

California Dungeness Crab Task Force
Discussion Topics for March 2021 DCTF Meeting

Drafted by the Administrative Team
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This document is intended to help DCTF Members' prepare for the March 17-18, 2021 meeting. The document contains context/background for each of the major agenda topics, options and questions that have been discussed by the Executive Committee at their February 26, 2021, and considerations for each agenda item. **DCTF Members are encouraged to discuss the questions and options (in blue) with their ports/production level in preparation for the March 17-18, 2021 meeting.** *Additional options may be developed for these agenda items and voted on during the March 2021 DCTF meeting.*

The list of topics that will be discussed during the March 17-18, 2021 DCTF Meeting include:

- General updates (not included in this document)
- DCTF voting structure and minimum participation
- Application of fair start to season delays due to the RAMP regulations
- Requirement that previous owners be included on a permit for 1 year
- Discuss possession of short crab while actively fishing and sorting
- Ability to sell crab when retrieving gear with an in-season waiver

The full March 17-18, 2021 meeting agenda is available on the DCTF webpage:

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

Agenda item 4. Review options discussed by the Executive Committee and revisit and confirm the DCTF voting structure and minimum participation requirements to improve the DCTF's ability to convene and advance priorities.

Background: Concerns were expressed after the October 2020 DCTF meeting about the difficulties of obtaining a quorum (15 Members) to both convene DCTF meetings and forward recommendations. There is currently a disconnect between two sections of the code that discuss the minimum number of votes required to forward a recommendation. The Executive Committee would like the DCTF to revisit the voting structure and participation of members. Legislation would be needed to change the DCTF's voting structure.

The current voting structure includes:

- 21 voting members + alternates
 - 17 commercial fishermen (8 northern ports + 8 central ports + 1 non-resident)
 - 2 processors (vacant)
 - 1 CPFV
 - 1 recreational fishing
- The recommendation threshold for the DCTF is outlined in Fish and Game Code (FGC) sections:
 - FGC 8276.4

- 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.
 - FGC 8276.5
 - For the purposes of this section, a proposed recommendation that receives an affirmative vote of at least 15 of the non-ex officio members of the Dungeness crab task force may be transmitted

For discussion:

- Should the DCTF structure remain status quo?
- Should the DCTF’s voting structure be updated? Viable Options for the DCTF to explore include:
 - 15 votes required to pass
 - 14 votes (2/3 of 21) required to pass
 - Adjust voting to reflect the number of “filled seats” - Exclude vacant seats in the total number of votes¹

Considerations:

- Requires legislation to change
- Identify option(s) that would be palatable to the Legislature. A high bar to forward a recommendation would be valuable to the Legislature in identifying consensus on an issue.
- Avoid options where a minority (or a single management area) could pass recommendations - ensure there is broad support within DCTF and the fleet
- What options address the limited participation during recent meetings?
- All members required to have alternates

Agenda item 5. Receive updates from CDFW on the issue of entanglements, including recent updates to large whale population estimates, and revisit the discussion and straw poll from the October 2020 DCTF meeting regarding the application of fair start to season delays as a result of the Risk Assessment and Mitigation Program (RAMP) regulations.²

Background: During the October 2020 DCTF meeting, there was interest in recommending expanded application of fair start to include delays caused by the RAMP regulations. Currently, fair start only applies to delays due to quality and human health. The Executive Committee would like the DCTF to revisit this discussion.

¹ Currently vacant seats count as ‘No’ votes since their absence hinders the ability to get to 15 affirmatives.

² The updates on large whale population estimates will be provided during the meeting.

For Discussion:

- Should fair start apply to delays resulting from RAMP?
- Should fair start apply to any state/federal delay? (Note: CDFW does not support this idea since it is too open ended).

Considerations:

- With mandatory electronic monitoring compliance/enforcement of fair start will become much more feasible.
- A straw poll was taken on the following language during the October 2020 DCTF meeting:

The DCTF recommends updating Fish and Game code section 8279.1 so that fair start will apply anytime a regulatory action by the state/feds results in a fishery delay

Rationale: attempting to make fair start consistent across all types of regulatory delays, would apply to [geographic area].

(Vote: 9 u, 5 s, 2 d, 1 a)

Agenda item 6. Discuss the provision in Fish and Game Code §8280.3 requiring previous permit holders to be included on a permit for a minimum of 1 year.

Background: Fish and Game Code 8280.3 requires that when transferring a permit, the previous owner must remain on a permit for a minimum of 1 year after a transfer. There is interest in eliminating that provision. The code could be updated as follows:

Existing Language: 8280.3 (i) *Upon written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may retain that permit upon the sale of that permitted vessel for the purpose of transferring the permit to another vessel to be purchased by that individual within one year of the time of sale of the vessel for which the permit was originally issued if the requirements of this section are satisfied, including the payment of transfer fees. If the permit is not transferred to a new vessel owned by the person to whom the vessel permit was originally issued within one year of the sale of the vessel for which it was originally issued, or if the person does not retain ownership of the new vessel to which the permit is transferred for a period of not less than one year, the permit shall become void by operation of law.*

Proposed changes to language: (i) *Upon written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may retain that permit upon the sale of that permitted vessel for the purpose of transferring the permit to another vessel ~~to be purchased by that individual~~ within one year of the time of sale of the vessel for which the permit was originally issued if the requirements of this section are satisfied, including the payment of transfer fees. If the permit is not transferred to a new vessel ~~owned by the person to whom the vessel permit was originally issued~~ within one year of the sale ~~of the vessel for which it was originally issued, or if the person does not retain~~*

ownership of the new vessel to which the permit is transferred for a period of not less than one year of the sale of the permitted vessel, the permit shall become void by operation of law.

For Discussion:

- Are there any concerns with updating Fish and Game Code 8280.3 as outlined above? If so, what are they?

Considerations:

How would this proposed change impact:

- Future disaster relief
 - Liability
 - Other issues of concern that apply
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Agenda item 7. Discuss possession and allowance of sublegal and female Dungeness crab while actively fishing and sorting including but not limited, receiving updates on recent conversations on the topic with the Executive Committee and others.

Background: Fish and Game Code §8278 states *Except as otherwise provided, no Dungeness crab less than six and one-quarter (6^{1/4}) inches in breadth, and no female Dungeness crab, may **be taken, possessed, bought, or sold, except that not more than 1 percent in number of any load or lot of Dungeness crabs may be less than six and one-quarter (6^{1/4}) inches in breadth but not less than five and three-quarters (5^{3/4}) inches in breadth.*** During the February 26, 2021 meeting, Executive Committee Members discussed how this language has caused an issue for some fishermen who put crab in a dump box before sorting while actively fishing. The Executive Committee would like the DCTF to discuss it.

For discussion:

- What is the common practice for sorting crabs while fishing?
- Is there a need to ask CDFW to revisit the implementation of this regulation to accommodate those fishermen who run their gear before sorting their catch? This would allow more shorts/females to be held temporarily before being discarded.
- How can this be addressed while ensuring illegal crabs are discarded as close to the catch site as possible?
- Do fishermen often have issues with this regulation?

Considerations:

- CDFW LED is unable to speak to this or any other pending cases.
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Agenda item 12. Review options discussed by the Executive Committee regarding the ability to sell crab when retrieving gear with an in-season waiver.

Background: When a vessel breaks down (or has other issues) and must obtain a waiver for someone to bring in their gear, the individual retrieving the gear can not keep the crab in the traps. There is interest in allowing individuals to sell crab that is found in the disabled vessel's gear as a means to incentivize getting the gear out of the water quicker. This topic was briefly discussed at the October 2020 DCTF meeting and at the last 3 Executive Committee meetings.

For Discussion:

- Should individuals retrieving another person's gear with a waiver be allowed to land the crab in the gear? Option developed by the Executive Committee includes:
 - The disabled vessel with the waiver would identify an assisting vessel that would be able to retrieve the disabled vessel's gear and return it to the dock. The crab removed from that gear could be landed as part of the assisting vessel's overall catch.
- If the gear being retrieved is illegally set, who is liable for the gear (i.e., the gear owner or the person retrieving it on their behalf with a waiver)?
- How would you eliminate loopholes that could lead to abuses?
 - Should there be a time limit of 5-7 days to pull gear?

Considerations:

- May or may not require regulatory change in Title 14
- Specific to removing gear due to hardship, not servicing gear
- How would Entanglement-related delays to season opener impact this?