



~California Dungeness Crab Task Force~

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

TO: California Dungeness Crab Task Force

FROM: Dungeness Crab Task Force Administrative Team

DATE: October 22, 2015

RE: Overview: California Lost Fishing Gear Recovery Program
Informational handout for the October 26-27, 2015 DCTF Meeting

At the October 26-27, 2015 meeting, the California Dungeness Crab Task Force (DCTF) will discuss options for ensuring the long-term functioning of a California lost fishing gear recovery program. The DCTF Administrative Team has developed the following document to provide a brief overview of the discussions that have taken place within the DCTF and the DCTF Executive Committee related to this topic to date.

Background

During the DCTF's October 2014 meeting, there was unanimous agreement that developing a long-term, statewide, fiscally sustainable program to recover lost fishing gear is a responsible and necessary action of the commercial fishing industry. As an outcome of this meeting, the DCTF submitted the following recommendation as part of its January 2015 legislative report:

"The DCTF agrees that an industry designed, funded, and implemented lost gear retrieval program that works in cooperation with the Department is a priority. The DCTF will work with the Department, the Northern CA Crab Gear Retrieval Program, and the industry to investigate the best way to design and implement this program, including the specifics of how to fund this program."

Also as a result of the October 2014 meeting, the DCTF instructed the DCTF Executive Committee (EC) to continue discussing these issues and exploring options for full review and consideration at a future DCTF meeting. Over the past year, the EC has continued to discuss this topic in greater detail, and on September 2, 2015 the EC held a conference call to evaluate options for establishing a long-term lost fishing gear recovery program in California.

Program Goals

The EC identified a number of goals to help guide the development of a long-term, fiscally sustainable statewide program, including:

- Remove the maximum amount of lost commercial Dungeness crab fishing gear from California waters as possible.
- Create incentives for individuals to recover lost traps.
- Strengthen penalties for those individuals that abandon gear in California waters.
- Create a simple, cost effective, and self-supporting program.

The EC discussed a number of options for the structure and function of a lost fishing gear recovery program including the Oregon/Washington (OR/WA) model and the California (CA) model.

Oregon/Washington Model

The EC generally agreed that the OR/WA model is the most viable option moving forward in the short term. Key features of the OR/WA model include:

- Fishermen request a permit from the Department of Fish and Wildlife to voluntarily retrieve gear after the close of the commercial season in exchange for acquiring ownership of gear.
- Property rights to lost or abandoned gear are relinquished.
- OR/WA Fish and Wildlife incur operational costs (e.g., banding traps, issuing permits).

The EC generally support the OR/WA model for the following reasons:

- The OR/WA model would be a positive step in recovering lost gear after the season, which will address such issues as gear interference with other fisheries and implications for whale entanglements.
- It is the simplest to implement and run (i.e., low administrative costs).
- This option could be modified to reflect fishermen's interest to have the first opportunity to sell/give back the gear to its original owner.

The EC identified a number of concerns with the OR/WA model, including:

- Not as effective as the current "CA model" (see below) at removing stuck or unusable traps since fishermen will target lost gear that is functional/in good shape and leave unusable gear in the water.
- The OR/WA model does not have provisions to allow the original owner the first opportunity to purchase/get gear back due to the relinquishment of property rights.

With these concerns in mind, the EC agreed the OR/WA model would benefit by being tailored to address a number of California-specific needs, including:

- Provide the original trap owner the first option to get their gear back within a specified time period.
- Create incentives for the recovery of stuck gear (i.e., pumping).
- Create mechanisms to discourage repeat violators who abandon their gear following the season.

The EC also agreed there may be value in continuing to explore alternative ideas to simplify the administration of the "CA model".

California Model

The EC discussed how a CA model might be developed that would build on lessons learned from a pilot lost gear recovery program that has been operating in a number of Northern ports since 2014. The CA model could include the following key features:

- After the close of the commercial fishing season, fishermen from each port request a permit from the Department of Fish and Wildlife to retrieve gear. The recovered gear is impounded until the owner pays a mandatory/required "recovery service fee" (e.g.,

- \$100/trap) to get their trap(s) back. The owner is responsible for paying the fee regardless if they want the gear back or not.
- If the recovery fee is not paid, the traps will be scrapped or sold at auction, and the owner of the gear will be required to pay any unpaid bills (e.g., the bill could become attached to the owner's permit renewal fees).
 - An individual from each port logs and stores the recovered gear.

The EC's concerns with the CA model includes the great degree of coordination within each port and the high administrative costs associated with storing gear as well as coordinating individuals in each port to pull and log gear and to contact the gears' owner(s).

Additional Considerations from Oregon

- ***First Right of Refusal*** – While Oregon has not found an efficient way to enforce a “first right of refusal”, this practice is encouraged via Oregon Department of Fish and Wildlife (ODFW) outreach materials about the gear recovery program, as well as in the permit language. Additionally, Oregon developed a public database (<http://www.dfw.state.or.us/MRP/shellfish/commercial/crab/psdgrp.asp>) located on ODFW's webpage where gear registrations are listed along with the retriever's contact information. This allows fishermen to determine if the program has recovered their traps, and provides a means to contact the gear retriever directly.
- ***Incentives for Retrieving Stuck Gear*** – A number of fishermen have pumped stuck gear consecutively over both years of the Oregon program. Initial reflections from these individuals to ODFW indicates that pumping gear is more determined/restricted by the need for calm weather conditions (since the majority of the stuck gear is in very shallow waters), rather than a lack of incentives to retrieve the gear.

Key Resources

DCTF Webpage

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

DCTF January 2015 Legislative Report

http://www.opc.ca.gov/webmaster/ftp/project_pages/dctf/DCTF_ReportJan2015_Final_012015.pdf

September 2, 2015 Executive Committee Summary

http://www.opc.ca.gov/webmaster/media_library/2009/04/DCTF_retrieval-program-options_Sept2015_v2.pdf

DCTF Executive Committee Handout: California Lost Fishing Gear Recovery Program Comparison

http://www.opc.ca.gov/webmaster/media_library/2009/04/DCTF_retrieval-program-options_Sept2015_v2.pdf