

# Options & Considerations: DCTF Beyond 2019

## California Dungeness Crab Task Force

*Drafted to support October 16-18, 2017 DCTF Meeting*

The following options are currently under consideration by the California Dungeness Crab Task Force (DCTF) for a future Dungeness crab industry-representative organization following the DCTF's 2019 sunset. These options have been informed by DCTF Executive Committee (EC) and from public comments throughout 2017 and **will be discussed and are expected to be voted on during the October 16-19, 2017 DCTF meeting**. DCTF Members are responsible for sharing these options with their constituents and be ready to make final recommendations at the October 2017 DCTF meeting.

### **Ongoing Functioning of the DCTF, Overview**

In the January [2016](#) and [2017](#) reports, the DCTF indicated there was value in continuing the DCTF or another industry-representative body beyond 2019 when the DCTF is set to sunset per Fish and Game Code 8276.4. Various DCTF Members expressed interest in revisiting the structure and procedures of the DCTF to inform a recommendation for what a future industry-representative body should look like. While a number of options were discussed during the October 2016 DCTF meeting and at prior DCTF meetings and Executive Committee conference calls, DCTF Members requested additional time to discuss options with their constituents.

In the January 2017 report, the DCTF identified a number of components that will be important to clarify for any future industry-representative body, including the purpose of the body, frequency of elections, and voting.

- **Purpose:** The DCTF identified the priorities of an industry-representative organization should be to inform fisheries management, be responsive to high profile and policy issues, serve as a conduit of information to/from the fleet to the Legislature, CDFW, and the Fish and Game Commission, identify industry research priorities, and serve as a source for public relations efforts related to industry issues. At this time, the DCTF is not interested in a future industry-representative organization addressing commodity marketing or pricing as part of its charge.
- **Elections:** The DCTF supports new elections of commercial fishing representatives as soon as feasible (i.e., funding dependent). The DCTF recommends an election every 3 years among permitholders to ensure fresh perspectives are added to the body, while also maintaining institutional knowledge. Alternates would be requested to attend all meetings. The details of how elections will be carried must be addressed
- **DCTF Voting Structure:** The DCTF supports maintaining the 2/3 voting structure (where 2/3 of Members must agree for a recommendation to move forward) to ensure DCTF recommendations represent the majority of the body and not the views of a single management area.

Below are suggestions that have been developed to-date regarding the composition of the DCTF. Suggestions for other components of the body or other options for the composition of the body are welcome and should be emailed to [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com) so they may be made available to the full DCTF for consideration.

## Options: Commercial Fishing Seats

The options below reflect discussion from DCTF EC conference calls in 2017. The DCTF EC fine-tuned the DCTF's original range of options ([here](#)) and focused them in an effort to reflect priorities and interests expressed across DCTF EC member perspectives.

Port Area	Number of Commercial Fishing Seats		
	Option A Current DCTF Structure	Option F Even seating north and south of Sonoma- Mendocino County line, one Nonresident seat	Option G Even seating north and south of Sonoma-Mendocino County line, two additional Nonresident seats
Nonresident	1	1	2
Crescent City	4	3	3
Trinidad	1	1	1
Eureka	2	2	2
Fort Bragg	2	2	2
Bodega Bay	2	2	2
San Francisco	2	2	2
Half Moon Bay	2	2	2
South of Half Moon Bay	1	2	2
<b>TOTAL Commercial Fishing Seats</b>	<b>17</b>	<b>17</b>	<b>18</b>

Multiple seats in each port may (or may not) be tied to production/landings. Options for consideration include, but are not limited to:

- Status quo (i.e. landings associated with each permit between 2003-2008 specific to each port).
- Individual ports decide.
- Associated with the trap tiers (e.g. those permits below 300 traps would be low tier and above would be high tier).
- Associated with the number of permits in each port.
- Status quo, but reduce the threshold for the upper tier in some way so there are more people represented in the high tier.
- Other?

## *Options: Filling Commercial Fishing Seats*

*Commercial Fishing Elections:* The DCTF voted in 2016 to hold elections every 3-years to ensure fresh perspectives are added to the body, while also maintaining institutional knowledge. Options for how the elections are carried out include, but are not limited to:

- Elections performed by the organization’s Administrative Team or Executive Director.
- Elections performed by each port.
- The need for elections are determined on a port-by-port basis.
- Additional consideration: Should elections be staggered by port to balance institutional knowledge and new perspectives?
- Other?

## *Options: Non-Commercial Fishing Seats*

DCTF Members have expressed support for an industry-representative body to continue to include non-commercial fishermen to ensure various perspectives can help inform the body’s discussions. However, representation and the roles (i.e., voting versus non-voting) of those representatives must be clarified. The options below reflect a discussion from a DCTF EC call:

	<b>Number of Non-commercial Fishing Seats</b>	
<b>Representative Type</b>	<b>Option 1</b> No recreational or CPFV representation	<b>Option 2</b> Status Quo
Processors	2 voting	2 voting
Recreational Fishing	0	2 voting
Commercial Passenger Fishing Vessel (CPFV)	0	1 voting
Nongovernmental Organization (NGO)	2 non-voting	2 non-voting
Science/CA Sea Grant	1 non-voting	1 non-voting
CDFW	2 non-voting	2 non-voting
<b>TOTAL Non-commercial Fishing Seats</b>	<b>7</b>	<b>10</b>

## *Options: Filling Non-Commercial Fishing Seats*

*Non-Commercial Fishing Seats:* Options developed to-date for filling non-commercial fishing seats include, but are not limited to:

- Seek nominations from the fleet and general public. Elected commercial fishing representatives will vote on the nominees.
- No other options developed at this time.
- Other?

## *Options: Alternatives and Replacements*

*Alternates:* The DCTF EC unanimously supported allowing alternates for all seats: commercial fishing and non-commercial fishing seats (i.e. voting and non-voting).

*Alternates, Commercial:* Options to select alternates for commercial fishing seats include, but are not limited to:

- Perform an election.
- Allow the port to appoint alternates.
- Allow the DCTF Member to select the alternate.
- Other?

*Replacements:* In the case where commercial fishermen step down from their seats (i.e. retirement, selling boat, etc.), options for selecting replacements include, but are not limited to:

- Identifying the runner up in commercial fishing elections.
- Allowing ports to select replacements.
- Alternates to take a member's place.
- Other?

## *Options: Other*

*Number of meetings:* The DCTF EC suggested the following options for the number of meetings and phone calls when structuring the budgets for the organization:

- One, 1-3-day in-person meetings per year. In years when there is a fishery crisis (e.g., domoic acid), two meetings may be warranted.
- One conference call of the full DCTF per year should be budgeted, and only used for urgent issues.
- 5-6 subcommittee conference calls per year to move ideas forward between in-person meetings (similar to the function of the Executive Committee).
- Other?

*Incorporation status:* The DCTF EC requested additional information to inform discussion about the future industry-representative organization incorporation status (e.g. nonprofit, commission, etc.). Questions asked by the DCTF EC are listed below with available responses (in italics). The Admin Team will continue share more information on this topic as it is available. A [decision tree](#) and [considerations memo](#) have also been developed to inform this conversation.

- If the DCTF were reestablished as a council or commission under California Department of Food and Agriculture (CDFA):
  - Could the the DCTF participate in the Oregon price negotiations? *Not as these organizations are currently structured under CDFA. However, separate new legislation could be developed similar to what was done for the Oregon Dungeness Crab Commission.*
  - What is CDFA's overhead? *10%*
  - What would be the cost of a council versus a commission considering the options listed above? *A minimum of \$100K could support a very barebones organization with limited flexibility in times of crisis and hardship. If the organization wanted to do more and be more nimble (e.g. PR, lobbying, writing legislation, support priority research, etc.), a larger budget would be required.*
  - Would the organization be subject to the Bagley Keene Open Meetings Act? *Yes*
  - Could they be funded by the Dungeness Crab Account (collected through commercial Dungeness crab trap tags)? *If funding was available/allocated*
  - Could Members of the organization get a the contact information of all their constituents through CDFW? *No. Contact information of all permitholders could be shared with the Executive Director or Administrative Team for the purposes of communicating with the fleet and holding elections. However, that information could not be shared with representatives.*
  - Could the DCTF lobby as a council or commission? *Lobbying would be allowed as a commission, not a council. Lobbying can include range of activities including writing letters of support for legislation and rulemaking.*
  
- If the DCTF were reestablished as a nongovernmental organization:
  - Could the the DCTF participate in the Oregon price negotiations? *Not as these organizations are currently structured. However, separate new legislation may be developed similar to what was done for the Oregon Dungeness Crab Commission.*
  - What would be the cost estimates of an organization considering the functions listed above? *Unclear, additional information is being sought.*
  - Could it be funded through the Dungeness crab account (i.e. through public funds)? *Unclear, additional information is being sought.*

**Additional Background: Fish and Game Code 8276.4 to Establish the DCTF**

(a) The Ocean Protection Council shall make a grant, upon appropriation of funding by the Legislature, for the development and administration of a Dungeness crab task force. The membership of the Dungeness crab task force shall be comprised of all of the following:

- (1) Two members representing sport fishing interests.
- (2) Two members representing crab processing interests.
- (3) One member representing commercial passenger fishing vessel interests.
- (4) Two nonvoting members representing nongovernmental organization interests.
- (5) One nonvoting representative of Sea Grant.
- (6) Two nonvoting members representing the department.
- (7) Seventeen members representing commercial fishery interests, elected by licensed persons possessing valid Dungeness crab permits in their respective ports and production levels, as follows:
  - (A) Four members from Crescent City.
  - (B) One member from Trinidad.
  - (C) Two members from Eureka.

- (D) Two members from Fort Bragg.
  - (E) Two members from Bodega Bay.
  - (F) Two members from San Francisco.
  - (G) Two members from Half Moon Bay.
  - (H) One member from ports south of Half Moon Bay.
  - (I) One member who has a valid California nonresident crab permit.
- (b) For ports with more than one representative, elected members and their alternates shall represent both the upper and lower, and in some cases middle, production levels. Production levels shall be based on the average landing during the previous five years, of valid crab permit holders who landed a minimum of 25,000 pounds of crab during the same period.
- (c) The Dungeness crab task force shall do all of the following:
- (1) Review and evaluate the Dungeness crab management measures described in Section 8276.5, with initial recommendations to the Joint Committee on Fisheries and Aquaculture, the department, and the commission, no later than January 15, 2015, and final recommendations to those entities no later than January 15, 2017.
  - (2) Make recommendations by January 15, 2015, on all of the following: the need for a permanent Dungeness crab advisory committee, the economic impact of the program described in Section 8276.5 on permit holders of different tiers and the economies of different ports, the cost of the program to the department, including enforcement costs, the viability of a buyout program for the permit holders described in subparagraph (G) of paragraph (1) of subdivision (a) of Section 8276.5, refining sport and commercial Dungeness crab management, and the need for statutory changes to accomplish task force objectives.
  - (3) In considering Dungeness crab management options, prioritize the review of pot limit restriction options, current and future sport and commercial fishery effort, season modifications, essential fishery information needs, and short- and long-term objectives for improved management.
  - (d) The task force may establish subcommittees of specific user groups from the task force membership to focus on issues specific to sport fishing, commercial harvest, or crab processing. The subcommittees shall report their recommendations, if any, to the task force.
  - (e) The Ocean Protection Council may include in a grant funding to cover department staffing costs, as well as travel costs for task force participants as specified in paragraph (6) of subdivision (a).
  - (f) Except as otherwise provided in Section 8276.5, a recommendation shall be forwarded to the Joint Committee on Fisheries and Aquaculture, the department, and the commission upon an affirmative vote of at least two-thirds of the task force members.
  - (g) Eligibility to take crab in state 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 California Dungeness crab permit with California landings of less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive, as reported in California landings receipts.
    - (2) A person has purchased a Dungeness crab permit on or after July 15, 2008, from a permit holder whose California landings were less than 5,000 pounds between November 15, 2003, and July 15, 2008, inclusive, as reported in California landings receipts.
- (h) This section shall become inoperative on April 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.
- (Added by Stats. 2011, Ch. 335, Sec. 3. Effective January 1, 2012. Inoperative April 1, 2019. Repealed as of January 1, 2020, by its own provisions.)*