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(Corrected 2-12-2010)

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I request that the Dungeness Crab Task Force clarify the criteria to be used to establish landing history for “Eligibility” pursuant to FG 8276.4 (c). Specifically, Are “a persons” or “L” number landings going to be used or are “vessel” landings during the established period, November 15, 2003 to July 15, 2008 going to be used?

SB 1690 did not distinguish the difference and that ambiguity contributed to the problem of representation of the various tier groups. It appears that OPC relied on DFG to supply tier group information for the election procedure and that the information supplied by DFG was simply current vessel ownership landing receipt information with no regard to the ownership of vessels with previous landings which may have occurred within the established window. The use of “current vessel” landing information has resulted in the placement of “persons” to the wrong tier group and the information supplied by DFG resulted in the assign of voters to the wrong ports and the wrong tier group as David Helliwell pointed out in his letter last May.

To establishing pot limits to persons based on qualifications of permits purchased from persons must rely on the landings of those persons which are “L” number landings, not vessel landings. California has a Vessel Permit system and no permit ownership rights. California is unique in that regard. I think it may take legislation to change and clarify the use of landing rights to establish pot number allotments based on landing history.

There has been many vessel permit transaction made based on the assumption that the vessel landing history is the criteria to be used to establish future pot limits. However, the language in SB1690 could easily be interpreted that the qualifying criteria is a persons landings. There are many cases where the landing history of the vessel is much different than the landing history of the person that owned that vessel when DFG submitted the list to OPC. I pointed out the potential for problems with the language in SB1690 to legislative staff during the bill hearing process buy there was never clarification. Consequently, the problems expressed by many about the election process are just the first indication that more problems will come up when the attempt to establish pot limits occurs. It is imperative that the criteria to be used are established and clarified so legislative vagueness is avoided.

Sincerely,

Kenneth D. Boettcher+