sampling maps](#). Two sites chosen by the California Department of Public Health (CDPH) were sampled at each port. Testing is performed on a weekly basis, weather permitting. A sample site is declared "clean" at the discretion of CDPH, often following two consecutive tests where the viscera tests below 30ppm. [Results from all of the tests are shared and posted online.](#)
- One EC Member stated that although Crescent City had two consecutive clean tests, there were still new samples being sent to the CDPH lab. He asked if those crabs would act as an "insurance policy."
 - CDFW stated that samples will continue to be brought to the lab until there are two consecutive clean tests, even if results from the previous test are not yet available. This is done to prevent any further delays.
- The Admin Team explained that following the review of the most recent round of test results the previous week, CDPH and the Office of Environmental Health Hazard Assessment (OEHHA) issued an [announcement that Dungeness crab was safe for public consumption in all areas south of Pt. Reyes](#). This announcement triggered an automatic opening of the recreational fishery pursuant to the Fish and Game Commission emergency regulation.
- CDFW explained they would like to use this EC call as an opportunity to hear from the EC and the public to learn how the fleet would like the commercial fishery to open. CDFW requested call participants share their views and explain why they have those particular views. Following the call, CDFW will check in with Director Bonham to discuss next steps.
 - One EC Member explained it will be important to consider what is best for the industry and the resource moving forward. There are four options for CDFW's considerations: 1) completely close the commercial fishery until next season; 2) shoot for a statewide opener; 3) open management areas as they become clean; or 4) draw new lines and open areas test clean, similar to what is being done in the recreational fishery. He expressed concern that the fourth option may negatively impact the resource and the markets.

- EC Members highlighted the three letters that were circulated prior to the call, including the [letter that was drafted by the Half Moon Bay Seafood Marketing Association](#) (HMBSMA), another letter drafted from the [northern ports](#) and one from [Stephen Melz](#).
 - One Member expressed support for continuing the collaborative approach with CDFW. He explained that the EC may update their guidance as more information becomes available.
 - Various Members explained drawing a line at Pt. Reyes would set a new precedent and that fair start and soft shell testing issues are all tied in with opening by management area. Therefore, opening outside of traditional management areas would be complicated. The management areas were thoughtfully created to consider the size of fishing grounds and amount of effort. Opening south of Pt. Reyes would cause a larger concentration of gear in a smaller area. This would negatively impact Bodega Bay due to the fair start clause and potentially cause a greater problem with whale entanglements due to concentration of gear in a small area. Additionally, the smaller the area that is deemed safe, the less confidence the public will have in the safety of the product.
 - A few Members stated the combination of federal aid and fishing, either by management area or statewide, is the best way to salvage the fishery.
 - All EC Members expressed support for a statewide commercial opener as the preferred way forward, and would also support opening by management area as a best alternative.
- The Admin Team recapped the EC's sentiments: There is support for a statewide commercial opener or an opening by management area. There is no support for opening south of Pt. Reyes. The rationale for this approach is that a line at Pt. Reyes would cause more pressure in a smaller area, there will be less consumer confidence in the Dungeness crab product, and drawing lines outside of traditional management area lines would set a dangerous precedent.

Public comment

- Jeremy Dirks, Bolinas, explained that due to the mobility of Dungeness crab and the fact that tainted crabs could move from a "dirty" area to a "clean" area, it would be a mistake to open the fishery below Pt. Reyes.
- Joe Cincotta, Pacific Seafood, emailed the following comment: When and if the Dungeness crab season is open in California this year, Pacific Seafood will be buying crabs from our vessels in our current ports in California.
- Bob Borck, commercial fisherman, emailed the following comment: If Point Reyes becomes the new line, I am concerned this will create an incredible hardship for Bodega. I am also concerned creating arbitrary lines will set a precedent that could affect season openers long-term and create undo hardship for fishermen and buyers alike. If there is going to be a split in the state it should be at the historic District 10 line at the Sonoma/Mendocino county line. Leaving ports near an opener in a closed zone will put excess pressure on the open areas and force small operators to put their gear in areas hard to access and often unsafe to maintain a proper presence in. For a smaller vessel being near safe harbor instead of having their gear 20, 30, even 40 miles from port is of high importance for safety. I support the statewide opener that industry originally embraced and most still support.
- Stephen Melz, commercial fisherman, emailed the following comment: You are currently hearing comments from association who sit on the EC members. There are as many, if not more, non-association members that do not agree with the DCTF consensus and applaud the CDFW for trying to open the season. Oregon had no problem opening with the Brookings/California border being a "new" line. Open the season ASAP. Bringing up resource issues is irresponsible, the crabs are in amazing condition and the public deserves to enjoy them.

- Tony Anello, commercial fisherman, expressed concern about public safety and is concerned about ramifications of someone getting ill from consuming Dungeness crab. He supports either a statewide opener or an opener by management area.
- Jim Kelly, Sonoma Gazette, explained that crabs can travel 7-10 miles per day. Seeing that Bodega Bay is only 12 miles from Point Reyes, who is going to take responsibility if someone gets sick?
 - CDFW explained there are ongoing conversations between CDFW and the state health agencies about creating “buffer areas” to account for these types of concerns. The northern, adjacent block to Pt. Reyes is clean, but the health agencies have not chosen to open north of Pt. Reyes because sampling is not perfect and crabs move.
- Nick Creeger, commercial fisherman, stated it seems like the majority of the ports are clean and 70% of the fleet has been waiting for a statewide opener. He felt like there was no need to change course now, and that the fleet should wait for a statewide opener or opening by management area.
- Edgar Romero, NBC Bay Area News, asked what time a verdict will be reached.
 - The Admin Team explained the EC and members of the public are currently providing insights, and CDFW will be making a decision on how to approach the commercial opener over the coming days.
- Dave Bitts, Pacific Coast Fishermen’s Federation Association (PCFFA) chair and commercial fisherman, is concerned with the possible consequences of a fair start if the commercial fishery only opens south of Point Reyes at this time. The partial opener does not give the area between Point Reyes and Point Arena a fair start. This would be an erosion of what has been agreed to in the past and would also have implications on quality testing.
- Keith Gilmore, Bodega Bay Fishermen’s Marketing Association and commercial fisherman, stated there is consensus in Bodega Bay for a statewide opener, but opening at the Sonoma-Mendocino County line would also be acceptable. Overall, he supports the remarks from the EC.
- David Helliwell, DCTF Member and commercial fisherman, emailed the following comment: We need to keep our eye on the prize which is the value and reputation of our product.
- Steve Melz, commercial fisherman, emailed the following comment: Opening the commercial season south of Point Reyes shows that CDFW can be a dynamic advocate of fishermen and the public. Domoic acid seems to be part of our future and historic lines may be just that, history.
- Don Marshall, commercial fisherman, explained a majority of fleet would like a statewide or District 10-line opener. He and others want to fish. He further stated the California migration of whales should be considered when determining the appropriate time to open the fishery.
- Carolyn Falk, Santa Cruz, stated she would like to go fishing immediately, and reminded those on the call that Oregon and Washington did not open statewide. She is not worried about the potential health issues since recreational fishing has been open in her area since December 31, 2016.
- Chris Cousins, commercial fisherman, stated the fishing community has lost enough and he wants to be allowed to fish in the areas opened by CDPH and OEHHA.
- Ben Platt, PCFFA board member and commercial fisherman, emailed the following comment: It needs to be pointed out that the views expressed by the Executive Committee today originated with port meetings in all ports, coast wide that were held over the last few days. All the issues were discussed and voted upon by the full memberships. This is a strong consensus for a statewide opener or by management area, which represents an overwhelming majority of the production on this coast. My main concern is that CDFW recognizes the validity of our industry’s decision making process and realize that the comments that they are receiving from non-members are not reflective of the vast majority of permit holders. Unity and due process up to and through to the level of the DCTF which was established to represent the fleet is the right way for the CDFW to communicate with the fleet at large.

- Todd Coarse, commercial fisherman, stated that illness will not occur when crabs are consumed with a domoic acid level of 30ppm. He applauded CDFW for their creative thinking. He explained that opening the commercial fishery and salvaging the season sends the right message to Congress. There will be public confidence in the resource looking ahead and if the fishery doesn't open this season, the public will remember. He further explained that some people feel reluctant to express their input via the EC conference call public comment.
- Mike Codrey, commercial fisherman, agreed with Todd Coarse and explained that it was foolish to keep the state closed. He suggested opening the commercial fishery south of Point Reyes.
- Billy Forkner, commercial fisherman, stated there was a port meeting in Fort Bragg and fishermen unanimously agreed the fishery should open by management area. It is important to look at full picture and think about those fishermen living in the areas near Point Reyes.
- Chris Cousins, commercial fisherman, explained if the commercial fishery opens south of Point Reyes, Oregon and Washington will still have to wait 30 days before moving to California.
- Tom Miller and Ralph Dairy, commercial fishermen, emailed the following comment: If the state draws lines where crabs are good, does that mean they will draw a line in the north where the crabs are good?
 - CDFW explained that this topic continues to be discussed especially as CDFW has information to help inform this scenario.
- Christian Cavanagh, commercial fisherman, emailed the following comment: Opening up south of Point Reyes for the commercial fleet would put extreme pressure on an otherwise well managed fishery. We think it's best to wait for more, if not all, of the state to be test clean. Opening up small areas may not be best for consumer confidence. We feel it's best that we stay on track and don't make any irrational decisions.
- Don Ford, Reporter and Multimedia Journalist, emailed the following comment: When collecting the samples for testing, is there a chain of custody protocol? Is there absolute assurance that the crabs claiming to come from a certain area actually come from that area?
 - CDFW explained that samples go through a chain of custody. Fishermen who take the samples give them to CDFW staff or mail them directly to the CDPH lab. There are no independent observers on the boats and there has been concern expressed that some individuals have taken advantage of the system. If the rigor of the testing program were to be increased in the future it would cost more money.
- Stephen Melz, commercial fisherman, emailed the following comment: In response to Ben Platt's input. The majority of permit holders are not association members so to claim that views of the DCTF represent the majority of the fleet is incorrect. The ramifications of not opening outweigh the ramifications of opening.
- Andrew Amaral, Moss Landing Harbor Commissioner and commercial fisherman, emailed the following comment: Will the seven day wait begin today or after the directors decision which can be in a few days?
- Mike Lucas, North Coast Fisheries, emailed the following comment: In listening to the bickering back and forth I can say that our stand point is we will buy when season opens, but if crab are poor quality we will not buy. We are dancing on a knife's edge as to when the crabs will go from good to bad. I believe as far as the District areas go, they should not budge. If they start drawing arbitrary lines then where do they start and stop? This is dangerous to play with these lines in a checkerboard approach. Who indemnifies me as the processor when I will be the one first sued?
- Jacob Leonard, commercial fisherman, emailed the following comment: I would ask if the area is opened will there be some sort of fair start for fisherman that don't go fishing on the opener? Fisherman that take advantage of the opener shouldn't be allowed to move to different areas even in the rest of the state. In

my opinion this would be a chaotic opener, and hard to enforce. Keep the course and open statewide – anything else will only serve to complicate the situation.

- Stephen Melz, commercial fisherman, emailed the following comment: It sounds like there is a large portion of the public that disagrees with the DCTF as represented in call numbers and that should be noted and passed on to the Director. It also seems that the DCTF is not able to come up with a viable reason to shut the coast down other than its not historical or orderly to open the fishery this way. I support a new dynamic CDFW that is willing to live in the future and not dwell in the past.
- David Helliwell, DCTF Member and commercial fisherman, emailed the following comment: As EC Member Bill Carvalho pointed out, public confidence will increase with a larger to full state opening. The quality and reputation of our multi-million dollar product is at stake here. We clearly don't want to set any precedents that dissolve the cohesion of this industry.
- Jim McCormick, commercial fisherman, emailed the following comment: I am in support of a statewide opener only. Someone has called in and misrepresented me on the call.
- Craig Goucher, commercial fisherman, emailed the following comment: Want to stress the importance of everyone being diligent in collecting samples for the domoic tests for all areas that have not passed yet. This will give us the best chance of achieving the best result.
- Ralph Dairy, commercial fisherman, emailed the following comment: Putting lines in the state makes it better for soft crab issues and can meet tri state agreements, as long as the lines had 30 day protection. Harvesting good crabs when they are ready is the way to go to keep coastal community's from suffering. California could see more disasters in the future with climate change so that needs to be taken into consideration. Last year, the crabs were ready for harvest in August-October at the Oregon/California border. Will the California crab season be extended a couple of months? This might be important considering the crab disaster and the upcoming salmon season to 20 percent of normal. The DCTF needs a small boat, non-resident seat for more accurate representation.
- The Admin Team asked if the EC would like to provide a guidance memo to CDFW
 - EC Members unanimously agreed to support a statewide opener or opening by management area as an alternative. EC Members rationale for this guidance included:
 - Best option for the industry with the least risk and most rewards.
 - Less complex, reduces effort shift, and simplifies the 30-day protection clause.
 - Provides more consumer confidence that the product is safe. Public health and safety are the priority.
 - Prevents concentration of fishing in a smaller area.
 - One EC Member emailed the following bullets to summarize the rationale heard by the group:
 - Prevent concentration of effort in "less-than-management-zone" area
 - Enhances consumer confidence in safety of the resource
 - Less than management zone conflicts with historical management protocol
- An EC Member asked if the group could also discuss the presoak and suggest a 64-hour statewide presoak period.
 - The Admin Team explained that CDFW does not have authority to change the presoak period as indicated in the [CDFW Frequently Asked Questions from December 30, 2015](#).
- **The Admin Team will draft a [memo to Director Bonham on behalf of the EC](#) with the guidance discussed during the call. In the interest of time, the EC will be given an hour or two to review the document before it is finalized and sent to the Director.**
- EC Members asked when CDFW will have their decision.

- CDFW explained they are having ongoing internal discussions. Once an announcement is made, the fleet will be given no less than 7 days lead time notice before fishermen are allowed to pull gear.
4. *Review and discussion of draft legislation and other information related to the status of the DCTF's recommendation regarding a California lost fishing gear recovery program.*
- The Admin Team explained that during the [January 28 EC call](#), the EC discussed [Senate Bill 1287](#) that was developed by Senator McGuire based on the DCTF's recommendation for a lost fishing gear recovery program ([as developed during the October 2015 DCTF meeting](#)).
 - Tom Weseloh, Senator McGuire's office, provided the EC with an update on the bill and walked through it with the EC and call participants.
 - Section 1(a)(1) and 1(a)(2) contain the Legislature's findings. The language was informed by the 7th and 8th bullets of the DCTF's recommendation.
 - Section 1(a)(3) came directly from the notes that accompanied the DCTF's recommendation.
 - In section 1(b), the title of the bill came from Senator McGuire. Mr. Weseloh understands that many people are unhappy with the title and he is looking into amending it in the future.
 - Section 2 is existing law.
 - Section 2(b)(1) came from the 1st and 7th bullets in the DCTF's recommendation.
 - Section 2(b)(2) was derived from the 4th bullet in the DCTF's recommendation. As indicated in the DCTF's recommendation, fees will be needed to coverage storage, admin, scrapping, and other fees associated with the program. The Legislature does not identify CDFW as the entity responsible for these tasks. During the Title 14 regulatory process, CDFW will determine the entity may play this role. This is an attempt to reduce the workload for CDFW and ensure the efficiency scale to suite the program.
 - Section 2(b)(4) and 2(b)(5) are from the 6th bullet in the DCTF's recommendation.
 - The 2nd bullet in the DCTF's recommendation is the only piece not included in the legislation since it is already in existing law.
 - The overall language of the bill is based on the DCTF's recommendation with flexibility for CDFW to administer the program or identify another organization to administer the program.
 - EC Members discussed the bill.
 - One Member asked about the timeframe for the bill.
 - Mr. Weseloh explained that the deadline for introduction of the bill is this week. If it passes, it would become law January 1, 2017. However, a Title 14 process would also need to be performed to clarify aspects of the bill that have been intentionally left vague. That process would take about 12 months, and is the responsibility of CDFW.
 - CDFW explained that engaging in a Title 14 process for this bill is lower priority at this time.
 - Mr. Weseloh said individuals were welcome to contact him with questions or comments: (707) 445-6508 or Tom.Weseloh@sen.ca.gov. Feedback that is in favor or opposition of the bill is welcome, including suggestions or improvements.

Public comment

- David Helliwell, DCTF Member and commercial fisherman, explained that CDFW does not want to manage the program, which is a positive since the fleet can do it in a more cost effective way. For

example, retired fisherman can help to manage the program. Since the legislation is written in a broad way with details to be added during the Title 14 process, there is opportunity for people to continue to provide input on the details of the program.

5. *General public comment*

No public comment was provided.

6. *Adjourn*

- The Admin Team asked the EC when they would like another conference call.
 - Since calls must be noticed 10-days in advance, Members requested that an EC call be scheduled as soon as possible as a placeholder.
- The Admin Team summarized the next steps that emerged from the call discussions.
 - **The next EC conference call will be scheduled as soon as possible.**
 - Domoic acid, including discussions and updates about the season opener and disaster relief will be on the agenda.
 - **The Admin Team will draft a memo with the EC's guidance and send it to Director Bonham.**
 - **The Admin Team will produce a summary of this conference call and post it on the [DCTF webpage](#) once it has been reviewed for accuracy by the EC.**