

Dungeness Crab Steering Committee 2008

Dungeness Crab Steering committee 2008

Consolidated bill updates and meeting reports – in reverse chronological order (most recent first)

Contents:

Bill update emailed to steering committee 10/1/08	p1
Bill update emailed to steering committee 8/13/08	p2
Steering committee 7/29/08 meeting report (Sacramento)	p4
Status Report to Senator Wiggins, 6/4/08	p6
Steering committee 5/21/08 meeting report (Ukiah)	p11
Steering committee 5/7/08 meeting report (Ukiah)	p14
Steering committee 4/14/08 meeting report (Ukiah)	p16
Steering committee 3/20/08 meeting report (Ukiah)	p21
Steering committee 3/3/08 meeting report (Ukiah)	p25
Steering committee 2/15/08 meeting report (Ukiah)	p32

October 1, 2008 - email update

To: Interested stakeholders in discussions concerning Dungeness Crab management in California

From: David Crabbe, consultant to EDF

Re: Crab bill SB 1690 --Update

Crab Steering Committee:

SB1690 was signed into law by Governor Schwarzenegger last night.

Congratulations to all given the substantial time and hard work that you each put into the process. In the months ahead, we expect that the OPC will fund, through an independent project manager, the structuring and implementation of the Dungeness Crab Task Force according to the new law. We look forward to the work of the Task Force over the coming two years.

Best,

Johanna Thomas , EDF Oceans Program Policy Director, Pacific region
Maggie Ostdahl , EDF Pacific fishery analyst David Crabbe , Commercial fishing Consultant to EDF

Dungeness Crab Steering Committee 2008

August 13, 2008 - email update

To: Interested stakeholders in discussions concerning Dungeness Crab management in California

From: David Crabbe, consultant to EDF

Re: Crab bill SB 1690 --Update

Based on the discussion and recommendations from the Crab steering committee meeting in Sacramento (July 29), SB 1690 amendments were submitted. A compromise on additional stakeholders to a Dungeness Crab Task Force was reached with the Department of Fish and Game, where members with no direct economic interest in the resource would be non-voting. Based on the final poll of the crab steering committee, a preferred recommendation from the Task Force, which would include seventeen members representing commercial fishery interests, would require a 2/3 majority vote of the Task Force. The amended bill passed, by a 12-4 vote, the Assembly Appropriations Committee on August 7.

The bill will next go up for vote by the full Assembly. We anticipate there may be further minor amendments on the Assembly floor, namely 1) clarifying election of commercial interests by production level as well as home port; and 2) that the task force may establish sub-committees to focus on specific issues. Below is the current language with those minor amendments as submitted to Legislative Council. We will continue to send updates as more information is available.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8276.4 is added to the Fish and Game Code, to read:

8276.4. (a) The Ocean Protection Council shall make a grant, upon appropriation of funding by the Legislature, for the development and administration of a Dungeness crab task force. The membership of the Dungeness crab task force shall be comprised of all of the following:

- (1) Two members representing sport fishing interests.
- (2) Two members representing crab processing interests.
- (3) One member representing commercial passenger fishing vessel interests.
- (4) Two ex-officio members representing nongovernmental organization interests.
- (5) One ex-officio representative of Sea Grant.
- (6) Two ex-officio members representing the department.
- (7) Seventeen members representing commercial fishery interests, elected by licensed persons possessing valid Dungeness crab permits in their respective ports and production levels, as follows:
 - (A) Four members from Crescent City.
 - (B) One member from Trinidad.
 - (C) Two members from Eureka.
 - (D) Two members from Fort Bragg.
 - (E) Two members from Bodega Bay.
 - (F) Two members from San Francisco.
 - (G) Two members from Half Moon Bay.
 - (H) One member from ports south of Half Moon Bay.
 - (I) One member who has a valid California nonresident crab permit.

Dungeness Crab Steering Committee 2008

(b) For ports with more than one representative, elected members and their alternates shall represent both the upper and lower, and in some cases middle, production levels. Production levels shall be based on the average landing during the previous five years, of valid crab permit holders who landed a minimum of 25,000 pounds of crab during the same period.

(c) The Dungeness crab task force shall do all of the following:

(1) Under the guidance of a professional facilitator hired by the Ocean Protection Council for this purpose, review and evaluate Dungeness crab management measures with the objective of making recommendations to the Joint Committee on Fisheries and Aquaculture, the department, and the commission no later than January 15, 2010.

(2) Make recommendations, including, but not limited to, the need for a permanent Dungeness crab advisory committee, refining sport and commercial Dungeness crab management, establishing a Dungeness crab marketing commission, and the need for statutory changes to accomplish task force objectives.

(3) In considering Dungeness crab management options, prioritize the review of pot limit restriction options, harvest allocation, current and future sport and commercial fishery effort, season modifications, essential fishery information needs, and short-and long-term objectives for improved management.

ADD (4) The task force may establish sub-committees of specific user groups from the task force membership to focus on issues specific to sport fishing, commercial harvest, or crab processing. The subcommittees shall report their recommendations, if any, to the task force.

(d) The Ocean Protection Council may include in a grant, funding to cover department staffing costs, as well as task force participant travel.

(e) A recommendation shall be forwarded to the Joint Committee on Fisheries and Aquaculture, the department and the commission upon an affirmative vote of at least two-thirds of the task force members.

(f) The task force shall cease to exist on January 1, 2011.

(g) Eligibility to take crab in California waters and offshore for commercial purposes may be subject to restrictions, including, but not limited to, restrictions on the number of traps utilized by that person, if either of the following occurs:

(1) A person holds a Dungeness crab permit with landings of less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive.

(2) A person has purchased a Dungeness crab permit on or after July 15, 2008, from a permit holder who landed less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive.

(h) This section shall remain in effect only until January 1, 2011, and as of that date is repealed unless a later enacted statute, which is enacted before January 1, 2011, deletes or extends that date, or it is rendered inoperative by commission regulations.

David Crabbe
831-320-1109
dcrabbe@comcast.net

August 4, 2008

To: Interested stakeholders in discussions concerning Dungeness Crab management in California

From: Teresa Schilling, Senator Wiggins' staff; and David Crabbe, consultant to EDF

Re: Crab steering committee meeting held July 29 in Sacramento

This report is intended to keep all interested crab fishermen up to date on discussions about potential improvements to the management of the crab fishery, and summarizes the meeting held July 29 by Senator Wiggins with the support of EDF.

The purpose of the meeting was for the crab steering committee to meet and discuss proposed amendments to the crab bill, SB 1690. The bill passed the Assembly Water, Parks and Wildlife committee in late June. At that time, the Department of Fish and Game raised objections to the bill and proposed a set of changes primarily concerning stakeholder representation. While DFG's proposed changes have not been formally amended into SB 1690, EDF and Senator Wiggins' staff have been negotiating proposed amendments with DFG. These were the subject of the meeting with the crab steering committee on July 29. DFG representatives Sonke Mastrup and Julie Oltmann were present to outline DFG's concerns and hear from the crab steering committee participants.

We began the steering committee meeting by clarifying the ultimate goal of the steering committee process: to have a bill that retains the hard work and outcomes of the steering committee but can succeed in getting passed by the Legislature and signed by the Governor. Therefore, addressing the political realities of other stakeholder interests, including DFG's, is critical to the bill's success.

The Department representatives then outlined its proposed changes to SB 1690. DFG expects significant changes ahead for the crab fishery due to such forces as the MLPA process, wave and tidal energy, and increased pressure from the recreational sector. They appreciate the work of the steering committee and recognize the value of taking a proactive approach to addressing the challenges facing the fishery. DFG stated its preference for a comprehensive vision for the fishery, rather than chasing individual fixes. Therefore, they stated their position that the task force must include representatives from other stakeholder groups. These groups would include processors and sport fishing interests as well as Sea Grant, DFG, and non-governmental organizations. Most crab steering committee members objected to having other stakeholders involved since the purpose of the advisory process is to address commercial fishery challenges.

Dungeness Crab Steering Committee 2008

Considering the concerns raised and points made by the Department, the steering committee discussed the proposed amendments in greater detail and had the following recommendations:

1. Define the additional stakeholders as non-voting, ex-officio Task Force members – at least in regards to recommendations on commercial management;
2. Re-clarify the “gear allocation” language to specifically mention trap limits and harvest allocations as some, but not all, of the items the committee would address; and
3. Refine the OPC language to clarify funding for the Task Force would not rely on a new appropriation mandate

Senator Wiggins has sent these recommendations to DFG – we are waiting for a response and hope to know more in the next few days. We expect that compromise # 1 (the definition of non-commercial crab fishery stakeholders as non-voting) may face resistance from DFG.

Finally, the steering committee continued to debate what percentage of the commercial fishery representatives’ vote would be required to constitute a majority. A few steering committee members proposed a final compromise of returning to a two-thirds majority with 17 commercial seats on the task force, if two-thirds of the steering committee could agree to it. David Crabbe is polling the steering committee on this proposal by phone, and will report the results to Senator Wiggins and to the steering committee once the information is available.

Dungeness Crab Steering Committee 2008

From: David Crabbe [dcrabbe@comcast.net]

Sent: Friday, June 06, 2008 9:52 AM

To: 'David Crabbe'

Subject: Status report of EDF efforts on SB 1690 crab bill to Senator Wiggins

Importance: High

Crab Steering Committee,

Below is a copy of the report sent to Senator Wiggins Office that describes EDF's efforts to find agreement among a state wide crab steering committee.

Have a good day,

David Crabbe

831-320-1109

June 4, 2008

To: Senator Patricia Wiggins

From: Johanna Thomas, Fishery Projects Director, and David Crabbe, consultant to Environmental Defense Fund

Re: Status report on Dungeness crab steering committee process with respect to SB 1690

This report is intended to inform Senator Wiggins on the status of discussions by Environmental Defense Fund (EDF) with representatives of the California Dungeness crab fishery regarding SB 1690. It has been a rewarding process for EDF to work with members of the crab fishing fleet and Senator Wiggins' staff. We greatly appreciate Senator Wiggins' authorship of SB 1690.

The overarching goals of SB 1690 are:

- 1.) To establish an advisory committee for Dungeness crab fishermen and representative stakeholders; and
- 2.) To make a good faith effort to address short-term management needs for the early season opener, which affects the crab resource in District 10 (San Francisco Bay Area) and southward.

As of this writing, crab fishery leaders are still working with EDF to bring resolution on the remaining outstanding issues. However, at the Senator's request, we are submitting this report on the status of discussions as SB 1690 leaves the Senate floor and moves on to the Assembly.

The outcomes of the crab steering committee are summarized in more detail below. In short, there is substantial support for establishing a crab advisory body although the exact structure of such a body is not fully resolved. The steering committee has also discussed ideas for management of the early season, and management needs generally. There is substantial agreement on the need for establishing a control date in the fishery and varying levels of agreement about other management measures.

Overview of crab steering committee progress

Crab fishermen from the Bay Area approached EDF late in 2007 to ask for our assistance in crab reform discussions. Many fishermen have expressed concern that while Dungeness crab stocks are currently sustainably managed, the fishery experiences “derby” dynamics and intensifying fishing effort. Fishermen have indicated that this “race for crab” leads to safety concerns, wasted effort and inefficient fishing, supply gluts and crab waste, and excess and lost gear in the water. Many Dungeness crab fishermen and fishing organizations are motivated to improve this situation.

Recognizing this, EDF has convened six meetings in Ukiah with fishery leaders from eight major crab ports along the coast, along with representatives of coastwide fishery associations. Steering committee discussions have focused on how to design a fair and equitable structure for industry representation. The steering committee was also tasked with making a good faith attempt to discuss short-term management concerns, particularly relating to the early season dynamics that bring an increase of fishing effort to Bay Area fishing grounds. EDF made a concerted effort to reach consensus on these areas, and has made significant progress on identifying key areas of concern for the crab fishing industry.

In addition, EDF made every effort to keep all interested parties equally informed, and worked diligently over the past five months to craft and negotiate a set of central elements that the crab fleet could support. However, as in most issues pertaining to this heterogeneous fishery, there is no consensus on what changes need to occur in the crab fishery to manage it differently. EDF continues to believe that one of the greatest values in the long run to come out of this effort will be to establish an advisory committee process for the crab industry. As we have heard from most fishermen, such an advisory body can help provide a forum for the ports and fishermen to discuss and resolve issues of common concern.

The following are the status of our last meeting discussions and results of a poll of all steering committee participants.

Steering Committee Participant Poll and Straw Proposal

The final two meetings were structured around breakout groups of the steering committee participants, from which resulted a straw proposal for a formal advisory body structure and specific recommendations for the short-term (see Appendix below). There was substantial agreement among the steering committee participants for certain elements of

Dungeness Crab Steering Committee 2008

the straw proposal. At the close of the final steering committee meeting on May 21, EDF committed to polling the steering committee participants individually by phone as to the following questions.

Answers are based on phone calls with 20 individuals representing over eight ports (Crescent City, Trinidad, Eureka, Ft. Bragg, Bodega Bay, San Francisco, Half Moon Bay, and South of Half Moon Bay), and three associations (PCFFA, FMA, and the Coastal Alliance).

Poll Question	Answers (Yes/ No/ Unanswered)
Would you support the straw proposal as written?	(9/ 11/ 0)
<i>Would you support the following changes to the straw proposal:</i>	
$\frac{3}{4}$ voting?	(7/ 10/ 3)
Split ports tiers at average production of active vessels (active vessel is one with avg production of 5000lbs/year or total 25000 lbs over 5 years)?	(9/ 8/ 3)
Can you support a mandate for a formal advisory committee to make recommendations for management measures for the early season and for the long-term by May 1, 2010?	(6/ 10/ 4)
Are you agreeable to a temporary (sunset) pot limit for the early season (first two weeks or until coast opens)?	(8/ 11/ 1)
Are you in favor of a simultaneous opener for the California Dungeness crab season?	(12/ 4/ 4)
Are you agreeable to requiring a pot declaration when renewing or purchasing a crab permit?	(10*/ 7/ 3) *3/10 said 'yes with verification'
Are you agreeable to requiring DFG to institute a unique ID for Dungeness Crab vessel permits?	(17/ 2/ 1)
Would you support a control date of July 15 th , 2008?	(17*/ 3**/ 0) *3/17 said 'yes but needs clarity' **1/3 said 'no until clarified'
Would you support a formal crab advisory body on principle?	(15/ 5/ 0)

Appendix: Crab Straw Proposal

Based on areas of agreement from the previous 'draft bylaws' and the Breakout groups'

Dungeness Crab Steering Committee 2008

discussion at the 5/7/08 crab steering committee meeting, here is a straw proposal for the Crab Steering Committee's consideration:

PROCESS

Form a Dungeness Crab Advisory Committee with the following structure

I. Purpose

- a) The harvest of Dungeness crab is one of the largest in volume and value of the state's commercial fishing industry. To maintain this significant contribution to the state's economy, there is need to make regulators aware of the unique economic factors affecting the Dungeness crab fishery, and how these factors could be integrated with appropriate management measures to conserve a sustainable Dungeness crab resource. The activities made possible by the establishment of a Dungeness Crab Advisory Committee will meet this need and further the interests of the industry and the state.
- b) The establishment of a California Dungeness Crab Advisory Committee is necessary to advise and make recommendations to regulators on the conduct and needs of the commercial Dungeness Crab fishery, including maximizing the value of the crab resource, more efficient resource assessment, and effective fishery management regulations.

II. Membership

- a) A California Dungeness Crab Advisory Committee will be made up of voting members that fairly represent the broad interests of Dungeness crab permit holders by geographic area and levels of Dungeness crab production on a port and individual basis.
- b) The committee will also include non-voting members to represent the Department of Fish and Game, scientific expertise, and the public. The Director will appoint these 3 non-voting members to the committee, giving consideration to recommendations made by the committee.
- c) Permit holders will elect committee members from among those persons licensed pursuant to the Fish and Game Code to engage in the commercial Dungeness crab fishery. Based on current estimates of active boats in the fishery, the committee will consist of 19 members in these numbers from the following ports:
 - i. One (1) from California N-R permit holders
 - ii. Four (4) from Crescent City
 - iii. One (1) from Trinidad
 - iv. Three (3) from Eureka
 - v. Two (2) from Ft. Bragg
 - vi. Two (3) from Bodega Bay
 - vii. Two (2) from San Francisco
 - viii. Two (2) from Half Moon Bay
 - ix. Two (1) from ports South of Half Moon Bay

Dungeness Crab Steering Committee 2008

- d) The above breakdown of seats per port will be re-evaluated every 5 years, and will be adjusted if numbers of active vessels in ports change significantly. Where there are even numbers of member seats from a specific port (that is, two or four), members will be elected to represent both upper and lower tiers of production specific to that port. The tiers will be determined by dividing in half the number of active vessels into upper and lower production levels. In the case of 3 member seats, the number of active vessels will be divided into thirds to reflect upper, middle, and lower production levels. An active vessel is one that has landed a minimum total of 25000 pounds of crab over the past 5 years.
- e) A permit holder receiving the 2nd most votes for any seat is the alternate.
- f) The term of all members, alternates, and appointees on the committee will be two years from the beginning of the crab fishery season in the year of their election. Members may be re-elected or re-appointed.

II. Voting

- a) The committee will advise and make recommendations to the legislature of the State of California, and to the Tri-State Crab Committee, based on its decisions.
- b) Decisions that will have direct impact on economic well-being of fishery participants or on the state of the resource shall be made by a 2/3 majority vote of the full committee (i.e. 13). Administrative and other decisions that do not have a direct impact on the economic well-being of fishery participants shall be made based on simple majority.

MANAGEMENT / SHORT-TERM

In addition to establishing a Dungeness Crab advisory committee, SB 1690 Bill language should specify

- adoption of a control date of July 15, 2008;
- a deadline for evaluating early season management by May 1, 2009.

In the meantime, steering committee participants will work on developing a proposal to the OPC for improved data and research, including the gathering and analysis of economic data

Johanna Thomas
Oceans Program Fishery Projects Director, Pacific Coast
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(415) 293-6050

May 23, 2008

To: Interested stakeholders in discussions concerning Dungeness Crab management in California

From: David Crabbe, consultant to Environmental Defense Fund

Re: Report on May 21 Crab meeting held in Ukiah

This report is intended to keep all interested crab fishermen up to date on discussions about potential improvements to the management of the crab fishery. Environmental Defense Fund (EDF) hosted a final crab steering committee meeting on May 21 in Ukiah, following from discussions at the earlier steering committee meetings. We welcome input from meeting participants if there are changes that need to be made to this report to more accurately reflect discussion and decisions that were made at the meeting.

The purpose of the meeting was to review the Crab Strawman Proposal and approve which concepts are to be captured in bill language. The steering committee as a whole discussed the Strawman and made some general modifications (attached). The steering committee then discussed unresolved issues and generated ideas in breakout groups, each made up of voices from Northern and Southern ports. Finally, the steering committee reconvened to evaluate those issues and ideas.

Key Outcomes

- All steering committee participants agreed that control date of July 15, 2008 is necessary and would pertain to any future new regulations in the fishery.
- A substantial number of participants would like to see a formal Dungeness Crab advisory body formed, depending on the structure of that committee
- More than half of the steering committee could agree to the committee structure proposed in the straw man. Other participants would prefer some combination of the following changes to the straw man:
 - reducing one member seat from the South;
 - using average production of ports (between median # boats and 50% production) to divide upper and lower tiers of production
 - increasing to a $\frac{3}{4}$ majority decision vote on the advisory body.
- Most participants would like more data on the landings patterns of the Non-Resident California permits, along with the average production of other homeport boats beyond the sample shown.
- Within breakout groups, participants proposed the following:
 - Establishing a coastwide season opener
 - Establishing a temporary (w/ sunset) early season 300-pot limit for the first two weeks or until the rest of the coast opens
 - Establishing a legislative deadline of May 2009 for a Dungeness crab advisory body to make recommendations addressing early season management
 - Evaluation of excess capacity

Dungeness Crab Steering Committee 2008

- Economic evaluation of the importance of the early season

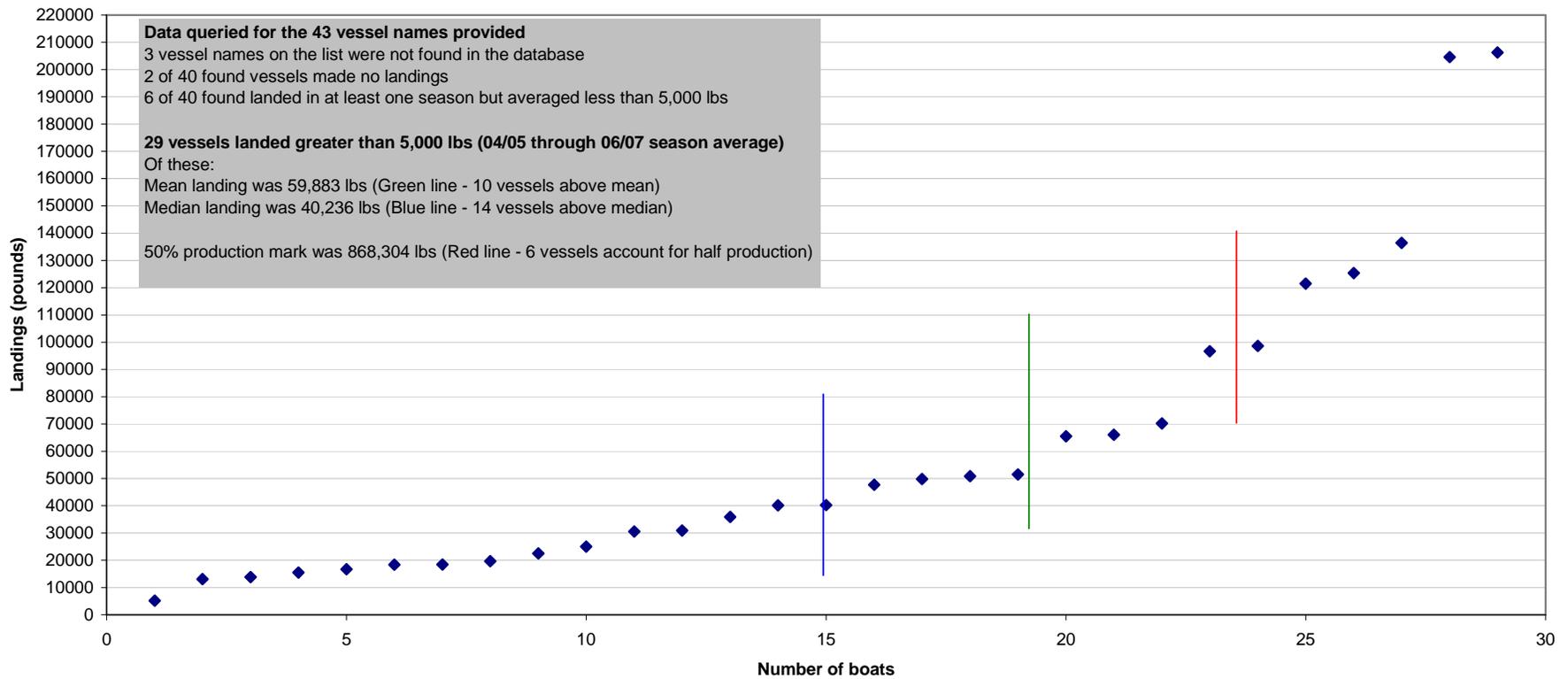
Next steps

- EDF to work with steering committee to obtain and circulate further data
- David to poll steering committee participants next week by phone
- EDF to submit status report to Senator Wiggins by June 1

Appendix – Sample ‘active’ seasonal production

To aid in the discussion, steering committee participants had been asked to generate lists of boats associated with their port. The following chart was a sample generated from one such list, and available for this meeting, to show seasonal production by ‘active’ vessels (the steering committee had earlier proposed those landing above an average of 5000lbs per season). The data was queried for 3 seasons so the below shows vessels whose production totaled at least 15,000lbs over 3 seasons.

04/05 through 06/07 season average Fort Bragg vessel Dungeness crab landings - 29 active vessels



May 10, 2008

To: Interested stakeholders in discussions concerning Dungeness Crab management in California

From: David Crabbe, consultant to Environmental Defense Fund

Re: Report on May 7 Crab meeting held in Ukiah

This report is meant to keep all interested crab fishermen up to date on discussions about potential improvements to the management of the crab fishery. Environmental Defense Fund (EDF) hosted a fifth crab steering committee meeting on May 7 in Ukiah, following from discussions at the earlier steering committee meetings. We welcome input from meeting participants if there are changes that need to be made to this report to more accurately reflect discussion and decisions that were made at the meeting.

The purpose of the meeting was to make further progress on a proposed representation structure for a crab advisory body, review data on the crab fishery from the Department of Fish and Game, and to hear about possible models for creating an advisory body under the authority of the CA Department of Food and Agriculture.

Notes and Outcomes summarized below

1. Updates from port meetings and conference calls
2. Presentation by Glenn Yost, California Department of Food and Agriculture (CDFA)
3. Data review
4. Breakout groups

Next steps

- Next meeting: May 21 or 23
- EDF will compile a draft Straw Proposal based on the breakout groups' discussion and proposals (see below) for review by the steering committee, to be followed by vetting in ports prior to the next steering committee meeting
- EDF to report on steering committee progress to Senator Wiggins

1. Updates from port meetings and conference calls

Since the last steering committee meeting, port meetings have been held in most ports. Steering committee participants gave brief updates on these meetings. In general, ports have expressed ongoing support for the process although opinions continue to vary on how best to determine port representation to protect the broad range of interests.

2. Presentation by Glenn Yost, California Department of Food and Agriculture (CDFA)

Glenn Yost gave a presentation about CDFA's Marketing Branch, and its Mandated Marketing Programs (i.e. Councils, Commissions and Marketing Orders). There are 56 current programs whose activities include commodity promotion and marketing,

production and marketing research, maintenance of quality standards using inspection programs, and verification of commodity food safety. Among current such programs in the Marketing Branch are the Sea Urchin Commission and the Salmon Council; the Seafood Council used to be under the CDFA before it was voted out of operation.

Glenn left handouts, his contact information, and a copy of his powerpoint presentation. For more information, go to <http://www.cdfa.ca.gov/mkt/mkt> or call (916) 341-6005 or email Glenn Yost or Bob Maxie (gyost@cdfa.ca.gov or bmaxie@cdfa.ca.gov)

3. Data review

DFG staff was unable to attend but provided EDF with summary data. FMA had also prepared a number of summary charts and presented them. The steering committee discussed data briefly. However, there was no clear recommendation of how the data would resolve positions on representation to a crab advisory body particularly given that the designation of “home port” in DFG records is not a reliable indicator of where vessels are actually located or where they deliver their catch. It was suggested that steering committee participants list all vessels in their home port known or believed to be permitted for crab, so that DFG may match them to landings data, rather than rely on vessel or permit home port registrations.

4. Breakout groups

After lunch, the steering committee met in four breakout groups, each made up of participants from different ports with different views. The goal was to discuss various starting positions on the draft by-laws and short-term management issues, and try to move forward on possible areas of compromise.

Within the breakout groups, participants were asked to brainstorm ideas and attempt to find areas of possible compromise, then develop a proposal for moving forward. The breakout groups then presented areas of agreement back to the full group.

There was not sufficient time for detailed discussion of these proposals, therefore as stated in ‘next steps’ above, EDF will compile a draft straw proposal based on the breakout group discussions and proposals – and previous areas of agreement within the Draft 4/14/08 By-laws’ – to be reviewed by the steering committee and discussed in ports in preparation for the next steering committee meeting. EDF will be in touch with steering committee members by phone to discuss the straw proposal.

April 21, 2008

To: Interested stakeholders in discussions concerning Dungeness Crab management in California

From: David Crabbe, consultant to Environmental Defense Fund

Re: Report on April 14 Crab meeting held in Ukiah

This report is meant to keep all interested crab fishermen up to date on discussions about potential improvements to the management of the crab fishery. Environmental Defense Fund (EDF) hosted a fourth crab steering committee meeting on April 14 in Ukiah, following from discussions at the earlier steering committee meetings. We welcome input from meeting participants if there are changes that need to be made to this report to more accurately reflect discussion and decisions that were made at the meeting.

The purposes of this meeting were to:

- 1. Give updates since the last steering committee meeting (pp 2-3)**
- 2. Discuss and approve draft 'by-laws' of a crab advisory committee (p3 and attached doc)**
- 3. Start a discussion of management issues within the full steering committee, with the clear understanding that there must be agreement from the steering committee for any issue to be covered in proposed legislation (pp 4)**

A summary of next steps, then notes on each of these items is given below.

Next steps:

- Steering committee representatives should continue to discuss process so far with ports to keep all informed of progress - David and EDF representatives will make every effort to attend port meetings if invited to attend
- EDF to arrange presentation on other CA fishery advisory body examples by at least CDFA Marketing Branch, possibly additional speakers
- EDF to work with DFG on data needs to assist with both process (advisory body) and management discussions
To be resolved:
 - High and low production split per port
 - Groundtruth # seats for representation
- EDF will coordinate with steering committee volunteers on revisions of draft 'by-laws' to bring to next steering committee meeting
- **Next meetings target dates: May 7th, if needed May 21st, and June 4th**

Meeting participants

Dungeness Crab Steering Committee 2008

Aaron Newman
Billy Debacker
Chris Lawson
Craig Gaucher
Geoff Bettencourt
John Tarentino
John Yearwood (Buzz)
Kenny Graves
Larry Collins
Paddy Davis
Paul Wedell
Pete Leipzig, FMA
Randy Smith
Tommy Ancona
Vince Doyle
Zeke Grader, PCFFA
David Crabbe
Johanna Thomas, EDF
Maggie Ostdahl, EDF

1. Updates since the last steering committee meeting on March 20

EDF gave a brief overview of Senate policy committee hearing April 8 (confirmed later by Brett Williams who was available and briefly teleconferenced around 1pm)

- The placeholder bill passed 5-3. Four letters were submitted either opposing, or ‘supporting with amendment’ which is recorded as opposition, from NOAA Gulf of the Farallones National Marine Sanctuary, Farallones Marine Sanctuary Association, Crab Boat Owners Association, and Pacific Coast Federation of Fishermen’s Association.
- After a long discussion, there was general agreement that the crab steering committee is developing into a forum with potential to build trust among crab fishermen on common goals, while recognizing that a variety of opinions or opposing viewpoints regarding the crab fishery definitely exist.
- The steering committee discussion reiterated the statement made by Brett Williams of Senator Wiggins’ office regarding SB 1690; the placeholder language will be amended based on decisions by the full steering committee - nothing goes into the bill without agreement by the full steering committee. This steering committee is meeting to develop a formal representative advisory body and have it recognized by the state; and to make the good faith attempt to discuss a variety of management concerns to see if/where there is any consensus on issues.
- There was willingness to continue to work constructively to move forward on resolving a structure for a formal crab advisory body, and on discussing management issues relevant to the fishery. There was agreement that individual steering committee participants should bring concerns to the steering committee process rather than take individual actions that could negatively impact further progress.

Brief clarification of the potential role of OPC to this process

- EDF suggested the steering committee consider brainstorming a proposal to OPC (request for funding) – assuming that the bill goes through and creates a crab industry advisory body. Such a proposal could include such things as research, data collection, permit buyback, etc. This is the type of the thing that OPC may like to see given the involvement of fishermen, the department, and a conservation org.

2. Discuss and approve Draft ‘by-laws’

Please see attached draft for section-by-section notes.

The attached draft was put together by EDF based on areas of agreement at the March 20 crab steering committee meeting. This draft is being used by the crab steering committee to determine the critical points and necessary specifics to include in enabling language for a Dungeness Crab Advisory body.

A few general points from this steering committee discussion include:

- Potential for self-funding mechanism to keep the advisory body going
- Attention to other advisory body models or approaches from state or federal government
- Enabling language should strike a balance – enough detail so decision-makers and agencies can't ignore this advisory body, but allow for flexibility as well
- Need more clarification and resolution from the Department for data questions

3. Start discussion of management issues – brainstorming only

In the last hour of this meeting, the steering committee brainstormed a list of management issues and ideas that would be relevant for a formal crab advisory body to tackle fully.

The following is a ‘laundry list’ of these issues and ideas:

- Declaration of pots (# owned and/or # expected to fish in a season)
- Logbooks
- Unique ID for CA Dungeness crab permits
- Effects to CA of crab buyback in WA (tied to latency concerns in CA)
- Pot limit
- 30 day fair-start/ ‘pick your area’
- IFQs
- Area management by district
- Change Pt Arena boundary for WA fair start provision
- Trip limits
- Uniform start date
- Price negotiation (statewide)
- Enforcement of current regulations – including soak time; gear still in water after July 15
- Pre-set time
- Trap hauling
- Length of season – set decades ago; how is it now relative to fishing power the industry has developed to
- Evaluate the pre-season sampling program/ shell testing
- Latent capacity in CA
- Control dates
- Escape hatch self-destruct “study” called for by the Commission – unresolved

The two main areas of discussion were in regards to improved fishery data needs, and the topic of a pot limit. Improved fishery data collection would need to address cost and accuracy concerns, but could be useful for a variety of reasons (e.g. establishing the value of the fishery relative to other uses of the ocean; reliable estimate of current gear; etc). Likewise, the discussion surrounding pot limits included concerns of administrative and enforcement costs, as well as latency of fishing effort. If a pot limit program were to be put in place, there are many potential ways to design it (e.g. temporary for early opener; tiered limits statewide; formulated based on catch history; transferable limits; voluntary moratorium; etc). Many steering committee participants think that some sort of pot limit is necessary, but must be equitable.

March 26, 2008

To: Interested stakeholders in discussions concerning Dungeness Crab management in California

From: David Crabbe, consultant to Environmental Defense Fund

Re: Report on March 20 Crab meeting held in Ukiah

The purpose of this report is to keep all interested crab fishermen up to date on discussions about potential improvements to the management of the crab fishery. Environmental Defense Fund (EDF) hosted a third steering committee meeting on March 20 in Ukiah, following from the first two committee meetings on February 13 and March 3. We welcome input from meeting participants if there are changes that need to be made to this report to more accurately reflect discussion and decisions that were made at the meeting.

The purposes of this most recent meeting were:

- 1.) to discuss the legislative timeframe and the “placeholder” language for the crab process bill (SB1690). The sole purpose of this placeholder language (see below) is to preserve the option in the legislative process for the crab steering committee to continue to work to make progress on key issues of concern to the crab industry.
- 2.) to come to agreement on key areas of representation for the future Crab Advisory Committee, which would be authorized through SB 1690.

Meeting participants

Aaron Newman	Johanna Thomas, EDF
Billy Debacker	Maggie Ostdahl, EDF
Chris Lawson	
Geoff Bettencourt	
Gerry Hemmingson	
John Tarentino	
John Yearwood (Buzz)	
Kenny Graves	
Larry Collins	
Patti Davis	
Paul Wedell	
Pete Leipzig	
Tim Potter	
Tommy Ancona	
Vince Doyle	
Pete Kalvass, DFG	
Brooke McVeigh, DFG	
David Crabbe	

Legislative timeline and projected steering committee schedule

- 2/15** **SB1690 introduced - ☑**
- 3/17 – 3/19** **SB1690 process language drafted - ☑**
- 3/20** **Steering Committee Meeting in Ukiah - ☑**
- Goal: discuss legislative timeframe and placeholder language
 - Discuss outstanding advisory board issues – including port representation and jurisdiction
- 3/25 – 4/9** **Preparation for next steering committee meeting (see next steps below)**
- Steering committee members are encouraged to hold port meetings to go over the steering committee’s progress and upcoming work;
 - EDF will draft and circulate ‘by-laws’ of advisory body for the committee to review;
 - Steering committee members and EDF will gather data on crab fishery to assist in next stage of discussions
 - Possibility of steering committee conference call on March 31 or April 2 to review by-laws and decide on any remaining issues concerning the Crab Advisory Committee process
- 4/8** **SB1690 to Senate - Natural Resources policy committee for review**
- Senate Natural Resources Committee will advance the bill (again, see placeholder language below) so crab steering committee can continue to work through issues
 - Bill will be amended through June based on steering committee decisions
- 4/14** **Steering Committee Meeting, location TBD**
- Goal is to complete bylaws for Crab Advisory Committee
 - If bylaws are approved, steering committee begins discussion of potential management improvements
- April -May** **Steering Committee Meeting TBD**
- 5/1 – 5/30** **SB1690 to move through Senate committees to full Senate – exact dates of hearings to be determined**
- SB 1690 should include more specifics based on the crab steering committee’s progress but there is still ample time for additional work on the bill through June
- 6/2 – 7/31** **SB1690 goes to Assembly – legislative committees then full Assembly**
- Goal is to have bill language close to final, based on crab steering committee decisions
 - Changes to language after bill goes to full Assembly is difficult
- 8/31** **End of current legislative session**

Placeholder bill language as submitted for the first Senate committee

SEC. 2. Section 8276.x is added to the Fish and Game Code, to read:

8276.x. (a)(1) The department and the council, in coordination with the Dungeness crab industry and other stakeholders, shall develop long-term management rules for the Dungeness crab fishery, consistent with the purposes described in Section 35650 of the Public Resources Code.

(2) The council may support the development of stakeholder meetings and other processes that help implement paragraph (a)(1), including the establishment of an advisory body that equitably represents crab fisherman from major crab ports in the state.

(b)(1) Commencing January 1st, 2009, the Dungeness crab fishery may operate under new regulations such as catch limits, trap limits, season opening dates, and/or a combination of these examples of regulations, which may be area-specific.

(2) These new regulations will remain in affect unless, or until, other rules are promulgated.

Areas of agreement to be captured in ‘by-laws’ for the Crab Advisory Committee

- Management recommendations made by advisory body based on decision votes carrying 2/3 majority
- Any CA crab permit holder to vote for representation on advisory body, based on ‘registering’ their home port where they will vote
- 2 Voting Mailings
 - Register home port to vote for rep
 - Of those who register, ‘ballots’ will be sent to crab permit-holders with candidates’ names
- ‘Verification sub-committee’ will review home port registrations
- Seats on advisory body – 2-year terms that can be re-elected, where alternates are chosen by those elected, with approval by full advisory body
- 19 industry seats:
 - Crescent City (4), Trinidad (1), Eureka (2), Ft. Bragg (2), Bodega Bay (2), San Francisco (2), Half Moon Bay (2);
 - Tentative agreement for Nonresident Permit (2), Ports from South of Half Moon Bay (2) – *additional data needed*
- Two tiers of eligibility for candidacy – voting for candidates depending on upper or lower production tier (production in a given port) – *additional data needed*
- Non-industry seats (non-voting role) – DFG; Scientist; NGO

Still unresolved: management jurisdiction for the fishery

- Steering committee prefers full management authority to remain in Legislature, but acknowledges that governor’s veto statements on past crab bills indicate that there needs to be a role for Fish and Game Commission

Next steps

EDF will draft by-laws for the Crab Advisory Committee to be reviewed by this steering committee before our next meeting

EDF will also work with Pete Kalvass and Brooke McVeigh, DFG, on fulfilling data needs for the steering committee

- Crab steering committee members are encouraged to let EDF know of specific data requests that might be useful in next phase of crab discussions

Steering committee representatives will discuss process so far with ports with phone calls or meetings to keep all informed of progress.

- David and EDF representatives will make every effort to attend port meetings if invited to attend

Next steering committee meeting target date: April 14 (back up: April 16)

- Since the 3/20 meeting, given interest in having port meetings/discussions, as well as the date of the April Pacific Fishery Management Council, EDF suggests pushing back the next steering committee meeting by a few days to allow everyone a little more time to prepare for a meeting.
 - Note that EDF may want to convene a 2-hour conference call on either March 31 or April 2 to review bylaws and outstanding process issues – TBD based on crab steering committee members' availability.
-

March 7, 2008

To: Interested stakeholders in discussions concerning Dungeness Crab management in California

From: David Crabbe, consultant to Environmental Defense Fund

Re: Report on March 3 Crab meeting held in Ukiah

The purpose of this report is to keep all interested crab fishermen up to date on discussions about potential improvements to the management of the crab fishery. Environmental Defense Fund (EDF) hosted a meeting on March 3 in Ukiah, where they invited fishermen as a steering committee to work together to develop language of crab reform legislation, focusing first on a fair and representative process. Please note that although we've made every attempt to be accurate, we welcome input from meeting participants if there are changes that may need to be made to this report to more accurately reflect discussion and decisions that were made at the meeting.

Background and purpose of this meeting:

Where there was agreement after the earlier crab meeting (Feb 13, Ukiah) to work on a two bill approach to crab reform, legislators decided to introduce one senate bill (SB 1690). That bill is being sponsored by EDF, and aims first and foremost to have representatives of the Dungeness crab industry develop a plan for the long-term management of the Dungeness crab fishery.

We recognize how important it is to have fair representation, and for fishermen to feel comfortable that their interests are being represented at meetings like this one. We need to balance that with having a workable number of participants. We consulted at great length with Dungeness crab fishermen throughout the state to ensure that any steering committee would have representation from all ports where Dungeness crab is landed reflecting levels of production, along with representatives from coastwide fishing organizations. The hope is that these representatives will have the responsibility of communicating back with their ports and organizations.

The purpose of this meeting was for the steering committee to review the straw proposal for a crab advisory process, elements of which would be the basis for revised bill language.

Key Outcomes of the meeting:

Discussions at this meeting emphasized that a key concern was and is industry representation – for this steering committee and for the long-term process as a whole. Also made clear was the importance of focusing on process before there can be any effective discussion of management changes in the short term.

In reviewing the straw process proposal, there were some areas of agreement even beyond consensus to break for lunch. First, the steering committee agreed that today's decisions are preliminary. There was also agreement on the following:

Dungeness Crab Steering Committee 2008

- Voting by representatives on the advisory body is by 2/3 majority
- All permitted fishermen can vote for a candidate for the advisory body
- Active fishermen as candidates for seats on advisory body
- Inactive could be zero deliveries
- Steering committee will discuss the following proposed # of industry seats for an advisory body among their ports (based on estimate of 1 seat per 25 [active] permits):

Crescent City – 4

Trinidad – 1

Eureka – 2

Ft. Bragg – 2

Bodega Bay – 2

San Francisco – 2

Half Moon Bay – 2

South – 1

Some more comfortable if “South” is 0 seats; or if there is some rep for out of state boats

There were also many elements of the straw process proposal that require more discussion.

The One Bill

- SB 1690 – placeholder, can be edited but will continue to focus on process. There is a strong need to work on process. If process can be worked out, then steering committee can agree to discuss short-term options (no default short-term).
- Legislative timeline needed
- By April, draft language needed

Next steps:

- EDF to circulate notes and meeting comments to straw process proposal
- Steering committee to discuss amongst ports
- Potential meeting with Senator Wiggins’ staff member Brett during the PFMC meeting in Sacramento next week (tentative date: Wed 3/12)
- Next meeting: week of March 17 (tentative date: Thurs 3/20)

Data needs

- Breakdown of landings activity/ value aggregate by port
- # landings by Non Resident permits
- Research on other industry advisory processes (fishery and other industry)

Meeting notes

Participants

Aaron Newman
Billy Debacker
Bret Fahning
Chris Lawson
Craig Goucher
Geoff Bettencourt
Gerry Hemmingson
John Tarentino
John Yearwood (Buzz)
Kenny Graves
Larry Collins (Duck)
Mike Cunningham
Mike McHenry
| Paul Wedell
Pete Leipzig
Tommy Ancona
Vince Doyle
Zeke Grader

General remarks before review of straw proposal (below)

- Establish a process to determine what majority of harvesting industry wants; what does each permit holder want (i.e. some not interested in more regulation)
- Speaking for some or parts of some ports, ‘zero to none’ want some management changes; feels like things are being fast tracked
- But ports seemingly split in some cases – one meeting in Ft. Bragg saw about 27 permit holders that wanted management changes, a few didn’t, a few had no comment
- On topic of representing ports, some mainly here to listen and report back
- North – 67% of the production from 3 ports
- Here for a discussion of a fair process
- What is in the one bill?
- Economic not resource issue, and fair representation critical; the North will bear burden (if landings tax) of new regulations
- Careful of assumption that it’s definitely going to be a landings tax to fund things, not permit-based or some other mechanism
- Industry has shifted towards large-scale producers but still smaller production

Break to resolve the ‘legislation process question’

Launched into review of straw process proposal by talking about definition of ‘active permit’

Straw Proposal – notes from March 3 meeting in bold

- I. GOAL: To get industry input and support for a long-term advisory process, for Dungeness crab management that will be contained in legislation.
- II. Steps and timeframe for design of the process

We propose the following steps in order for crab industry representatives to help design the longer term process, representation, and governance framework that will be contained in legislation. This ‘process within a process’ seems the best way to both incorporate representative industry while also meeting California Legislative timeframes.

1. Convene a steering committee that has statewide harvest industry representation based on home port, activity level, and production in the fishery
2. The steering committee will deliberate and make recommendations on process design and structure to write into legislation. This will likely require a series of meetings. The steering committee should address how to comment on drafts of legislation to move forward effectively.
3. The below (part III) is an initial list of elements likely to be considered by the steering committee for the longer term process.

4. Once agreement is reached on process language, the steering committee may discuss and make recommendations on short-term management reforms
5. Lessons from steering committee process will be incorporated into formal Crab Advisory Body design.

III. Structure: Proposed elements of an Advisory Body

Rationale – Each category below contains important elements of the advisory process that need to be reviewed by industry representatives before incorporating into legislation. Within each category are elements that need to be worked out, with examples where possible. There is room to add to this structure if there are missing components or elements.

A. Industry representation criteria – approx 16 total seats

Representation has been clearly identified as being crucial to success.

- i. Ports – 8 statewide (Crescent City, Trinidad, Eureka, Ft Bragg, Bodega Bay, San Francisco, Half Moon Bay, Monterey)

Some dispute about seats for areas south of Half Moon Bay

- ii. Activity – Landings made for some determined window (i.e. above to be determined minimum for 4/5 past seasons)

See notes below

- iii. Scope – e.g. 1 seat for every 25 active permits in a port

Still the working estimate to determine numbers of seats

- iv. Production – 1 person each for *active* high and low producers (find midpoint of production, average past 5 years, then assign whoever above it as ‘high’ and whoever below it as ‘low’)

See notes below

- v. Out of state boats?

Mixed reception to out of state boats having some or full voting representation – needs more discussion

- vi. Processor representation?

Some suggested processor representation – also needs more discussion

Notes

- **Could be fine line between active and inactive**
- **Importance of appeals process**
- **Consideration for the future; potential for new entrants**
- **Reminder that this is for purposes of representation, not fishing regulations**
- **What about 10000 pounds landed over past 3 years?**
- **Some suggest numbers more like 15000, 20000, 50000**
- **Is everyone paying the permit fee active?**
- **What about a consideration for length of time in fishery?**
- **What about activity by # of landings for a certain period of time, no matter the poundage?**
- **Politically, should be as inclusive and simplified as possible**
- **Lots of discussion about production level and representation**

[Data estimates – for 02-05, 138 permittees under the 10K/3 years; about half of these were under 1000; about 50 had almost zero pounds suggesting an estimate of about 180 ‘latent’ permits]

B. Non-industry representation criteria – 2 - 3 total seats

i. Department – Staff member with active knowledge of crab fishery

DFG – yes, absolutely – non-voting

▪ **Advisory capacity important**

▪ **Hands-on experience with the fishery; and policy expertise – both useful**

ii. Academic – appointed

Scientist – as needed – advisory resource

▪ **No current conservation issues**

▪ **Sea Grant staff may be ideal**

iii. NGO – appointed

NGO – yes – non-voting

iv. Other?

C. Selection, Nomination, and Election

i. Term of appointment and re-election?

Ability to re-elect (or un-elect) important

Rotation suggested to keep momentum

Suggested 3-year terms; staggered elections 1/3 of positions at a time; with alternates chosen by those elected, with approval by body

ii. Association leaders

Probably an advisory, non-voting role only

iii. Nominations by port of individuals that fit criteria above?

iv. List all industry individuals that meet criteria above?

v. Or use criteria above if a port cannot self-select with majority vote?

vi. Secret ballot mailed to permit holder for mail-in with deadline

vii. If non-industry representation; election or appointed by elected industry? Or appointed by managing body?

D. Meeting Procedures

i. Frequency – e.g. once per year

ii. Locations – e.g. a rotating location biannually

iii. Meeting rules and process

E. Voting

i. What majority is needed to pass? For example, 2/3 majority needed for a major issue to pass Advisory Body; 50+1 majority vote for minor issues [*A major issue is one which could or will affect the economic well-being of individuals. A minor issue, for example, could be time and place of next meeting.*]

2/3 majority vote

- **Some discussion about whether legislation should direct advisory body to give deference in voting to area-specific management changes – more disputed than 2/3; this idea could be discussed further by steering committee or decided by advisory body or abandoned**

ii. Non-industry votes?

See above on non-industry representation; these seats would likely be advisory role only

F. Formalizing Advisory Body

- i. Recommendations to Department and/or Fish and Game Commission?
- ii. Recommendations to Legislature?
- iii. Funding (e.g. AB1280, OPC, state/industry combination, other)

Mentioned but little discussion:

- **Length of advisory body – will it be a permanent standing committee?**
 - **Authority of advisory body?**
-

February 15, 2008

To: Interested stakeholders in discussions concerning Dungeness Crab management in California

From: David Crabbe, consultant to Environmental Defense Fund

Re: Report on February 13 Crab meeting held in Ukiah

The purpose of this report is to keep all interested crab fishermen up to date on discussions about potential improvements to the management of the crab fishery. Environmental Defense Fund (EDF) hosted a meeting on February 13 in Ukiah, which was attended in person or by phone by fishermen from most crab ports in the state. It was the third meeting in the past 2 months that EDF has participated in to discuss potential short and long term solutions to the challenges facing the crab fishery. Please note that although we've made every attempt to be accurate, we welcome input from meeting participants if there are changes that may need to be made to this report to more accurately reflect discussion and decisions that were made at the meeting.

Background

In mid-January, after being contacted by some District 10 Dungeness crab fishermen, Environmental Defense convened a meeting in San Francisco with crab representatives from ports in the Bay Area and northern California to discuss trends in the crab fishery, and explore whether and to what degree there was agreement among the fishermen present about their goals for the fishery. There was general agreement that the fishery is overcapitalized and that current management creates incentives for derby fishing. Furthermore, the lack of a uniform start date creates huge fishing pressures in District 10 in the last two weeks in November.

Participants at that first meeting in SF agreed on two general reform concepts: a coastwide simultaneous season start date, and analysis of a pot limitation system as part of a longer collaborative management process. To achieve these aims, the group agreed to draft a "spot bill" and have it introduced in Sacramento in time for the issue to be considered during the current legislative session. EDF proceeded to do that, and currently we have a spot bill that enables us to continue to work with fishermen on a legislative process to address crab management.

After that initial SF meeting we learned there was another crab reform bill primarily focused on a statewide pot limit program that PCFFA and District 10 fishermen representatives have been working on. EDF met with PCFFA, SF Crabbers Association reps and some of the District 10 individuals present at the SF first meeting to determine whether it was possible to go forward with a single piece of legislation. Most of the

discussion centered on refinements to this pot-limit bill; there was progress made on the specific elements of this bill, but only District 10 fishermen were able to participate.

Therefore, EDF worked with crab fishermen, FMA and PCFFA to arrange a third meeting in Ukiah, CA on February 13th and at that meeting were representatives from most of the crab ports in the state. The goal of this third meeting was to determine whether there is some consensus support for a second reform bill that lays out long term process and outlines how crab fishermen would be fairly represented in such a process. This meeting is summarized below.

Key Outcomes of February 13th meeting

The meeting was facilitated by David Crabbe representing EDF, and brought together in person or by phone representatives from every port except Trinidad and Monterey, including representation from key local crab boat associations, PCFFA, and FMA. Also present were staff from EDF and their consultant in Sacramento by phone. List of participants is given below. (We've included their affiliations where we have that information.)

Participants

Name	Affiliation	Location
Pete Leipzig	FMA	Eureka
Tommy Ancona	FMA	Ft. Bragg
Geoff Bettencourt		Half Moon Bay
John Tarentino	SF Crabbers Assoc	San Francisco
Joe Mantua		Bodega Bay
Mike McHenry		Half Moon Bay
Randy Smith	FMA	Crescent City
John Yearwood (Buzz)		Ft. Bragg
Chris Lawson	Bodega Bay Fishermen's Association	Bodega Bay
Larry Collins (Duck)	SF Crabbers Assoc	SF
Chuck Wise	PCFFA	Bodega Bay
Aaron Newman	Humboldt Fishermen's Marketing Assoc	Eureka- Humboldt
Rick Shephard	Del Norte	Crescent City
Bret Fawning		Crescent City
Zeke Grader	PCFFA	SF
Reed Addis	CSG	Sacramento
Maggie Ostdahl	EDF	SF
Johanna Thomas	EDF	SF
David Crabbe	Facilitator	Monterey

The major decisions that were made at the meeting are as follows:

- 1.) **To develop a structure for fair representation of fishermen and ports in any process to develop legislation or long term**

management changes. This was clearly a critical point for fishermen that was expressed at the meeting: there is no way to get resolution on the management of the fishery without fishermen feeling like they have fair representation.

- 2.) **To move forward with a 2-bill approach as follows.**
 - a. **One bill (currently named the 2008 Trap Limit bill) would focus on short-term fixes.** There was tentative agreement that EDF would work closely with PCFFA and others to facilitate discussion about what specific elements would be contained in this bill. Furthermore, for the sake of moving forward on a statewide, inclusive process, the bill would not be called the “pot limit bill” but would be called the “short term fix bill,” or “bill # 1.” This will help make it clear that until there is a decision about how to ensure fair representation of the ports and crab fishermen in a process, that there is no presumption about what the short term fix will be.
 - b. **A second bill (the ‘spot bill’ with modified language that EDF has submitted to the Legislature) would focus on developing a fair, longer-term process likely involving the formation of a Crab Advisory Committee.** EDF agreed to remove the unified start date language from the bill and have the bill used only to address this long term process. This will be called the “long term process bill” or “bill # 2.”

Next steps

- Modify ‘spot bill’ language to reflect this recent discussion, remove the uniform start date language and beef up proposed process language, and circulate to all representatives at the February 13th meeting by email or fax. (EDF) EDF hopes to send out a “straw proposal” for a process and representation by next week.
 - All fishermen represented at the Feb 13th meeting will discuss a 2-bill approach within their ports and communicate among group. We want to hear what decisions come out of the ports, so please send or communicate comments back to EDF via email at dcrabbe@comcast.net , mostdahl@environmentdefense.org or fax (415) 293-6051. Please also feel free to share this report with others in your ports. We want to know how the ports want to be communicated with and represented.
 - Communicate with State legislators to keep them informed of progress (EDF and PCFFA)
 - Send current bill language on both Bill # 1 and Bill # 2 to all fishermen by fax or email (EDF, PCFFA)
 - Set next meeting and work on ensuring broad representation by fishermen and ports We are currently looking at the week of February 25 in Ukiah. (EDF)
 - Look ahead to a potential following meeting at the March PFMC meeting in Sacramento. (EDF)
-

The meeting notes (below) highlight key issues that were discussed, and some of the specific elements of defining a process for representation by crab fishermen and ports. Based on these key issues, EDF will circulate a draft proposal for a process and representation for fishermen to review and send comments on. We will also attempt to put this into legislative language so that fishermen can review it at our next meeting (tentatively the week of Feb 25) and make sure others can review it.

Process Concepts

- “Dungeness Crab Council” – industry funded – model
- Advisory Committee model – ad-hoc structure modeling what could become a formal one through 2nd parallel bill
- Examples/ lessons learned from Oregon?

Key concerns –

1. Representation in process

Questions/ Ideas for consideration

- ***Weighting – expanded below***
- Definition of active (active vs. latent)
- Non-industry representation (Department, Sea Grant, NGOs – and whether voting or non-voting (advisory) capacity)
- Tie-braker vote
- 2/3 majority for a vote to pass
- Out of state votes (some disagreement – CA representation only versus point that there are a number of small boats out of Brookings that fish off CA)
- Vocal minority/ silent majority dynamics
- Election (by secret ballot); distribution to license holder address
- Send notice to license holders re: intent

Weighting of representation - votes

Votes weighted by some factor(s) by port

One possibility - 1 vote for every 25 active participants in port – would amount to about 16 representatives as shown in table below

Another possibility – Representation by production (high/low landings) per port

Estimated active crab licenses by port - identified 2/13/08, Ukiah

Port	# active	votes*
Crescent City	96	4
Trinidad	15	1
Eureka	50	2
Ft Bragg	40	2
Bodega Bay	50	2
San Francisco	38	2
Half Moon Bay	40	2

Dungeness Crab Steering Committee 2008

Monterey Bay	25	1	
Total	354	16	*if simple 1 vote/ 25 active rounding up
Non-Resident	84	?	
Total	438		

2. Timeframe

Sense of urgency for some in ports

Concern that process without also attention to short-term is 'stall tactic' by some

Legislative-set deadlines

Mid-Feb: need Author of bill

Mid-Apr: committees review language

Summer: Final language

Evaluate any possibility of urgency vote for either bill

3. Resources

Industry funding potential but not popular

AB1280 / OPC potential – opportunity to be creative

Early ad-hoc committee facilitation by EDF a possibility

Information sharing before and during legislative process

4. Agreement – to reiterate

Move 2 bills forward

Continue meeting to establish process and fair representation

Ports to meet among themselves to determine representation and involvement

Bills for 2 purposes (2 tracks) – short-term and long-term

- what 'short-term' looks like matters
- commitment to define short-term fix by June/July
- all ports resolve to support 2 bill strategy

In closing, we are interested in helping this fishery, which we think is so vital to California's fishing economy and culture. We fully recognize that many of you have spent years working on how to improve the situation in the fishery, and we respect all viewpoints that are brought into the discussion. We appreciate the fishermen's willingness to let EDF play a role in facilitating a process. We encourage you to communicate with us at any time. David Crabbe, consultant; Johanna Thomas, policy director; Maggie Ostdahl, fisheries analyst. EDF: (415) 293-6050; 123 Mission St, SF.