



~California Dungeness Crab Task Force~

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

REPORT

TO: Joint Committee on Fisheries and Aquaculture, Mike McGuire, Chair
Joint Committee on Fisheries and Aquaculture, Jim Wood, Vice Chair
California Fish and Game Commission, Mike Yaun, Interim Director
California Department of Fish and Wildlife, Charlton Bonham, Director

CC: California Ocean Protection Council, Catherine Kuhlman, Executive Director
California Fish and Game Commission, Susan Ashcraft, Marine Advisor
Pacific States Marine Fisheries Commission, Dave Colpo, Sr. Program Manager

FROM: California Dungeness Crab Task Force

DATE: January 15, 2016

RE: Initial recommendations from the California Dungeness Crab Task Force as requested in SB 369 (Fish and Game Code 8276.4)

APPENDICES: (1) [Senate Bill 369](#)
(2) [January 15, 2015 Report](#)
(3) [Tri-State Dungeness Crab Commission Memorandum of Understanding \(MOU\)](#)
(4) [DCTF Membership List](#)
(5) [DCTF Charter](#)
(6) [Summary of DCTF Votes from October 26-27, 2015 meeting](#)
(7) [DCTF Meeting Summary from October 26-27, 2015](#)
(8) [Whale Entanglement Discussion- August 20, 2015](#)
(9) [Whale Entanglement Working Group Meeting Summary- September 21, 2015](#)
(10) [Whale Entanglement Working Group Meeting Summary- October 8, 2015](#)
(11) [Press Release: California Dungeness Crab Fishermen Take Proactive Steps to Reduce Risk of Whale Entanglements – 11/17/2015](#)
(12) [DCTF Executive Committee Guidance Memo Regarding Domoic Acid Levels in Dungeness Crab \(November 9, 2015\)](#)
(13) [DCTF Executive Committee Guidance Memo Regarding Domoic Acid Levels in Dungeness Crab \(January 11, 2015\)](#)

This report provides recommendations from the California Dungeness Crab Task Force (DCTF) to the Joint Committee on Fisheries and Aquaculture (the Legislature), the California Department of Fish and Wildlife (the Department), and the Fish and Game Commission (the Commission) to inform future Dungeness crab fishery management changes. This interim report has been developed in an effort to update the Legislature, the Department, and the Commission of the DCTF's progress, and highlight anticipated recommendations that may be included in a final legislatively mandated report to be delivered to the Legislature on or before January 15, 2017. This work was completed pursuant to Senate Bill (SB) 369 (Evans, 2011) ([Appendix 1](#)). The work of the DCTF is supported by the California Coastal Protection Fund of 2006 as authorized by the California Ocean Protection Council (OPC).

Additional information, including additional previous reports and meeting summaries offering details on the development of the recommendations provided in this report, 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. Dungeness crab is one of the most productive fisheries in California^{1,2} with an average ex-vessel value³ of approximately \$48.3 million per calendar year.⁴ This is in large part due to strong demand by consumers, including international markets. The Dungeness crab industry is interested in maintaining the health of the fishery to safeguard its economic health and to preserve the fishing communities that rely on the resource.

SB 1690 and SB 369

In an effort to alleviate concerns about the California fishery and create a forum for the industry to resolve Dungeness crab fishery issues, SB 1690 was passed in September 2008 and provided for the establishment of a DCTF that was representative of the diverse fishery interests. SB 1690 (which added Section 8276.4 to the California Fish and Game Code) directed the California Ocean Protection Council (OPC) to establish and administer the DCTF, and directed the DCTF to review and evaluate the Dungeness crab fishery and make management recommendations to the Legislature, the Commission, and the Department. The DCTF ceased to exist on January 1, 2011 per SB 1690's sunset clause, but was reestablished later the same year by SB 369 (2011-2012 Reg. Sess), which again tasked the OPC with developing and administering the DCTF. SB 369 mandated the DCTF be composed of 27 members, including 17 members representing commercial fishing interests, two members representing sport fishing interests, two members representing crab processing interests, one member representing commercial passenger fishing vessel (CPFV) interests, two members representing nongovernmental organization interests, one member representing Sea Grant, and two members representing the Department. SB 369 also established an industry designed seven-tier commercial Dungeness crab trap limit program, which the Department is responsible for developing and implementing in consultation with the DCTF.

The work of the DCTF is to be carried out during the course of several public meetings held in California between March 2012 and January 2017. The DCTF's primary goal is to make recommendations on the commercial tiered trap limit program and other Dungeness crab fishery management measures by January 15, 2017, as described in Fish and Game Code Section 8276.5. The OPC has authorized approximately \$215,000 from the California Coastal Protection Fund of 2006 to support the DCTF through 2017.

California Management of the Fishery

The California Dungeness crab commercial fishery is managed by the Department pursuant to California Fish and Game Code Section 8275 *et seq*, which requires the fishery be managed using a 3-S management strategy (sex, size, and season). Commercial harvest is restricted to male crabs, greater than 6.25 inches carapace (body) width, from mid-November through the end of June (Southern Management Area⁵) or December 1 through July 15 (Northern Management Area). The 3-S management strategy is considered to be successful in maintaining the crab population because males have the opportunity to mate several times before reaching legal size, females are protected from commercial harvest, and the fishing season avoids both

¹ Hackett, Steven, D. King, D. Hansen and E. Price. 2009. *The Economic Structure of California's Commercial Fisheries*. Technical Report . California Department of Fish and Game, Sacramento.

<http://www.dfg.ca.gov/marine/economicstructure.asp>

² The Dungeness crab fishery is an important contributor to the economy of small port communities such as Crescent City

³ Ex-vessel value is the amount paid to fishermen when they land (deliver) their catch to buyers the docks.

⁴ California Department of Fish and Wildlife. 2015. *Updates Summary of Fishery Landings 2014-2015 Season and Monitoring Evaluation Dungeness Crab Trap Limit Program (DCTLP)*. Presentation to the California Dungeness Crab Task Force. Ukiah, CA. October 2015. http://www.opc.ca.gov/webmaster/ftp/project_pages/dctf/meeting-5/CDFWData_DCTF%20Meeting_Oct262015-2.pdf

⁵ The Southern Management Area refers to all coastal districts south of the Mendocino/Sonoma County Line to the Mexican border.

the soft-shell and primary breeding period. The California Fish and Game Code designates the opening of the season for the Southern Management Area (November 15) and the Northern Management Area (December 1). In the Northern Management Area, the code delegates the authority to delay the season opening to the Director of the Department if crabs are soft-shelled or do not pass preseason crab quality testing.⁶ Additionally, in 1995 a limited entry program⁷ was implemented that served to limit the total number of permits in the fishery. In 2014, there were 563 permits, of which 461 were active and 102 were inactive (or “latent”⁸ referring to those permits (vessels) with landings of less than 200lbs in the previous season).

In contrast to the commercial fishery, the Dungeness crab recreational fishery is managed by the Commission, with measures such as a specified season, daily bag limits, and minimum size requirements. The specifics of the regulations vary by region and by sport fishing mode (i.e. private vessel versus shore-based fishing versus CPFVs). CPFVs are the only sport fishing mode that has a trap limit.

Tri-State Coastal Dungeness Crab Committee & West Coast Management of the Fishery

In 1996, the Tri-State Dungeness Crab Agreement was established through a MOU between the 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 testing from the Washington-British Columbia border to the Mendocino/Sonoma County Line in California. Through the Tri-State Coastal Dungeness Crab Committee these three states have discussed and aligned management of Dungeness crab in their respective states including coordinating fair start clauses⁹ and season openers.

The Oregon and Washington Dungeness crab fisheries are also high-value fisheries. In contrast to the California commercial fishery, where management authority resides with the Legislature, the Oregon and Washington commercial fisheries for Dungeness crab are managed by their respective Fish and Wildlife Commissions. Historically, Oregon and Washington fisheries have experienced trends similar to those in the California fishery, including the presence of inactive permits, increased gear in the water, and a derby dynamic that causes a large proportion of a fishery’s landings to be made in a short period at the beginning of the season with landings declining sharply thereafter. In an effort to correct these issues and distribute fishing throughout the season, the Washington Department of Fish and Wildlife (WDFW) established a tiered Dungeness crab trap limit system in 1999. The Oregon Department of Fish and Wildlife (ODFW) followed suit in 2006 by establishing a trap limit program modeled after Washington’s system. At a 2009 DCTF meeting, WDFW and ODFW staff explained that while the trap limit programs have capped the amount of gear in the water, there is no evidence of a significant reduction in the derby dynamic of the fishery.

Current Management Issues

A variety of issues and topics impacting the management of the fishery have been identified by the DCTF and members of the commercial fishery, including:

⁶ Preseason crab quality testing is used to predict the meat recovery rate prior to the season opener. A recovery rate of 25% is required for the December 1 season opener in the Northern Management Area. If this standard is not met, testing is repeated within specific time intervals until the quality test passes. Regardless of the results of testing, the Northern Management Area will open no later than January 15. Requirements for preseason testing do not apply in the Southern Management Area.

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

⁸ The Department does not use the term “latent” permit(s) formally. The definition of latent was developed by the DCTF.

⁹ Fair start provisions require fishermen to commit to fishing in a single management area (i.e., Northern or Southern) for 30 days prior to fishing in another management area under delayed management conditions.

Domoic Acid: In September 2015, following testing by the California Department of Public Health (CDPH) in coordination with the Department and the Office of Environmental Health Hazard Assessment (OEHHA), the state discovered that California Dungeness crab contained high levels of domoic acid. The first public discussion of this issue was had during the October 26-27, 2015 DCTF meeting. Since the extent of the issue was not fully realized at that time, no formal recommendations were made on the topic, and the DCTF requested its subcommittee (the Executive Committee¹⁰) continue to address the topic. Following the DCTF's initial discussion, the Director of the Department and the Commission agreed to delay the commercial and recreational Dungeness crab fisheries until further notice. The Executive Committee has been working with the Department to advise on this issue and is committed to providing timely guidance and insight to the state of California as it navigates these unprecedented circumstances and the uncertainty of the fishery opener (See [Appendices 12](#) and [13](#)). The Executive Committee and DCTF will continue discussing this topic as it continues to be relevant.

Lost Gear Recovery Program: Over the last two seasons, voluntary lost fishing gear recovery programs have been operating throughout the state of California. The SeaDoc Society in partnership with Humboldt State University¹¹ as well as the Half Moon Bay Seafood Marketing Association in partnership with the Nature Conservancy have both administered programs that have resulted in the recovery of hundreds of lost and abandoned traps.¹² The commercial and recreational Dungeness crab fishing community has greeted these projects with widespread support and requested that the programs extend across the geographic range of the fishery. Despite the value these programs have provided the industry, they are not self-sustaining and require outside funding to function. In the January 2015 DCTF report, there was unanimous agreement that developing a long-term, statewide, fiscally sustainable program to recover lost fishing gear is a necessary action of the commercial Dungeness crab fishing industry to continue operating as a responsible, sustainable fishery. Additionally, the fishing community generally sees such a program as a valuable first step in addressing and minimizing potential negative gear interactions including whale entanglements, ghost fishing, etc.

Whale Entanglements: The National Marine Fisheries Service (NMFS) has indicated that the number of whales entangled in fixed-gear fisheries along the West Coast has increased over the last few years. The largest portion of the identifiable gear involved in these entanglements is from the Dungeness crab fishery. As a result, the Department, in collaboration with NMFS and OPC, hosted a public information session on August 20, 2015 to exchange information and ideas related to the topic of whale entanglements off California ([Appendix 8](#)). Following the public meeting, a Working Group composed of commercial fishermen (including two DCTF Members), environmental organizations, and state and federal agencies was established to explore ways to reduce the risk of entanglements with Dungeness crab fishing gear ([Appendices 9](#) and [10](#)). The DCTF has been, and will continue working in cooperation with the Working Group to ensure that each body's efforts complement one another ([Appendix 11](#)).

¹⁰ The Executive Committee is a subcommittee of the DCTF, and is composed of one commercial DCTF Member from Morro Bay, Half Moon Bay, San Francisco, Fort Bragg, Eureka, and Crescent City, as well as a crab processor. There are no recreational, CPFV, or NGO representatives on the Executive Committee. The Executive Committee cannot make decisions on behalf of the full DCTF, but can provide guidance and develop proposals for the full DCTF's review and consideration.

¹¹ <http://www.seadocsociety.org/california-lost-fishing-gear-removal-project/>

¹² Renzullo, Jennifer. 2015. *2014 Crab Gear Retrieval Program Final Report*. Submitted to the California Dungeness Crab Task Force Executive Committee. http://www.opc.ca.gov/webmaster/ftp/project_pages/dctf/ec-meeting-10/2014-Crab-Gear-Retrieval-Program-Final-Report-DCTF-EC.pdf

Commercial Dungeness crab trap limit program: Prior to the 2013-2014 commercial Dungeness crab season, some fishermen were concerned about the increase in the numbers of traps used each season in an effort to maximize crab landings. To help address this issue and cap fishing capacity, a commercial Dungeness crab trap limit program was successfully implemented in the 2013-2014 commercial season pursuant to SB 369. The design of this program was based on 2010 recommendations from the DCTF. The seven-tier trap limit program allows each permit holder to fish a specified number of traps based on the permit's historical landings. However, some fishermen believe a trap limit program will have a limited effect on capping fishing capacity. The DCTF will continue to evaluate the trap limit program and provide the Legislature, the Department, and the Commission with feedback on the industry's experiences with the program as directed by SB 369.

Latent capacity: The DCTF has discussed the "latent capacity" in the fishery, or the number of inactive permits in the fishery. Some believe the Dungeness crab fishery's latent capacity could threaten the economic viability of the fishery in the long-term. Currently there are approximately 102 inactive (or "latent") Dungeness crab commercial fishing permits in California, constituting approximately 18% of the fleet. Some members of the industry have questioned the future sustainability of the fishery should latent permits become activate, since these permits represent unexploited fishing potential. As Dungeness crab is a high value fishery, some fishermen believe this is a very real possibility. In contrast, some industry members believe latent permits offer new entrants a more affordable entry-point to buy into the fishery. Debate continues on whether the latent capacity of the fishery should be addressed by the DCTF, fishery managers, and those with decision-making authority, including the California Legislature, the Department, and the Commission.

Fleet mobility: Throughout a typical fishing season, there is a bidirectional movement of fishermen and gear along the California coast. Fishermen throughout the West Coast travel to fish in the Southern Management Area where the fishery opens November 15 (two weeks prior to the Northern Management Area opener) to take advantage of consumer demand for Dungeness crab during the Thanksgiving and Christmas holidays. Once the Northern Management Area opens (December 1 or later depending on crab quality), a portion of the fishing effort typically shifts to north of the Mendocino/Sonoma County Line. Non-resident vessels from Oregon and Washington confound this shift by fishing in California prior to their respective state openers. Some fishermen based in the Southern Management Area believe the early opener, and subsequent shift of effort to the south, has created an unfair playing field (i.e., encourages concentration of effort locally with potentially negative implications, including overcrowding fishing grounds, shortening the season, and flooding the market with product). On the other hand, some fishermen from the Northern Management Area believe fishermen from the south have the same opportunities for travel and that the shift is fair.

Members of the Dungeness crab industry continue to attempt to address these issues and others as they arise. The fishery consists of a diverse group of individuals, communities, viewpoints, and opinions regarding the management goals and objectives for the California Dungeness crab fishery generally vary by production level, vessel size, and homeport location.^{13,14} This makes it challenging at times for fishery participants to reach agreements. Nonetheless, the DCTF continues to reach agreements and forward recommendations to fisheries managers and those with decision-making authority. The DCTF looks forward to continuing this work and updating the Legislature, the Department, and the Commission on the outcomes of their discussions regarding the issues above, and others as they arise.

¹³ 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.

¹⁴ Pomeroy, C., et al. (2011). California's North Coast Fishing Communities: Historical Perspective and Recent Trends. California Sea Grant Technical Report T-072,. La Jolla, CA: 350p. <http://www-csgc.ucsd.edu/EXTENSION/ADVISORS/Pomeroy.html>.

DCTF PROCESS AND PROCEDURES

Together, [SB 369](#) and the [DCTF Charter](#) describe the DCTF’s operating and voting procedures. The DCTF Charter was developed and ratified by the DCTF in September 2009 and amended in March 2012 and April 2014. The DCTF Charter establishes ground rules, member roles, and voting procedures for the group. In keeping with those procedures for the Legislature’s request for management recommendations, the DCTF Charter states that, “a proposed recommendation that receives an affirmative vote of at least 15 of the non-ex officio members of the DCTF may be transmitted ... [and] shall be considered to be the consensus of the task force, and shall be considered to be evidence of consensus in the Dungeness crab industry.” The following voting protocol, described in the DCTF Charter, was used to conduct straw polls and final voting on the Committee’s proposals to the DCTF:

- **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 are *both* counted as affirmative votes to determine a 15-member majority on a recommendation.

DCTF VOTES AND ANALYSIS

The following recommendations were developed by the DCTF over the course of one meeting in 2015, held on October 26-27. The recommendations represent agreements of DCTF members (as per voting protocols defined in the DCTF Charter ([Appendix 5](#)); however, in some cases they are not the *verbatim* language from when the votes were taken. Because of the iterative nature of the conversations at the DCTF meetings, the language of some of the recommendations has been adjusted to improve clarity. The verbatim language, together with the voting record from both meetings is included Appendices [6](#) and [7](#) for reference. Some recommendations may be grouped together for clarity. Explanatory notes are provided below recommendations, when necessary.

Commercial Dungeness Crab Trap Limit Program

SB 369 mandated the DCTF “prioritize the review of pot limit restriction options.” The ensuing recommendation is directly related to the commercial Dungeness crab trap limit program.

Recommendation 1- The DCTF recommends reducing/reevaluating the \$1,000 biannual crab trap limit permit fee. This recommendation is a result of the Department accounting indicating a large surplus of funds collected from the California commercial Dungeness crab trap limit program as established by Fish and Game Code Section 8276.5.

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	3	0	0	5

NOTES:

At the time of this report, the Department’s annual accounting to the DCTF indicates a \$1.4 million surplus that has been collected from fees associated with the California commercial Dungeness crab trap limit program. The DCTF is confident that the surplus more than adequately covers the Department’s “reasonable regulatory costs.” The DCTF will work with the Department to determine the actual costs to run the commercial trap limit program before providing a recommendation to adjust the biannual permit fee. The DCTF will provide an informed recommendation on or before January 2017 detailing how to potentially reduce the permit fees. Additionally, the DCTF will recommend appropriate ways to use the surplus funds, which may include providing start up funds for a lost fishing gear recovery program and/or supporting the DCTF beyond 2017, etc.

Whale Entanglement in Dungeness Crab Gear Concerns

Recently, whale entanglements in Dungeness crab fishing gear has been brought to the attention of the fishing community and environmental groups as a high priority issue. The ensuing recommendation is directly related to the whale-fishing gear interactions.

Recommendation 2- The Dungeness Crab Fishing Gear Working Group is charged with developing short-term strategies and long-term options to reduce the risk of whale entanglements in Dungeness crab fishing gear, beginning in the 2015-16 fishing season. The DCTF supports the initial recommendations and approaches recommended by the Working Group ([Appendix 10](#)). The DCTF requests the Working Group also consider the following:

- Expand entanglement response trainings coast-wide, and include both recreational and commercial fishermen.
- Increase communication and coordination between fishermen and federal agencies leading the whale entanglement response teams along the entire West Coast (including Oregon, Washington, and Alaska) to support more comprehensive collaboration when addressing whale entanglement concerns.

Vote of all DCTF Members (ex officio Members abstained):

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

NOTES:

At the October 8, 2015 meeting, the Dungeness Crab Gear Working Group agreed to a number of next steps and recommendations ([Appendix 10](#)). The DCTF supports the Working Group’s efforts to date, and provided additional suggestions to further enhance their activities. To complement these efforts, the DCTF drafted a press release ([Appendix 11](#)) to address the issue of whale entanglements and provide information on how the industry is responding to the issue. Additionally, various DCTF Members and interested members of the public who attended the October 26-27, 2015 DCTF meeting signed up to participate in pilot projects and other testing efforts the Working Group will be implementing during the 2015-16 fishing season.

Lost Fishing Gear Recovery Program

The ensuing recommendation is a follow up to Recommendation 6 in the January 2015 report ([Appendix 2](#)).

Recommendation 3- The DCTF recommends the establishment of a statewide, industry funded lost fishing gear recovery program that contains the following elements:

- Dungeness crab permitholder obtains a permit from the Department to retrieve gear after season ends.
- Retrieval period begins and ends as per Section 132.2(a) Title 14, CCR.
- Retrieved gear must be delivered to the Department by retrieval boat/crew.
- Fees (e.g., paying boat, covering Department storage and administrative costs, scrapping traps, etc.) will be added to Title 14, CCR.
- Owners will be notified and the gear will be impounded. Details about notification process and timeframe for holding [TBD].
- Owners are responsible for retrieval, impound, and disposal fees. If owner does not pay fees, owner cannot renew permit until fees have been paid.
- The DCTF supports the Department issuing citations in addition to fees for recovery of gear, which would require better coordination between those fishermen retrieving gear and the Department's Law Enforcement Division.¹⁵
- The industry does not tolerate strings of gear in the ocean after the season closes. This program is a successful way to retrieve traps from the ocean, as there will be less stray gear because owners take it upon themselves to remove it.

Vote of all DCTF Members (ex officio Members abstained):

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

NOTES:

Lost and abandoned fishing gear has been identified as a problem by the DCTF and the Dungeness crab industry. This gear poses a navigational hazard to boats and can often entangle actively fished gear resulting in more lost gear. Additionally, in light of recent concerns surrounding whale entanglements in Dungeness crab fishing gear, the DCTF views a lost fishing gear recovery program as an important step in helping to reduce whale entanglements.

[Recommendation 6 in the January 15, 2015 DCTF report](#) identifies unanimous support for an industry designed, funded, and implemented lost gear retrieval program that works in cooperation with the Department. During the October 2015 DCTF meeting, the DCTF continued to express a need for a mandatory program that requires individuals to pay for their lost gear to financially support the program, as well as discourage intentional abandonment of gear. The DCTF believes this kind of program will only be successful with full Department support. The DCTF and its Executive Committee worked with the SeaDoc Society's CA Lost Fishing Gear Recovery Project (<http://www.seadocsociety.org/california-lost-fishing-gear-removal-project/>), as well as the Department's Law Enforcement Division and Marine Region to initiate the development of a framework for a potential program over the course four public meetings in 2015 (April 20, August 14, September 2, and October 26-27). Further discussion is needed with the Department regarding associated costs and capacity, along with other program specifics, to support administration of a new program. The DCTF looks forward to continuing to work in partnership with the Department, and sharing additional updates and recommendations with the Legislature, the Department, and the Commission on or before January 2017.

¹⁵ The DCTF understands there are responsible fishermen who may lose gear in the process of doing business. The strong penalties identified here are intended for repeat violators and those who continue to deliberately abandon gear.

Continuation of the DCTF

SB369 mandates the DCTF will discuss the need for a permanent advisory committee. The recommendations below reflect the outcomes of this initial discussion.

Recommendation 4- The DCTF sees value in continuing to inform the management of the Dungeness crab fishery in partnership with the Department. There are benefits in maintaining an organizational body beyond 2017, however updates/adjustments to the operating structure of the current DCTF (including, but not limited to, the DCTF’s composition, process for appointing alternates, process for replacing members, etc.) may need to be reconsidered. The DCTF looks forward to providing a recommendation on the future, long-term structure of the DCTF on or before January 2017.

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
11	7	0	0	4

NOTES:

The DCTF has provided a valuable platform for the industry to collaborate and work with managers, regulators, and decision-makers on Dungeness crab fishery management issues. The DCTF believes that it is important for the Dungeness crab industry to continue to have a voice in the management of the fishery. DCTF Members will continue to investigate how to improve the DCTF’s operational structure to ensure membership is representative of the fleet and to address concerns about the DCTF’s composition, process for appointing alternates, process for replacing members, etc. The details concerning the structure and function of a future body have yet to be decided. The DCTF and its Executive Committee will continue discussing the topic with the intention of providing recommendations to the Legislature, the Department, and the Commission on or before January 2017.

Recommendation 5- The DCTF would like OPC to consider continuing to administer the DCTF beyond 2017. Excess funds from the commercial Dungeness crab trap limit program or other sources could be used to pay for related expenses beyond 2017, such as DCTF administrative costs, including OPC staff time.

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	2	0	0	4

NOTES:

Although SB369 states the DCTF will exist through 2019, OPC will not provide funds to support the DCTF beyond January 2017. The DCTF appreciates the financial and administrative support provided by the OPC since 2009. Additionally, the DCTF recognizes that the OPC’s current affiliation with the DCTF lends the DCTF both neutrality and legitimacy that otherwise might be difficult to reestablish and maintain. For these reasons, the DCTF would like the OPC to consider continuing to play a non-fiscally supportive administrative role. Although reestablishing the body under the Department of Food and Agriculture has been considered, the DCTF believes the current framework provided by the OPC is ideal. The DCTF understands OPC will not provide future financial support and the DCTF is investigating alternative funding sources to finance DCTF meetings, facilitation, and OPC’s administrative overhead (e.g. the surplus of the commercial Dungeness crab trap limit program, etc.). The DCTF would appreciate OPC’s thoughtful consideration of this recommendation, and welcomes the opportunity to discuss it in further detail.

General Fishery Management Approaches

SB369 mandates that the DCTF will discuss refining commercial Dungeness crab management. The recommendation below reflects the results of the discussion.

Recommendation 6- The DCTF does NOT support modifying the 96-hour rule. This includes, but is not limited to, eliminating the 96-hour rule, extending the timeframe to service gear, and/or allowing waivers for those unable to service their gear within the 96 hour timeframe as mandated by Fish and Game Code Section 9004.

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
0	6	9	3	4

NOTES:

A commercial Dungeness crab fisherman asked the DCTF to recommend the elimination or modification of Fish and Game Code Section 9004, expressing concerns that the law does not allow flexibility when a vessel is broken down. The DCTF discussed the section code, and the Department Enforcement confirmed that Title 14 regulations contain provisions for waivers for another fisherman to retrieve an individual's gear when they are unable to service it within 96 hours. In such cases, any Dungeness crab in the trap(s) may not be landed. The DCTF agreed that in light of many of the issues facing the fishery, including whale entanglements, eliminating the 96-hour rule would be inappropriate at this time. The DCTF did acknowledge that it might be necessary to more thoroughly address the waiver process, including the ability for individuals to land the Dungeness crab in their traps when someone else pulls their gear. The DCTF agreed the 96-hour rule should not be modified, but would revisit the discussion of waivers at a future meeting so they can thoughtfully address the topic to reduce potential loopholes.

Outstanding DCTF Recommendations

As a reminder, the DCTF provided a number of recommendations in the January 2015 report ([Appendix 2](#)) that have yet to be considered or addressed by the appropriate regulatory bodies. The DCTF requests that regulators consider including these recommendations if any related legislation or regulatory packages are introduced in 2016.

January 2015: Recommendation 2- Allow buoy tag fee waiver for permitholders who are unable to fish due to mandatory military service. The waiver must be requested when the permit is renewed and there is no limit on how many times a permitholder can seek the waiver. A permitholder cannot purchase tags mid-season and start fishing. If a permitholder decides to not fish one year and wants to fish the next year, the permitholder will need to pay tag fees for two full years. No discounting or prorating fees.

Vote of all DCTF Members (nonvoting Members abstained):

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

NOTES:

The DCTF agreed there are times when a permitholder faces a hardship and is unable to fish. In many cases, there are options available to ensure permitholders can support their businesses even when they are unable to fish (e.g. emergency transfers, leasing a permit/vessel). Still, the DCTF agreed that individuals who are faced

with military service should be allowed a waiver on their buoy tag fees. They also agreed that since the buoy tags are 2-year tags, it would be much simpler and cleaner if these permitholders were required to purchase their tags at the 2-year price rather than allowing these individuals to purchase pro-rated tags.

January 2015: Recommendation 5- The DCTF recommends amending 132.1 CCR T-14 to add section 3- Vessels may transit waters south of 42.00°N with traps buoy tagged with either a valid Oregon or Washington buoy tag, provided no crab species are aboard the vessel and no traps shall be deployed in waters south of 42.00°N without a valid CA buoy tag.

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
13	3	0	3	3

NOTES:

Various permitholders have expressed concern that the California Code of Regulations (CCR) does not have provisions to allow vessels to transit California waters with only Oregon- or Washington-tagged traps onboard. Per 132.1 CCR T-14 California resident permitholders who also hold Oregon and/or Washington Dungeness crab commercial permits have no legal means to transport their traps to other states to fish. Furthermore, these regulations state that a permitholder is in violation if there are more than six (6) traps onboard without a valid California trap tag. The DCTF feels recommendation 5 would be sufficient to resolve this issue so fishermen may legally fish in multiple states.

January 2015: Recommendation 9- The DCTF recommends changing all references to “a/the person” in Fish and Game Code 8279.1 (a)-(d) to “any Dungeness crab permitted vessel”.

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
7	11	1	0	3

NOTES:

California law prohibits commercial Dungeness crab permitholders from fishing in multiple management areas for 30 days when one management area opens for fishing after another under delayed conditions (also referred to as a “fair-start”). As written, the Fish and Game Code uses “a person” to refer to any permitholder, including any entity that is legally connected to the permitholder including a company, business, or employee/crew member. Therefore, if a company or individual owns multiple permits/vessels, all vessels owned by that company/individual are required to operate as a single entity. For example, if one of the company’s/individual’s vessels is subject to a 30-day fair start delay then **all** other vessels owned by the company/individual are also subject to this delay. The DCTF agreed that this restriction was unfair to individuals who operate vessels on behalf of a company, individuals who own multiple vessels, and crewmembers that choose to assist permitholders in multiple management areas. The DCTF agreed that changing all references of “a/the person” to “any Dungeness crab permitted vessel” would address these issues.