



~California Dungeness Crab Task Force~

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

REPORT

TO: California Department of Fish and Wildlife, Charlton Bonham, Director
California Fish and Game Commission, Michael Sutton, President

CC: California Department of Fish and Wildlife, Craig Shuman, Marine Region Director
California Fish and Game Commission, Sonke Mastrup, Executive Director
California Ocean Protection Council, Catherine Kuhlman, Executive Director
Joint Committee on Fisheries and Aquaculture, Wesley Chesbro, Chair
Joint Committee on Fisheries and Aquaculture, Noreen Evans, Vice Chair

FROM: California Dungeness Crab Task Force

DATE: May 9, 2014

RE: California Dungeness Crab Task Force Review of Coastside Fishing Club Proposal
to Modify Recreational Dungeness Crab Regulations

ATTACHMENT: (1) Coastside Fishing Club Proposal Requesting Changes to the Recreational
Dungeness Crab Regulations- October, 9 2013

During its April 22-23, 2014 meeting in Ukiah, CA, the California Dungeness Crab Task Force (DCTF) discussed and addressed a proposal by the Coastside Fishing Club regarding changes to the Dungeness crab recreational fishery (see attached). The California Department of Fish and Wildlife (CDFW) requested the DCTF review and offer feedback on Coastside Fishing Club's proposal to help inform the state's deliberations on the issues pertaining to the recreational Dungeness crab fishery. This report provides a summary of the recommendations that emerged during DCTF deliberations on the Coastside Fishing Club proposal.

The DCTF values its strong working relationship with CDFW and the California Fish and Game Commission (the Commission), and looks forward to continuing to work in partnership with the Commission and CDFW staff on all issues related to the management of the California Dungeness crab fishery. The DCTF welcomes future requests from CDFW and the Commission to review and provide recommendations on recreational Dungeness crab issues.

Additional information, including a detailed summary from the DCTF's April 22-23, 2014 meeting, will be available on the DCTF webpage: <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>.

DCTF BACKGROUND

The DCTF was established pursuant to Senate Bills 1690 (Wiggins, 2008) and 369 (Evans, 2011). The California Ocean Protection Council (OPC) is designated as the body responsible for establishing and administering the DCTF. The DCTF is directed to review and evaluate Dungeness crab fishery management measures, including the newly implemented trap limit program for California permits, and provide its recommendations to the Joint Committee on Fisheries and Aquaculture, CDFW, and the Commission. Pursuant to SB 369, the DCTF will make initial recommendations by January 15, 2015 and final recommendations by January 15, 2017.

As mandated in SB 369, The DCTF is composed of 27 members including seventeen (17) members representing commercial fishing interests, two (2) members representing sport fishing interests, two (2) members representing crab processing interests, one (1) member representing Commercial Passenger Fishing Vessel (CPFV) interests, two (2) members representing nongovernmental organization interests, one (1) member from Sea Grant, and two (2) members from CDFW. Additional information about the history of the DCTF is available on the DCTF webpage: <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>.

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 charter establishes ground rules, member roles, and voting procedures for the group. In keeping with those procedures, "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 Up:** I think this proposal is the best choice of the options available to us.
- **Thumbs Sideways:** I can accept the proposal although I do not necessarily support it.
- **Thumbs Down:** I do not agree with the proposal. I feel the need to block its adoption and propose an alternative.
- **Abstention:** At times, a pending decision may be infeasible for a Member to weigh in on.

Thumbs up and thumbs sideways were *both* counted as affirmative votes to determine a 15-member majority on each recommendation.

COASTSIDE FISHING CLUB REQUEST

In its October 9, 2013 proposal to the Commission, Coastside Fishing Club requested the following:

1. Prohibit retention of female crabs (presently legal in the sport fishery).
2. Require use of "rotten cotton"* on traps (not presently required).
3. Require that pots be labeled with the owner's name and contact information.
4. Prohibit pulling pots (not your own) without the owner's written permission. □
5. Conforming the 10-crab limit to all sport anglers. Presently, there is an exception for recreational anglers on commercial passenger fishing vessels (CPFVs) in five California counties, who are limited to six crab.
6. Conforming the 5.75" minimum size throughout the recreational fishery. Presently, crab on CPFVs operating in five California counties have a minimum size of 6".

As outlined in the attached document, the Coastside Fishing Club contends that the proposed regulations are necessary for "resource conservation, equity among recreational license holders, and discouraging the theft of crab from lawfully set recreational traps" (pg. 1). Many of the proposed regulations are consistent with commercial regulations, including requests 1, 2, 3, and 4. Requests 5 and 6 vary somewhat from the commercial fishery in their details, but are similar in that they request uniform take restrictions throughout

* All commercial Dungeness crab traps are required to have a biodegradable trap destruction "device that destructs rapidly enough to facilitate escape of a substantial proportion of all species confined in the trap from any trap that cannot be raised" (Fish and Game Code Section 9003). The Coastside Fishing Club proposal requests the same or a similar regulation of the recreational Dungeness crab fishery.

California. In the commercial fishery, size and sex restrictions are uniform throughout California.

DCTF VOTES AND ANALYSIS

The recommendations below represent agreements of the DCTF members (per voting protocols defined in the DCTF Charter); 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 DCTF meetings, the language of some recommendations has been adjusted to improve clarity. The verbatim language from the meeting is available on the DCTF webpage as part of the April 22-23 DCTF meeting summary for reference. Some recommendations are grouped together for clarity. Explanatory notes are provided below recommendations, when necessary.

DCTF Recommendations to CDFW and the Commission Regarding the October 9, 2013 Coastside Fishing Club Proposal

Recommendation 1- Per the Commission’s direction, the DCTF has discussed the Coastside Fishing Club’s proposal (dated October 9, 2013). The DCTF feels strongly that these issues need to be vetted through and decided on by the Commission with input from CDFW and members of the recreational fishing fleet.

The DCTF agrees that there should be a uniform bag limit and minimum size for the recreational fishery throughout California. However, at this time, the DCTF agrees that the Commission should decide the details of these issues with input from CDFW and members of the recreational fleet.

The DCTF looks forward to discussing future recreational fishery issues.

Vote of all DCTF Members (nonvoting Members abstained):

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 21 | 0 | 0 | 0 | 1 |

NOTES:

Currently, CPFVs operating south of Sonoma County are allowed a bag limit of 6 crabs per person at a minimum size limit of 6”, while CPFVs operating in the north may retain up to 10 crabs at a minimum size of 5.75”. The DCTF agrees there should be a uniform bag limit and minimum size for all CPFVs operating throughout California. However, the DCTF agrees the Commission should decide the details of those regulations with input from the recreational fleet and CDFW. The DCTF looks forward to continuing discussing issues related to the recreational fishery and welcomes future requests from CDFW and the Commission to review and provide recommendations on recreational Dungeness crab issues.

CONCLUSION

The DCTF looks forward to keeping CDFW and the Commission informed of all current and future work conducted by the DCTF. For more information on DCTF discussions and additional detail and context for the votes above, see the April 22-23, 2014 meeting summary on the DCTF webpage: <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>



Coastside Fishing Club

P.O. Box 5928
Napa, CA 94581

October 9, 2013

BY HAND DELIVERY

President Michael Sutton
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

Dear President Sutton:

Coastside Fishing Club asks that the Fish & Game Commission make changes to regulations governing the take of Dungeness crab by recreational anglers. The requested changes are:

1. Prohibit retention of females (presently legal in the sport fishery).
2. Require use of "rotten cotton" on traps (not presently required).
3. Require that pots be labeled with the owner's name and contact information.
4. Prohibit pulling pots (not your own) without the owner's written permission.
5. Conforming the 10-crab limit to all sport anglers. Presently, there is an exception for recreational anglers on commercial passenger fishing vessels (CPFVs) in five California counties, who are limited to six crab.
6. Conforming the 5.75" minimum size throughout the recreational fishery. Presently, crab on CPFVs operating in five California counties have a minimum size of 6".

These requests further three important goals: resource conservation, equity among recreational license holders, and discouraging the theft of crab from lawfully set recreational traps. Coastside brought these suggestions to the Department of Fish and Wildlife in this past August with the anticipation that the changes could be evaluated and adopted, as the Commission sees fit, by the start of the recreational Dungeness crab season in November 2014.

While the recreational crab fishery is small in comparison to the commercial fishery, it must nevertheless be prosecuted responsibly. Prohibiting the take of females and requiring the use of “rotten cotton,” as in the commercial fishery, will benefit the fishery, even if marginally owing to the small size of the recreational fishery. It may be reasonable to make an accommodation for shore and pier anglers whose access to the resource is limited.

There exists an odd discontinuity as it relates to recreational anglers using the services of CPFV operators. The statewide daily bag limit is ten Dungeness crab for recreational anglers regardless of fishing platform: private boat, CPFV, pier or shore. Section 29.85(a)(3), Title 14, CCR. However, there is a special exception for recreational fishing aboard a CPFV in five California counties: Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, and Monterey. Moreover, there is a special minimum size for such crab of 6.0” rather than 5.75” as proscribed generally for recreational take.

These discriminatory exceptions do not apply in the balance of the State and there is no resource protection justification in view of the already small take under recreational regulations. Indeed, these exceptions arose to address a “resource allocation issue” between recreational and commercial crabbers and purportedly resulted from a “compromise between commercial, CPFV and private angler interests.” See [*Public Proposed Changes to Marine Sport Fishing Regulations For the 2006 Triennial Process, and Department Recommendations For Acceptance Or Denial Of Those Changes*](#), Basis for Department Recommendation in response to Comment No. 34 (requesting uniform 10 crab recreational limit), September 8, 2006 (the “2006 Process”).

Coastside objects on two grounds to the Department’s 2006 justification for disparate treatment of CPFVs. First, it is not within the Department’s purview to address resource allocations between the commercial and recreational sectors. By all accounts, the Dungeness crab fishery is healthy and abundant and the recreational take is small. The resource is not constrained by Total Allowable Catch. In any event, this public trust resource belongs in the first instance to California’s citizens who are permitted direct access through regulations promulgated by the Commission.

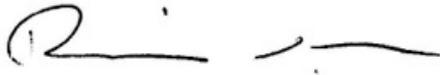
Second, no heed should be paid to the closed-door “compromise” leading to these discriminatory regulations. Private boat anglers were never represented. Many if not most of the larger CPFV operators become commercial crabbers when that season opens. Their “compromise” with commercial crabbers is meaningless. There is no evidence that such a “compromise” was reached in an open, public process. Moreover, CPFV operators serving the recreational public – as opposed to CPFV participating in the commercial fishery – object to this discriminatory treatment.

Finally, Coastside asks that steps be taken to combat the theft and disturbance of recreational crab traps. During the 2006 Process, the Department acknowledged concerns about trap tampering and supported regulatory changes, albeit not quite as far as Coastside proposes here. See Comment Nos. 7, 8, 20, 23, 33 and 38. Unfortunately, the Department has not followed through with regulations to protect the integrity of traps used by recreational crabbers. Pulling and emptying another's crab trap is a rampant problem without any enforcement solution. Therefore, Coastside turns to the Commission.

It has been suggested that the statutory Dungeness Crab Task Force (DCTF) play a role in the amendment of recreational crabbing regulations. The voting membership of the DCTF is almost exclusively comprised of commercial interests. Of the 22 voting members, only two represent recreational anglers. There is one CPFV representative. The balance are commercial crabbers and processors. It is not a representative body. Indeed, there is an inherent conflict of interest since commercial interests seek to restrain recreational crabbing in order to address a perceived allocation issue.

Coastside believes that there exists adequate time for the Commission to carefully consider Coastside's requests and act in time for the 2014 opening of the recreational Dungeness crab season.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Richard Ross', with a stylized flourish at the end.

Richard Ross
President, Coastside Fishing Club

cc: Charlton Bonham (by hand delivery)
Craig Shumann (by email Craig.Shuman@wildlife.ca.gov)
Peter Kalvass (by email Peter.Kalvass@wildlife.ca.gov)
Dungeness Crab Task Force (by email rachelle@strategiearth.com)