



~California Dungeness Crab Task Force~

<http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>

MEMORANDUM

DATE: July 19, 2018

TO: California Department of Fish and Wildlife, Charlton Bonham, Director

CC: Pacific States Marine Fisheries Commission, Dave Colpo, Sr Program Manager
Oregon Department of Fish and Wildlife, Curt Melcher, Director
Washington Department of Fish and Wildlife, Kelly Susewind, Director
California Ocean Protection Council, Deborah Halberstadt, Executive Director
California Department of Fish and Wildlife, Craig Shuman, Marine Region Director

FROM: California Dungeness Crab Task Force

RE: Guidance memo from the California Dungeness Crab Task Force to support California's participation in the July 2018 Tri-State Dungeness Crab Committee Meeting

The following memo from the California Dungeness Crab Task Force (DCTF) provides guidance to the California Department of Fish and Wildlife (CDFW) to support California's discussions with the Tri-State Dungeness Crab Committee (Committee) on July 24-25, 2018. The guidance provided in this memo should not be considered as recommendations for changes in California regulations at this time.

The DCTF looks forward to keeping the Committee informed of this and its future work. **For more information on DCTF discussions and additional detail and context for the votes above, see the June 5-6, 2018 meeting summary on the DCTF webpage:**
<http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>.

BACKGROUND

In accordance with the Tri-State Memorandum of Understanding (1980, subsequently amended; referenced in this document as the 'Tri-State agreement'), California, Oregon, and Washington have agreed to take mutually supportive actions in the management of the commercial Dungeness crab fishery in each state. During the June 5-6, 2018 DCTF meeting, the Task Force held a lengthy discussion on how to more closely align management in California with the Tri-State agreement, including improvements to quality testing and season openers.

Prior to the June 5-6, 2018 DCTF meeting, CDFW developed a list of questions to explore with the DCTF to help inform California's participation in the July 24-25, 2018 Committee meeting. Questions were related to delaying beyond January 15 based on quality, aligning Tri-State protocols and California regulations for quality testing, adding additional fishing zones in California, etc. The DCTF reviewed and discussed these items, and others, in the context of the California fishery. Detail about the outcomes of the DCTF's discussion is below.

DCTF Votes and Analysis

The following represent agreements of the DCTF members (per voting protocols defined in the [DCTF Charter](#)). However, in some cases the guidance language is not *verbatim* from when the votes were taken and have been adjusted to improve clarity. Explanatory notes are provided, when necessary.

Proposed DCTF Guidance to CDFW

The DCTF recommends the California representatives consider the following guidance to inform discussions at the July 24-25, 2018 Committee meeting:

Preseason Quality Testing: The DCTF would like to retain its current preseason quality testing schedule and timelines as outlined in California statute (Fish and Game Code section 8276.2), which indicates the first test in the Northern Management Area will occur on or around November 1 and, if necessary, a second test be conducted so sample results are available by November 15.

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	6	0	0	0

NOTES: California’s preseason quality testing is described in the Tri-State testing protocol and in Section 8276.2 of the California Fish and Game Code. Both of these protocols require preseason crab quality testing in the Northern Management Area¹ and delays are announced by the CDFW Director in 15-day increments from December 1 until January 15. However, the target dates for testing in the Tri-State protocol and California statute are in conflict with one another, beginning with the first test. Although the DCTF agrees there is value in aligning the Tri-State testing protocol and California statute, there was not support for allowing an optional early October test. The DCTF would like to retain California’s current preseason quality testing schedule, with the first test to occur on or around November 1 and a second test to be performed on an as needed basis to yield results around November 15. Changes to testing dates would require amendments to the California Fish and Game code.

Meat Recovery Rates: The DCTF supports consistent meat recovery standards across the three states. The DCTF suggests the pick rate for all areas in all states be 24% prior to opening the season. Establishing a lower meat recovery rate will reduce the possibility of the season opening late, which may also reduce the relative risk of whale entanglements. However, the DCTF can live with status quo (23% north of Cascade Head and 25% south of Cascade Head).

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	6	0	0	0

¹ The Northern Management Area is defined as the area between the Mendocino-Sonoma County line and the Oregon Border.

NOTES: The DCTF recognized that crabs fill out at different rates along the West Coast and also acknowledged that higher pick rates do not necessarily translate into a higher ex vessel value. For example crabs in northern ports with lower pick rate requirements will often fetch a similar price as those with higher pick rates in southern ports. As a result, the DCTF suggests establishing a consistent pick rate of 24% across the three states to reduce this discrepancy. This change may allow the season south of Cascade Head to potentially open on or before January 15. The earlier opener could also help to reduce entanglement risk by avoiding starting the season in the late winter/early spring. Should the Committee not agree with this suggestion, the DCTF supports maintaining status quo in the current pick rate requirements for season openers: 23% north of Cascade Head and 25% south of Cascade Head. California would not need to amend California laws should the Committee, California representatives, and the DCTF agree to this type of change in testing protocols.

Processing Protocols: The DCTF is interested in establishing consistent processing protocols (e.g., time from cooking to picking) across all three states for preseason crab quality testing. The DCTF suggests processors develop standardized protocols for testing that includes a requirement that crabs be picked no more than 48 hours after cooking and the product not be frozen during the testing process.

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
17	5	0	0	0

NOTES: It is unclear how freezing crab or allowing cooked and uncooked crabs to sit for long periods of time may impact the results of preseason crab quality testing. As a result, DCTF Members expressed support for consistency in the processing aspects of preseason testing. The DCTF generally supports processing samples the same day, however the DCTF recognizes there may be instances when samples are received by processors late on a Friday afternoon, making it impossible to process the sample until after the weekend. To address these issues, DCTF Members generally support a requirement that crabs be picked no longer than 48 hours after cooking and that crabs should not be frozen at any point in the testing process. The DCTF also suggests that processors work with the Committee to develop standardized guidelines across the three states. California would not need to amend California laws should the Committee, California representatives, and the DCTF agree to this type of change in testing protocols.

Delays beyond January 15: The DCTF is interested in having more flexibility in delaying the season in California beyond January 15 if quality testing results do not meet Tri-State standards at that time. The DCTF showed strong support for allowing a delay until February 1 and general support for delaying until February 15 if crabs do not meet Tri-State standards. DCTF Members expressed concern about the increased risk of whale entanglements should the fishery be delayed beyond February 1.

- Should the opener be moved beyond January 15, the DCTF supports extending quality testing to help address concerns associated with the waste of soft crab.

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
17	5	0	0	0

NOTES: For some in the commercial Dungeness crab fishery, the 2017-18 fishing season highlighted the need for more flexibility in the season opener when crabs do not meet Tri-State

standards for crab quality. In an effort to reduce handling mortality and other issues that accompany opening the commercial fishing season on poor quality crab, the DCTF proposes allowing the fishery to be delayed beyond January 15, but no later than February 1. The DCTF is also open to considering a February 15 opener, but has concerns about the overlap with whale migration and potential negative impacts to West Coast efforts to reduce whale entanglements the later the fishery is delayed. Preseason crab quality testing should continue until at least the season opener (e.g. February 1). California would need to amend the Fish and Game code through legislation should the Committee, California representatives, and the DCTF agree to a change in the opener.

Additional Crab Quality Testing: The DCTF supports California continuing to implement crab quality testing using the Tri-State standards beyond the opener (e.g. if the season opens on January 15, crabs should continue to be tested in California until they meet Tri-State standards).

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
17	5	0	0	0

NOTES: Crab quality testing, as it relates to the Tri-State agreement, stops once CDFW opens the season. This can occur because quality has been reached, or quality has not been reached and it is January 1 (Fish and Game code section 8276.2 states that CDFW can not continue testing crab after January 1²). The DCTF supports CDFW continuing to test crab quality past an opener where pick rates have not been met until crabs have reached Tri-State standards, or at the request of the industry once pick rates have been met. California would need to amend the Fish and Game code through legislation should the Committee, California representatives, and the DCTF agree to this type of change in testing.

Additional Openers in California: The DCTF is not ready to suggest creating lines/blocks with separate opening dates based on crab quality in the Northern Management Area at this time, however, the DCTF is interested in continuing to explore the possibility.

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	6	0	0	0

NOTES: There have been discussions in recent years at Committee meetings about allowing different openers within California's Northern Management Area based on crab quality. This would mean that line(s) could be drawn within the Northern Management Area, allowing for samples to be taken north and south of that line. The results of the samples would indicate whether the fishery opens north and/or south of the line. Similar practices are used in Oregon. The DCTF is open to this concept and discussed where line(s) could be located, whether blocks could be used instead of lines, etc. Since the DCTF was unable to identify where line(s) should reasonably be drawn, they did not support multiple openers in the Northern Management Area at this time. However, the DCTF is open to continuing this discussion.

² Following the passage of Senate Bill 1310, CDFW may test as late as January 15.

Central Management Area: In addition to the votes above, the DCTF also discussed what it could mean to include California's Central Management Area³ in the Tri-State Agreement. Should this topic arise during the July 24-25, 2018 Committee meeting, the California representatives should discuss all of the options including retaining a November opener, requiring a December opener, requiring crab quality testing to open the area, fair start provisions etc. to better understand what Oregon and Washington are willing to consider. The DCTF will continue to discuss this topic based on feedback received from the Committee.

³ The Central Management Area is defined as the area between the Mendocino-Sonoma County line and the California-Mexico Border.