



January 2010

## Meeting 5 – Key Topics

During the 4<sup>th</sup> meeting of the Dungeness Crab Task Force (DCTF) on October 21 and 22 in Ukiah, California, the DCTF discussed several topics and made formal recommendations on some of them. Given the complexity of some topics and the need for DCTF Members to discuss items with their constituents, the DCTF decided to convene again in early 2010. DCTF Members agreed to meet with their constituents before this meeting.

This document contains a list of items that DCTF Members are encouraged to consider and discuss with their constituents prior to the February 17 and 18, 2010 meeting. The facilitation team (Dave Ceppos and Rich Wilson) will be contacting all Members in the next few days to discuss these items and other topics. **The DCTF and project team are well-informed about the topics discussed at meeting 4 and where we ended up. The purpose of this document is to determine whether or not the group is still in the same place after several months.** For the purpose of the questions below, the word “you” refers to DCTF Members AND their constituents.

### Pot Limits

At meeting 4, Members stated in an informal poll that they support a pilot, 3-year pilot pot limit program. Several Members deferred taking a formal vote to decide any details of a potential pot program. They expressed a need to discuss such options with their constituents first. Subsequent to meeting 4, we know that some Members have had informal discussions with their constituents (including members of ports, members of organizations, etc) and that some variations to ideas discussed at meeting 4 may have been raised. In this context, please consider the following:

The verbatim text of the 2 proposed draft pilot pot limit programs discussed at meeting 4 is <sup>1</sup>:

- 1) *A trial “pay to play” (paid for by participants of the 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.*
- 2) *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.*

Please consider the following:

- In the time that has passed since last October, is proposal #1 still appropriate? Is proposal #2 still appropriate? Have you heard new options being discussed among your constituents and/or other DCTF Members?
- As a component of these proposals could you support the following additional items below? If not, how would you change it?

Proposal: A 3-year pilot pot limit program:

- *Is managed by DFG. (The legislature would grant DFG the authority to administer the program.)*
- *Would extend the life of the DCTF through the duration of the pilot pot program.*
- *Is supported by pot tag sales.*

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<sup>1</sup> This is the exact language from the formal vote and a straw poll at Meeting #4.  
[http://www.opc.ca.gov/webmaster/ftp/project\\_pages/dctf/FinalDCTFMeeting4Summary.pdf](http://www.opc.ca.gov/webmaster/ftp/project_pages/dctf/FinalDCTFMeeting4Summary.pdf)

- *If available and appropriate, uses supplemental funding from the OPC for adaptive management, administration, and/or unforeseen costs incurred by the pilot program.*
- *Would not go into effect without the approval of both DFG and the DCTF.*
- *Monitors the biological and socio-economic impacts of the program.*
- *Uses voluntary compliance, i.e. self enforcement. (DFG would not be obligated to assign additional staff or resources to enforce the program.).*

In addition to these questions, there are related topics that need to be revisited and discussed in February. Please consider the following:

- Geographic location of a proposed pot limit: During meeting 4, this discussion focused almost completely on a District 10 approach. Is this still the direction Members are considering?
- During meeting 4, members supported the range of pots described in the proposals above. Is this still accurate?
- Price per pot tag: Is there a tag price that Members can collectively recommend/target? What is the maximum price fishermen would be willing to pay for each pot tag? Should a portion of the tag cost be dedicated to the continuation of the DCTF or other form of Dungeness crab advisory body?
- Effective monitoring of a pot program and adaptive management: Do Members expect a potential program to include some form of data collection and research? What “measures” or indicators do you think are important to document and evaluate program performance over time (e.g. crab population size, number of pots fished, changes in landings, etc)? Would you agree to an independent evaluation of a pilot program at the end of the 3-year trial?

### **Latent Permits**

At meeting 4, the DCTF voted to define latent permits by recommending that the language of SB1690<sup>2</sup> be made permanent. The DCTF also requested a legal opinion to determine whether or not Oregon and Washington landings must be included when determining a permit’s latency. The OPC has worked since the October 2009 meeting to get an opinion on this question from the California Attorney General’s (AG) office (as requested by the DCTF). Because obtaining a formal opinion from the AG takes approximately 6 months, it is very unlikely that the AG will be prepared to provide the requested information before the February 2010 meeting.

With that said, the DCTF should be ready to make conditional recommendations about latent permits based on two scenarios. Please consider the following:

Scenario 1 - The AG determines that Oregon and Washington landings **do not** need to be included.

Scenario 2 - The AG determines that Oregon and Washington landings **do** need to be included

For either scenario, Members need to assess and be prepared to discuss the following topics:

- Potential restrictions on permits (e.g. pot limits, etc)
- Potential permit revocation
- Transferability of permits
- The establishment of a hardship review committee and review procedures for hardship cases as well as the criteria for what may constitute a hardship.

### **Permanent Advisory Committee**

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<sup>2</sup> Fish and Game Code Section 8276.4 (h) Eligibility to take crab in California waters and offshore for commercial purposes may be subject to restrictions, including, but not limited to, restrictions on the number of traps utilized by that person, if either of the following occurs:

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

At meeting 4, the DCTF had mixed perspectives on the creation of a permanent Dungeness crab advisory body. The DCTF project team advised that there were a number of outstanding issues outlined in SB1690 that the DCTF does not currently have the time or budget to address and that a permanent advisory committee would give the group the opportunity to continue these discussions. Some DCTF Members stated that without a consistent funding source, maintaining the DCTF or an advisory body is infeasible due to financial demands of administering the body (e.g. paying for Member travel, funding facilitation, meeting planning and coordination, paying for meeting space, etc). Some Members want to see effective outcomes from the DCTF prior to committing to its continuation. OPC staff and legislative representatives stated that without some continuation of the DCTF and/or a subsequent permanent advisory body, the legislature would be forced to continue to make decisions about the management of the fishery absent input from stakeholder groups. In this context, please consider the following:

- Would you like to see some form of an advisory body created?
  - If yes:
    - How should it be funded?
    - How should it be seated?
- Would you like to see a stand alone marketing commission created?
  - If yes:
    - How should it be funded?
    - How should it be seated?
  - If no:
    - Would you like to see marketing included as one of the roles of the advisory body (e.g. through a marketing workgroup or some similar approach)

### **Sport Fishing**

At meeting 4, the DCTF sport fishery workgroup, presented a preliminary set of *refined problem statements, straw objectives, and brainstormed solutions* that focused on sport fishery issues, as well as commercial issues that overlapped with sport issues. See the following url for this document:

[http://www.opc.ca.gov/webmaster/ftp/project\\_pages/dctf/Refined\\_Straw\\_Sport\\_problems-objectives10\\_15\\_09.pdf](http://www.opc.ca.gov/webmaster/ftp/project_pages/dctf/Refined_Straw_Sport_problems-objectives10_15_09.pdf)

The sport workgroup will reconvene in the coming weeks to finalize a proposal for DCTF consideration and to achieve the mandate of SB 1690 and the defined expectations of the Department of Fish and Game and the Fish and Game Commission for the DCTF to address these topics. Based on the sport fishery workgroup's work to-date, DCTF Members should discuss the following ideas with their constituents (we recommend that you review the document cited above):

#### Please consider the following:

- How can regulatory loopholes that cause overlap between sport and commercial fisheries be resolved?
- How can ghost fishing (i.e. death of crabs in pots) be eliminated in the sport fishery?
- What kind of pre-set regulations can improve safety and effective enforcement?
- How would you address perceived concern in the CPFV and commercial sectors south of Point Arena about the potential negative impacts on the harvest of females in the sport fishery?
- What can be done to increase biological data collection and analysis that informs decisions on sport fishery management?
- How can theft of traps and crab harvested by sport fishermen be reduced?