

Lost/Abandoned Gear Retrieval Program:

Evaluation of the Department-Run vs. NGO-Run Models

Senate Bill 1287 established the lost or abandoned commercial crab trap retrieval program in Section 9002.5, Fish and Game Code, which tasks the Department with developing a program that facilitates the recovery of lost or abandoned trap gear. The key elements of the program include: self-funding through recovery of costs from fishermen who lost or abandoned their traps; encourage nongovernmental organizations (NGOs) to take on elements of the program; and, enforce the non-renewal of the Dungeness crab Vessel Permit (DCVP) for failure to pay for recovered traps.

The Department is requesting input from the Executive Committee of the Dungeness crab task force (EC DCTF) to help guide the direction of the program and the eventual regulations of the program. Three possible models to implement the program are presented in order of decreasing financial burden on the Department; there is a full Department-run model, an NGO-contracted model, and a full NGO-run model that will require minimal Department support for non-compliance. The Department is tasked with carrying out a program and will default to a Department-run model in the absence of NGOs participation.

The Department is specifically interested in the EC's perspectives on how these three models will promote the following essential guiding principles of a final gear retrieval program:

- 1) Economical/Self-sustainable
- 2) Locally-based Control/Management
- 3) Accountability for non-compliance

Similarities and Differences of the Three Program Models:

- All three models require regulations to support program outlined in statute:
 - Set retrieval permit procedures: set terms and conditions of permits/NGOs to recover gear as described in Section 9002.5(b)(1)(A) of the Fish and Game Code
 - Could include record-keeping/logbook requirements
 - Set recovery season periods outside of open commercial crab season, perhaps unique to each port/management area
 - Set trap fees (Section 9002.5(b)(1)(B)) for gear retrieved and compensation paid to fishermen and NGOs
 - Set terms and conditions for the non-renewal of a permit when fees are not paid
 - Identify the appeal process and body that would oversee appeals

Full Department Support for Department-run Model

- Department would administer and manage program within 7 port areas of the state
- Requires **50% staff time for Department Administrator** who would oversee the program with the following duties: issue retrieval permits, maintain records of logbook information and document recovered gear; coordinate with fishermen and NGOs; provide supervision of temporary staff; manage the storage of retrieved gear including rental of temporary storage/receiving facilities; returning gear to owner and tracking financial disbursements
- **7 seasonal staff** would be hired to run the seven port-based programs: duties would include managing gear retrieved, storage, record keeping, and point of contact located in 7 key port areas of: Morro Bay, Moss Landing/Monterey/Santa Cruz, Half Moon Bay/San Francisco, Bodega Bay, Fort Bragg, Eureka, and Crescent City
- Rental of Department of General Service trucks for transporting gear
- Office space for Department staff
- **Requires 15% staff time for License Revenue Branch (LRB) personnel who** would be set up online payment process in order to process and receive trap fees
- Acquire spending and position authority to implement DFW program (budget process or redirect)
- Develop implementing regulations and CEQA compliance of the program
- Draft annual accounting and progress reports

Moderate Department Support for NGO-contracted Model, including Harbor Districts or Port Associations:

- Would require Department staff time to audit the program and disbursement of compensation costs
- **25% staff time for Department** coordinator who would issue retrieval permits, maintain records of logbook information and document recovered gear and notifying permitholders
- **15% staff time of LRB personnel who** would be required to set up online payment process in order to process and receive trap fees
- In order to pay out funding disbursements, Department would also work on contracting with outside entities, NGOs, including Harbor Districts and Port Associations
- NGO would be responsible for facilitating storage and return of traps to permitholders once fees are paid

Minimal Department Support for NGO-run Model (Department Involved When Non-Compliance Issues Arise/Add Trap Fee Penalty):

- Harbor/Port associations enter into formal agreement with Department

- Under this model no exchange of monies will take place between Department and 3rd party
- Require retrieval permit, but NGO will manage record keeping of retrieved gear
- Department support occurs when non-compliance issues arise such as large amounts of trap gear retrieved from one permitholder and/or failure to pay
 - NGO must supply proper documentation for Department to pursue case
 - When Department becomes involved with case, a penalty fee will be imposed to pay Department costs, these would be non-negotiable
- Required to set fees in regulation for compensation costs between owners of trap and 3rd party that participates in retrieval program, including NGOs.
 - Also will set additional Department penalty fees

Setting Trap Fee and Compensation Rate

Setting the trap fee for each trap recovered would involve a formula for the models that require full and moderate Department support since Department costs that include salaried staff are fixed regardless of the number of traps retrieved. The trap fee is dependent on the total number of traps recovered each season, the costs associated with recovery of the traps, and the costs of administration.

Recent gear retrieval pilot projects have set this compensation rate between \$65 and \$85 per trap to cover the costs for vessel fuel, storage costs and record-keeping of gear retrieved. As recommended by the DCTF this total trap fee should also not exceed the current fair market value of traps at approximately \$200.

For the NGO-run model, the total trap fee would just be the amount that the compensation rate is set and would include nominal fixed Department costs, making it the least expensive option of the three models.