

# Draft Dungeness Crab Task Force (DCTF) Fishery Management Options

August 2014

This draft document was developed by the DCTF Administrative Team (DCTF Admin Team) to help prepare DCTF members and inform their constituents in anticipation the October 2014 DCTF Meeting.

## <u>Overview</u>

During the April 22-23, 2014 Dungeness Crab Task Force (DCTF) meeting, the DCTF discussed a range of fishery management issues for the commercial California Dungeness crab fishery. Issues were related to the Commercial Dungeness Crab Trap Limit Program and Coastal Dungeness Crab Tri-State Committee and included, but was not limited to, the following topics:

- Waivers for the commercial trap limit program fees
- Addressing Tier 7 and "latent" permits
- Considering District 10 as part of the Tri-State Agreement and exploring a fair-start provision
- Changing the commercial northern season opener
- Changes to the crab quality testing program

At the upcoming October 2014 DCTF meeting, DCTF members will be required to vote and make formal recommendations on these topics. In anticipation of this action, the DCTF Admin Team has developed the following "management options" document that includes: **a worksheet** to guide discussions between DCTF members and their constituents; **and an appendix** with background information about how the options were derived.

DCTF members and alternates are encouraged to share this list of options, questions, and considerations with their constituents and gain the opinions of the fleet, including additional ideas and options. The DCTF should be prepared to attend the October 2014 meeting ready to vote on these issues, and any other issues that may arise out of DCTF discussions. Please note that under the <u>Bagley-Keene</u> <u>Open Meetings Act</u>, DCTF members are prohibited from direct communication with one another to avoid serial meetings or any other violations of Bagley-Keene.

For additional details about the April 2014 DCTF meeting, including a meeting summary and associated support materials, visit <a href="http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/">http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/</a> (DCTF Meeting #3 – April 22 and 23, 2014 – Ukiah). For questions about this document, or additional information about the DCTF, please contact the DCTF Admin Team at <a href="mailto:info@dungenesscrabtaskforce.com">info@dungenesscrabtaskforce.com</a>.



#### Dungeness Crab Fishery Management Options Worksheet

This worksheet is designed to support discussions between DCTF members and their constituents. Input gathered during Port meetings will be relayed to the full DCTF by DCTF members at the October 2014 meeting, and can also be submitted in advance of the meeting via email (<u>info@dungenesscrabtaskforce.com</u>) or hard copy (Attn: DCTF Admin Team, 1171 Robertson Blvd., Suite 352, Los Angeles, CA 90035) by Tuesday, September 30, 2014 for inclusion in DCTF support materials, as appropriate. Details about how these options were developed can be found in the Appendix.

The options/statements below have been developed to encourage and support discussion, new ideas, and direct input from DCTF constituents. They do NOT suggest any predetermined outcome(s), or that any final recommendations have been made.

## TRAP LIMIT PROGRAM EVALUATION (Options/Questions 1-7)

#### Trap Limit Program – Fee Waiver

1) Allow buoy tag fee waiver for permitholders based on any issue (e.g. sick or just not fishing) upon renewal of permit. There is no limit on how many times a permitholder can do this. An individual cannot purchase tags mid-season and start fishing.	Notes/Rationale:
2) If an individual decides to not fish one (1) year and wants to fish the next year, they will still need to pay for two (2) full years. No discounting or prorating fees.	Notes/Rationale:
3) Other options related to fee waivers for DCTF consideration?	Notes/Rationale:



## Trap Limit Program – Tier 7 and Inactive Permits

4) Is there a need for addressing latent permits? ( <i>Latent permits are defined as those that landed less than 200lbs in 2013-1014 season.</i> )	Notes/Rationale:
a) Tier 7 permits (the 175-trap tier) are allowed to be stacked onto active/higher tier permits. ( <i>The stacked</i> <i>permits can be worth the full allocation or half.</i> <i>Please state preference.</i> )	
<ul> <li>b) Tier 7 permits that continue to be inactive/not used are non-transferable.</li> </ul>	
c) Tier 7 permits that were active (landed >200lbs) in the 2013-2014 season are allowed to be transferred while those permits that remained unfished are not transferable.	
d) No action will be taken on Tier 7 permits until the full effects of the trap limit program are better understood. <sup>1</sup>	
e) Tier 7 permits be left alone in perpetuity.	

<sup>&</sup>lt;sup>1</sup> This would mean that the trap tags associated with these permits will be transferable at the end of 2 years and tier 7 permits will be able to function in the same fashion as the other six tiers.

California Dungeness Crab Task Force~

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

# Trap Limit Program – General

5) Oregon and Washington permitholders may transit California waters with their Oregon and Washington-tagged traps (i.e. the traps would not have California tags attached) without being in violation of California laws.	Notes/Rationale:
<ul> <li>6) The DCTF and commercial Dungeness crab fleet would prefer:</li> <li>a) not to recommend any changes to the trap limit program. We look forward to providing the Legislature, CDFW, and Commission with recommendations in our January 2017 report.</li> <li>b) to recommend interim changes to the trap limit program in our 2015 report and look forward to providing the Legislature, CDFW, and Commission with additional recommendations in our January 2017 report. (<i>Note: The content of these interim recommendations will be based on responses to the options in this document or other options discussed at the October DCTF meeting.</i>)</li> <li>c) other option(s) (please explain).</li> </ul>	Notes/Rationale:





## Trap Limit Program – General (continued)

7) What changes, if any, should be made to the trap limit program?	Notes/Rationale:

## COASTAL DUNGENESS CRAB TRI-STATE COMMITTEE ISSUES (Options/Questions 8-17)

#### Tri-State – District 10

8) District 10 should be included in the Tri-State agreement. <sup>2</sup> The Tri-State line should be moved to the Mexican border.	Notes/Rationale:
9) Single Opener – The District 10 opener should be changed to an opener that is the same as the rest of the coast (e.g. December 1 or December 15). (See option 12 other date options.)	Notes/Rationale:

<sup>&</sup>lt;sup>2</sup> Including District 10 in the Tri-State agreement will require District 10 to test into the season. All other management changes, including the season opener date, remain open for discussion and DCTF consideration.



10) Staggered Opener – District 10 should retain the November 15 opener; Northern ports would open at a later date (see options 12 and 13 for more information)	Notes/Rationale:
11) Staggered Opener and Fair Start- District 10 should retain the November 15 early opener <b>AND</b> a fair-start provision for those fishing the November 15 <sup>th</sup> opener in District 10 be established, regardless of a crab quality delay in the north.	Notes/Rationale:
Fair Start Options to Consider:	
a) 15-day fair start regardless of a delay north of District 10	
b) 30-day fair start regardless of delay north of District 10	
c) 15-day fair start except during a soft-shell delay north of District 10, at which point there would be a 30-day delay	
d) Other?	



### Tri-State – Northern Season Opener

12) Regardless of District 10's opener, the northern fishery should change its season opening date.	Notes/Rationale:
Date Options to Consider: a) December 7	
b) December 10 c) December 15	
d) January 1	
e) Other?	
13) Regardless of District 10's opener, the northern fishery should change its season opening date to one of the options in #12 only if there is a fair-start provision in District 10.	Notes/Rationale:
Please specify which northern opening date and fair start option is preferred	



## Tri-State – Crab Quality Testing Protocols

14) California should consider flexibility in setting a start date outside of 15-day increments. Other considerations?	Notes/Rationale:
15) California should re-designate the dates to perform the first crab quality test(s) for the northern season opener (and central California season opener if District 10 is included in the Tri-State Agreement). Other considerations?	Notes/Rationale:
15a) The first pre-season crab quality test in California should be sometime after November 15, instead of November 1.	
15b) The first pre-season crab quality test in California should remain on November 1. 15c) Other options?	
16) California should consider allowing flexibility in the duration between each round of crab quality testing such that each successive round of testing may take place inside or outside 10-day increments. Other considerations?	Notes/Rationale:
17) Other options to consider?	Notes/Rationale:



# DCTF – General

What is your response to the following statement?

18) The DCTF recommends revisiting the composition/structure of the DCTF to ensure that it is representative of the fleet.	Notes/Rationale:
Note: This option would require legislation and new sources of funding to carry out. If you support this statement, please describe how this would be accomplished in your rationale. For more information about this option see Appendix.	



## **APPENDIX – Management Options Background Details and Information**

Trap Limit Program – Fee Waivers	
<ol> <li>Allow buoy tag fee waiver for permitholders based on any issue (e.g. sick or just not fishing) upon renewal of permit. There is no limit on how many times a permitholder can do this. An individual cannot purchase tags mid-season and start fishing.</li> <li>If an individual decides to not fish one (1) year and wants to fish the next year, they will still need to pay for two (2) full years. No discounting or prorating fees.</li> <li>Other options related to fee waivers for DCTF consideration?</li> </ol>	At the April 2014 DCTF meeting, a letter was submitted by DCTF member Mike Zamboni (http://www.opc.ca.gov/webmaster/_media_library/2009/04/DCTF_PublicComments_04282014.pdf). The letter requested the DCTF to consider allowing waivers for trap tags. After much discussion, DCTF members generally agreed that it would be appropriate to allow such a waiver similar to Oregon and Washington's programs, which do not require individuals to purchase all of their tags. Members generally agreed that if someone is legitimately sick and unable to work, they should be allowed a waiver on their trap tag fees and suggested that permitholders be required to renew the permit, but not be required to purchase all of their trap tags. Some DCTF Members expressed concern that allowing such a waiver would be detrimental to CDFW's revenue stream to pay for the program, while others felt the program would be cheaper to run with fewer participants. Some Members suggested that allowing fee waivers would encourage individuals to use less gear and not force others to fish simply to pay their fees. CDFW explained the trap tag ordering process and explained that the only way they could accommodate a fee waiver is if they received notices by the permit renewal deadline. Mid-season requests to opt back in to the fishery could not be accommodated. Statements 1 and 2 (see left column) were approved by the DCTF in a straw poll and will be put to a vote at the October 2014 DCTF meeting and potentially included in the DCTF's January 2015 legislatively mandated report.
Trap Limit Program – Tier 7 & Inactive Permits	
4) Is there a need for addressing latent permits? ( <i>Latent permits are defined as those that landed less than 200lbs in 2013-1014 season.</i> )	Some members expressed concern that if inactive permits are activated, there could potentially be too much gear and effort in the water. Options 4-6 were developed at the April 2014 DCTF meeting by the DCTF and members of the public as potential mechanisms to address latent capacity of the fleet.
a) Tier 7 permits (the 175-trap tier) are allowed to be stacked onto active/higher tier permits. ( <i>The</i> stacked permits can be worth the	One Member felt that option 4a would reduce the number of permits and traps while also allowing individuals to build their business. Other Members suggested that the 7-tier trap limit system was put in place to maintain the structure of the fleet and felt that stacking would reduce the number of small vessels in the fleet. Option 4e was suggested by DCTF Members and the public who felt that



full allocation or half. Please state preference.) b) Tier 7 permits that continue to be inactive/not used are non- transferable.	tier 7/inactive/latent permits present an opportunity for new guys to enter the fishery. These individuals would like these permits to be left alone. Some Members stated that time is needed to better understand the full impacts of the trap limit program before drawing major conclusions. It was suggested that a discussion on what to do with the latent permits be postponed until after better understanding the impacts of the trap limit program and consulting with latent permitholders.
c) Tier 7 permits that were active (landed >200lbs) in the 2013-2014 season are allowed to be transferred while those permits that remained unfished are not transferable.	
<ul> <li>d) No action will be taken on Tier 7 permits until the full effects of the trap limit program are better understood.<sup>3</sup></li> <li>e) Tier 7 permits be left alone in perpetuity.</li> </ul>	
Trap Limit Program – General	
5) Oregon and Washington permitholders may transit California waters with their Oregon and Washington-tagged traps (i.e. the traps would not have California tags attached) without being in violation of California laws.	The group discussed the issue of California-Oregon dual permitholders who carry traps on board without California trap tags, with the intent of setting gear in Oregon. CDFW explained that a commercially permitted vessel is in violation if there are traps onboard without California-issued tags. Although CDFW made an accommodation for vessels transiting California waters with the intent to drop traps in Oregon to carry traps that did not have California tags attached, this issue may need to be addressed by modifying the regulations so that traps with only Oregon tags are not in violation. Members said regulations should be drafted so that vessels can carry Oregon-tagged traps (with no California tags) as long as there is no crab on board. The group continued to discuss other options to address this issue, including waivers.
6) The DCTF and commercial Dungeness crab fleet would prefer:	Options 6-7 were developed by the DCTF Admin Team as other options for consideration based on conversations with DCTF Members and members of the fleet. At their last DCTF meeting, some

<sup>&</sup>lt;sup>3</sup> This would mean that the trap tags associated with these permits will be transferable at the end of 2 years and tier 7 permits will be able to function in the same fashion as the other six tiers.





<sup>&</sup>lt;sup>4</sup> Including District 10 in the Tri-State agreement will require District 10 to test into the season. All other management changes, including the season opener date, remain open for discussion and DCTF consideration.



# California Dungeness Crab Task Force

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

	negotiations and did not want the southern season to potentially be delayed by the Director of CDFW. Some Members didn't think District 10 joining Tri-State was necessary since California legislation could be used to add more "protections" for District 10 regardless of Oregon and Washington laws. Some stated that if a fair-start clause were put into place, District 10 might be
	more inclined to join the Tri-State Dungeness crab committee.
9) Single Opener - The District 10 opener should be changed to an opener that is the same as the rest of the coast (e.g. December 1 or December 15). (See option 12 other date options.)	At the April 2014 DCTF meeting, a few Members expressed support for streamlining the fishery's start date so that it is consistent with the rest of the coast (i.e. there would no longer be an early opener south of Point Arena). They felt that a single opener throughout California (so that District 10 opens at the same time as northern California) would prevent strong effort shifts south of Point Arena at the beginning of each season thereby "protecting" the southern fleet from northern pressures and improving the price received by fishermen for their catch. Others felt that this option would negatively impact the market since the market would be saturated, would force District 10 to also participate in Oregon price negotiations, and would limit the fleet's ability to negotiate a higher market price for their product. Another Member stated that staggered openers result in a lower price because the processors are waiting for other areas to open before setting a fair price. A Member representing the processors stated he prefers a staggered opener and believes that fishermen get a fair price.
10) Staggered Opener - District 10 should retain the November 15 opener; Northern ports would open at a later date (see options 12 and 13 for more information)	Some Members expressed support for retaining an early start south of Point Arena and felt like it the Thanksgiving and Christmas markets were important to maintain.
11) Staggered Opener and Fair Start- District 10 should retain the November 15 early opener <b>AND</b> a fair-start provision for those fishing the November 15 <sup>th</sup> opener in District 10 be established, regardless of a crab quality delay in the north.	<ul> <li>While some Members expressed support for retaining a staggered opener/early start south of Point Arena, they felt that a fair start provision was necessary to halt unfair fishing practices. Some stated that if a fair-start clause were put into place, District 10 might be more inclined to join the Tri-State Dungeness crab committee. The following options were developed by DCTF Members:</li> <li>15-day fair start regardless of a delay north of District 10. This would require those who fished in District 10 prior to a northern opener to wait 15 days after the northern opener (regardless of crab quality) to fish in the north. Some Members felt this option would ameliorate the concerns around effort shift and about Washington boats fishing in District 10</li> </ul>
Fair Start Options to Consider:	since their fishery is often delayed and, for that reason, rarely impacted by the soft-shell delays in California and Oregon. This would replace the current 30-day fair-start during soft-
a) 15-day fair start regardless of a	shell delays.



# California Dungeness Crab Task Force

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

<ul> <li>delay north of District 10</li> <li>b) 30-day fair start regardless of delay north of District 10</li> <li>c) 15-day fair start except during a soft- shell delay north of District 10, at which point there would be a 30-day delay</li> <li>d) Other?</li> </ul>	<ul> <li>30-day fair start regardless of a delay north of District 10. This would require those who fished in District 10 prior to a northern opener to wait 30 days after the northern opener (regardless of crab quality) to fish in the north. Some Members felt this option would ameliorate the concerns around effort shift and about Washington boats fishing in District 10 since their fishery is often delayed and, for that reason, rarely impacted by the soft-shell delays in California and Oregon.</li> <li>The 15-day fair start provision under consideration by the DCTF would prohibit vessels participating in the early season opener in District 10 from fishing in other regions for 15 days following the open date(s) of districts and states north of District 10. During years when northern seasons are delayed due to soft-shell concerns, a 30-day fair start would be in place.</li> <li>Some Members felt that District 10 has "protection" more than half of the time because of soft shell delays in the north and, therefore a fair-start was unnecessary.</li> </ul>
Tri-State – Northern Season Opener	
12) Regardless of District 10's opener, the northern fishery should change its season opening date.	At the May 2013 Tri-State Dungeness crab committee meeting, the committee requested the DCTF to consider modifying the start date for the districts north of Point Arena (and potentially District 10) (http://www.psmfc.org/crab/2012-2013 files/MeetingSummary2013_Final.pdf). Although the current opener is December 1, the Committee suggested the DCTF consider a December 15 opener. While
Date Options to Consider:	some members supported status quo (December 1) and December 15, other members thought a
a) December 7	ecember 15 opener would negatively affect the holiday market and suggested a December 10 pener as an alternative. Some Members suggested the later opener would limit season delays and
b) December 10	the costs associated with pre-season testing since there would be fewer tests. Some Members from
c) December 15	District 10 stated that a December 15 opener for the northern ports would be amenable, but only support if there was a fair start regardless of a delay. Crescent City suggested a January 1 would be
d) January 1	beneficial since it would reduce the amount of pre-season testing needed and would prevent season delays in the future. Some Members felt January 1 would negatively impact the holiday market and would encourage the "race to fish." They stated that a January 1 opener would cause Oregon boats to fish a November 15 opener in District 10, followed by a December 1 opener in Oregon and then ravel to northern California to fish a January 1 opener allowing opportunities to fish three (3) openers thereby making the fleet more mobile. Members from District 10 expressed concern about he pressure a northern January 1 opener would have on District 10 and suggested they would only support such a change if a fair start provision were also put in place.
e) Other?	
13) Regardless of District 10's opener, the northern fishery should change its season opening date to one of the options above only if there is a fair-start provision in District 10. <i>Please specify which northern</i> <i>opening date and fair start option is</i> <i>preferred</i> <b>Tri-State – Crab Quality Testing</b>	



# California Dungeness Crab Task Force

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

Protocols	
14) California should consider flexibility in setting a start date outside of 15-day increments. Other considerations?	With the understanding that California will still need a minimum of 7 days following receipt of the crab quality test results to open the northern season, the DCTF said they were open to exploring a recommendation to allow more flexibility in setting a start date after the crab quality testing results are available.
15) California should re-designate the dates to perform the first crab quality test(s) for the northern season opener (and central California season opener if District 10 is included in the Tri-State Agreement). Other considerations?	At the April 2014 DCTF meeting, some Members stated that pre-season testing begins too early, and if testing started November 15 then it would limit information gathering from northern ports that would influence decisions to fish in District 10. Some Members stated that effort shift was not a negative thing and early testing informs fishermen's business decisions and whether or not to begin the season in District 10. Some Members felt that such practices infringed on the credibility of crab quality testing. It was explained that the testing protocol states that the first test must be made on or about November 1, which was originally decided on at a time when projections were made to inform the start date, which the testing protocol no longer allows. Some Members suggested beginning
15a) The first pre-season crab quality test in California should be sometime after November 15, instead of November 1.	tests later (e.g., November 15-17), which would limit planning time to travel to District 10. Additionally, pushing the first test to a later date would decrease the costs associated with the testing program because there would be fewer tests. Members suggested that tests should be designed to ensure good quality and any other information gathered during the process would address priorities other than crab quality.
15b) The first pre-season crab quality test in California should remain on November 1.	
15c) Other options? 16) California should consider allowing flexibility in the duration between each round of crab quality testing such that each successive round of testing may take place inside or outside 10-day increments. Other considerations?	At the April 2014 DCTF meeting, the DCTF discussed the topic of a 10-day test interval and whether or not there was a need for flexibility in instances when the 300lb minimum required for testing is not available. One Member explained that during the 2013-14 pre-season testing, the first test was short by a minimal amount and CDFW requested second test sample be conducted 3-4 days following the first test, even though it was shorter duration than 10 day interval because processors wanted to finish testing prior to the District 10 opener. Some Members expressed concern that testing at shorter intervals would show low quality crab and precipitate unwarranted delays. CDFW stated that the current testing protocol allows flexibility to accommodate such things as bad weather, however, there continues to be concerns that the current protocols may need additional flexibility to ensure a high quality test. One port stated that there was agreement to make the protocols more flexible to address circumstances where there is a need to deviate, such as the 10-day testing interval.
	DCTF agreed to consider how changes to the 10-day test interval may or may not effect ensuring



	high quality crab on the market. CDFW expressed that there times where added flexibility in the protocol would help inform difficult management decisions. For example, should CDFW have the ability to shorten the 10-day test interval under circumstances when a test is short by 0.5-1%, when waiting the prescribed 10 days between tests would result in a delay in the season?
17) Other options to consider?	N/A
DCTF – General	
18) The DCTF recommends revisiting the composition/structure of the DCTF to ensure that it is representative of the fleet. <i>Note: This option would require legislation</i>	At the April 2014 DCTF meeting, a couple Members expressed concern about the structure of the DCTF explaining that they believed the original intent was for the DCTF be representative of the number of vessels in each Port. Based on the data shared by CDFW at the April DCTF meeting, these Members felt District 10 and nonresident vessels were underrepresented. A requested was made to revisit and discuss the structure of the DCTF and make recommendations to modify it to be
and new sources of funding to carry out. If you support this statement, please describe how this would be accomplished in your rationale.	made to revisit and discuss the structure of the DCTF and make recommendations to modify it is more reflective of the make-up on the fleet. One Member stated that he could not operate in goin faith with the way the DCTF is currently structured. The Admin Team explained that any change the DCTF structure would have to be made through legislation. The Admin Team asked the groconsider the longer-term repercussions of sending a message to the Legislature that the make-the DCTF was unfair. Another Member cautioned the DCTF that if there was a vote to change the structure of the DCTF, the body could not function or make any new recommendations until the structural changes were amended in the Legislature. Some Members felt the structure of the DC alifornia. Some Members stated the composition of the DCTF was based on production (not number of permitholders). The DCTF agreed that production between northern and southern per changes yearly and discussed whether it would be appropriate to modify the composition of the DCTF. Some members (and the Admin Team) expressed concern that such a vote could be detrimental to the DCTF's future work and invalidate DCTF recommendations. In August, OPC informed the DCTF that the OPC is unable to designate any additional funds to the DCTF, do not the DCTF, do not the DCTF that the OPC is unable to designate any additional funds to the DCTF, do not the previously allocated support, through June 2017. Any potential restructuring of the DCTF, do not the industry.