



## ~California Dungeness Crab Task Force~

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

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### DCTF MEETING SANTA ROSA, CALIFORNIA OCTOBER 16-17, 2019 MEETING SUMMARY

The purpose of this meeting summary is to:

- Provide a high-level summary of discussions and outcomes from the October 16-17, 2019 DCTF meeting held in Ukiah, California; and
- Inform DCTF Members and the general public of the ongoing work of the DCTF.

A meeting voice recording is also available for 30-days following the meeting and can be obtained by emailing [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com).<sup>1</sup>

#### DCTF MEMBER ATTENDEES

Jim Anderson, Half Moon Bay, Low Tier

Richard Axelson, Alternate for Bill Blue, Half Moon Bay South, High Tier

John Barnett, San Francisco, High Tier

Geoff Bettencourt, Half Moon Bay, High Tier

George Bradshaw, Crescent City, Tier Not Specified

Mark Capra, Sport Fishing

Larry Collins, San Francisco, Low Tier

Paddy Davis, Alternate for Mike Cunningham, Eureka, High Tier

Vince Doyle, Fort Bragg, High Tier

Robert Gallia, Alternate for Rick Powers, Commercial Passenger Fishing Vessel - *Present on day 2 only*

Keith Gilmore, Alternate for Ron Blodgett, Bodega Bay, Lower Tier

David Haddad, Crescent City, Low Tier

Tom Hart, South of Half Moon Bay, Low Tier

David Helliwell, Eureka, Low Tier

Gerry Hemmingsen, Crescent City, High Tier

Scott Hockett, Fort Bragg, Low Tier

Jenn Humberstone, Alternate for Kate Kauer, The Nature Conservancy, Nongovernmental Organization

Christy Juhasz, CA Dept. of Fish & Wildlife

Chris Lawson, Bodega Bay, High Tier

Carrie Pomeroy, CA Sea Grant

Rick Powers, Commercial Passenger Fishing Vessel - *Present on day 1 only*

Zach Rotwein, Trinidad, Tier Not Specified

Asst Chief Mike Stefanak, CA Dept. of Fish & Wildlife

Todd Whaley, Nonresident, Tier Not Specified

Mel Wickliffe, Processor

#### ABSENT

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<sup>1</sup> The meeting is recorded (via hand-held voice recorder) and will be erased after 30 days in accordance with the Bagley-Keene Open Meetings Act. Due to technical difficulties, a voice recording is only available for the second day of the meeting.

Jim Yarnall, Sport Fishing, non-voting  
Vacant seat, Processor  
Vacant seat, Nongovernmental Organization

CA DEPARTMENT OF FISH AND WILDLIFE  
Joanna Grebel, CA Dept. of Fish & Wildlife  
Sonke Mastrup, CA Dept. of Fish & Wildlife  
Cpt. Bob Puccinelli, CA Dept. of Fish & Wildlife

#### OTHER

Tom Weseloh, Liaison to the Joint Committee on Fisheries and Aquaculture

#### DCTF ADMINISTRATIVE TEAM PRESENT

Rachelle Fisher, Strategic Earth Consulting  
Carolyn Kraft, Strategic Earth Consulting  
Kelly Sayce, Strategic Earth Consulting  
Paige Berube, Ocean Protection Council

#### *1. Welcome, introductions, agenda review*

The Admin Team walked through the agenda, meeting agreement, and voting procedures. [Procedures for public comment](#) were also reviewed.

#### *2. Public comment on non-agenda items*

No public comment was received at this time.

#### *3. Review and discuss the DCTF Charter and draft 2019-21 DCTF work plan to confirm DCTF priorities, administration and operations, review protocols for adding items to DCTF meeting agendas.*

##### *DCTF Charter*

The [DCTF Charter](#) was updated to reflect changes from [Senate Bill 1310](#)/amendments to [Fish and Game Code §8276.4](#). The Admin Team reviewed the updated including the purpose, deliverables and deadlines, legal compliance as required by Bagley Keene, membership, roles and responsibilities, decision making and voting procedures, communication protocols, the role of the Executive Committee, etc.

DCTF Members expressed concern about the discrepancy in the decision-making procedures outlined in [Fish and Game Code §8276.4](#) versus those outlined in [§8276.5](#). The former mandates that  $\frac{2}{3}$  vote , or 16 of the 27 Members, is needed to move a recommendation forward, while the latter mandates that an affirmative of 15 Members is required. The DCTF requested the Admin Team update the Charter to reflect §8276.5, or 15 affirmatives and made a motion to support the Charter as amended.

##### *2019-21 DCTF Work Plan*

The DCTF reviewed the [draft 2019-2021 DCTF Work Plan](#) developed by CDFW for DCTF review. The Work Plan helps to prioritize DCTF and Executive Committee meeting agendas and related activities. New agenda items may be considered moving forward as outlined in the [Guidelines to Submit Requests DCTF & Executive Committee Agenda Items](#).

Members generally agreed with the list of priorities as drafted and suggested a few additions and modifications, including:

- Mandatory Assessments: A Member suggested it is a high priority for the DCTF to implement mandatory, fleet-wide assessments, or fees, to support the fleet's legal defense. This could include using surplus funds from the Dungeness Crab Account (see below). The DCTF agreed to further discussions on this topic at a future Executive Committee meeting.
- Annual Trap Tags: The California [Dungeness Crab Fishing Gear Working Group](#) has identified a need to move from biannual trap tags to annual trap tags to better understand whale and sea turtle entanglements. A Member also highlighted that annual tags could address abuses to the current system. While there was some agreement that this issue is a high priority, additional information about the costs of an annual tag is required. Ideas to reduce fees discussed included printing high volumes of tags (e.g., two years) in two colors or establishing different tag colors for fall/spring fishing. California Department of Fish and Wildlife will research trap tag costs and options for the DCTF's consideration.
- Buyout Program: The DCTF added consideration of a buyout program to the list of priorities. Members explained there is a need to reduce the capacity in the fleet to ensure the viability of the fishery, reduce the latent capacity in the fleet by eliminating inactive permits, and reduce vertical lines in the water. Some Members expressed concerns about past buyout controversies and notes that the topic needs more discussion within the Dungeness crab fishery. The topic will be first discussed by the Executive Committee to develop the details of the concept for full DCTF review and consideration.

The DCTF discussed the remainder of the Work Plan including the approach, milestones and timeline, and deliverables. DCTF Members expressed frustration that the budget for the DCTF does not reflect the [recommendation 3 of their October 2017 report](#) where \$150k/year was recommended to support DCTF operations. With the current budget of \$150k for two fiscal years, there is not funding available for emergency meetings and DCTF Member travel. As a work around, CDFW suggested they may be able to host an emergency DCTF meeting without Strategic Earth's facilitation support, if needed. Additionally, based on CDFW's spending authority for the Dungeness Crab Account and the need to also cover CDFW costs within the same budget line item, they were unable to allocate more than \$75k/year to the DCTF's facilitation contract. The DCTF expressed concern that their recommendation was not fulfilled despite the available funds in the Dungeness Crab Account (see recommendation on page 4).

Public comment was taken on the topic at hand.

- No public comment was received.

**Administrative Vote:** *Consideration and possible adoption of the 2019 DCTF Charter and 2019-21 DCTF Work Plan.*

**APPROVED:** The DCTF adopts the 2019 DCTF Charter and 2019-21 DCTF Work Plan with the following edits/amendments:

- The priorities in the Work Plan may continue to be updated informed by Executive Committee guidance.
- Meeting schedule needs to be flexible to be responsive to emergency issues in a timely manner - consider the options discussed during meeting (see options above).

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	3	0	4	2

*Note: Roll call is not taken for administrative votes.*

**ACTION:** *Consideration and possible recommendations to the Legislature, Ocean Protection Council (OPC) and/or CDFW regarding DCTF administration and operations.*

**APPROVED:** Reiterating recommendation 3 from the December 20, 2017 report ([Appendix 6](#)), the DCTF recommends amending Fish and Game code §8276.4 and §8276.5 to prioritize the allocation of \$150,000 dollars

per year from the Dungeness Crab Account to support the administration and facilitation of the DCTF through 2029.

The DCTF recommends that the Legislature and the Administration (California Natural Resources Agency, Ocean Protection Council (OPC), CDFW) work together to ensure that Dungeness Crab Account funds are used to support a higher level of administration and facilitation support of the DCTF than is currently allocated within the 2019-2021 DCTF administration and facilitation contract, including, but not limited to, funding DCTF member/alternate travel, increasing the number of DCTF and Executive Committee meetings per year, and supporting emergency meetings, as needed.

The DCTF recommends expanding the spending authority of the Dungeness Crab Account to CDFW, as needed and available, to support priority needs identified by the DCTF including \$150,000/year for DCTF operations.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	0	0	0	2

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (19): Anderson, Axelson, Barnett, Bettencourt, Bradshaw, Capra, Collins, Davis, Doyle, Gallia, Gilmore, Haddad, Hart, Helliwell, Hemmingsen, Lawson, Rotwein, Whaley, Wickliffe

Thumbs sideways (0)

Thumbs down (0)

Abstain (0)

Absent (2): Hockett

4. Presentation and discussion on California commercial Dungeness crab fishery including, but not limited to, the Dungeness crab trap tag account, lost fishing gear recovery program, new fishery regulations (e.g., vessel length restrictions), California's preseason quality testing standards, etc.

Christy Juhasz, CDFW and non-voting DCTF Member, gave a presentation to provide [updates on various aspects of the California Dungeness crab fishery](#) and clarity on recent changes to commercial Dungeness crab regulations. DCTF Members discussed aspects of the presentation:

#### *Disaster Relief Funding*

DCTF Members requested the opportunity to review scientific proposals that are being submitted for consideration for the research funds that were included in the disaster relief package. CDFW stated that the research proposals would be reviewed by a panel comprised of industry representatives, scientists, etc. to ensure relevancy, accuracy, and legitimacy. Those who would like to participate in that panel when it is established should contact CDFW directly.

#### *Dungeness Trap Tag Account (DCA)<sup>2</sup>*

Various Members expressed concerns about CDFW's use of the DCA. In addition to frustration that the recommendation to allocate \$150k/year for DCTF operations had not been fulfilled (see above agenda item related to the DCTF Work Plan), Members also expressed concern that commercial fishermen are being overcharged for their commercial Dungeness Crab Trap Limit Program fees as is evidenced by the \$2.2M surplus. Ideas discussed for how the surplus and excess funds could be used to benefit the fleet included reducing the cost of trap tags, supporting litigation costs of the fleet, and increasing the budget to support the DCTF. One Member expressed there may be value in increasing the cost of trap tags to pay for the fleet's legal defense. Any changes to cost of trap tag fees to fishermen would require legislation to change the statute.

<sup>2</sup> Details about the Dungeness Crab Account, including its mandated uses, can be found in [Fish and Game Code Section 8276.5](#).

CDFW explained their use of the DCA and the \$2.2M surplus. CDFW is allocated \$700,000 from the DCA to support CDFW's costs in running the commercial Dungeness Crab Trap Limit Program, which includes buying and distributing trap tags, enforcement of the program, supporting a CDFW Marine Region staff member, supporting the DCTF facilitation contract, etc. To ensure ongoing financial sustainability, CDFW prefers to hold two fiscal years of operating costs (i.e., \$1.4M) in reserves. As a result, the surplus is only \$800,000, not \$2.2M. Due to available funding, only \$75K/ year could be allocated to the DCTF's facilitation contract. CDFW is unable to pay for DCTF Member travel outside the facilitation contract. DCTF Member travel costs have been paid in previous DCTF facilitation contracts with OPC.

Members discussed the need for more detailed itemized accounting of the DCA to ensure funds are being used to implement the commercial Dungeness Crab Trap Limit Program only. The broad categories in the current accounting document does not provide sufficient information for how funds are being used. Specifically, it is unclear how enforcement is using the DCA since enforcement actions have not significantly changed since implementation of the commercial Dungeness Crab Trap Limit Program.

#### *Tri-State Dungeness Crab Committee & Quality Testing*

Members discussed the Tri-State Dungeness Crab Committee's interest in changing California's market quality pick rate from 25% (rounded) to 24% (no rounding). A Member expressed concern that such a change would hinder the industry's ability to ensure the best product possible on the market. Other Members believed the change was not significant enough to harm the markets and may help with opening the fishery sooner to allow more fishing opportunities. One Member suggested reverting back to the previous protocols where all northern port test sites are averaged and the third test can be projected.

#### *Lost Fishing Gear Retrieval Program*

Members requested clarification on the status of the program in light of an early season closure due to entanglement risk and whether it's allowable to retrieve traps in marine protected areas (MPAs). CDFW clarified that regulations were adopted on September 30, 2019 under [Section 132.7, Title 14, California Code of Regulations](#). As of Jan. 1, 2020, with the passage of [SB 262](#), and as soon as supporting regulations are updated, gear retrieval under the program can be retrieved 15 days after the season closure whether that occurs earlier or on the scheduled season end date (June/July). However, traps may not be retrieved from MPAs without a waiver from CDFW Law Enforcement Division (LED). Additionally, fishermen may contact LED directly if there is a need to pursue legal action against gear located in MPAs.

Public comment was taken on the topic at hand.

- Harrison Ibach, commercial fisherman, expressed concern the topic of changing Tri-State preseason quality testing protocols had not been discussed by the broader fleet. Conversations within the broader fleet should be had before California agrees to change quality testing protocols from 25% to 24%.

**ACTION:** Consideration and possible recommendations related to CDFW updates, which may include, but will not be limited to, requests for information, and California's preseason quality testing standards.

**APPROVED:** In accordance with Fish and Game Code §8276.5, the DCTF recommends CDFW conduct a detailed audit of the Dungeness Crab Account. The DCTF recommends additional reporting information with more information about income (i.e., income from biannual tags, biannual tag permits, replacement tags, and fines) and expenses (i.e., additional detail on Licence and Revenue Branch, Law Enforcement Division, and Marine Region expenses and other overhead expenses). The detailed audit should also include annual income, expense, and balance for all years since inception of the commercial Dungeness Crab Trap Limit Program and the Dungeness Crab Account.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
18	1	0	0	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (18): Anderson, Axelson, Barnett, Bettencourt, Bradshaw, Capra, Collins, Davis, Doyle, Gallia, Gilmore, Haddad, Hart, Hemmingsen, Lawson, Rotwein, Whaley, Wickliffe

Thumbs sideways (1): Helliwell

Thumbs down (0)

Abstain (0)

Absent (1): Hockett

**NOT APPROVED:** Recommend CDFW discuss changing quality testing to averaging the northern ports and and projecting the 3rd test at the next Tri-state discussion.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
6	6	0	7	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (6): Axelson, Davis, Doyle, Helliwell, Rotwein, Whaley

Thumbs sideways (6): Capra, Gallia, Gilmore, Hart, Hemmingsen, Lawson

Thumbs down (0)

Abstain (7): Anderson, Barnett, Bettencourt, Bradshaw, Collins, Haddad, Wickliffe

Absent (1): Hockett

**APPROVED:** The DCTF supports the Tri-State Dungeness Crab Committee's suggestion to adjust California's market quality pick rate from 25% (rounded) to 24% (no rounding).

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
8	8	1	2	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (8): Anderson, Axelson, Barnett, Davis, Doyle, Hemmingsen, Rotwein, Whaley

Thumbs sideways (8): Barnett, Bradshaw, Capra, Gallia, Gilmore, Hart, Helliwell, Lawson

Thumbs down (1): Haddad

Abstain (2): Collins, Wickliffe

Absent (1): Hockett

5. Receive updates from CDFW on the status of marine life entanglements and considerations for the Dungeness crab fishery, including, but not limited to, the California Dungeness Crab Fishing Gear Working Group's efforts, expectations for fishery operations in the 2019-20 season, development of a Conservation Plan and application for an Incidental Take Permit, and Section 6 funding opportunities.

Ryan Bartling, CDFW Senior Environmental Scientist, [provided a presentation](#) explaining the connections across the recent litigation and settlement agreement, the Risk Assessment and Mitigation Program (RAMP) rulemaking process, and CDFW's efforts to develop a Conservation Plan (CP) to inform an incidental take permit (ITP). Additionally, CDFW presented an [overview on the interim management requirements](#) that will impact the commercial Dungeness crab fleet during the 2019-20 fishing season.. Kelly Sayce and Rachelle Fisher, Dungeness Crab Fishing Gear Working Group

(Working Group) facilitators, gave a [presentation](#) on the Working Group's efforts to address the issue of whale and sea turtle entanglements in the Dungeness crab fishery.

DCTF Members asked clarifying questions and discussed various aspects of presentation including the types of entanglements that could trigger a management action impacting the commercial Dungeness crab fishery in the 2019-20 season, NMFS's forensic review process, the infrequent nature of whale stock assessment updates, how gear innovations in the commercial Dungeness crab fishery being explored, and the processes for the Risk Assessment and Mitigation Program (RAMP) risk assessments and application for an ITP.

Members also discussed the role of the Working Group, how recommendations are made, and brainstormed options to track and, eventually, reduce vertical lines in the fishery to address the issue of whale entanglements. The DCTF discussed the idea of voluntarily informing CDFW of how many vertical lines commercial fishermen are using at a given time. Members discussed how Oregon has implemented regulations requiring fishermen to report when they are done fishing and the possibility of implementing such a requirement in California. Another Member highlighted that solar logger data could help CDFW understand how many lines are in the water at a given time. DCTF Members suggested that the Working Group consider options to track the amount of vertical lines in the commercial Dungeness crab fishery, including:

- Calculating the maximum potential traps based on landings
- Declarations for when fishermen stop fishing during a season
- CDFW could use eTix to determine when someone is no longer landing crab

Public comment was taken on the topic at hand.

- Harrison Ibach, commercial fishermen, verified that the RAMP regulations would not be implemented during the 2019-20 season. Mr. Ibach also supported the DCTF's recommendation (below).

**ACTION:** *Consideration and possible adoption of recommendations related to marine life entanglements in the Dungeness crab fishery and related management processes.*

**APPROVED:** The DCTF thanks the Working Group for its continued efforts to support thriving whale populations along the West Coast together with a thriving and profitable Dungeness crab fishery

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	0	0	0	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (19): Anderson, Axelson, Barnett, Bettencourt, Bradshaw, Capra, Collins, Davis, Doyle, Gallia, Gilmore, Haddad, Hart, Helliwell, Hemmingsen, Lawson, Rotwein, Whaley, Wickliffe

Thumbs sideways (0)

Thumbs down (0)

Abstain (0)

Absent (1): Hockett

*6. Updates on the status of domoic acid testing and discussion of management and response including, but not limited to identifying biotoxin management zones, considering the utility of and legal framework for implementing evisceration orders with support from Department of Public Health staff, providing guidance on domoic acid research priorities, etc.*

#### *Domoic Acid - Evisceration Options*

Christina Grant and Duey Truong, California Department of Public Health (CDPH), presented information on crab harvesting and processing during a biotoxin event. During the presentation it was noted that if the Dungeness crab

industry would like the ability to implement evisceration options, CDPH and CDFW would need the appropriate authorities through regulatory changes. This would take approximately two years to get in place before the agencies could work with industry to develop Hazard Analysis and Critical Control Points (HACCP) plans. The details of how to implement evisceration orders would be developed at a later date once the authorities are in place. The state of California is open to continuing to pursue this option only if the Dungeness crab industry is in support.

DCTF Members asked clarifying questions and discussed various aspects of presentation:

- Oregon and Washington: A Member asked whether the protocol for evisceration between Oregon, Washington, and potentially California would be the same. CDPH said the preparation of the crab for evisceration is different between the states, but testing is similar.
- Sampling: Members requested clarification on how long it takes to receive sampling results. CDPH explained that the time frame varies since there are two scientists processing the samples and it depends on their workload, during busy times the results can take as long as a month. Members expressed concern about the long time frame and suggested that other labs could assist such as Humboldt University, staff there were interested in helping. CDPH will report the interest from other labs to supervisors, but labs have to be FDA certified, which is a very expensive process that few labs are willing to pay.
- Testing Areas: Members asked for clarification on testing and what the protocol is for areas that test positive. CDPH explained that areas where crab test positive would be demarcated and buffer areas would also be set up around the test positive area. The buffer areas and the positive area would all be closed until testing confirmed all areas clear. Once an area tests clear, it could still be tested again if something happens indicating conditions have changed such as a marine mammal die off.

The DCTF discussed the concept of evisceration options. A Member cited concerns for how evisceration options would impact the live crab market, while others thought evisceration would be helpful to get the fleet on the water earlier in the season (before or after February 1). A DCTF Member representing processing interests highlighted that only six to seven processors are able to obtain a HACCP plan that would be used in the event of an evisceration option.

A straw poll was taken to assess the level of agreement on whether the DCTF supports CDPH and CDFW pursuing the authorities to be able to exercise evisceration options. Support shown through a straw poll does not reflect adoption of an idea. Note: Tally does not include the abstentions from the four non-voting members present at the meeting.

*Straw Poll - Support CDPH and CDFW to pursue authority for implementing evisceration orders in CA. Support developing an evisceration plan/option that would be available as a tool to be responsive to elevated levels of domoic acid. The plan would not be put into place before February 1. ( 7 up, 9 sideways, 2 down, 1 abstain) - Pass*

Public comment was taken on the topic at hand.

- Harrison Ibach, commercial fishermen, asked questions to confirm that Oregon conducts the same domoic acid testing as California, however the preparation for the tests differs between states.

#### *Domoic Acid - Biotoxin Management Zones*

Ms. Juhasz provided [updates on domoic acid test results and information on proposed biotoxin management zones](#) that CDFW is developing with CDPH. Biotoxin management zones are predefined areas that help improve the predictability of the boundaries within which delays and openers will occur. Similar to the method Oregon uses to test and manage fishing areas for domoic acid, California could use biotoxin management zones to provide more predictability and help fishermen better plan for the upcoming season. The size of each zone would need to be considered based on fishing effort, known domoic acid hot spots, number of sample sites available per area, buffer areas, etc.

DCTF Members discussed the concept of biotoxin management zones. Members discussed whether landmarks or GPS coordinates would be best to determine the boundaries for each zone. Various DCTF Members highlighted that smaller

zones may be important to accommodate buffer areas. Since transiting a closed area is illegal, Members discussed the utility of requiring solar loggers to show CDFW when a fisherman is fishing versus transiting an area with the hopes that the regulations could be updated in the future. A number of Members requested clarification on buffer zones, the process for delaying/opening areas, etc. CDFW explained that they will be working with CDPH to develop these zones, which will consider buffer areas, and will also work to clarify these questions and concerns. DCTF Members will work within their ports to provide the agencies with guidance in the coming months. CDFW anticipates sharing the draft biotoxin management zones, as informed by discussions with CDPH, with the DCTF at their October 2020 meeting for their review and input.

Public comment was taken on the topic at hand.

- No public comment was received.

**ACTION:** *Consideration and possible adoption of recommendations of Dungeness crab fishery management measures or policy statements related to topics including, but not limited to, biotoxin management zones, evisceration orders, Tri-State crab quality testing protocols, and opportunities to advise on decision-making, etc.*

**APPROVED:** The DCTF supports CDPH, OEHHA, and CDFW (agencies) pursuing the authority to implement evisceration options in California through the appropriate legislative processes as an option that could be available to the industry in response to elevated domoic acid levels in Dungeness crab. The DCTF also recommends the California Legislature approve a bill(s) that would provide these legal authorities to the agencies.

Once California is in a place to begin implementing evisceration options, the DCTF recommends Hazard Analysis and Critical Control Points (HACCP) plans be developed in consultation with the industry. The DCTF recommends the evisceration option not be available to the industry unless there is a delay in fishing until or after February 1.

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

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (17): Anderson, Axelson, Bettencourt, Bradshaw, Capra, Collins, Davis, Doyle, Gallia, Gilmore, Haddad, Hart, Hemmingsen, Lawson, Rotwein, Whaley, Wickliffe

Thumbs sideways (1): Barnett

Thumbs down (0)

Abstain (1): Helliwell

Absent (1): Hockett

**APPROVED:** The DCTF supports the concept of biotoxin management zones to create more understanding and predictability for the fleet in how the commercial Dungeness crab fishing season may open every year. The DCTF understands that CDPH, OEHHA, and CDFW (the agencies) will be working to develop a proposal for the biotoxin management zone areas. DCTF members will work with their ports to identify suggestions for zone lines to be considered by the agencies. The DCTF expects a follow up discussion with the agencies prior to the finalization of the biotoxin management plan zones.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
17	2	0	0	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (17): Anderson, Axelson, Barnett, Bettencourt, Bradshaw, Capra, Collins, Davis, Doyle, Gilmore, Haddard, Hart, Hemmingsen, Hockett, Lawson, Rotwein, Wickliffe

Thumbs sideways (2): Helliwell, Powers

Thumbs down (0): None

Abstain (0): None

Absent (1): Whaley

*7. Review relevant active legislation, including, but not limited to AB 1472 (Dungeness Crab Commission), and discuss positions or consider recommendations related to potential regulatory and legislative needs (e.g., fair start).*

#### *Active Legislation- AB 1472*

Ben Kardokus and David Hillis, California Department of Food and Agriculture (CDFA), provided an [overview of a commission established through the California Department of Food and Agriculture](#) and [supplementary materials](#). A California Dungeness Crab Commission (Commission) has been proposed through [Assembly Bill \(AB\) 1472](#). The purpose of the presentation was to share information on how a Commission, like the one outlined in AB 1472, options available, purpose, and functions of a Commission to help DCTF Members understand AB 1472 and inform whether they would like to forward a recommendation in support or opposition of the legislation.

DCTF Members asked clarifying questions and discussed various aspects of presentation including the costs to operate a Commission, what type of litigation the Commission could engage in, and how the industry would vote on the Commission after AB 1472 is passed by the state. Since the Commission is intended to support education programs, public information, promotion/marketing, and research, Members questioned the need for such an organization. A couple of Members explained there is a need for a way to gather mandatory funds from the fleet to support the fleet's legal defense, especially in light of whale entanglements. A few Members highlighted that a Commission may not be the appropriate vehicle for such activities, but a Commission could support the public relations and media needs of the fleet in light of whale entanglements, lawsuits, and domoic acid. Some Members thought the Commission could fund and support the research needs of the fleet including gear innovations, data collection/modeling, and legal research. A few Members noted that the purpose of a Commission is to have everyone in the fleet pay fairly to support activities that benefit the fishery; it would be a solution to the ongoing problem of the vast majority of fishermen not paying their fair share. A couple Members voiced concern that a Commission was another mechanism for collecting money without any assurances that fishermen will be able to use the money as they see fit and have not seen many positive outcomes from the Oregon Commission. One Member supported giving the Commission a try for a few years and if it doesn't meet the needs of the industry, it could be terminated. A Member stated that processors are indifferent on the issue of setting up a Commission, but if an assessment an landings is required, processors would require voting seats to support the bill. A couple Members suggested bringing the concept to the ports for discussion before voting. Based on timing, Members generally agreed that a decision would need to be made at this meeting.

DCTF Members expressed concerns that AB 1472 had progressed so far in the California State Legislature without DCTF input. Noah Oppenheim, Pacific Coast Federation of Fishermen's Association (PCFFA), explained that on April 26, 2019, the PCFAA Board directed him to pursue this legislation in light of the recent CBD settlement and the April 2019 closure. The intent was for DCTF to review the bill sooner, but since there has not been a meeting since June 2018, there has not been the opportunity. A few Members highlighted that they opposed the bill because of the way it came about (i.e., without consulting the DCTF). Other Members explained that there are often times when the Legislature needs to make decisions without checking in with the DCTF to be timely on important issues (e.g., Senator McGuire introduced a bill to fix problems in the regulations with the gear retrieval program before Spring 2020) and that the DCTF should not demand all legislation for the Dungeness crab fishery be introduced as a result of a DCTF recommendation. Such a recommendation would not be well received by the Legislature.

A straw poll was taken to assess the level of agreement on support for AB 1472. Support shown through a straw poll does not reflect adoption of an idea. Note: Tally does not include the abstentions from the four non-voting members present at the meeting.

*Straw poll:* The DCTF supports to AB 1472 and sees value in establishing a Dungeness crab marketing commission. (4 u, 6 s, 4 d, 6 a) - Fail

Straw poll: The DCTF does not support AB 1472 and does not see value in establishing a Dungeness crab marking commission. (8 u, 1 s, 7 d, 4 a) - Fail

Straw poll: The DCTF recommends tabling a final vote on AB 1472 until a subsequent conference call in mid-December. (8 u, 2 s, 7 d, 3 a) - Fail

Straw poll: The DCTF recommends that legislation affecting the Dungeness crab industry starts with the DCTF before initiating. (5 u, 12 s, 2 d, 1 a) - Fail

Public comment was taken on the topic at hand.

- Noah Oppenheim, PCFFA, stated that if DCTF moves to oppose AB 1472, he will recommend to the PCFFA Board to withdraw AB 1472. He also welcomes the opportunity to discuss amendments to AB 1472. He encouraged the DCTF to think creatively about the potential benefits of establishing a Commission. For example, if the Commission stabilizes the price of crab, the cost of the Commission would pay for itself. There could also be opportunities to pay for research. He emphasized that PCFFA is committed to working with DCTF on this issue.
- Harrison Ibach, commercial fishermen, commented on the thorough conversation. He explained that the Dungeness crab fishing industry has been trying, unsuccessfully, to raise funds to support their needs for years. He supported AB 1472 and suggested the industry could try a Commission and if it doesn't work it can be terminated.

#### *Potential Regulatory Needs - Fair Start Waivers*

DCTF Members discussed a situation this season where a fisherman had set his gear in the Central Management Area during the presoak, but his broke down and he was towed in. Since his gear was already in the water, he was subject to a 30-day fair start even and lost an important part of his season as a result. Members discussed whether a waiver should be allowed for this type of situation. Some Members felt waivers for fair start would be important so fishermen have every opportunity to fish. Others Members worried that fishermen would find unintended loopholes with a waiver so they could fish two openers. CDFW LED clarified that if a waiver were allowed through updated regulations, the legitimacy of mechanical issues would be subjective and at the discretion of LED. DCTF Members generally agreed it was not worthwhile to pursue a regulation or legislative solution.

Public comment was taken on the issue at hand.

- Dick Ogg, commercial fisherman, expressed that he understood the concerns about individuals gaming the system, but he also thinks it is important to have opportunities available for those with legitimate hardships to fish.

#### *Potential Regulatory Needs - Fair Start for Whales- Related Delays/Closures*

Fish and Game Code section 8279.1 allows for fair start provisions only in the case of delays related to preseason quality and human health (i.e., domoic acid). DCTF Members whether there was a need to establish a 30-day fair start provision when an area opener is delayed due to elevated entanglement risk. Some Members worried that adding such a provision would further complicate an already layered season opening process making it even more difficult for fishermen to plan. Other Members thought it could be helpful to prevent different openers and increasing the amounts of gear in certain areas, which could lead to even more entanglements. Members indicated that some of their constituents supported the

concept, others did not. A Member suggested revisiting the issue once its clear how the RAMP is formally implemented. CDFW added that the CDFW Director could implement fair start for whale-related issues without a change to the Fish and Game code as described in [Fish and Game Code section 8276.1](#).

Public comment was taken on the issue at hand.

- No public comment was received.

#### *Potential Regulatory Needs - Presoak Amendments*

The DCTF revisited the discussion from [October 2017](#) regarding needs to change Fish and Game code [section 8283](#) to change the Central Management Area's presoak period from 18 hours to 64 hours to be consistent with Districts 6, 7, 8, and 9 (i.e., the Northern Management Area). The group also discussed amending the Northern Management Area's commercial Dungeness crab presoak from 64 hours to 72 hours to be consistent with Oregon. Various Members expressed support for a 64 hour presoak in the Central Management Area to address the safety concerns associated with the shorter presoak period. In the Northern Management Area, Members believed the change in start time would result in fishermen setting gear in the dark rather than daylight hours, which is not desirable for some and there may not processors available to process crab when the first pull is made. Others believed it would reduce confusion with Oregon's opener. A Member representing the Dungeness crab sport fishery noted that there is no presoak for the sport fishery and requested that if the DCTF recommends a change to the Central Management Area's commercial opener, they should also recommend a presoak of 12 hours in the sport fishery so the start time would be at 8 a.m. instead during the night. Members discussed the importance of human and whale safety. Members asked CDFW for their input on making changes. CDFW Enforcement said it did not matter either way. CDFW clarified that fairstart begins with the gear hits the water.

A straw poll was taken to assess the level of agreement on support for a recommendation to change the presoak in the Central Management Area. Support shown through a straw poll does not reflect adoption of an idea. Note: Tally does not include the abstentions from the four non-voting members present at the meeting.

*Straw poll: The DCTF recommends amending Fish and Game code section 8283 to change the Central Management Area's presoak period from 18 hours to 64 hours. ( 18 u, 0 s, 1 d, 0 a) - Pass*

Public comment was taken on the issue at hand.

- No public comment was received.

**ACTION:** *Consideration and possible adoption of letter(s) of support and/or recommendations for amendments to active legislation and rulemaking packages (e.g., AB 1472), and/or for new legislation or regulatory changes including, but not limited to, changes to fair start regulations, trap tags, etc.*

**NOT APPROVED<sup>3</sup>:** The DCTF supports AB 1472 and sees value in establishing a Dungeness crab marketing commission.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
2	4	8	4	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (2): Collins, Gilmore

<sup>3</sup> Although the DCTF generally only forwards votes that receive a  $\frac{2}{3}$  affirmative vote, Members requested the vote be added to the DCTF report. Overall, there were mixed views on the concept of establishing a Commission and there were concerns about the way the bill was brought about, DCTF Members respectfully requested that legislation be brought forward to DCTF if possible in the future.

Thumbs sideways (4): Anderson, Bradshaw, Gallia, Lawson

Thumbs down (8): Axelson, Bettencourt, Davis, Doyle, Hart, Hemmingsen, Rotwein, Whaley

Abstain (5): Barnett, Capra, Haddad, Helliwell, Wickliffe

Absent (3): Hockett

**NOT APPROVED:** The DCTF recommends establishing a 30-day fair start provision when an area opener is delayed due to elevated entanglement risk.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
6	4	9	1	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (6): Barnett, Bradshaw, Collins, Gilmore, Haddad, Helliwell

Thumbs sideways (4): Anderson, Capra, Gallia, Hockett

Thumbs down (9): Axelson, Bettencourt, Davis, Doyle, Hart, Hemmingsen, Lawson, Whaley, Wickliffe

Abstain (1): Rotwein

Absent (0):

**APPROVED:** The DCTF recommends amending Fish and Game code §8283 to change the Central Management Area's commercial fishing presoak period from 18 hours to 64 hours.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
18	0	1	0	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (18): Anderson, Axelson, Barnett, Bettencourt, Bradshaw, Capra, Collins, Davis, Gallia, Gilmore, Haddad, Hart, Helliwell, Hemmingsen, Lawson, Rotwein, Whaley, Wickliffe

Thumbs sideways (0)

Thumbs down (1): Doyle

Abstain (0)

Absent (1): Hockett

**APPROVED:** The DCTF supports sport fishing season in the Central Management Area to have a 12 hour presoak before the current sport opener to reflect potential changes to the commercial opener.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
13	6	0	0	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (13): Axelson, Barnett, Bettencourt, Bradshaw, Capra, Collins, Gallia, Gilmore, Haddad, Helliwell, Lawson, Whaley, Wickliffe

Thumbs sideways (6): Anderson, Davis, Doyle, Hart, Hemmingsen, Rotwein

Thumbs down (0)

Abstain (0)

Absent (1): Hockett

**NOT APPROVED<sup>4</sup>:** The DCTF recommends amending FGC to change the Northern Management Area presoak

<sup>4</sup> The DCTF noted that a failed vote does not mean that an issue can't be revisited at a future meeting.

period from 64 hours to 73 hours to be consistent with OR/WA. Change presoak for to start at 8:01am and start pulling gear at 9:01am.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
3	10	5	1	1

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up (3): Haddad, Helliwell, Lawson, Whaley

Thumbs sideways (10): Anderson, Axelson, Bettencourt, Bradshaw, Capra, Gallia, Gilmore, Hart, Lawson, Rotwein, Wickliffe

Thumbs down (5): Collins, Davis, Doyle, Hemmingsen, Rotwein

Abstain (1): Barnett

Absent (1): Hockett

#### *8. Next Steps*

The meeting next steps include:

The Admin Team/Strategic Earth will

- Work with OPC to update the DCTF webpage to include the PowerPoint presentations from the meeting.
- Develop a meeting summary
- Develop a report to send to the Joint Committee on Fisheries and Aquaculture, CDFW, OPC, and Fish and Game Commission

CDFW will

- Confirm the definition of license marine surveyor as it relates to the new vessel length regulations
- Share LED's recommended size for lettering on buoys

DCTF Members will

- Members to talk to home ports about biotoxin management zones
- Review draft materials including meeting summary and DCTF report (see Admin Team next steps)

The Executive Committee

- Will address the items outlined in the work plan including a buyback program, single year trap tags, investigating amendments for the use of the DCA for DCTF priorities, understand what models/examples exists for how surplus could be used (e.g., legal action), etc.

#### *9. Adjourn*