

Dungeness Crab Steering Committee 2008

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Final bill updates; final 2 steering committee reports; and June 08 steering committee status report to Senator Wiggins – in reverse chronological order (most recent first)

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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

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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.

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(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.

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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.

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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

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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'

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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

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- 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

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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

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- 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



