



~California Dungeness Crab Task Force~

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

REPORT

TO: Joint Committee on Fisheries and Aquaculture, Wesley Chesbro, Chair
California Department of Fish and Game, John McCamman, Acting Director
California Fish and Game Commission, Jim Kellogg, President
California Fish and Game Commission, John Carlson, Executive Director

FROM: California Dungeness Crab Task Force

DATE: March 31, 2010

RE: March 31, 2010 Report (Report #2) – Recommendations from the California Dungeness Crab Task Force regarding management of the fishery in accordance with SB 1690

APPENDICES:

- (1) [SB1690](#)
- (2) [January 15, 2010 Report \(Report #1\)](#)
- (3) [Tri-State Dungeness Crab Commission Memorandum of Understanding \(MOU\)](#)
- (4) [DCTF Membership List](#)
- (5) [DCTF Elections Frequently Asked Questions](#)
- (6) [DCTF Noncommercial Fishing Appointments](#)
- (7) [DCTF Charter](#)
- (8) [Summary of DCTF Votes from Meeting 5](#)

Building on the initial January 15th, 2010 report, this report provides additional recommendations from the Dungeness Crab Task Force (DCTF) to the Joint Committee on Fisheries and Aquaculture (Legislature), the California Department of Fish and Game (Department), and the Fish and Game Commission (Commission) that may inform future Dungeness crab fishery management changes. This work was completed pursuant to Senate Bill 1690 (2008) (Appendix 1) and is intended to serve as a follow-up to the report submitted by the DCTF by January 15, 2010 (Appendix 2).

Since the DCTF was unable to fully elaborate and/or come to agreement on all issues prior to the January 15, 2010 report, the DCTF met again in February 2010. At this meeting they refined and expanded upon their initial recommendations outlined in the January report and voted on the following outstanding issues as outlined in SB1690: criteria for a pot limit program; future restrictions on permits according to SB1690; the need for a permanent advisory committee; and other outstanding topics. The DCTF did not vote on any objectives or recommendations related to the Dungeness crab sport fishery due to time constraints.

Additional information, including meeting summaries, is available on the DCTF webpage:

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

BACKGROUND

The California Dungeness crab industry is a valuable state resource that has an average ex-vessel value¹ of approximately \$24.4 million a year. With the reduction of the salmon fishery over the last few years,

¹ Ex-vessel definition: Price received by fishermen for fish landed at the dock.

Dungeness crab is one of the most profitable and productive fisheries in California.^{2,3} As a result, the collective demand of both fishermen and consumers appears to be shifting toward Dungeness crab. DCTF members have expressed concern that money used to mitigate lost fishing opportunities in the salmon fishery has been reinvested into the Dungeness crab fishery thereby increasing pressure in the Dungeness crab fishery. Consequently, there is desire to ensure the health of the Dungeness crab resource, to ensure that it may be fished in perpetuity, and to seize the opportunity to improve the economic health of the fishing communities who rely on the valuable resource.

In recent years, there has been increased pressure for fishermen to fish more crab pots in order to increase an individual's potential catch. This is often referred to as the "arms race." While there is no current verifiable estimate of the amount of gear in the water, it is generally thought that fishermen are fishing increasingly larger numbers of pots each season in an effort to land as much of the limited number of crabs available as possible. The issue of gear increases and excess fishing capacity is exacerbated by the growing threat of latent permit activation.

There are approximately 140 inactive, or "latent"⁴, Dungeness crab commercial fishing permits currently in California. Because latent permits represent unexploited fishing potential, many questions have been raised by members of industry about the sustainability of the fishery into the future should latent permits be activated. Additionally, absent some form of gear management program, as latent permits become activated, more gear will be deployed every season. However, the data (biological and fishery information) available to inform management on this and other issues is significantly lacking.

Throughout the season, there is an obvious bidirectional regional movement of fishermen and gear, known as "effort shift," along the California coast. Fishermen from all over the West Coast choose to fish in district 10 during the two-week early opener window (between November 15th and December 1st) to take advantage of the consumer demand for Dungeness crab during the Thanksgiving and Christmas holiday seasons. Following the December 1st northern opener, the effort shifts to the northern regions and creates pressure on the northern extent of the fishery until catch tapers off later in the season. In addition to California resident vessels, dually permitted vessels from Oregon and Washington are confounding the effort shift in California by fishing in California prior to their openers.

Members of the Dungeness crab industry have made several attempts to resolve these issues. However, fishery is shaped by a diverse group of individuals, communities, and viewpoints. Opinions regarding the management goals and objectives for the California Dungeness crab fishery have been shown to generally vary by vessel size and homeport location^{5,6} making it challenging for the fishery participants to reach agreements.

CALIFORNIA MANAGEMENT OF THE FISHERY

² Hackett, S.H. and King, D. 2009. The Economic Structure of California's Commercial Fisheries. Report Commissioned by the California Department of Fish and Game. http://www.dfg.ca.gov/marine/eccf/eccf_report.pdf

³ The Dungeness crab fishery is an important contributor to the economy of small port communities such as Crescent City

⁴ Latent permits refer to a permit that has very few landing in recent years. The exact definition of "latent" was a significant discussion point – see DCTF Recommendation 4 later in this report.

⁵ Dewees, C.M. et al. 2004. Racing for crabs: Cost and management options evaluated in Dungeness crab fishery. California Agriculture. Vol. 58(4): 186-193.

⁶ Pomeroy, C., C. Thomson and M. Stevens. 2009. Crescent City Harbor Fishing Community Profile. Draft report for the North Coast Fishing Communities Project: A Socioeconomic Baseline for the North Coast Fishery Ecosystem. Santa Cruz, CA, 53p.

The California Dungeness crab commercial fishery is currently managed by the Department pursuant to Fish and Game Code Section 8275 *et seq.*, which requires that the fishery be managed by a 3-S (sex, size, and season) principle, and allows for commercial harvest of only male crabs, greater than 6.25 inches, from mid-November or the beginning of December until the end of June or mid-July. This management strategy is considered to be successful in maintaining the crab population because males have the opportunity to reproduce several times before reaching legal size, females are protected from commercial harvest, and the fishing season avoids the soft-shell and primary breeding period. The opening of the season for district 10 as well as districts 6, 7, 8, and 9 is designated by Fish and Game code. In districts 6, 7, 8, and 9, the code delegates the authority to delay the season opening to the director of the Department if crabs are soft-shelled or low quality. Additionally, in 1995 a limited entry program⁷ was implemented that served to limit the total number of permits in the fishery. Currently there are fewer than 600 permits: approximately 450 active and 140 latent.

In contrast to the commercial fishery, the California Dungeness crab sport fishery is managed by the Commission. The sport fishery is managed by season, daily bag limits, and by size. These regulations vary by region and are different for sport fishermen fishing from private boats versus sport fishermen fishing from commercial passenger fishing vessels.

WEST COAST MANAGEMENT OF THE FISHERY

In 1996, the Tri-state Dungeness Crab Agreement was established through a MOU between Pacific States Marine Fisheries Commission (PSMFC) and Washington, Oregon, and California to facilitate communication and cooperation between the states in managing their Dungeness crab fisheries (See Appendix 3 for MOU). Most notably, this agreement established preseason crab testing⁸ from the Washington-British Columbia border to Point Arena. It is through the Tri-state committee that the three states have had the ability to discuss and align management of Dungeness crab in their respective states including coordinating fair start clauses.⁹

The Dungeness crab fisheries in Washington and Oregon are also high value fisheries. In contrast to the California commercial fishery, the Fish and Wildlife Commissions in Oregon and Washington have management authority of commercial management of Dungeness crab and, as a result, are significantly involved in the fisheries' management. Historically, both states experienced similar trends as the California fishery, including the presence of latent permits in the fishery, an increase of gear in the water, and a derby dynamic. In an effort to ameliorate these issues and distribute fishing throughout the Dungeness crab commercial fishing season, the Washington Department of Fish and Wildlife (WDFW) established a tiered Dungeness crab pot (or trap) limit system in 1999. The Oregon Department of Fish and Wildlife (ODFW) followed suit in 2006 by establishing a pot limit program modeled after Washington's system. While these management efforts capped the amount of gear in the water, there is no evidence that the pot limit programs significantly reduced the derby dynamic of the fishery. Consequently, as presented by WDFW and ODFW staff at DCTF meetings, these efforts have met mixed reviews by the Dungeness crab industry.

SB1690

⁷ A limited entry program is a management scheme that restricts the number of permits in a fishery.

⁸ The crab quality testing predicts the meat recovery rate by the December 1 season opener, from which the shell condition and quality are inferred.

⁹ Fair start provisions require fishermen to commit to fishing only in a specific location for a period of time prior to being able to leave that region to go fish another area. For example, in Oregon, in the case of a delayed opening in Oregon or California, fishermen with permits in both states must commit to fishing in one zone only. If fishermen are committed to the zone that opens on December 1, they have to wait at least 30 days before they are allowed to fish in the zone that was delayed.

In an effort to alleviate issues of concern in California and create a forum for the industry to resolve Dungeness crab fishery issues, SB1690 was passed in September 2008 to establish a Dungeness crab task force (DCTF) representative of the varied fishery interests. SB1690 (which added Section 8276.4 to the California Fish and Game Code) directs the DCTF to review and evaluate the Dungeness crab fishery and make recommendations to the Legislature, the Commission, and the Department. The bill designated the California Ocean Protection Council (OPC) as the body responsible for developing and administering the DCTF. SB1690 mandates that the DCTF be composed of 25 members including 17 members representing commercial fishing interests, 2 members representing sport fishing interests, 2 members representing crab processing interests, one member representing commercial passenger fishing vessel interests, 2 members representing nongovernmental organization interests, one member representing Sea Grant, and two members representing the Department. The OPC held an election with commercial Dungeness crab fishing permit holders for the commercial fishing seats, as designated in SB1690, and appointed the remaining members to the DCTF (see Appendices 4, 5, and 6). The OPC contracted a neutral consultant team to facilitate and mediate DCTF meetings.

DCTF PROCESS AND PROCEDURES

The DCTF convened meetings from May 2009 through February 2010 and voted on the recommendations included in this report on February 17 and 18, 2010. Due to the state budget constraints, the group was only able to convene five meetings. SB1690 required that “a recommendation shall be forwarded to the Joint Committee on Fisheries and Aquaculture, the department, and the commission upon an affirmative vote of at least two-thirds of the task force members.” A DCTF charter was developed and ratified by the DCTF in September 2009. The charter established ground rules, member roles, and voting procedures for the group (see Appendix 7). In the DCTF charter, the group agreed that they would forward recommendations that had been approved by 2/3 of the entire body (18 members), and they would also forward recommendations that had been approved by 2/3 of the members that were not labeled as “ex officio” (15 members). The voting protocol established that there would be an initial vote of all members except those labeled as “ex officio.” If 2/3 or 15 of these members approve of the recommendation, then a nonbinding poll was given to ascertain the opinion of those members labeled as “ex officio.” The following voting protocol, described in the DCTF Charter, was used to conduct straw polls and final voting:

- **Thumbs Down:** I do not agree with the proposal. I feel the need to block its adoption and propose an alternative.
- **Thumbs Sideways:** I can accept the proposal although I do not necessarily support it.
- **Thumbs Up:** I think this proposal is the best choice of the options available to us.
- **Abstention:** At times, a pending decision may be infeasible for a Member to weigh in on.

Thumbs up and thumbs sideways were *both* counted as affirmative votes to determine a 2/3 majority (15 members) on a recommendation. Recommendations that did not receive a 2/3 affirmative vote are not included in this report.

DCTF VOTES AND ANALYSIS

FISHERY MANAGEMENT OBJECTIVES

The goal of the DCTF was to satisfy the mandate of SB1690. At the February 2010 meeting, as mandated by SB1690, the DCTF discussed long and short-term management goals and objectives and took a formal vote to recommend these objectives.

Objective A- Reduce existing capacity of the commercial fleet.

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 14 | 1 | 4 | 1 | 2 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| - | - | - | - | - |

There was no vote of the ex officio members.

NOTES:

Capacity can pertain to (and be measured as) the amount of gear used in the fishery, the number of participants, and the hold capacity of fishing vessels. The DCTF further clarifies the intent of this objective in recommendations 6-14, below.

Objective B- Create a permanent definition of “latent permit” (as explained in the DCTF’s January 15th 2010 report).

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 18 | 1 | 1 | 1 | 2 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 4 | 0 |

NOTES:

In recommendation 4 of the DCTF’s January 15 report¹⁰, the DCTF recommends using the “control date” in Fish and Game code section 8276.4 (h) to define latent permits (see Objective C, below). This section of the Fish and Game code remains in effect only until January 1, 2011, and as of that date, will be repealed unless a later enacted statute deletes or extends that date.¹¹ The objective above and recommendation 4 of the

¹⁰ Recommendation 4 from the January 15th report is as follows:

“The DCTF requests that the legislature make permanent the language of SB1690 related to limited entry:

“Eligibility to take crab in California waters and offshore for commercial purposes may be subject to restrictions, including, but not limited to, restrictions on the number of traps utilized by that person, if either of the following occurs:

(1) A person holds a Dungeness crab permit with landings of less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive.

(2) A person has purchased a Dungeness crab permit on or after July 15, 2008, from a permitholder who landed less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive.”

In addition, by March 31, 2010, the DCTF will forward additional recommendations related to potential limitations for permits that fall within these criteria.”

¹¹ Note: There are technical flaws with the language in Fish and Game code section 8276.4(h) that will be revisited to

DCTF's January 15 report (Attachment 2) affirms that the DCTF would support a permanent definition of latent permits. Fishery Management Objective C and recommendations 10 and 14 (below) expand upon this objective and the recommendation in the January 15 report by recommending restrictions on latent permits. (The November 15, 2003 through July 15, 2008 period will be referred to in this report at the "control date.")

Objective C- Reduce the potential threat of latent permit activation.

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 15 | 3 | 1 | 1 | 2 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 4 | 0 |

NOTES:

Approximately 140 latent permits exist in the fishery, which represent unexploited fishing potential. DCTF members and industry participants raised questions about the economic sustainability of the fishery into the future should latent permits in the Dungeness crab fishery be activated.

Objective D- Define vessel expansion under existing permits.

Vote of all DCTF members excluding the ex officio members:

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

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 4 | 0 |

NOTES:

California Fish and Game code 8280.3 limits the transfer of a Dungeness crab vessel permit to another vessel longer than five feet greater length overall than the vessel for which the permit was originally issued. However, any vessel may expand length overall, deck height, width, beams, motor size, etc as much as desired without limitations- under their current permit. Transfers from vessel to vessel only address length overall expansion limits. There is no expansion limitation on boats undergoing a change of ownership. At the February 2010 meeting, the DCTF discussed the need to clarify the regulations related to vessel expansion and provide a more detailed explanation of what types of vessel expansion can occur for all types of vessels (transferred and non-transferred). The DCTF may provide further recommendations on this objective at a later date. Yet, should no additional recommendations be provided, objective D should remain in effect as there is not a *requirement* that follow up to this objective take place.

clarify intent. For example, as it is currently written, it is unclear whether latency should be based on landings by an individual/person, a permit holder, or a permit. Various members have asserted that latency should be based on a vessel/permit. However, this clarification has not yet been voted on and/or approved by 2/3 of the DCTF.

Objective E- Prevent transfer of fishing permits to crab processors.¹²

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 12 | 3 | 2 | 3 | 2 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 4 | 0 |

NOTES:

In recent years, fisheries around the world have seen a consolidation of fishing fleets. While the reasons for this consolidation vary by fishery, related studies suggest that allowing processors to purchase fishing permits can lead to the consolidation of the fishing fleet. The DCTF generally agreed that it is important to maintain healthy competition in the fishery as well as the historical culture and relativity of the fleet by preventing processors from purchasing Dungeness crab fishing permits. A mechanism to fulfill this objective has not yet been discussed by the DCTF. The DCTF may provide further recommendations on this objective at a later date. Yet, should no additional recommendations be provided, objective E should remain in effect as there is not a *requirement* that follow up to this objective to take place.

DCTF VOTES AND ANALYSIS

RECOMMENDATIONS

The recommendations below represent agreements of the DCTF members (as per voting protocols defined in the DCTF Charter (Appendix 7)); however, in some cases they are not the *verbatim* language from when the votes were taken. Because of the *ad hoc* nature of the conversations at the DCTF meetings, some of the language used during voting was not wholly accurate, vague, and/or may have insufficiently represented the actual intent of DCTF. Therefore, the language of some of the recommendations has been adjusted to improve clarity. The verbatim language from the meeting is included Appendix 8 for reference. Some recommendations are grouped together for clarity. Explanatory notes are provided below recommendations, when necessary.

Crab Quality Testing

Recommendation 1- The DCTF proposes new legislation to fund the pre-season Dungeness crab testing in Districts 6, 7, 8, and 9 and amend Fish and Game Code section 8276.2. The director may authorize one or more operators of commercial fishing vessels to take and land an amount of crab for the purpose of quality testing according to a testing program conducted by, or on behalf of the Pacific States Marine Fisheries

¹² Fish and Game Code section 8031 defines “fish processing” as “any activity for profit of preserving or preparing fish for sale or delivery to other than the ultimate consumer, including, but not limited to, cleaning, cutting, gutting, scaling, shucking, peeling, cooking, curing, salting, canning, breeding, packaging, or packing fish. “Process fish” also means the activity for profit of manufacturing fish scraps, fish meal, fish oil, or fertilizer made from fish. “Process fish” does not include the cleaning, beheading, gutting, or chilling of fish by a licensed commercial fisherman which is required to preserve the fish while aboard a fishing vessel and which is to prevent deterioration, spoilage, or waste of the fish before they are landed and delivered to a person licensed to purchase or receive fish from a commercial fisherman.”

Commission or an entity approved by the department. Dungeness crab taken pursuant to Fish and Game Code section 8276.2 may be sold to cover costs incurred by the entity conducting the test. Excess crab shall be used for charitable purposes.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 19 | 0 | 0 | 0 | 3 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 4 | 0 |

NOTES:

Pre-season crab quality testing is important in the California commercial Dungeness crab fishery since the information is used in the Tri-State process to cooperatively determine the season opener for areas north of district 10, including in Oregon and Washington. PSMFC administers the test, and in 2009, 80% of the pre-season crab quality testing bill was not paid. Historically, the West Coast Seafood Processors Association paid for pre-season crab quality testing however, in 2009, they paid only 20% of the bill because they believed that they only purchased 20% of the crab in California. Since the processors are unable to sell the meat collected during the quality testing, no additional funds to cover the costs could be generated. In order to prevent a similar shortfall in the coming years, the DCTF recommends that legislation be enacted to allow the sale of the meat collected from these tests to help fund this program in perpetuity. However, the DCTF did not address the costs incurred by the test processor or fishing vessels nor did they provide a recommended course of action should revenue generate by the sale of the test crab not cover the entirety of the testing entities' costs.

General Fishery Management Approaches

The DCTF voted on general fishery management approaches. The purpose of these votes was to provide information on the types of general management approaches the DCTF could and could not support.

Recommendation 2 - The DCTF does not support the use of total allowable catch as a management tool in the California Dungeness crab fishery.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 17 | 3 | 1 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 0 | 0 | 0 | 3 | 2 |

NOTES:

The DCTF agrees they do not support setting a total allowable catch (TAC) for the fishery. Due to the highly cyclical nature of the fishery, members generally believe that setting an accurate TAC based on a population estimate would be impossible. Additionally, the DCTF generally perceive management strategies based on a TAC to be harmful.

Recommendation 3 - The DCTF does not support the use of catch shares as a management tool in the California Dungeness crab fishery.

VOTE:

Vote of all DCTF members excluding the ex officio members:

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

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 0 | 0 | 0 | 3 | 2 |

NOTES:

The DCTF does not support the use of catch shares, fishing cooperatives, individual fishing quotas (IFQs), individual transferable quotas (ITQs), harvest privileges, or any other form of quota or catch share system at this time.

Recommendation 4 - The DCTF supports the use of total allowable effort (e.g. limited entry and a statewide tiered pot program) as a management tool in the California Dungeness crab fishery.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 15 | 3 | 0 | 3 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 0 | 0 | 0 | 3 | 2 |

NOTES:

The DCTF does support the use mechanisms that will limit or cap the total effort by the California Dungeness crab fleet. Such fishery management effort control mechanisms include, but are not limited to, limited entry and pot limits.

Recommendation 5 - The DCTF supports the continued use of 3S (sex, size, season) principles as the primary management tool for the California Dungeness crab fishery.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 20 | 1 | 0 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 0 | 0 | 0 | 3 | 2 |

NOTES:

While new management programs may be introduced into the Dungeness crab fishery in the future, the DCTF believes that the current use of the 3-S principle in the commercial Dungeness crab fishery's management has been a particularly effective tool. It has been employed for many decades in the California fishery and various DCTF members believe that it has contributed to the biological sustainability of the resource. Therefore, the DCTF does not feel that this principle should be removed from the management of the Dungeness crab fishery.

***Recommendation 6** – The DCTF supports the creation a statewide pot limit program. The goal of the program would be to cap and quantify the total amount of gear currently used in the fishery.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 16 | 2 | 3 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 0 | 0 | 0 | 3 | 2 |

NOTES:

While there is currently no official count of how many pots are deployed each season in the commercial Dungeness crab fishery, many DCTF members, both commercial and sport, believe that there are too many pots in the water. The DCTF believes that it is important to assess how much gear is currently being used in the fishery and prevent continued growth in the pots deployed each season. Therefore, the DCTF believes that a statewide pot limit program would eventually cap the amount of gear used in the fishery and create a means for fishery managers to quantify the number of pots deployed.

***Recommendation 6** represents the DCTF's Preferred Management Approach.

As explained in recommendation 4, above, the DCTF supports management approaches that control effort in the commercial fishery. Specifically, the DCTF supports a pot limit program. This recommendation, however, is incomplete. Recommendations 7- 14 refine and/or build upon recommendation 6 by explicitly mapping out the structure of the DCTF's preferred program.

DCTF's preferred program

Recommendation 7 – Reduce the number of pots used in the fishery by creating a statewide pot limit program.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 14 | 3 | 4 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 2 | 2 |

NOTES:

While this recommendation is similar to recommendation 6, this recommendation seeks not only to cap the amount of gear used in the fishery, but also reduce it. As stated in objective A, the DCTF believes that it is necessary to reduce the capacity of the fishery. Since capacity can refer to either the number of participants in the fishery or the amount of gear used, the DCTF decided to clarify that they think it is necessary to reduce the amount of gear in the water rather than the number of participants. They support the use of a pot limit to fulfill this objective.

Recommendation 8 - Create a two year, pilot, statewide pot limit program.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 16 | 2 | 3 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 0 | 1 | 0 | 2 | 2 |

NOTES:

Prior to committing to a permanent pot limit program, it is important to ensure that the pilot program is able to meet its goals. The DCTF recommends a two year, pilot, statewide pot limit program. The DCTF believes that a two year program will allow sufficient time for the program to be established and to generate data showing the potential costs, impacts, and benefits of the program. This recommendation is further clarified in recommendation 9, below.

Recommendation 9 - Create a pilot, statewide pot limit program that undergoes a performance review at the end of the two year period.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 17 | 1 | 3 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 2 | 2 |

NOTES:

As mentioned in recommendation 8, the DCTF would like to ensure that a pot limit program is an effective management approach before it is made permanent. Additionally, the DCTF believes that adaptive management is essential in fisheries management. Therefore, the DCTF would like to ensure that a performance review is conducted on the pot limit program to ensure that the program achieves DCTF goals and to allow for adaptive management. The DCTF may establish clear goals, indicators and collect baseline measures (biological and socioeconomic) prior to the implementation of the program to evaluate performance. Yet, should no additional recommendations be provided on the performance review, recommendation 9 should remain in effect as there is not a *requirement* that follow-up to this recommendation take place.

Recommendation 10 - Create a pilot, statewide pot limit program that has at least two tiers: one tier for latent permits and one tier for actively fishing permits. This recommendation does not exclude support for more than two tiers.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 15 | 3 | 3 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 0 | 0 | 0 | 3 | 2 |

NOTES:

There is currently no formal, permanent definition of “latent” in the Fish and Game Code. Therefore, in recommendation 4 of the January 15 report, the DCTF recommended amending Fish and Game code section 8276.4 to create a permanent definition of latency. This recommendation suggests placing restrictions on latent permits by adding a section to the Fish and Game code that establishes a pilot, statewide, tiered pot limit program that includes a separate tier for latent permits. This recommendation is further clarified in recommendation 14.

Recommendation 11 - Create a pilot, statewide, tiered pot limit program that has an appeal/grievance procedure.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 18 | 2 | 1 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 2 | 2 |

NOTES:

While the structure of a pot limit program may appear to be well-defined, there may be extenuating or obscure circumstances that have prevented individuals from fishing their permits during the “control period” mentioned recommendation 4 of the January 15, 2010 report (e.g. illness and injury, boat repairs, financial problems, misinformation, etc). The DCTF would like to ensure that, should a pot limit program be adopted, mechanisms (e.g. a hardship review committee) are in place to aid those individuals who intend to fish but have been unable to due to extenuating or obscure circumstances. A description of the types of circumstances that may merit a grievance has not yet been clarified by the DCTF. The DCTF may provide further recommendations on what constitutes a grievance or hardship at a later date. Yet, should no additional recommendations be provided, recommendation 11 should remain in effect as there is not a *requirement* that follow up to this objective to take place.

Recommendation 12 – Create a pilot, statewide, tiered pot limit program that does not prevent new fishermen from entering into the Dungeness crab fishery.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 16 | 4 | 1 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 2 | 2 |

NOTES:

While the DCTF would like to limit the number of speculators in the fishery, they do not want to hinder new fishermen from entering the fishery. A pot limit program or any other management measure that is used in the commercial Dungeness crab fishery should contain mechanisms that allow new entrants into the fishery.

Recommendation 13 - Create a pilot, statewide, tiered pot limit program that is financially supported and funded by a fee on pot tags, similar to Oregon and Washington’s pot limit programs.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 16 | 2 | 3 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 0 | 0 | 0 | 3 | 2 |

NOTES:

Oregon and Washington’s pot limit programs require permitholders to mark each of their pots with a tag containing a registration number that is specific to each pot. Fishermen are required to purchase tags from ODFW and WDFW prior to each season. The pot tag system not only creates a means to track the number of pots fished by individuals each season but, also the purchase of the tags helps pay for the administrative and enforcement costs of the program. The DCTF recommends using a similar mechanism to fund their

recommended statewide, pilot pot limit program. At a future meeting, the DCTF may vote on additional recommendations pertaining to the optimal cost of individual pot tags, and how much permitholders would be willing to pay for each tag. Recommendation 16 expands upon this recommendation by suggesting a means for the DCTF to convene again to provide follow-up recommendations on this item. However, should no additional recommendations be provided, recommendation 13 should remain in effect as there is not a *requirement* that follow-up to this recommendation take place.

Recommendation 14- The DCTF proposes that new crab legislation be introduced in early 2010 for a pilot, statewide, tiered pot limit program. The pot limit program shall be designed as follows:

- Permits/vessels (*not* the “L” number) will be ranked by their California landings between November 15, 2003 and July 15, 2008, inclusive so that the top producing 55 boats will receive 500 pots, the next 55 boats will receive 450 pots, and so on. If a permit was transferred, or a change of ownership took place during the control date, the prior California landings history will follow the permit through the transfer/change of ownership. The breakdown of the pot distribution is described below:

In tier 1, 55 boats will be allocated 500 pots
 In tier 2, 55 boats will be allocated 450 pots
 In tier 3, 55 boats will be allocated 400 pots
 In tier 4, 55 boats will be allocated 350 pots
 In tier 5, 55 boats will be allocated 300 pots
 In tier 6, 172 boats will be allocated 250 pots
 In tier 7, 141 latent permits* will be allocated 175 pots
 The number of pots fished will not exceed 177,675 pots

*Note: The DCTF would like to use the recommendation 4 in the January 15, 2010 report to define the criteria for a latent permit.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 18 | 1 | 2 | 0 | 1 |

There was no vote of the ex officio Members for this recommendation due to time constraints.

NOTES:

The DCTF understands that a number of issues still need to be resolved before this recommendation can be implemented. First, there is a question among the DCTF members as to whether California must consider landings made by fishermen fishing in other states, when those landings are made under a separate permit, when establishing California allocation criteria (i.e., if a California permitholder also fishes in Oregon with an Oregon permit, must the Oregon landings also be included when calculating that fisherman’s cumulative landings for his/her California permit). Recommendation 3 in the January 15, 2010 report requests an opinion from the Attorney General (AG) to clarify this issue. Should the AG’s opinion be that production tier cut-offs must consider Oregon and Washington landings, in addition to California landings, the DCTF would like to revisit this recommendation. Second, while recommendation 15 provides a recommendation that pot allocations be based on landings during a control period, they did not clarify whether they wanted to use multi-year average landings based on the number of years actually fished or cumulative landings during the five season period. In addition to out-of-state landings and the basis for pot allocations, the DCTF would like to consider additional recommendations related to adaptive management procedures, pot tag fees, enforcement, etc. Recommendations 18 and 19 provide supplementary information to this recommendation.

Continuation of the DCTF and Other Potential Bodies

SB1690 mandates that the DCTF will discuss the need for a permanent advisory committee. The recommendations below reflect the results of the discussion.

Recommendation 15 - The DCTF supports creating an industry funded Dungeness crab advisory committee.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 15 | 3 | 3 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 2 | 2 |

NOTES:

The DCTF believes that it is important for the Dungeness crab industry to have a voice in its management. Therefore, they recommend that the DCTF be extended (see recommendation 17) or that a permanent advisory committee be formed. The details concerning the structure and function of such a body have yet to be decided on by the DCTF.

Recommendation 16 - The DCTF does not support creating a California Dungeness crab marketing commission.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 16 | 5 | 0 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 0 | 0 | 0 | 3 | 2 |

NOTES:

Due to Dungeness crab marketing efforts in other states, the DCTF does not see utility in forming another marketing commission in California.

Recommendation 17 - The DCTF supports extending the sunset date for the DCTF up to and not to extend past January 1, 2014 to ensure the DCTF functions as the industry funded Dungeness crab advisory committee until that revised sunset date.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 16 | 2 | 3 | 0 | 1 |

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 2 | 2 |

NOTES:

The DCTF agrees that while not perfect, the DCTF has provided a platform for the industry to collaborate, and work with regulators and decision-makers on Dungeness crab fishery management issues. Additionally, the DCTF may choose to reconvene to discuss additional issues and further clarify the recommendations in this report. Although SB1690 sunsets on January 1, 2011, the DCTF recommends extending the sunset date from this statute by amending the Fish and Game code section 8276.4.

Recommendations for Next Steps and Future Work of the DCTF

Recommendation 18 - The DCTF supports conducting further work to clarify and make recommendations on issues to potentially include but not be limited to the following topics:

1. Establishment of adaptive management procedures on Dungeness crab fishery management programs
2. Determination of tag fees, requirements, and enforcement of a pot limit program
3. Determination of whether the initial allocation of pots in a pot limit program will be based on single year landings history or multi-year averages
4. Discussion and recommendations on fishery management approaches to address issues associated with effort shift
5. Addressing potential adjustments to pot allocations in a pot limit program based on the California Attorney General's ruling on recommendation 3 of the January 15, 2010 report
6. Improvement of the collection and dissemination of fishery data
7. Discussion of the potential use landings taxes to support fishery management programs
8. Discussion of the potential increase of permit fees to support program fishery management programs
9. Establishment of a permanent Dungeness crab permit tracking number
10. And others potential issues

VOTE:

Vote of all DCTF members excluding the ex officio members:

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

Vote of the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 1 | 0 | 0 | 2 | 2 |

NOTES:

As mentioned in recommendations 14, 15, and 17, the DCTF recognizes that more work needs to be done prior to implementing a new pot limit program. The DCTF may choose to meet again in 2010 to discuss and vote to clarify recommendations for the pot limit program and other Dungeness crab fishery issues.

However, if the legislature does not receive further guidance from the DCTF by the time the bill is passed, the DCTF would like for this recommendation to be addressed by recommendation 19, below.

Recommendation 19 - The DCTF proposes that new crab legislation be introduced in early 2010 for a statewide, tiered pot limit program. The pot limit program shall be designed as a pilot: active for two years, adaptively managed, and reviewed to inform future management measures. It shall also be consistent with the recommendations presented in the March 31, 2010 report from the DCTF. If the bill is approved in the legislature, a pot limit program shall be implemented in conjunction and consistent with the recommendations of the DCTF (January 15th and March 31st reports). The implementing agency shall not implement the program without the approval of the DCTF. The bill would extend the life of the DCTF.

VOTE:

Vote of all DCTF members excluding the ex officio members:

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 18 | 2 | 0 | 0 | 1 |

There was no vote of the ex officio Members for recommendation 19.

Notes:

Should the legislature choose to adopt a bill informed by the recommendations in this report, recommendation 19 proposes that the bill give the DCTF final approval of the program, as well as the details of the program, before it is implemented.

CONTINUING THE WORK OF THE DCTF

Completion of the January 15, 2010 report (Report #1) and this March 31, 2010 report (Report #2) fulfills the mandates of SB1690. However, as explained in the recommendations in this report, the DCTF generally believes that additional discussion by the DCTF is merited prior to the dissolution of the DCTF in January 2011 (should the extension to January 2014 not be granted). The OPC has stated that continued funding and staff support of the DCTF is extremely limited following the submission of this report. Any future meetings and business by the DCTF will continue to be done in compliance with all pertinent laws and regulations. While the present responsibility of administering the DCTF rests in hands the OPC, the OPC has taken proactive steps to shift this primary administrative role to the industry. The future of the DCTF will require a concerted effort between the industry and, to a far lesser extent, the OPC.