



~California Dungeness Crab Task Force~

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

DCTF MEETING 5 UKIAH, CALIFORNIA FEBRUARY 17 AND 18, 2010

MEETING SUMMARY

INTRODUCTION

The purpose of this meeting summary is to:

- Inform all Members of the Dungeness Crab Task Force (DCTF) and the wider public of ongoing work of the DCTF
- Provide a summary of discussions and outcomes from DCTF Meeting #5 held in Ukiah, California on February 17 and 18, 2010

During each meeting of the DCTF, notes are taken by Ocean Protection Council (OPC) staff. Subsequently, the neutral project Facilitation Team (staff from the California State University Sacramento, Center for Collaborative Policy [CCP] and T.C. Hoffmann & Associates) reviews and edits the meeting summary, which is then reviewed by the full DCTF.

Day 1 – February 17, 2010

10:00 a.m. to 7:00 p.m.

ATTENDEES

Task Force Members Present on Day 1:

ATTENDEES

Jim Anderson, F/V Alliane
John Atkinson, F/V New Rayann
Geoff Bettencourt, F/V Moriah Lee
William Blue, F/V Morning Light
Stan Carpenter, F/V Sandy B
Bill Carvalho, Wild Planet Fisheries (arrived midday)
Lawrence Collins, F/V Autumn Gale
Michael Cunningham, F/V Sally K
Bill DeBacker, F/V She N I and F/V Jard
Vince Doyle, F/V Verna Jean
Brett Fahning, F/V Rogue
William Forkner, F/V Shirley and F/V Audrey
Gerry Hemmingsen, F/V Pollux
Maggie Ost Dahl, Alternate for Johanna Thomas, Environmental Defense Fund

Paul Johnson, Monterey Fish Market
Chris Lawson, F/V Seaward
Kevin McKernan, recreational fisherman
Brooke McVeigh, CA Department of Fish and Game
Carrie Pomeroy, CA Sea Grant
Lt. Steve Riske, CA Department of Fish and Game
Randy Smith, F/V Mistasea
Don Standley, F/V Terry S and F/V One and All
Roger Thomas, F/V Salty Lady, Golden Gate Fishermen's Association
Lee Wilson, F/V Gold Coast
Richard Young, California Association of Harbor Masters and Port Captains
Mike Zamboni, F/V Lucky 50

Absent:

Ben Sleeter, recreational fisherman

OPC staff present:

Rachelle Fisher
Cina Loarie

Facilitation Team present:

Dave Ceppos

Rich Wilson

1. *Welcome, introductions, and agenda review*

Dave Ceppos, lead facilitator for the Facilitation Team and Managing Senior Mediator at CCP, welcomed everyone to the meeting and introduced the other member of the Facilitation Team present—Rich Wilson. He explained that Tegan Hoffmann would not be attending the meeting. Mr. Ceppos explained that the Facilitation Team and OPC would be recording the meeting. However, as allowed by the Bagley-Keene Open Meetings Act, all recordings will be deleted 30 days after the meeting.

Mr. Ceppos reminded all attendees that this is a working meeting of the DCTF that is open to the public, but the meeting is not a public hearing. He assured Members of the public that there would be opportunities to make comments at several points throughout the two-day meeting. Additionally, while public comments were allowed, he explained that proposals by the public would only be permitted if presented by a DCTF member.

Mr. Ceppos explained that the Facilitation Team planned on using caucuses, administrative votes, straw polls, and formal votes over the next two days. He reminded the DCTF about the [DCTF Charter](#), (voted on and approved by Members during meeting 2 in San Francisco), and explained that all voting procedures would be in compliance with the Charter.

Mr. Ceppos explained that while the DCTF has the opportunity to convene again, this would be the last meeting under the current support framework by OPC and the Facilitation Team. Should they choose to meet again, they would have to discuss other means of funding and coordinating at the meeting.

Mr. Ceppos then described the meeting's agenda. He explained that the group will be working iteratively to achieve consensus and asked for the group's cooperation in using a methodical way to get proposals discussed and voting done.

2. *Discussion of short- and long-term Dungeness crab fishery management objectives in California*

The DCTF discussed [proposed short- and long-term objectives for the Dungeness crab fishery](#). The straw objectives were derived from DCTF discussions during meetings 2 and 3. Members discussed and conducted final votes on the objectives.

Note: Only final votes marked as “APPROVED” will be included in the March 31, 2010 report to the Joint Committee on Fisheries and Aquaculture, California Department of Fish and Game, and the California Fish and Game Commission. Straw polls will *not* be included.

ACTION: *Consideration and possible adoption of fishery management objectives.*

NOT APPROVED: **Fishery Management Objective 1** - Maintain existing capacity of the commercial fleet.

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

Thumbs up (2): Hemmingsen, Smith

Thumbs sideways (1): Zamboni

Thumbs down (16): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Collins, Cunningham, DeBacker, Doyle, Fahning, Forkner, Johnson, Lawson, McKernan, Standley, Wilson

Abstained (1): Thomas

Absent: Carvalho, Sleeter

Vote of the ex officio Members:

Thumbs down: Ostdahl, Young

Abstained: McVeigh, Pomeroy, Riske

APPROVED: Fishery Management Objective 2 - Reduce existing capacity of the commercial fleet.

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

Thumbs up (14): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Collins, DeBacker, Doyle, Fahning, Forkner, Johnson, Lawson, Thomas, Wilson,

Thumbs sideways (1): Hemmingsen

Thumbs down (4): Cunningham, Smith, Standley, Zamboni

Abstain (1): McKernan

Absent: Carvalho, Sleeter

There was no vote of the ex officio Members for this Fishery Management Objective.

APPROVED: Fishery Management Objective 3 - Create a permanent (post January 1, 2011) definition of “latent permit” (as defined in the DCTF January 15th 2010 report).

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

Thumbs up (18): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Cunningham, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Thomas, Wilson, Zamboni

Thumbs down (1): Standley

Abstain (1): McKernan

Absent: Carvalho, Sleeter

Vote of the ex officio Members:

Thumbs up: Young

Abstained: McVeigh, Ostdahl, Pomeroy, Riske

APPROVED: Fishery Management Objective 4 - Reduce the potential threat of latent permit activation.

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

Thumbs up (15): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Collins, DeBacker, Doyle, Fahning, Hemmingsen, Johnson, Lawson, Smith, Thomas, Wilson

Thumbs sideways (3): Cunningham, Forkner, Zamboni

Thumbs down (1): Standley

Abstain (1): McKernan

Absent: Carvalho, Sleeter

Vote of the ex officio Members:

Thumbs up: Young

Abstained: McVeigh, Ostdahl, Pomeroy, Riske

NOT APPROVED: Fishery Management Objective 5 - Eliminate the potential threat of latent permit activation.

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

Thumbs sideways (2): DeBacker, Fahning,

Thumbs down (17): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Cunningham, Collins, Doyle, Forkner, Hemmingsen, Johnson, Lawson, Smith, Standley, Thomas, Wilson, Zamboni

Abstain (1): McKernan

Absent: Carvalho, Sleeter

Vote of the ex officio Members:

Thumbs sideways: Young

Abstained: McVeigh, Ostdahl, Pomeroy, Riske

APPROVED: Fishery Management Objective 6 - Define vessel expansion size under existing permits as related to Fish and Game Code section 8280.3 ("Transference of crab vessel permits; Exceptions").

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

Thumbs up (15): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Thomas, Wilson

Thumbs down (4): Cunningham, Smith, Standley, Zamboni

Abstain (1): McKernan

Absent: Carvalho, Sleeter

Vote of the ex officio Members:

Thumbs up: Young

Abstained: McVeigh, Ostdahl, Pomeroy, Riske

APPROVED: Fishery Management Objective 7 - Prevent transfer of permits to processors.

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

Thumbs up (12): Atkinson, Bettencourt, Blue, Carpenter, Collins, DeBacker, Fahning, Forkner, Johnson, Lawson, Smith, Wilson,

Thumbs sideways (3): Doyle, Hemmingsen, Zamboni

Thumbs down (2): Cunningham, Standley

Abstain (3): Anderson, McKernan, Thomas

Absent: Carvalho, Sleeter

Vote of the ex officio Members:

Thumbs up: Young

Abstained: Pomeroy, Ostdahl, McVeigh, Riske

After multiple rounds of voting, one Member explained that the DCTF could not vote on anymore of the proposed objectives and then pass them off to the legislature without a permanent advisory committee that could help the legislature interpret the objectives. He was concerned that any broad objectives that are forwarded to the legislature would be misinterpreted. Another Member explained that the objectives voted on today are not set in stone and could be amended at a later date. While another Member explained that he did not believe the DCTF would be handing these objectives to the legislature and walking away since there is plenty of opportunity to affect a bill during the legislative process.

Some Members expressed concern that without discussing real options for management approaches, it was infeasible to continue discussing and voting on objectives. After lunch, Mr. Ceppos called an administrative vote by the DCTF to decide if they wanted to continue discussing objectives or table that effort. A majority of the Members present voted to table further discussion on objectives and move straight to management approaches. They agreed that once shared ground is made on a management approach, they would revisit the objectives and match up them up with the approach(s) they select.

2. General Public Comment

Public comment was heard on non-agenda items:

- Paul Williamson, Commercial Fisherman- Mr. Williamson qualified for an original Dungeness crab fishing permit. For approximately 5 years (2003-2008) he shared a vessel with another permitholder to reduce his costs and help a fellow permitholder make his deliveries while the permitholder was ill. He is now actively fishing his own vessel but, now, due to the recommendations in the DCTF January 15, 2010 report to define latent permits, his permit is defined as “latent” even though he fished crab on his own vessel consistently between 1987 and 2003 and continued fishing his vessel from 2008 to the present. He has a large investment in the fishery that is now labeled “latent” or “[Viable Inactive Permit \(VIP\)](#)”. He believes it would be unfair to be restricted in the fishery at this time when he has been involved in the fishery for more than 35 years and restarted fishing crab on his own vessel in 2009.
 - A Member highlighted that Mr. Williamson is an example of a fisherman who did a noble thing and was a good Samaritan during the latent permit window. He explained that if there are restrictions placed on latent permits, there should be provisions or hardship reviews made for people like him.
- Duncan McLean, Commercial Fisherman- Explained that a lot of the proposals received prior to meeting 5 of the DCTF were related to limited entry. He suggested that it was

time for the California Dungeness crab fishery to stand up and think about ways to clean it up. The fishery is being targeted and is threatened. Therefore, the DCTF should adopt and develop policies instead of allowing outside groups to do it for them. He further explained that there is no reason a fisherman should be precluded from entering the fishery and people should have the flexibility to maintain their own permit. However, he suggested that there should be mechanisms to prevent people from entering the fishery and using their permits negatively (i.e. the ability to transfer permits to processors should be eliminated since it would negatively impact the smaller fishermen). He also explained that the DCTF should work to create a definition of what constitutes a “Processor”.

Lastly, Mr. MacLean explained that capacity expansion is a major issue for the fishery. There should be a cap on the fishery and the loopholes in the limited entry program should be eliminated. However, latent permits should not be excluded from the fishery.

- Frank Bertoni, Commercial Fisherman- Explained that he has been fishing for approximately 60 years and recommended that the DCTF not request a pot size limit to be placed on commercial crab pots because people have a lot of money tied up in gear. He further explained that he and his partner may not make a delivery because they have been fishing in other fisheries. Since it is difficult to fish more than one fishery at a time, it would be unfair to prevent people from using their permit because they are a few pounds short each year.
- Tommy Ancona, Fisherman and Permit Broker- Explained that he is a latent permit holder and that the DCTF has spent too much time defining the term “latent.” He believes that the DCTF should not be labeling permits as “latent” but, rather, place them in a lower production tier. The term latency seems punitive and the DCTF should be focusing their efforts on management approaches and tools, not definitions.

3. Discussion of issues related to the Marine Life Protection Act Implementation (MLPA) and Dungeness Crab Fishery.

Mr. Ceppos explained that this agenda item came out of workgroup discussions at Meeting 2 in San Francisco and other discussions between the DCTF and the project team in full group meetings. Following meeting 4, several DCTF members and members of the public contacted the OPC and Facilitation Team and expressed concern this item was being ignored and that it should be voted on. The DCTF was asked to discuss the statement below and provide modifications before a final vote.

Straw Recommendation- Exempt the commercial and sport Dungeness crab fisheries from marine protected area designations

One DCTF Member did not believe that there was a commercial fisherman in the room that would have a problem with the statement. Even though the Member wasn’t sure it would be possible to get the desired result from this recommendation, he thought it was important for the DCTF to try. Another Member explained that if this recommendation was put in the DCTF report, it should be bolstered with rationale explaining why the fishery should be exempted from the marine protected area (MPA) designations.

Various Members explained that since storms and strong currents tend to move gear into MPAs, this recommendation would create a mechanism to allow them to retrieve their gear. Members added other rationale for the recommendation including “storms move gear, enforceability, no by-catch associated with crab, crab fishery is low impact fishery.” One Member explained that the more rationale and details that are added, the more of a political statement the DCTF would be making

The DCTF could not agree as to whether the recommendation should request that Dungeness crab fishermen have complete or conditional access to MPAs and were concerned that the recommendation was making too strong of a political statement. The group was at a general stalemate and not able to agree on final text for a recommendation, nor whether such a recommendation would be beneficial to the fishery and its participants. Therefore, Mr. Ceppos called for an administrative vote to decide whether the group would like to continue discussing the topic and eventually vote on it, or move on for the day. After an administrative straw poll (10 thumbs up; 5 thumbs sideways; 2 thumbs down), the DCTF agreed to table the vote on this recommendation until later.

ACTION: *Consideration and possible adoption of a recommendation regarding the exemption of Dungeness crab fishing in marine protected areas*
NO ACTION WAS TAKEN. Postponed until day 2.

4. *Discussion of proposed Dungeness crab fishery management measures including, but not limited to, pot limits, season opener dates, limited entry and latent permits, advisory and marketing bodies, and data needs. DCTF port and organizational caucuses and/or workgroups may be convened to refine and discuss proposed management measures (including sport fishery)*

Mr. Ceppos explained that DCTF Members submitted three proposals for the entire group’s consideration. He also explained that there have been two [public](#) proposals that will only be presented if requested by DCTF Members. However, before the DCTF could discuss the new proposals, it was important to revisit the straw poll from meeting 4 (October 21-22, 2010 in Ukiah, CA) to gauge and create a record of where the DCTF stands on that proposal.

Mr. Ceppos called a straw poll to assess the level of agreement with the following recommendation from meeting 4 of the DCTF. **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea.**

Straw poll- *Pilot test a “pay to play” (paid for by participants of District 10 fishery) pot limit program in District 10. This program will be piloted for three years, adaptively managed, and reviewed to inform future management measures. The pilot pot limit program will have a 400 pot limit cap and a 100-200 pot limit on latent permits. (6 thumbs up, 1 thumb sideways; 12 thumbs down; 1 Abstention)*

The DCTF discussed the proposals sent before meeting 5. Mr. Ceppos asked one proponent for each proposal to review the proposal and emphasize the following topics: What does the proposal achieve? How does it provide benefit to the industry? How does it address the concerns

and interests raised by various DCTF members during previous meetings? What fishery objectives does it meet?

Jim Anderson, Half Moon Bay commercial fishing representative, discussed and presented a [proposal](#). He explained that the intent of the proposal was to create something where everyone would “take a hit,” not just one group. The proposal will deal with the threat of activation of low landing permits while still allowing new entrants into the fishery and allow them to purchase up. It also allows anyone in the fleet the opportunity to grow while still reducing the number of pots in the fishery.

Larry Collins, San Francisco representative discussed and presented a [proposal](#). He explained that his constituency was against a tiered pot limit system because initial allocations of pots should be identical in order to be equitable. He explained that his proposal would allow permit holders the opportunity to increase the number of pots they fish by more than the initial 300 pot allocation. An appeals committee would also be necessary to deal with equity issues and grievances. However, he suggested that the DCTF should be disbanded if agreement could be achieved on a pot limit program. He explained that the proposal achieved the best interest of the fishery by capping effort, reducing the number of pots in the water, and creating equity in the fishery.

Brett Fahning and Gerry Hemmingsen, Crescent City commercial fishing representatives, discussed and presented a [proposal](#). They explained that adding a unique identification number to each permit will improve data collection, quality, and speed. The intent of their proposed sport fishery changes is to create consistency in the law. The port supports the continuation of the DCTF and would like to ensure that permits are attached to functioning vessels and that there is consistency with Oregon Dungeness crab fishery regulations in regard to the size of pots (in cubic feet). A goal of the proposal was to reduce the number of pots in the water without reducing the efficiency of the large boats. The Members stated that the discussions of a potential pot limit program have divided the historically united port.

The sport fishing representative from Crescent City explained that he supported only the first recommendation in Crescent City’s proposal. He further explained that sport fishermen should not bear the burden of commercial issues. The proposal does not address what would be achieved by modifying the sport fishing regulations. He explained that sport fishing regulations are easy targets because they do not affect the commercial fishing community.

Mr. Ceppos opened the floor for clarifying questions, not debate. He also pointed everyone’s attention to a [comparison table](#) prepared by the facilitation team that presents an overview of Members’ proposals. Mr. Ceppos then asked if any Members had proposals they would like to add for DCTF consideration.

Additional DCTF Member Proposals:

Bill DeBacker, Crescent City commercial fishing representative, presented a proposal: The upper tier of a pot limit program would contain the top 20% of the fleet; the lower tier would contain 56% of the fleet; the latent tier would contain 24% of the fleet. The upper tier would receive 400

pots, the lower tier would receive 300 pots, and the latent tier would receive 100 pots. The target is 162,000 total pots in the fishery.

Vince Doyle, Fort Bragg commercial fishing representative, presented a proposal similar to the Half Moon Bay proposal with the following modifications: 500-300-100 pots. There will be a hardship review board. Fishermen can trade up to a 600 pot cap. The target 178,000 total pots in the fishery.

Mike Zamboni, Trinidad commercial fishing representative presented a proposal similar to the Crescent City proposal with the following modifications: Active fishermen would receive 400 pots and “VIPs” would receive a “starter package” of 200 pots. The goal of this proposal is to maintain capacity at current levels. The latent definition should be in place as per SB1690. The target is 210,000 total pots in the fishery.

Bill Carvalho, Processor Representative, presented a proposal: The fishery needs a proposal that would reduce the amount of gear in the water even though it would be painful for all Members. This proposal is called the “60 (or 90) day pot limit plan.” The target number of pots for the program is 131,103.

- The two lowest producing active fishermen will be allocated 150 pots, the next 2 fishermen get 151 pots, next 2 get 152, and so on. The top 2 producing vessels get an allocation of 374 traps.
- Latent permits would be allocated 100 pots however, if a latent permit is fished over the next five years his pot allocation will increase. If it is not fished, the permit will sunset and the 100 trap tags attached to the permit go into a pool.
- All unassigned tags at the beginning of the year can be bought up by active permit holders. Funds from the purchase of tags will pay for enforcement. Everyone would have the opportunity to buy more tags and move up.

As attrition occurs the pool of trap tags will be purchased from the state. The revenue from these purchases would fund the program. The Member stated the DCTF needs to decide what reduction number is appropriate because the current proposals are imitating plans in Oregon and Washington which are not functioning properly. California should learn from Oregon and Washington to create a better program.

DCTF Members discussed the proposals.

One Member stated that divorcing tags from the permits to allow them to be tradable is important since it would provide a path for young guys to get into the fishery.

One Member stated that the Half Moon Bay proposal does serve to reduce the amount of gear while allowing latent fishermen the opportunity to be active fishermen at any level they choose to participate. One Member stated that any pot program will take pots off the water no matter what the maximum number of pots is set at. Various Members agreed that the DCTF should not get caught up in the total target number of traps. A couple of Members asserted that latent permits that historically have been not been fished, will likely remain inactive no matter what the management approach looks like and that the DCTF should not be fearful of the latent permit

holders. Conversely, one Member stated that proposal C would force latent permits to become active.

Members discussed how the cost of a pot tag should be determined. They generally agreed that a pot program should not exceed some maximum cost per pot tag.

Mr. Ceppos warned the DCTF to not base their decisions on the possible behaviors of fishermen. He stated that some Members would say the fishery is self selecting and most fishermen will stay status quo, while other Members would say that fishermen will escalate to the number that is allocated to them. Mr. Ceppos explained that it is impossible to know how fishermen will behave until the program is enacted and that DCTF members need to negotiate and make decisions based on their best judgment.

Various DCTF Members requested that the two members of the public who had submitted proposals prior to the meeting (John Dooley and Tommy Ancona) be allowed to present their proposals during the meeting for the DCTF's consideration. Mr. Ceppos explained that the DCTF was composed of elected Members that are responsible to represent their constituents' interests. He explained that if a Member likes a proposal offered by a constituent, it is the Member's responsibility to "carry the torch" for that proposal. Each Member is responsible to propose, revise, reject or approve all ideas for DCTF consideration. Mr. Ceppos took an administrative vote of the DCTF to determine if they should allow public proposals to be presented for consideration.

Administrative Vote: Do you support letting members of the public speaking for no more than five minutes to describe their proposal? (A simple majority voted yes)

- Tommy Ancona presented his [proposal](#) to the DCTF. Mr. Ancona explained that the goal of the proposal was to maintain the relativity of each person's participation in the fishery and capitalize the management plan with buzz words such as entry level fisheries. He explained that he was advocating for an idea rather than specific numbers in a program. While people have been requesting the use of tiers in a pot program, Mr. Ancona suggested that having only two tiers would severely hurt the current dynamics of the fleet. Additionally, even though permit stacking is generally perceived as negative, there may be a way to do them that would prevent a reallocation of the fishery. He explained that the fleet will inevitably need some sort of flexibility and readjustment after an initial pot allocation.

A DCTF Member asked for clarifications on whether or not length restrictions would go away under this plan. Mr. Ancona explained that length restrictions should stay on for now so that things don't get aggravated too quickly. He further clarified that the model could be tweaked in many ways to ensure that the desired outcomes are achieved.

Mr. Ceppos asked if a permit holder could move tiers. Mr. Ancona said that if you have 250 pots (a maximum of 600), you can acquire another permit but you can only acquire a maximum of two permits. You can buy into the fishery or into a new tier but, you can't move up, performance wise.

One Member agreed that gradation and a refined tier allocation was appealing. He explained that after the initial allocation, the number of pots on the boat could be divorced from the permit itself to create a pool of pots. The pots in the pool could be purchased no matter the size boat. This would allow even more flexibility.

- John Dooley presented his [proposal](#) to the DCTF. Mr. Dooley put the proposal together along with Steve Hughes, a consultant from Seattle, Washington. He explained the fundamentals of the program and explained that cooperatives (coops) have been successful in other fisheries and would stop the race for crabs as well as decrease the number of pots in the water.

DCTF Members asked clarifying questions to Mr. Dooley. Mr. Dooley explained that one of the benefits of the co-op is that the total allowable catch (TAC) allocations are readjusted every year thereby ensuring that fishermen retain the same percentage of the catch every year. Mr. Dooley further clarified that in order for the co-op system to work, fishermen are going to have to change the way they fish. He lastly stated that he intended his idea to be something for future consideration by the fishery but that he did not expect it to be considered by the DCTF in the immediate recommendations that would potentially be made in this meeting.

One Member expressed concern that a coop structure would cause a number of people to lose work.

As new proposals were brought to the discussion, the [comparison table](#) developed by the facilitation team was updated.

Mr. Ceppos thanked Mr. Ancona and Mr. Dooley for their proposals and then asked the DCTF to think about what they would like to consider in the near-term and what things are out there in the future. He confirmed and reiterated that the DCTF might talk with Mr. Dooley about his proposal but that there was not sufficient time for the group to completely change directions and fully consider the proposal and that Mr. Dooley was not suggesting that. Mr. Ceppos explained that there are a lot of things on the table that still need to be discussed and before the end of day 1, specifically a DCTF conversation about crab quality testing and the potential for a future advisory committee and/or marketing commission.

5. Discussion of pre-season crab quality testing

Bill Carvalho, DCTF Member, explained that preseason crab quality testing has historically been paid for by the west coast processors. This year the west coast processors offered to pay 20% of the bill, instead of the entire bill, since they only purchase 20% of the crab in California. Therefore, there is now an 80% shortfall and this will persist into the future. Mr. Carvalho suggested that the DCTF discuss ways to ensure that crab quality testing is fully funded to prevent this issue from arising again in subsequent years.

A DCTF Member representing the California Department of Fish and Game (DFG) explained that the law is clear that DFG cannot pay for the costs of the program and processors cannot sell

the crabs from the program and make a profit. Therefore, a solution needs to be considered within that framework. The Member further explained that the West Coast groundfish observers are the bulk of the cost of the program and that they have no obligation to the state of California to continue the program. Therefore, if they do not get paid, they will not continue the program. The DFG representative also highlighted that there are statutes that follow the crab quality testing mandate that create a fair start between California and the other states. Not only is it important to ensure that the fishery is in compliance with the code but, it is important that the California Dungeness crab fishery cooperate with other states. Stopping the crab quality testing creates more implications than just the delay of the season.

Dave Colpo from Pacific State Marine Fisheries Commission (PSFMC) explained that the observers are the only ones who get paid in the program (not the boats and processors) and that approximately \$3,000 to \$5,000 per test (a total of \$6,000 to \$15,000) needs to be available to fund the continuation of the program.

One Member explained that the processors benefit more from the quality testing than the fishermen and, therefore, they should continue to pay the bill. Another Member suggested stopping crab quality testing altogether and committing to a December 15 or January 1 start date. One Member explained the crab quality testing was vital to facilitating good faith negotiations because buyers will not want to buy from crabbers without knowing quality of crab. Another Member explained that it is important to pay observers to aid in the program since there is not mutual trust in the industry.

Various Members suggested different mechanisms to fund the program including:

- Use a percentage of the administration costs associated with a potential pot limit program to help fund the costs of the program
- Make all of the crab meat collected and tested during the program sellable
- Allow the processors to cover their costs by allowing them to sell the crab so they are more inclined to pay for the program
- Force all buyers to equally cover costs
- Find cheaper, neutral alternatives to the west coast groundfish observers (e.g. students)
- Raise the processor license fee
- Change the California start date to December 15 or January 1

Mr. Ceppos suggested that the DCTF take a straw vote prior to a final vote of a recommendation and explained that the day 2 agenda includes a final vote on this topic. Several Members expressed a desire to move straight to a final vote on this topic. Mr. Ceppos called for an administrative vote to confirm the group was prepared to move to a final vote. By simple majority, the DCTF confirmed they wanted to conduct a final vote in day 1. The DCTF discussed the language of the final recommendation. After some wordsmithing and an affirmative straw poll, the DCTF voted on a recommendation to fund crab quality testing in California.

ACTION: Consideration and possible adoption of a recommendation to conduct and fund pre-season crab quality testing

APPROVED: Recommendation 1- *The DCTF proposes new legislation to fund the pre-season Dungeness crab testing in Districts 6, 7, 8, and 9 and amend Fish and Game Code section 8276.2. The director may authorize one or more operators of commercial fishing vessels to take and land an amount of crab for the purpose of quality testing according to a testing program conducted by, or on behalf of the Pacific States Marine Fisheries Commission or an entity approved by the department. Dungeness crab taken pursuant to Fish and Game Code section 8276.2 may be sold to cover costs incurred by the entity conducting the test. Excess crab shall be used for charitable purposes.*

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

Thumbs up (19): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Cunningham, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Standley, Thomas, Wilson, Zamboni

Absent: Collins, McKernan, Sleeter

Vote of the ex officio Members:

Thumbs up: Young

Abstained: McVeigh, Ostdahl, Pomeroy, Riske

6. *Discussion of advisory committee and marketing commission options*

Mr. Ceppos requested that the DCTF take straw votes to determine the level of support for permanent advisory and marketing commissions. **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea.**

- Straw poll-*The DCTF supports creating some form of a permanent Dungeness Crab Advisory Body.* (10 thumbs up; 6 thumbs sideways; 3 thumbs down)
- Straw poll- *The DCTF supports creating some form of a stand alone marketing commission.* (0 thumbs up; 3 thumbs sideways; 16 thumbs down)

Some DCTF Members expressed concern that it was too early for the DCTF to decide if they wanted a permanent advisory committee. They said that the vote will likely be dependent on whether or not the DCTF achieves desirable outcomes in the next two days. Mr. Ceppos explained that the DCTF could “vote to vote” on the issue and put it to rest or table the issue until day 2. Mr. Ceppos called for an administrative vote on this topic. By simple majority, the DCTF agreed to table the final vote on a permanent advisory committee and marketing commission until day 2.

7. *Discussion of proposed Dungeness crab fishery management measures including, but not limited to, pot limits, season opener dates, limited entry and latent permits, advisory and marketing bodies, and data needs. DCTF port and organizational caucuses and/or workgroups may be convened to refine and discuss proposed management measures (including sport fishery)*

Mr. Ceppos suggested that the DCTF take an inventory of common opinions by taking straw votes on various issues. The purpose of this discussion would be to build a set of simple statements, increasing in detail that would illustrate where there is common agreement, and where there remain differences that need to be discussed and resolved on day 2. The DCTF facilitation team presented various statements that they prepared based on their comparison of the proposals introduced by the Members. DCTF Members wordsmithed the statements and added more statements for the group to vote on. **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea.**

- Straw poll- *Create a statewide pot program with a goal of capping pots in the ocean, and quantifying the overall amount of gear in the fishery.* (14 thumbs up; 1 thumb sideways; 4 thumbs down)
- Straw poll-*Create a statewide pot program with a goal of reducing pots in the ocean.* (13 thumbs up; 3 thumbs sideways; 4 thumbs down)
- Straw poll-*Create a statewide pot program for a two year pilot period.* (16 thumbs up; 0 thumbs sideways; 3 thumbs down)
- Straw poll-*Create a statewide pot program that has at least two tiers (1= latent; 1= active).* (17 thumbs up; 0 thumbs sideways; 3 thumbs down)
- Straw poll-*Create a statewide tiered pot program that had an appeal/grievance procedure.* (17 thumbs up; 0 thumbs sideways; 3 thumbs down)
- Straw poll-*Create a statewide, tiered pot program that allows fishermen to enter the fishery.* (16 thumbs up; 1 thumbs sideways; 3 thumbs down)
- Straw poll-*Create a statewide tiered pot program that allows all participants to increase trap allocations to a cap.* (5 thumbs up; 5 thumbs sideways; 5 thumbs down)
- Straw poll-*Create a statewide pot program that undergoes a performance review at the end of a two-year period.* (11 thumbs up; 1 thumb sideways; 8 thumbs down)
- Straw poll-*Create a statewide tiered pot program for a limited time period each season.* (5 thumbs up; 3 thumbs sideways; 12 thumbs down)
- Straw poll-*Create a statewide unified start date.* (14 thumbs up; 0 thumbs sideways; 6 thumbs down)
- Straw poll-*Create a statewide 30-day fair start clause for all boats fishing in CA.* (10 thumbs up; 2 thumbs sideways; 8 thumbs down)

Mr. Ceppos reminded the group that the results of the straw polls represent commonalities and highlighted that results of the poll demonstrate that there are topics where Members may be able to reach agreement with less work. However, the polls that received less support will be more

difficult for the DCTF to get agreement on by day 2. The DCTF project team posted the results of these [straw polls](#) online following day 1 of the meeting and provided hard copies to DCTF Members to consider as they prepared for day 2.

8. Mr. Ceppos adjourned the meeting at 7:15pm

Day 2 – February 18th, 2010

7:30am – 4:00pm

ATTENDEES

Jim Anderson, F/V Alliane
John Atkinson, F/V New Rayann
Geoff Bettencourt, F/V Moriah Lee
William Blue, F/V Morning Light
Stan Carpenter, F/V Sandy B
Bill Carvalho, Wild Planet Fisheries
Lawrence Collins, F/V Autumn Gale
Michael Cunningham, F/V Sally K
Bill DeBacker, F/V She N I and F/V Jard
Vince Doyle, F/V Verna Jean
Roger Thomas, F/V Salty Lady, Golden Gate Fishermen's Association
Lee Wilson, F/V Gold Coast
Maggie Ostdahl, Alternate for Johanna Thomas, Environmental Defense Fund

Brett Fahning, F/V Rogue
William Forkner, F/V Shirley and F/V Audrey
Gerry Hemmingsen, F/V Pollux
Paul Johnson, Monterey Fish Market
Chris Lawson, F/V Seaward
Brooke McVeigh, CA Department of Fish and Game
Lt. Steve Riske, CA Department of Fish and Game
Ben Sleeter, recreational fisherman
Randy Smith, F/V Mistasea
Don Standley, F/V Terry S and F/V One and All
Richard Young, California Association of Harbor Masters and Port Captains
Mike Zamboni, F/V Lucky 50

Absent:

Kevin McKernan, recreational fisherman
Carrie Pomeroy, CA Sea Grant

OPC staff present:

Rachelle Fisher
Cina Loarie
Neal Fishman

Facilitation Team present:

Dave Ceppos
Rich Wilson

9. Welcome and recap of Day 1

Mr. Ceppos gave a recap of events from day 1, and provided an overview of the modified agenda for day 2. He also reviewed the results of the straw polls from day 1. Mr. Ceppos explained that the DCTF may break into caucuses periodically throughout the day and asked everyone for their cooperation in these caucuses and voting exercises. He explained that the DCTF may get to a point where they spend hours discussing a target and may reach a deadlock. Caucuses can be used to help get out of deadlocks or the DCTF can say that they need more time to get out of a particular quandary.

10. *Discussion of proposed management measures including, but not be limited, pot limits, season opener dates, limited entry and latent permits, and data needs. DCTF port and organizational caucuses and/or workgroups may be convened to refine and discuss proposed management measures (including sport fishery)*

The DCTF facilitation team projected the list of straw polls that the Facilitation Team compiled before the day's meeting. These straw poll statements reflected the previous day's straw votes and

the general discussion the facilitation team heard throughout day 1 about the acceptability (or lack thereof) of various fishery management options. Mr. Ceppos suggested that the DCTF take inventory of where they stand by taking straw votes on the various topics. The DCTF facilitation team presented statements (see below); DCTF Members wordsmithed the statements and added more statements for the group to vote on. **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea.**

- Straw poll-*Maintain status quo of the fishery and do not create a statewide tiered pot program.* (4 thumbs up; 3 thumbs sideways; 13 thumbs down; 1 Abstention)
- Straw poll-*Create a statewide one size fits all pot program.* (8 thumbs up; 0 thumbs sideways; 12 thumbs down; 1 Abstention)
- Straw poll-*Create a statewide tiered pot program that considers a gradated tier allocation based on fisherman performance (e.g. the Young Proposal or Carvalho Proposal).* (1 thumbs up; 4 thumbs sideways; 15 thumbs down; 1 Abstention)
- Straw poll-*Create a statewide, performance-based tiered pot program that has four or more tiers.* (6 thumbs up; 9 thumbs sideways; 5 thumbs down; 1 Abstention)
- Straw poll-*Create a statewide, performance-based tiered pot program that has three tiers including one latent tier (based on current DCTF latent permit recommendation).* (8 thumbs up; 5 thumbs sideways; 7 thumbs down; 1 Abstention)
- Straw poll-*Create a statewide, performance-based tiered pot program that has three tiers.* (4 thumbs up; 6 thumbs sideways; 10 thumbs down; 1 Abstention)
- Straw poll-*Create a statewide pot program that has two tiers, with one based on initial equal allocation and one latent permit tier (based on current DCTF latent permit recommendation).* (6 thumbs up; 2 thumbs sideways; 12 thumbs down; 1 Abstention)
- Straw poll-*Create a statewide, tiered pot program that may allow for adjustment after initial allocation.* (15 thumbs up; 0 thumbs sideways; 4 thumbs down; 1 Abstention)
- Straw poll-*Create a statewide tiered pot program in which administrative costs are supported by fines.* (0 thumbs up; 0 thumbs sideways; 20 thumbs down; 1 Abstention)
 - A DFG representative explained that a recommendation like the one above is not viable since there are mandates about how money collected by fines are appropriated. Therefore, fines will not support the costs of the program.
- Straw poll-*Create a statewide, tiered pot program in which administrative costs are supported by a tag fee.* (16 thumbs up; 1 thumbs sideways; 3 thumbs down; 1 Abstention)

Mr. Ceppos reviewed the straw poll and explained that the results show that the DCTF is not at an impasse. They support a pot limit program with at least four tiers. He further clarified that the polls that did not receive a lot of support were not completely off the table. Instead, strategically, it shows that if someone wants to try to get more support for an idea that received little support, they would have a much “larger hill to climb” to get an affirmative vote from a quorum of Members. Mr. Ceppos suggested that this would be an optimum time for the DCTF to move to caucuses where they could discuss the refined differences they see in the straw poll results and to prepare alternatives for the full DCTF to consider in a next round of discussions and straw votes. Before the group went into caucuses to further refine these polls, Mr. Ceppos asked if there were any more straw polls that the group would like to vote on.

One Member highlighted that it seemed important to the DCTF to ensure that any management tool they come up with (especially a pot limit) must have some sort of flexibility once it has been implemented. The Member suggested a straw poll to highlight this idea. Members agreed that a straw poll on this issue is important because it recognizes that whatever the DCTF comes up with is not set in stone and can be adjusted at a later date. One Member clarified that the DCTF was considering two different ideas on flexibility: 1) allowing individuals to adjust the number of pots they have after an initial allocation; 2) allowing adjustment of the entire pool of pots used in the Dungeness crab fishery. The Member explained that if the DCTF wants the ability to adjust a program later down the line, there needs to be a mechanism or forum to have that discussion.

The DCTF took a straw poll to assess the level of agreement on the issue of flexibility. **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea.**

Straw poll- *Create a statewide tiered pot limit program that may allow for adjustment after an initial allocation.* (15 thumbs up; 0 thumbs sideways; 4 thumbs down; 1 abstention)

Note: Ben Sleeter, DCTF Member representing sport interests, explained that while he remains dissatisfied with the implications of the DCTF Charter’s rules about abstentions and that he believes an abstention ends up being a “no” vote, he will abstain from all straw votes related to commercial issues. However, he will vote with the majority on any final vote. He clarified that he did not want to be the “deciding vote” on any of the issues discussed thus far.

One Member requested that the DCTF vote on statements regarding support of catch shares, total allowable catch (TAC), and total allowable effort. He explained that it was important for the DCTF to send a message to the legislature about what they will not support in addition to what they will support.

One Member clarified to the DCTF that by supporting a pot limit program, they are essentially supporting controlling effort in the fishery. The Member explained that if the fishery ever wanted to consider some form of regional management, a TAC should not be ruled out. A few Members rejected this assertion. One Member explained that it was not logical to expect DFG or anyone else to count the number of crabs in the ocean. Various Members said that “crab counting” would harm the fishery.

One Member suggested that the DCTF not spend too much time discussing these three issues because it would distract from the progress they have already made. Additionally, the DCTF may want to consider these management approaches in the future and it may not be a good idea to send a message to the legislature that they would like them to be completely taken off the table. One Member disagreed and stated that the recommendations and objectives approved at this meeting can be changed in the future and are only as good as long as the DCTF is in existence. Another Member highlighted the importance of forwarding these recommendations to the legislature in case the DCTF fails in this meeting so that the legislature is aware that even though the DCTF could not reach an agreement, there are things which they will and will not support.

Mr. Ceppos called for an administrative vote to ascertain whether Members would like to have a straw poll on the three issues. A majority of the DCTF approved of doing a straw poll to assess the level of agreement on the three issues. The group wordsmithed a set of straw poll statements then, conducted a straw poll. **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea.**

- Straw poll-*The DCTF does not support the use of catch shares as a management tool in the California Dungeness crab fishery.* (19 thumbs up; 1 thumbs sideways; 0 thumbs down; 1 Abstention)
- Straw poll-*The DCTF does not support the use of total allowable catch as a management tool in the California Dungeness crab fishery.* (17 thumbs up; 2 thumbs sideways; 1 thumbs down; 1 Abstention)
- Straw poll- *The DCTF supports the use of total allowable effort (e.g. limit entry and a statewide tiered pot program) as a management tool in the California Dungeness crab fishery.* (17 thumbs up; 1 thumbs sideways; 0 thumbs down; 3 Abstention)

One Member requested that the DCTF also vote to support the 3-S (size, sex, and season) system as a management tool. The Member explained that the 3-S has worked for over thirty years and the DCTF should send a clear signal to the legislature about its effectiveness. Mr. Ceppos requested that due to the large amount of work still remaining by the group the DCTF table the straw vote on the 3-S system until later in the day. The DCTF agreed.

11. General public comment

Public comment was heard on non-agenda items:

- Tommy Ancona, Fisherman and Permit Broker- DFG has the tendency to say that a program costs more than it needs to. The DCTF's recommendations should be complex to ensure that something comprehensive comes out. The DCTF should first design the pot limit program they want, and then worry about the costs later. Cost should not be the driver of the design of the program.
- Theresa Shilling, Senator Wiggins Office- Stressed the importance of the DCTF addressing fishery objectives. She explained that objectives will map out the targets of the DCTF's recommendations, help stave off opposition by other legislators, and enable Senator Wiggins to carry a bill for them. She further explained that Senator

Wiggins wants to be able to carry forward the wishes of the DCTF and protect the fishery as things move forward in the legislature.

- A Member asked what would happen if the DCTF voted to recommend that the fishery remain status quo. Ms. Shilling explained if the DCTF voted that they wanted status quo, then Senator Wiggins would not introduce any legislation with regard to Dungeness crab. However, she stressed that the Members needed to think about why the DCTF was established. She explained that this was an opportunity for the industry to address any changes coming forward. She further explained that Senator Wiggins did introduce an empty “spot bill” this week for the DCTF.
- One Member expressed concern that interest groups will fill in and change the legislation without consulting the DCTF and Dungeness crab industry. Ms. Shilling explained that Senator Wiggins wants to stand by the DCTF but, other bills may be introduced by other agencies that she will have no control over. Additionally, the Resources Agency and DFG may have to address bills and potential legislation as they come down the line. However, given all of that, no other industry has had an opportunity like this to work out what they want for the industry. The DCTF has been provided money, staff, and time to provide a recommendation to decision-makers. She stressed that the DCTF was a golden opportunity for the fishery.
- One Member asked about Senator Wiggins’s level of commitment to the outcomes of the DCTF. Ms. Shilling explained that the Senator will defend the outcomes of the DCTF but, stressed that the more the DCTF maps out, the easier it will be for the Senator to be able to meet the goals and objectives of the DCTF.
- One Member inquired about funding to continue the DCTF. Ms. Shilling explained that the DCTF can reconvene but, it is up to the OPC to decide whether or not there are sufficient funds available to continue the DCTF.
- One Member had heard that Senator Wiggins’s office expected the DCTF to revote on their recommendation in the January 15 report to move the line at Point Arena. He asked Ms. Shilling to clarify what he had been told. Ms. Shilling apologized for the confusion and stated that since it was already in the first report, it did not need to be re-voted on. However, the feasibility of the Senator’s ability to fulfill the recommendation is another issue. It may be out of the Senator’s hands. OPC staff explained that they would include the January 15 report as an appendix to the March 31 report to remove any potential confusion on this in the future.

12. *Discussion of proposed Dungeness crab fishery management measures including, but not limited to, pot limits, season opener dates, limited entry and latent permits, advisory and marketing bodies, and data needs. DCTF port and organizational caucuses and/or workgroups may be convened to refine and discuss proposed management measures (including sport fishery)*

The DCTF convened caucuses to discuss and further refine fishery management approaches. Before the DCTF broke out into caucuses, DFG explained that if the DCTF decides to forward a recommendation for a 2-year pot limit program, it is essential to also decide on the goals and objectives for the program so that there is a basis for its continuation following the 2-year pilot period. Goals and objectives would allow measurement of what constitutes a successful program. DFG also reminded the DCTF that it was important to think about the logistics of the pot program including the logistics of the tags, printing, trading, database, how to track individual allocations, how to convey the information to law enforcement, etc. One Member suggested that the DCTF spend their time working on an initial allocation of pots and then figure out how to sell it to the legislature later.

Following the caucuses, various Members brought proposals for the entire DCTF's consideration.

Note: All of the proposals below only consider California landings. A discussion of how landings in other states will be addressed in the proposals will be discussed after the Attorney General has provided a formal opinion on whether or not out of state landings should be included in pot allocations.

Proposal #1

A 3-tiered pot limit program (450-300-100 pots, respectively). The 200 top producing boats/permits would be allocated 450 pots, the 247 lower producing boats/permits would be allocated 300 pots. The 141 latent permits (as defined in Recommendation 4 in the January 15, 2010 report) would be allocated 200 pots, particularly if the permit holder chose to fish these pots. However, if a latent permit holder decided to sell or transfer his permit, the new permitholder would be allocated 100 pots instead of 200. There would be a cap of 192,300 pots for the entire fishery.

- No permit or pot stacking
- All landings would be based on the vessel/permit's landings between November 15, 2003, and July 15, 2008.

One Member highlighted that with this proposal, there are two levels of latency: 1) Permits sold or transferred after 2008 are worth 100 pots; 2) Permits sold or transferred before 2008 are worth 200 pots. It was further clarified that an individual can move up in the fishery by purchasing new boat and permit (not just a permit), which does not equate to stacking.

Members noted that if a permit was transferred on or after July 15, 2008, the permit would only be allocated 100 pots. Some Members challenged the fairness of this proposal. Various Members explained that this scenario would put the people who purchased permit after July 2008 out of business. However, other Members believed that this proposal would minimize speculation and allow others to fish. Various Members suggested changing the control date so that those who purchased a permit after July 2008 are not penalized. Another Member suggested that putting a hardship review committee in place could solve this problem without changing the control date. One Member expressed concern about allowing special provisions through a hardship review board.

Another Member noted that there may be an additional 28 dual permits (permitholders who also own an Oregon and/or Washington permit) may be removed from bottom tier out of state landings are included.

Proposal #2

A 3-tiered pot limit program (450-300-100 pots respectively). The 200 top producing boats/permits would be allocated 450 pots, the 247 lower producing boats/permits would be allocated 300 pots. The 141 latent permits (as defined in Recommendation 4 in the January 15, 2010 report) would be allocated 100 pots. There would be a cap of 178,000 pots for the entire fishery.

- No permit or pot stacking
- All landings would be based on the vessel/permit's landings between November 15, 2003, and July 15, 2008.

Proposal #3

A 3-tiered pot limit program (400-300-200 pots respectively). The 223 top producing boats/permits would be allocated 400 pots, the 223 lower producing boats/permits would be allocated 300 pots. The 141 latent permits (as defined in Recommendation 4 in the January 15, 2010 report) would be allocated 200 pots. There would be a cap of 184,600 pots for the entire fishery.

- No permit or pot stacking
- All landings would be based on the permit's landings between November 15, 2003, and July 15, 2008.

One Member explained that this proposal would reduce or cap the amount of gear in the water. He further explained that his constituents could not support a proposal with a large gap in the allocation of pots between the high tier and middle tier. He and his constituents could only support a difference of 100 pots, not 150 pots, between the middle and upper tiers.

Proposal #4

A 7-tiered pot limit program. Boats/permits will be ranked by production so that the top producing 55 boats will receive 500 pots; the next 55 boats will receive 450 pots, and so on. The breakdown of the pot distribution is described below:

- Tier 1= 55 boats will be allocated 500 pots
- Tier 2= 55 boats will be allocated 450 pots
- Tier 3= 55 boats will be allocated 400 pots
- Tier 4= 55 boats will be allocated 350 pots
- Tier 5= 55 boats will be allocated 300 pots
- Tier 6= 172 boats will be allocated 250 pots
- Tier 7= 141 latent permits (as defined in Recommendation 4 in the January 15, 2010 report) will be allocated 200 pots

Similar to proposal #2, if a latent permit holder decided to sell or transfer his permit, the new permitholder would be allocated 100 pots instead of 200. The number of pots fished will not exceed 181,200 pots. All landings would be based on the permit's landings between November 15, 2003, and July 15, 2008.

One Member noted that increasing your pot allocations through permit transfers would be a lot more difficult than in a 3-tiered approach since permitholders will have to match the size of the vessel and landings. One Member asked if this type of program would be difficult from a legislative standpoint. DFG explained that it would be necessary to produce the maximum number of tags every season which would increase the costs. Some Members suggested requiring

permitholders to purchase the maximum number of tags every season when renewing their permits in order to help minimize the costs of the program. However, one Member expressed concern that this would encourage permitholders to fish the maximum number of allowable pots.

Members compared and contrasted the four proposals and stated what they liked and disliked about each proposal. Some Members explained that adaptive management of any of the proposals would be necessary to adjust the allocation of pots down the road. Another Member agreed stating that it was important for the group to keep separate the two issues of pot allocations: 1) The initial allocation of pots and 2) How pot allocations might change over time. Various Members agreed that even if the DCTF selects a proposal that puts too many pots in the water, this is still a major accomplishment for the group and pot allocations can be readjusted later.

Member discussions about the four proposals included general support of the following issues: 1) ensuring latent permit holders received an adequate number of pots to maintain their business, 2) removing gear from the fishery, 3) maintaining the relativity of the production of the fleet, 4) ensuring the program is enforceable, 5) ensuring ease of changing tiers, 6) recognizing each individual's historical participation in the fishery, 7) ensuring that the top producers do not take too large of a hit, and 8) choosing an option that their constituents could sign off on.

One Member suggested adding a 15-day fair start clause onto proposal #2 to make it more palatable. Another Member suggested a fifth proposal to try to reach common ground.

Proposal #5

A 3-tiered pot limit program (425-275-175 pots respectively). The 200 top producing boats/permits would be allocated 425 pots; the 247 lower producing boats/permits would be allocated 275 pots. The 141 latent permits (as defined in Recommendation 4 in the January 15, 2010 report) would be allocated 175 pots. There would be a cap of 177,600 pots for the entire fishery.

- No permit or pot stacking
- All landings would be based on the vessel/permit's landings between November 15, 2003, and July 15, 2008.

One Member noted that the straw poll statements from day 1 indicated that the DCTF would like to cap and/or reduce the amount of gear in the water. If the DCTF wants to shepherd a bill and actually reduce or cap the amount of gear, then the DCTF needs to come up with some sort of goal in mind. Another Member explained that the DCTF could assume there are 225,000 pots currently being used, therefore, all 5 proposals reduce the amount of gear. Another Member explained that no matter what the target maximum number of pots, all of the proposals place a cap on the amount of gear.

Mr. Ceppos requested that the DCTF take a straw vote on all 5 proposals to determine the level of support for each proposal. The vote was a simple up or down vote, signifying whether or not a member supported a proposal (members were allowed to vote on more than one proposal). Each Member was asked to rank their top two proposals (a first choice received 2 points and a second choice received 1 point). **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea.**

- Proposal #1 received 15 points
- Proposal #2 received 5 points
- Proposal #3 received 12 points
- Proposal #4 received 22 points
- Proposal #5 received 0 points

Following a short break, Mr. Ceppos explained that the DCTF must work under the assumption that there may not be another DCTF meeting. However, as per SB1690, Mr. Ceppos pointed out three outstanding issues to be discussed and revisited: 1) Advisory/Marketing Committee; 2) Sport Fishing Regulations; and 3) Management tools. Mr. Ceppos explained that if the DCTF decides they need more time to discuss these issues, they must do them under the assumption that there will be no facilitation team and no administrative support from the OPC.

Mr. Ceppos suggested the DCTF could move the day's discussion forward in two ways. First, the DCTF could do a straw poll on the five proposals and work to refine the proposals. Second, the DCTF could do a final vote on each of the straw polls from day 1 to create a framework for the legislature to consider. The DCTF could then still hold out the option to stay involved and provide input in a bill as it moves through the legislative cycle.

Various Members agreed that leaving meeting 5 without some general language about the framework of a pot limit program would be risky. Others discussed the possibility of holding another meeting at a later date. Some Members were uncertain that the DCTF should continue at all. In order to assess whether the DCTF could make sufficient progress at this meeting, Mr. Ceppos suggested a straw poll on the two highest rated proposals from the last straw poll to assess how much more work the group needed to do. **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea.**

- Proposal #1 (8 thumbs up; 9 thumbs sideways; 3 thumbs down)
- Proposal #4 (11 thumbs up; 9 thumbs sideways; 1 thumbs down)

Since both proposals received passing votes, Mr. Ceppos explained that the DCTF still had more work to refine the two proposals. He asked the DCTF to weigh the value of continuing to refine the proposals at this meeting, or resolve outstanding differences at a later date. Mr. Ceppos proposed that the DCTF revisit the straw items from day 1 and conduct a final vote. This would allow the DCTF more time to winnow down the proposals and work more during the legislative cycle. He explained to the group that while he realized everyone came to get something accomplished, there may not be enough time to get everything done at this meeting.

Various Members agreed and requested more time to bring the proposals back to their ports prior to a final vote. Conversely, one Member expressed concern about that approach stating that it would be "insanity" to believe that the DCTF could organize themselves on their own dime, and following such challenging negotiation. He also did not believe the DCTF could exist without administrative support. Members asked OPC staff to clarify what level of support they could provide following the meeting.

Neal Fishman, OPC staff, explained that OPC could provide limited administrative support since the OPC currently has limited staff support and insufficient funds for facilitation, travel, etc. He explained that Senator Wiggins has introduced an empty spot bill for the DCTF. The bill must have some content by the time it enters its first committee. Therefore, the DCTF needs to provide something to the legislature very soon. The bill could merely contain objectives and a rough idea for Dungeness crab management. The bill could also present a basic pot program based on a set of principles but, will not be implemented unless DCTF approves. It is OPC's job to report what you want us to report but, time is of the essence. He further clarified that since the outcomes of the DCTF will be in the legislative cycle, the DCTF may have to meet later to approve the bill. Language could be put into a bill that authorizes DFG to put together the pot program but, only after approval by the DCTF. This would require another meeting. The DCTF can have the ultimate final say and the OPC could be involved in some way that we already have been, funding permitting.

Teresa Shilling further explained that Senator Wiggins is retiring at the end of the year and would like to see something mapped out before she retires. She believed that the DCTF was close to reaching a conclusion and encouraged them to continue the momentum.

The DCTF agreed to continue to work on the specifics of the proposals. However, Mr. Ceppos reiterated there is not enough time to address everything on the day 2 agenda. He regretfully proposed that the DCTF postpone a discussion about the sport fishery and move onto the final votes about the advisory committee before refining the management approach proposals. Mr. Ceppos called for an administrative vote on this and Members agreed by simple majority to table a discussion on sport fishing issues until a subsequent meeting and agreed to hold a final vote on the advisory committee.

ACTION: Consideration and possible adoption of recommendations to amend to sport/commercial Dungeness crab fishing regulations. **NO ACTION WAS TAKEN.**

ACTION: Consideration and possible adoption of a recommendation to create a permanent Dungeness crab advisory committee

APPROVED: Recommendation 16 - The DCTF supports creating an industry funded Dungeness crab advisory committee.

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

Thumbs up (15): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Wilson

Thumbs sideways (3): DeBacker, Sleeter, Thomas

Thumbs down (3): Cunningham, Standley, Zamboni

Absent: McKernan

Vote of the ex officio Members:

Thumbs up: Ostdahl

Abstained: McVeigh, Riske

Absent: Pomeroy, Young

ACTION: Consideration and possible adoption of a recommendation to create a Dungeness crab marketing commission

APPROVED: Recommendation 17 - The DCTF does not support creating a California Dungeness crab marketing commission.

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

Thumbs up (16): Atkinson, Bettencourt, Blue, Carpenter, Carvalho, Collins, Cunningham, DeBacker, Doyle, Forkner, Hemmingsen, Lawson, Smith, Standley, Wilson, Zamboni

Thumbs Sideways (5): Anderson, Fahning, Johnson, Sleeter, Thomas,

Absent: McKernan

Vote of the ex officio Members:

Abstained: McVeigh, Ostdahl, Riske

Absent: Pomeroy, Young

ACTION: Consideration and possible adoption of a recommendation to create a permanent Dungeness crab advisory committee

APPROVED: Recommendation 18 - The DCTF supports extending the sunset date for the DCTF up to and not to exceed January 1, 2014 to ensure the DCTF functions as the industry funded Dungeness crab advisory committee until that revised sunset date.

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

Thumbs up (16): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Wilson,

Thumbs sideways (2): Sleeter, Thomas,

Thumbs down (3): Cunningham, Standley, Zamboni

Absent: McKernan

Vote of the ex officio Members:

Thumbs up: Ostdahl

Abstained: McVeigh, Riske

Absent: Pomeroy, Young

Mr. Ceppos asked the DCTF if they would like to finalize the straw polls from day 1 and 2. After some discussion and an administrative vote, the DCTF agreed by simple majority to take final votes on the straw polls.

Note: Only final votes marked as “APPROVED” will be included in the March 31, 2010 report to the Joint Committee on Fisheries and Aquaculture, California Department of Fish and Game, and the California Fish and Game Commission. Straw polls will *not* be included.

ACTION: Consideration and possible adoption of conditional and final recommendations on Dungeness crab fishery management measures, including regional and statewide pot limits, season

opener dates, limited entry and latent permits definitions, changes to sport / commercial fishing regulations, and future data needs.

APPROVED: Recommendation 2 - Create a statewide pot program with a goal of capping pots in the ocean, and quantifying the overall amount of gear in the fishery.

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

Thumbs up (16): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Wilson,

Thumbs sideways (2): Sleeter, Thomas,

Thumbs down (3): Cunningham, Standley, Zamboni

Absent: McKernan

Vote of the ex officio Members:

Abstained: Ostdahl, McVeigh, Riske

Absent: Pomeroy, Young

APPROVED: Recommendation 3 - Create a statewide pot program with a goal of reducing pots in the ocean.

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

Thumbs up (14): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Forkner, Johnson, Lawson, Sleeter, Wilson

Thumbs sideways (3): Fahning, Hemmingsen, Thomas

Thumbs down (4): Cunningham, Smith, Standley, Zamboni

Absent: McKernan

Vote of the ex officio Members:

Thumbs up: Ostdahl

Abstained: McVeigh, Riske

Absent: Pomeroy, Young

APPROVED: Recommendation 4 - Create a statewide pot program for a two year pilot period.

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

Thumbs up (16): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Wilson,

Thumbs sideways (2): Sleeter, Thomas,

Thumbs down (3): Cunningham, Standley, Zamboni

Absent: McKernan

Vote of the ex officio Members:

Thumbs sideways: Ostdahl

Abstained: McVeigh, Riske

Absent: Pomeroy, Young

APPROVED: Recommendation 5 - Create a statewide pot program that undergoes a performance review at the end of the two year period.

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

Thumbs up (17): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Sleeter, Smith, Wilson,

Thumbs sideways (1): Thomas,

Thumbs down (3): Cunningham, Standley, Zamboni

Absent: McKernan

Vote of the ex officio Members:

Thumbs up: Ostdahl

Abstained: McVeigh, Riske

Absent: Pomeroy, Young

APPROVED: Recommendation 6 - Create a statewide pot program that has at least two tiers (1 = latent permit; 1 = active).

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

Thumbs up (15): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Lawson, Smith, Wilson,

Thumbs sideways (3): Johnson, Sleeter, Thomas

Thumbs down (3): Cunningham, Standley, Zamboni

Absent: McKernan

Vote of the ex officio Members:

Abstained: McVeigh, Ostdahl, Riske

Absent: Pomeroy, Young

APPROVED: Recommendation 7 - Create a statewide tiered pot program that has an appeal/grievance procedure.

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

Thumbs up (18): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Standley, Wilson, Zamboni

Thumbs sideways (2): Sleeter, Thomas

Thumbs down (1): Cunningham

Absent: McKernan

Vote of the ex officio Members:

Thumbs up: Ostdahl

Abstained: McVeigh, Riske

Absent: Pomeroy, Young

APPROVED: Recommendation 8 - Create a statewide tiered pot program that allows fishermen to enter the fishery.

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

Thumbs up (16): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, Doyle, Fahning, Forkner, Johnson, Lawson, Smith, Standley, Wilson, Zamboni

Thumbs sideways (4): DeBacker, Hemmingsen, Sleeter, Thomas

Thumbs down (1): Cunningham

Absent: McKernan

Vote of the ex officio Members:

Thumbs up: Ostdahl

Abstained: McVeigh, Riske

Absent: Pomeroy, Young

NOT APPROVED: Recommendation 9 - Maintain status quo of the fishery and do not create a statewide tiered pot program.

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

Thumbs up (3): Cunningham, Standley, Zamboni

Thumbs Sideways (3): Doyle, Hemmingsen, Thomas,

Thumbs down (15): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Fahning, Forkner, Johnson, Lawson, Smith, Sleeter, Wilson

Absent: McKernan

Recommendation was not approved; therefore, there was no vote of the ex officio Members.

NOT APPROVED: Recommendation 10 - Create a statewide one size fits all pot program.

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

Thumbs up (2): Standley, Zamboni

Thumbs Sideways (7): Blue, Carpenter, Collins, DeBacker, Forkner, Sleeter, Thomas

Thumbs down (12): Atkinson, Anderson, Bettencourt, Carvalho, Cunningham, Doyle, Fahning, Hemmingsen, Johnson, Lawson, Smith, Wilson

Absent: McKernan

Recommendation was not approved; therefore, there was no vote of the ex officio Members.

APPROVED: Recommendation 11 - Create a statewide tiered pot program in which administrative costs are supported by a tag fee.

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

Thumbs up (16): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Wilson
Thumbs sideways (2): Sleeter, Thomas,
Thumbs down (3): Cunningham, Standley, Zamboni
Absent: McKernan

Vote of the ex officio Members:
Abstained: McVeigh, Ostdahl, Riske
Absent: Pomeroy, Young

APPROVED: Recommendation 12 - The DCTF does not support the use of catch shares as a management tool in the California Dungeness crab fishery.

Vote of all DCTF Members (ex officio Members abstained):
Thumbs up (19): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, Cunningham, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Standley, Wilson, Zamboni
Thumbs sideways (2): Sleeter, Thomas
Absent: McKernan

Vote of the ex officio Members:
Abstained: McVeigh, Ostdahl, Riske
Absent: Pomeroy, Young

APPROVED: Recommendation 13 - The DCTF does not support the use of total allowable catch as a management tool in the California Dungeness crab fishery.

Vote of all DCTF Members (ex officio Members abstained):
Thumbs up (17): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Lawson, Smith, Standley, Wilson, Zamboni
Thumbs sideways (3): Cunningham, Sleeter, Thomas
Thumbs down (1): Johnson
Absent: McKernan

Vote of the ex officio Members:
Abstained: McVeigh, Ostdahl, Riske
Absent: Pomeroy, Young

APPROVED: Recommendation 14 - The DCTF supports the use of total allowable effort (e.g. limited entry and a statewide tiered pot program) as a management tool in the California Dungeness crab fishery.

Vote of all DCTF Members (ex officio Members abstained):
Thumbs up (15): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Fahning, Forkner, Johnson, Lawson, Smith, Wilson

Thumbs sideways (3): Hemmingsen, Sleeter, Thomas
Abstained (3): Cunningham, Standley, Zamboni
Absent: McKernan

Vote of the ex officio Members:
Abstained: McVeigh, Ostdahl, Riske
Absent: Pomeroy, Young

APPROVED: Recommendation 15 - Under any pot allotment proposal, the DCTF supports conducting further work to clarify and make recommendations to potentially include but not be limited to the following topics:

1. Adaptive management procedures
2. Tag fees, requirements, and enforcement
3. Allocation based on single year or multi-year average
4. Methods to address effort shift
5. Pot program adjustments based on CA attorney general ruling on landings
6. Collection and dissemination of data
7. Landings tax to support program
8. Permit fee to support program
9. Permanent permit tracking number
10. Others

Vote of all DCTF Members (ex officio Members abstained):
Thumbs up (19): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, Cunningham, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Standley, Wilson, Zamboni
Thumbs sideways (2): Sleeter, Thomas
Absent: McKernan

Vote of the ex officio Members:
Thumbs up: Ostdahl
Abstained: McVeigh, Riske
Absent: Pomeroy, Young

APPROVED: Recommendation 19 -The DCTF supports the continued use of 3S (sex, size, season) principles as the primary management tool for the California Dungeness crab fishery.

Vote of all DCTF Members (ex officio Members abstained):
Thumbs up (20): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, Cunningham, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Standley, Thomas, Wilson, Zamboni
Thumbs sideways (1): Sleeter
Absent: McKernan

Vote of the ex officio Members:
Abstained: McVeigh, Ostdahl, Riske

Absent: Pomeroy, Young

Mr. Ceppos suggested that having completed these final votes, the group should now enter back into discussions and negotiations about management proposals #1 and #4 but that in advance of that, it is important to return back to public comment so that the DCTF deliberations continue to be informed by public sentiment.

13. *General public comment*

Public comment was heard on non-agenda items:

- Tommy Ancona, Fisherman and Permit Broker- Explained that he wanted to address the issue of the 200-100 pot limit on latent permits. He spoke in favor of a 200 pot limit instead of limiting the number of pots to 100 on a transferred permit. He explained that placing a 100 pot restriction on a transferred permit was a waste of time since it is difficult to track ownership which makes enforcement impossible.

14. *CONTINUED - Discussion of proposed Dungeness crab fishery management measures including, but not limited to, pot limits, season opener dates, limited entry and latent permits, advisory and marketing bodies, and data needs. DCTF port and organizational caucuses and/or workgroups may be convened to refine and discuss proposed management measures (including sport fishery)*

The DCTF decided to revisit proposals #1 and #4 and discussed ways to mitigate them to make them more palatable to the group. Members generally agreed to change proposal #4 so that latent permit holders receive a flat 200 pot allocation regardless of a transfer. Members discussed ways to change proposal #4 to ensure that the lowest, non-latent tier received at least 300 pots or change the tier cut offs from 55 boats to 75. When comparing proposals #1 and #4, one Member suggested that the difference between the two is that #4 would have more low producers in higher tiers. Members discussed increasing the allocation of pots to latent permits and then debated the efficacy of sacrificing the producing fleet for the latent permits by reducing the top tier allocations and increasing latent allocations.

Proposal #4- Amendment 1

An 8-tiered pot limit program. Boats/permits will be ranked by production so that the top producing 55 boats will receive 500 pots; the next 55 boats will receive 450 pots, and so on. The breakdown of the pot distribution is described below:

Tier 1= 55 boats will be allocated 500 pots

Tier 2= 55 boats will be allocated 450 pots

Tier 3= 55 boats will be allocated 400 pots

Tier 4= 55 boats will be allocated 350 pots

Tier 5= 55 boats will be allocated 300 pots

Tier 6= 55 boats will be allocated 250 pots

Tier 7= 117 boats will be allocated 200 pots

Tier 8= 141 latent permits (as defined in Recommendation 4 in the January 15, 2010 report) will be allocated 150 pots.

The number of pots fished will not exceed 177,675 pots. All landings would be based on the

vessel/permit's landings between November 15, 2003, and July 15, 2008.

Prior to reconvening the caucuses to discuss the revised proposals, Mr. Ceppos encouraged the DCTF to consider other options or "negotiation points" that could be added to the proposals that might meet other Members' interests. Members should try to use incentives to reach common ground.

During the caucus period, Members discussed a range of alternatives to the proposals as well as a sequence of what to vote on first. Several Members spent time contacting constituents by phone to assess perspectives in various ports. Some Members suggested approving both proposals with a caveat that more work should be conducted on proposal #4 and that if agreement could not be reached on the details of proposal #4, proposal #1 would proceed as the defacto DCTF recommendation. *Note: No DCTF member suggested this when the DCTF reconvened from caucus.*

Some members from southern ports suggested adding a unified start date component as a way to improve proposal #4 however they suggested that this item should be addressed as a stand alone discussion, rather than an attached component to proposal #4.

The DCTF reconvened and before a vote was held on either proposal #1 or #4, Members suggested that the DCTF revisit a unified start date provision. While some Members supported a unified season start, one Member clarified that a fair start provision could potentially bankrupt the processors in district 10. Other Members agreed that a unified start date is self-serving and does not have the best interest of the fishery at heart. A couple Members suggested that district 10 would also support a fair start provision in place of a unified start. Members discussed the need to work through the Tri-state committee if any fair start provision was adopted.

A straw poll was held to assess the level of support for a unified start date. **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea.**

- Straw poll-*The Dungeness crab task force supports a unified season start date of December 1 for the commercial fishery.* (8 thumbs up; 8 thumbs sideways; 3 thumbs down; 1 Abstention)

Members suggested also assessing support for a fair start provision. Therefore, the DCTF prepared a straw statement about that topic and conducted a straw poll. **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea.**

- Straw poll- *The Dungeness crab task force supports a 15 day fair start provision for district 10 between November 15th and December 1st. This provision prohibits boats fishing in other regions for 15 days following the opening date for districts and states north of district 10.* (11 thumbs up; 3 thumbs sideways; 6 thumbs down; 1 Abstention)

Members continued discussions and straw voting about the proposals and discussed amendments generated during the caucus session.

The DCTF requested another straw poll on a two amended versions of proposal #4. **Note: This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea**

- Straw Poll- Proposal #4- Option 1- *A tiered pot limit program. Boats/permits will be ranked by production so that the top producing 55 boats will receive 500 pots; the next 55 boats will receive 450 pots, and so on. The breakdown of the pot distribution is described below:*
 - Tier 1= 55 boats will be allocated 500 pots
 - Tier 2= 55 boats will be allocated 450 pots
 - Tier 3= 55 boats will be allocated 400 pots
 - Tier 4= 55 boats will be allocated 350 pots
 - Tier 5= 55 boats will be allocated 300 pots
 - Tier 6= 172 boats will be allocated 250 pots
 - Tier 7= 141 latent permits* will be allocated 150 pots

The number of pots fished will not exceed 174,150 pots. All landings would be based on the vessel/permit's landings between November 15, 2003, and July 15, 2008.
(8 thumbs up; 9 thumbs sideways; 4 thumbs down; 0 Abstention)
- Straw Poll- Proposal #4- Option 2- *A tiered pot limit program. Boats/permits will be ranked by production so that the top producing 55 boats will receive 500 pots; the next 55 boats will receive 450 pots, and so on. The breakdown of the pot distribution is described below:*
 - Tier 1= 55 boats will be allocated 500 pots
 - Tier 2= 55 boats will be allocated 450 pots
 - Tier 3= 55 boats will be allocated 400 pots
 - Tier 4= 55 boats will be allocated 350 pots
 - Tier 5= 55 boats will be allocated 300 pots
 - Tier 6= 172 boats will be allocated 250 pots
 - Tier 7= 141 latent permits* will be allocated 175 pots

The number of pots fished will not exceed 177,675 pots. All landings would be based on the vessel/permit's landings between November 15, 2003, and July 15, 2008.
(12 thumbs up; 7 thumbs sideways; 1 thumb down; 0 Abstention)
- Straw Poll- Proposal #4- Option 3- *A tiered pot limit program. Boats/permits will be ranked by production so that the top producing 55 boats will receive 500 pots; the next 55 boats will receive 450 pots, and so on. The breakdown of the pot distribution is described below:*
 - Tier 1= 200 boats will be allocated 450 pots
 - Tier 2= 247 boats will be allocated 300 pots
 - Tier 3= 141 latent permits* will be allocated 100 pots

The number of pots fished will not exceed 178,200 pots. All landings would be based on the vessel/permit's landings between November 15, 2003, and July 15, 2008.
(12 thumbs up; 7 thumbs sideways; 1 thumb down; 0 Abstention)

Mr. Ceppos noted that since the proposals continue to be approved, no option had been removed from consideration.

The DCTF requested a final vote on the fair and unified start provisions. Mr. Ceppos asked if anyone was opposed to moving forward with the final vote on the unified and fair start provisions. No one was opposed.

Note: Only final votes marked as “APPROVED” will be included in the March 31, 2010 report to the Joint Committee on Fisheries and Aquaculture, California Department of Fish and Game, and the California Fish and Game Commission. Straw polls will *not* be included.

ACTION: *Consideration and possible adoption of conditional and final recommendations on Dungeness crab fishery management measures, including regional and statewide pot limits, season opener dates, limited entry and latent permits definitions, changes to sport / commercial fishing regulations, and future data needs.*

NOT APPROVED: Recommendation 20 - The Dungeness crab task force supports a unified season start date of December 1 for the commercial fishery.

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

Thumbs up (8): Atkinson, Bettencourt, Blue, Carpenter, Collins, Forkner, Lawson, Thomas

Thumbs sideways (5): Anderson, Fahning, Hemmingsen, Sleeter, Wilson

Thumbs down (6): Carvalho, Cunningham, Doyle, Johnson, Standley, Zamboni

Abstained (2): DeBacker, Smith

Absent: McKernan

Recommendation was not approved; therefore, there was no vote of the ex officio Members.

NOT APPROVED: Recommendation 21 - The DCTF supports a 15 day fair start provision for boats that have fished in district 10 between November 15th and December 1st. This provision prohibits boats fishing in other regions for 15 days following the opening date for districts north of district 10. The DCTF supports application of this recommendation to all California permit holders (resident and non-resident).

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

Thumbs up (13): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Collins, Forkner, Johnson, Lawson, Sleeter, Thomas, Wilson, Zamboni

Thumbs sideways (1): DeBacker

Thumbs down (5): Carvalho, Cunningham, Doyle, Fahning, Standley

Abstained (2): Hemmingsen, Smith

Absent: McKernan

Recommendation was not approved; therefore, there was no vote of the ex officio Members.

Mr. Ceppos explained that the DCTF has voted that they do not support a fair start or unified start provision and reminded the group that a recommendation will not be included in the March 31 report. He explained that the DCTF could either vote on the proposals above or they could leave them open and save them for another day. Members requested a second straw vote on proposal #4- Option 2 to ascertain the viability of the proposal and how much further work needed to be done on it. **Note:**

This was not a formal vote. Support shown through a straw poll does not reflect adoption of an idea

- Straw Poll- *The DCTF supports Proposal #4- Option 2* (12 thumbs up; 6 thumbs sideways; 3 thumbs down; 0 Abstention)

Following the straw poll, various Member explained that they would not do a final vote on proposal #4-Option 2 because, during the caucuses, various Members had said they would support a unified or fair start if proposal #4 was approved and they did not hold up their end of the deal. One Member explained that agreements and deals should be made by the entire DCTF not just a couple of people in the group. He further explained that brokering deals comprises the good faith the DCTF has going.

Mr. Ceppos strongly encouraged the DCTF to hold off on a final vote and allow the record to show success on the statements the group already voted on and approved. He suggested that the DCTF figure out a way to meet again later to refine their ideas and work on the proposals. One Member agreed stating that the DCTF has made some important baby steps in the last two days and that there a lot of headway made. Other members pushed back on this approach and suggested that a final vote happen during this meeting. A request was made to return to caucus. Despite a high degree of concern and protest by some members of the DCTF, Mr. Ceppos called for caucus to last no more than 5 minutes after which they would vote on how to proceed. After caucus, Mr. Ceppos called for an administrative vote to allow the DCTF to determine whether or not they would have a final vote on proposal #4-Option 2. A majority of the Members present agreed to hold a final vote.

ACTION: *Consideration and possible adoption of conditional and final recommendations on Dungeness crab fishery management measures, including regional and statewide pot limits, season opener dates, limited entry and latent permits definitions, changes to sport / commercial fishing regulations, and future data needs.*

APPROVED: Recommendation 23 - The DCTF proposes that new crab legislation be introduced in early 2010 for a statewide, tiered pot limit program. The pot limit program shall be designed as follows:

- Tier cut offs will be based on individual vessel/permit landings history (of landings made in California) between November 15, 2003, and July 15, 2008, inclusive.
- If a permit was transferred during the time period above, the landings history attached to the permit prior to the transfer will follow the permit following the transfer.
- Boats will be ranked by production so that the top producing 55 boats will receive 500 pots; the next 55 boats will receive 450 pots, and so on. The breakdown of the pot distribution is described below:
 - Tier 1= 55 boats will be allocated 500 pots
 - Tier 2= 55 boats will be allocated 450 pots
 - Tier 3= 55 boats will be allocated 400 pots
 - Tier 4= 55 boats will be allocated 350 pots
 - Tier 5= 55 boats will be allocated 300 pots
 - Tier 6= 172 boats will be allocated 250 pots
 - Tier 7= 141 latent permits (as defined in Recommendation 4 in the January 15,

2010 report) will be allocated 175 pots
The number of pots fished will not exceed 177,675 pots

*Note: The DCTF only discussed this proposal in the context of California landings. Consideration of out of state landings could not be addressed until an opinion from the California Attorney General is received.

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

Thumbs up (18): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Collins, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Thomas, Wilson, Zamboni

Thumbs sideways (1): Sleeter,

Thumbs down (2): Cunningham, Standley

Absent: McKernan

There was no vote of the ex officio Members for this Recommendation.

Following the vote, Neal Fishman explained that if the DCTF wants to forward such a detailed plan to the legislature, there needs to be some sort of mechanism in place to explain the fact that the numbers are not arbitrary and provide a rationale for the detail. Mr. Fishman suggested that the language below would allow the DCTF to carve out more space to ensure that the intentions of the DCTF are upheld.

“The DCTF proposes that new crab legislation be introduced in early 2010 for a statewide, tiered pot limit program. The pot limit program should be designed as a pilot: active for two years, adaptively managed, and reviewed to inform future management measures. It should also include the framework presented in the March 31, 2010 report from the DCTF. If the bill is approved in the legislature, the program would not go into effect unless approved by the DCTF. The bill would extend the life of the DCTF.”

Various Members believed that this recommendation would be a good route for the DCTF to take because it would maintain the industry’s strong involvement in the process. Members suggested edits to the language then. Mr. Ceppos conducted an administrative vote to ensure the group was prepared to move to a final vote. The DCTF agreed by simple majority to conduct a final vote.

ACTION: *Consideration and possible adoption of conditional and final recommendations on Dungeness crab fishery management measures, including regional and statewide pot limits, season opener dates, limited entry and latent permits definitions, changes to sport / commercial fishing regulations, and future data needs.*

APPROVED: Recommendation 22 - The DCTF proposes that new crab legislation be introduced in early 2010 for a statewide, tiered pot limit program. The pot limit program shall be designed as a pilot: active for two years, adaptively managed, and reviewed to inform future management measures. It shall also be consistent with the recommendations presented in the March 31, 2010 report from the DCTF. If the bill is approved in the legislature, a pot limit program shall be implemented in conjunction and consistent with the recommendations of the DCTF (January 15th

and March 31st reports). The implementing agency shall not implement the program without the approval of the DCTF. The bill would extend the life of the DCTF.

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

Thumbs up (18): Atkinson, Anderson, Bettencourt, Blue, Carpenter, Carvalho, Cunningham, DeBacker, Doyle, Fahning, Forkner, Hemmingsen, Johnson, Lawson, Smith, Thomas, Wilson, Zamboni

Thumbs sideways (2): Sleeter, Standley

Absent: Collins, McKernan

There was no vote of the ex officio Members for the Recommendation.

Mr. Ceppos commented on the large number of recommendations the DCTF voted on. While the DCTF has voted that they would like to continue the DCTF, he explained that they have not discussed final considerations of sport recommendations, or committed to any further specifics on how to function as an advisory committee. He explained that OPC staff and Senator Wiggins staff will communicate with the DCTF at some point on if and how they can facilitate communication and the continuance of the DCTF. However, Members need to start thinking about how they will convene and work on their own.

OPC staff explained that they will continue to update the DCTF webpage and that they will send periodic emails to inform the DCTF on the progress of their recommendations in the legislature.

13. Mr. Ceppos adjourned the meeting at 7:00pm

A consolidated summary of the votes made at this meeting is available on the [DCTF webpage](#).