

Options & Considerations: Vessel Lengths

California Dungeness Crab Task Force

Drafted by the DCTF Admin Team to support October 16-18, 2017 DCTF Meeting

The following options are currently under consideration by the California Dungeness Crab Task Force (DCTF) for recommendations to potentially amend Fish and Game code section 8280.3, which includes restrictions on vessel lengths ([here](#)). These options have been informed by the DCTF Executive Committee (EC) and from public comments throughout 2017 and **will be discussed and are expected to be voted on during the October 16-19, 2017 DCTF meeting**. DCTF Members are responsible for sharing these options with their constituents and be ready to make final recommendations at the October 2017 DCTF meeting.

Vessel Length, Overview

During an [August 25, 2017 conference call](#), the DCTF EC discussed options to standardize vessel length. The DCTF EC's proposed ideas together with other proposals and ideas (including one by the [Half Moon Bay Seafood Marketing Association](#) (also attached)) are included below for the DCTF's consideration.

Options: Documenting Vessel Length

The DCTF EC and the California Department of Fish and Wildlife (CDFW) have identified a need for a standard definition for vessel length to improve the accuracy of vessel length documentation, which is required for permit transfers. Currently, "vessel length" is not clearly defined in Fish and Game code, which has led to inconsistent measurements being recorded, CDFW unable to verify a vessel's length, and cases where different lengths on the same vessel are presented to CDFW during the permit transfer process.

Standard Measurements: Options developed to standardize the measurement of vessel length include, but are not limited to:

- Permitholders must submit a vessel survey from a licensed marine surveyor during the permit transfer process. The surveyor must document "length overall." "Length overall" should be clearly defined in the Fish and Game code as:
 - The Coast Guard's definition of length overall (CFR §170.055(k)(2) [here](#)): the horizontal distance between the forward-most and after-most points on the hull.
- Other "length overall" definition?
- Other options for standardizing measurements?

Ensuring Accurate CDFW Records: The DCTF EC acknowledged the importance maintaining length restrictions on Dungeness crab commercial vessel permits because they believe it helps maintain the complexity of the fleet. Options developed to help ensure accurate and consistent information regarding vessel lengths is documented and recorded by CDFW include, but are not limited to:

- Require all permitholders to provide a vessel survey from a licensed marine surveyor utilizing a defined standard length measurement.
 - Vessel survey to be completed within 3 years of x date.
 - Vessel survey to be completed within 2 years of x date.

- If a survey is not completed, CDFW will withhold the permit holder's trap tag allocation until the survey is complete.
- Continue status quo and only require a vessel survey when permit is being transferred.
- Eliminate all length restrictions on Dungeness crab commercial vessel permits as they are no longer necessary, especially with the introduction of trap limits.
- Other?

One-Time Increases: Each permit is allowed a one-time increase of up to 5 ft in length (i.e., if a 40ft vessel increases to 43ft, the full 5ft allowable increase may never be realized). Options include, but are not limited to:

- Allow unlimited length increases up to 5 ft.
- Eliminate vessel length restrictions.
- Status quo.
- Other?

Options: Sponsoning

For the purposes of DCTF discussions, sponsoning is defined as lengthening a vessel beyond the allowed, one-time 5 ft increase and then offering that vessel for sale without a vessel-to-vessel permit transfer involved. For example, someone could add 10 feet to their vessel this year, offer it for sale next year with that additional length and circumvent the 5 ft transfer limitation. Subsequent owners could do the same, nullifying the 5 ft limitation in these cases until a transfer occurs. Options include, but are not limited to:

- Require a current vessel survey at the time of a vessel sale, provided that the existing commercial Dungeness crab vessel permit is part of the sale. CDFW would ensure vessel sales are also in compliance with permit transfer length restrictions.
- Vessels that have extended beyond a one-time, 5 ft increase may not transfer their permit onto a new vessel.
- Other?

The DCTF will discuss goals of these options and new options and ideas may be generated and voted on during the October 16-18, 2017 DCTF meeting.

Additional Background: Fish and Game Code 8280.3- Transfers of Dungeness crab Vessel Permit

(a) Notwithstanding Article 9 (commencing with Section 8100) of Chapter 1 and except as provided in this section, a Dungeness crab vessel permit shall not be transferred.

(b) The owner of a vessel to whom a Dungeness crab vessel permit has been issued shall transfer the permit for the use of that vessel upon the sale of the vessel by the permit holder to the person purchasing the vessel. Thereafter, upon notice to the department, the person purchasing the vessel may use the vessel for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year, and that person is eligible for a permit pursuant to Section 8280.1 for the use of that vessel in subsequent years. The person purchasing the vessel shall not transfer the permit for use of that vessel in the Dungeness crab fishery to another replacement vessel during the same permit year.

(c) The owner of a vessel to whom the Dungeness crab vessel permit has been issued may transfer the permit to a replacement vessel of equivalent capacity, except as specified in this section. Thereafter, upon notice to the department and payment of the transfer fee specified in Section 8280.6, the replacement vessel may be used for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year and that person is eligible for a permit pursuant to Section 8280.1 for the use of that replacement vessel in subsequent years.

(d) The owner of a permitted vessel may transfer the permit to a vessel of greater capacity that was owned by that person on or before November 15, 1995, not to exceed 10 feet longer in length overall than the vessel for which the permit was originally issued or to a vessel of greater capacity purchased after November 15, 1995, not to exceed 5 feet longer in length overall than the vessel for which the permit was originally issued.

(e) The department may authorize the owner of a permitted vessel to transfer the permit to a replacement vessel that was owned by that person on or before April 1, 1996, that does not fish with trawl nets that is greater than five feet longer in length overall than the vessel for which the permit was originally issued, if all of the following conditions are satisfied:

(1) A vessel of a larger size is essential to the owner for participation in another fishery other than a trawl net fishery.

(2) The owner held a permit on or before January 1, 1995, for the fishery for which a larger vessel is needed and has participated in that fishery.

(3) The permit for the vessel from which the permit is to be transferred qualified pursuant to paragraph (1) of subdivision (b) of Section 8280.1.

(4) The vessel to which the permit is to be transferred does not exceed 20 feet longer in length overall than the vessel for which the permit was originally issued and the vessel to which the permit is to be transferred does not exceed 60 feet in overall length.

(f) A transfer of a permit to a larger vessel shall not be allowed more than one time. If a permit is transferred to a larger vessel, any Dungeness crab vessel permit for that permit year or any subsequent permit years for that larger vessel shall not be transferred to another larger vessel. The department shall not thereafter issue a Dungeness crab vessel permit for the use of the original vessel from which the permit was transferred, except that the original vessel may be used to take or land Dungeness crab after that transfer if its use is authorized pursuant to another Dungeness crab vessel permit subsequently transferred to that vessel pursuant to this paragraph.

(g) (1) Upon the written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued, which has California Dungeness crab landings made with trap gear documented on department landing receipts and which has had California Dungeness crab landings amounting to not less than 5,000 pounds cumulative for the past two Dungeness crab seasons, may temporarily transfer the permit to a replacement vessel for which use in the Dungeness crab fishery is not permitted pursuant to this section or Section 8280.1 that is of equivalent size and capacity of the originally permitted vessel, no greater than 10 feet longer in length overall than the vessel from which the permit is transferred, for a period of not more than six months during the current permit year if the vessel for which the permit was issued is seriously damaged, suffers major mechanical breakdown, or is lost or destroyed, as determined by the department, upon approval of the director. The owner of the vessel shall submit proof that the department may reasonably require to establish the existence of the conditions of this paragraph. Only the permittee at the time of the loss, theft, damage, breakdown, or destruction of the vessel may apply for the transfer of the vessel permit. Proof of loss or destruction shall be documented by submission of a copy of the report filed with the United States Coast Guard or any other law enforcement or fire agency that investigated the loss. In the case of mechanical breakdown, the request shall include an estimate of the costs to repair the vessel from a marine surveyor or boat repair yard. The department shall not issue a permit for a replacement vessel pursuant to this subdivision if the permitted vessel was reported lost, stolen, mechanically broken down, destroyed, or damaged for fraudulent purposes. Upon approval by the director, the owner of a vessel granted a six-month temporary transfer under this section may be granted an additional six-month extension of the temporary transfer.

(2) Notwithstanding subdivision (e) of Section 8280.2, in the event of loss or destruction of a vessel for which a Dungeness crab vessel permit was issued, or serious damage that renders the vessel inoperable, and upon written approval of the department, the owner of the vessel to whom the permit was issued may retain the permit and may transfer the permit to another vessel of equivalent size and capacity of the vessel that was lost or damaged

during the period of two years after the loss or damage of the vessel for which the permit was originally issued. The owner of the lost or damaged vessel shall submit proof that the department may reasonably require to establish the loss or damage of the vessel. Only the permittee at the time of the loss, theft, damage, or destruction of the vessel may apply for the transfer of the vessel permit. Proof of loss or destruction shall be documented by submission of a copy of the report filed with the United States Coast Guard or any other law enforcement or fire agency that investigated the loss. In the case of mechanical breakdown, the request shall include an estimate of the costs to repair the vessel from a marine surveyor or boat repair yard. The department shall not issue a permit for a replacement vessel pursuant to this paragraph if the lost or damaged vessel was reported lost, stolen, destroyed, mechanically broken down, or damaged for fraudulent purposes. The department shall only transfer a permit pursuant to this paragraph if the lost or damaged vessel has a current permit and the owner of the lost or damaged vessel makes assurances in the application that any renewal of the permit that becomes due during the application processing period will be made. If the permit is not permanently transferred to another vessel owned by the person to whom the vessel permit was originally issued within two years of the loss or damage, the permit shall become void by operation of law.

(h) Upon written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may retain that permit upon the sale of that permitted vessel for the purpose of transferring the permit to another vessel to be purchased by that individual within one year of the time of sale of the vessel for which the permit was originally issued if the requirements of this section are satisfied, including the payment of transfer fees. If the permit is not transferred to a new vessel owned by the person to whom the vessel permit was originally issued within one year of the sale of the vessel for which it was originally issued, or if the person does not retain ownership of the new vessel to which the permit is transferred for a period of not less than one year, the permit shall become void by operation of law.

(i) In the event of the death or incapacity of a permitholder, the permit shall be transferred, upon application, to the heirs or assigns, or to the working partner, of the permitholder, together with the transfer of the vessel for which the permit was issued, and the new owner may continue to operate the vessel under the permit, renew the permit, or transfer the permit upon sale of the vessel pursuant to subdivision (b). The estate of the holder of a transferable Dungeness crab vessel permit may renew that permit as provided for in statute if needed to keep it valid. The estate of the decedent may transfer that permit pursuant to these regulations no later than two years from the date of death of the permitholder as listed on the death certificate.

(j) This section shall become inoperative on April 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

(Amended by Stats. 2012, Ch. 546, Sec. 3. Effective September 25, 2012. Inoperative April 1, 2019. Repealed as of January 1, 2020, by its own provisions.)

8280.6- Dcrab Vessel Permit Fees for Residents and Non-Residents

(a) The department shall charge a fee for each Dungeness crab vessel permit of two hundred dollars (\$200) for a resident of California and four hundred dollars (\$400) for a nonresident of California, for the reasonable regulatory costs of the department.

(b) The department shall charge a nonrefundable fee of two hundred dollars (\$200) for each transfer of a permit authorized pursuant to Section 8280.3, for the reasonable regulatory costs of the department.

(c) A vessel owner shall sign an application for transfer and certify that the information included in the application is true to the best of his or her information and belief.

(d) This section shall become inoperative on April 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

(Amended by Stats. 2012, Ch. 546, Sec. 4. Effective September 25, 2012. Inoperative April 1, 2019. Repealed as of January 1, 2020, by its own provisions.)

August 2017

To: Dungeness Crab Task Force
From: Half Moon Bay Seafood Marketing Association



Regarding: [Fish and Game Code 8280](#)

A key issue with transferability of Dungeness Crab Vessel Permits is that the California Department of Fish and Wildlife did not require documented vessel lengths when the permits became limited entry. In other limited entry fisheries, such as those managed by the National Marine Fisheries Service, lengths were assigned to each permit using a consistent measuring mechanism and marine surveys.

In these fisheries an official length or “endorsement” is assigned to each permit. Because this information is readily available, permits can transfer on and off of vessels relatively quickly and easily as long as the vessel the permit is being assigned to is no more than 5 feet longer (length overall) from the permit published length.

From the instructions on the transfer form to transfer a Pacific Coast Groundfish Limited Entry Permit: *“List the length overall of both the current and new vessels. If NMFS does not have a recent marine survey for the vessel on file, the permit or vessel owner must provide recent marine survey (conducted in last 3 years) with the length overall measurement to process the request.”*

We suggest that challenges with Dungeness Crab Vessel Permit transfers could be resolved by setting a date in the future to do what should have been done originally, which is to assign a vessel length/endorsement to each permit.

- The records should be updated in conjunction with permit renewals.
- For a designated year, permit holders would be required to provide a recent survey information to verify permit length with permit renewal.
- Definition of “recent” should be consistent with NMFS language where it is defined as conducted in the last 3 years.
- A clear, consistent and standardized definition of the required measurement must be required and communicated clearly.
- Length Overall is the current measurement requirement, which is defined in the US Coast Guard (§679.2 Definitions) *Length overall (LOA) of a vessel means the centerline longitudinal distance, rounded to the nearest foot, measured between:*
 - (1) The outside foremost part of the vessel visible above the waterline, including bulwarks, but excluding bowsprits and similar fittings or attachments, and*
 - (2) The outside aftermost part of the vessel visible above the waterline, including bulwarks, but excluding rudders, outboard motor brackets, and similar fittings or attachments*

Completion of this process will reset the permit process, and maintain the complexity and diversity of the fleet which is important for our fishing communities.

We further believe that this should be accompanied by a simplified transferability process for commercial fishing businesses (and the Department).

- Permits should be able to be transferred to any vessel up to 5 feet greater in length than the endorsed permit length.
- Permits should also be able to transfer “down” to a smaller vessel without effect on the endorsed length (ie: a permit with a 50 foot endorsement, should be allowed to transfer to a 55 foot vessel, and then to a 40 foot vessel and then back to a 55 foot vessel with no issue).
- We would again suggest following the precedent of NMFS and allowing transfers at will as long as the length and survey requirements are met.

Thank you,
Half Moon Bay Seafood Marketing Association