

Meeting Summary
DCTF Executive Committee
Friday, June 30, 2017

Meeting Participants

EC Members Present	Geoff Bettencourt, Bill Blue, Larry Collins, Mike Cunningham, Vince Doyle, Brett Fahning
EC Members Absent	Bill Carvalho
Other Meeting Participants	Paige Berube, Ocean Protection Council Ruth Flores, CA Department of Fish and Wildlife Christy Juhasz, CA Department of Fish and Wildlife Sonke Mastrup, CA Department of Fish and Wildlife Cpt. Bob Puccinelli, CA Department of Fish and Wildlife Tony Shaio, CA Department of Fish and Wildlife Miriam Goldstein, Congresswoman Speier Denise Devotta, Congressman Huffman Lisa Damrosch, Half Moon Bay Seafood Marketing Association Jennifer Renzullo, SeaDoc Society Tom Weseloh, Joint Committee on Fisheries and Aquaculture Rachelle Fisher, DCTF Administrative Team Kelly Sayce, DCTF Administrative Team

Meeting Summary

All "next steps" are in bold below.

1. Welcome, introductions, agenda overview

- The Dungeness Crab Task Force (DCTF) Administrative Team (Admin Team) introduced call participants and welcomed everyone to the meeting. During the call the DCTF Executive Committee (EC) will receive updates on a number of priority topics, review and prioritize fishery management regulations, and discuss the structure of a future DCTF and prioritize Dungeness crab fishery management issues.
- The Admin Team explained the EC is a subcommittee of the DCTF. The EC cannot make decisions on behalf of the DCTF and will report back to the full DCTF with the outcomes of this conference call.
- Meeting ground rules and [guidelines for providing public comment](#) were reviewed, and the Admin Team walked through the agenda. The Admin Team reminded those on the call that public comments are also welcomed via email at info@dungenesscrabtaskforce.com if they are having trouble getting through on the line. Emailed comments received during the conference call may be read aloud during the call as time permits, and also included in the meeting summary (which may be paraphrased to improve readability).
- The Admin reminded call participants this is a working meeting of the EC. Public comment is welcomed, however will be limited if we are unable to get through the agenda in a timely fashion.

2. Updates on issues involving the Dungeness crab fishery including, but not limited to, landings fees, gear recovery program design (per SB 1287), whale entanglements, disaster relief, status of Marilley vs McCamman et. al., DCTF admin support, and the 2017 DCTF meeting and schedule.

- The Admin Team, along with support from other call participants, walked through a number of updates.

- *Commercial Dungeness Crab 2016-2017 Season Update:* The California Department of Fish and Wildlife (CDFW) stated that as of June 29, 2017, a total of 21.8M pounds have been landed during the 2016-17 season, with an ex-vessel value of \$68.3M (11.2M pounds have been landed in the Northern Management Area and 10.6M pounds in the Southern Management Area). Not all of the May and June fishing receipts have been received, and these numbers will be updated over the summer as the last landing receipts of the season are received. The final numbers will be shared at the DCTF's October 2017 meeting.
- *Landing Fees:* Earlier this year, CDFW submitted a proposal to the Legislature requesting increases in commercial landings fees. The Legislature worked with CDFW, fishermen, and others to amend CDFW's original request. The final numbers are outlined in [Senate Bill \(SB\) 92](#); Dungeness crab fees will be increased to \$0.0333/lb on January 1, 2018. SB92 was signed by the governor on June 27.
- *Lost Fishing Gear Recovery Program (SB1287), CDFW Updates:* SB1287 mandated the development of a state-run California Dungeness crab fishing gear recovery program. CDFW is navigating the complex legal and administrative requirements addressed in the statute to establish this program. For example, CDFW is considering how to structure the payment process since trap fees can only be accepted by CDFW (rather than an outside entity). CDFW is in communication with the voluntary-run programs (SeaDoc Society and the Half Moon Bay Seafood Marketing Association (HMBSMA)) to learn from their on-the-ground experience. CDFW looks forward to continuing to work with the DCTF and EC to develop the program. Additional information regarding fees, administrative roles, etc. will be shared at upcoming EC calls and with the DCTF at the October 2017 meeting. Fishermen are not legally required to pay for their traps until the program is formally in place, which is anticipated for the 2018-19 fishing season.
- *Lost Fishing Gear Recovery, Voluntary Program Updates:*
 - SeaDoc Society has been operating a Dungeness crab gear recovery program since 2014. The grant to help fund the program has ended but the Humboldt Fishermen's Marketing Association still has money available from previous years to conduct gear retrieval this upcoming season. Crescent City, Bodega Bay, and possibly San Francisco, are planning to retrieve gear this summer.
 - HMBSMA is in its third year of gear retrieval efforts and plans to scale efforts this summer to add 5-6 additional ports. They are working with The Nature Conservancy (TNC) on a software tool that can record a photograph and GPS coordinates to help report lost gear. HMBSMA has been speaking with CDFW to review options for the design of the Lost Fishing Gear Recovery Program (SB1287) presented to the EC in April. HMBSMA expressed support for more local involvement to help lower the program's costs. Currently, it appears CDFW is moving towards a model in which it will manage the program, rather than local ports. HMBSMA is hopeful the anticipated structure of the program will continue to evolve and looks forward to continuing to work with CDFW.
 - If someone finds lost gear they can report it by:
 - Calling 1-888-491-GEAR
 - Filling out a form online ([here](#))
 - Email gear locations information to crabgear@gmail.com
 - CDFW explained that there is nothing in SB1287 that would prevent a fishing port association from collecting gear without CDFW approval two weeks after the end of the season. However, if the port associations want to be reimbursed in a mandatory way, CDFW has to be involved and the program is more expensive.
- *Whale Entanglements:* The [Dungeness Crab Fishing Gear Working Group](#) continues to develop strategies to reduce the risk of whale entanglements in Dungeness crab fishing gear. The

Working Group last met in May and began developing a framework that would evaluate a number of factors to determine the risk of entanglements in any given season. The hope is to use this framework to inform potential actions when there are risks of and/or real-time entanglements. The framework will be tested/piloted during the 2017-2018 fishing season. The Working Group is also testing pilot projects that are intended to feed into the framework and will be seeking volunteers from the fleet to test data collection tools this upcoming season. A draft framework may be available for DCTF review (and the EC and public) following the Working Group's July/September 2017 in-person meetings. Although the number of entanglements this season is down from last year, there are still approximately 20 entanglements that have been recorded to date (compared to 60 in 2016).

On June 28, 2017, the Center for Biological Diversity (CBD) issued a [notice of intent to sue](#) CDFW based on high levels of whale entanglements in [2016](#). CDFW has encouraged the Working Group to take its charge extremely seriously and is actively seeking the Working Group's guidance and recommendations for addressing this issue in a timely manner.

Jim Anderson, DCTF Member and Working Group participant, provided a brief update on the framework explaining that the goal is to try to tie the latest information on whale/prey distribution patterns (including prey information, whale feeding patterns, etc.) to fishing dynamics. Additional research is also being done to test gear modifications and other technologies.

- *Disaster Relief:* In April 2017, a request was made for West Coast Disaster Relief to be included in the FY17 supplemental appropriations budget; the request was denied. Congresswoman Speier and Congressman Huffman introduced the [Crab Emergency Disaster Assistance Act of 2017](#) to request \$117.39 million to be appropriated to West Coast Dungeness crab and rock crab fishermen and related businesses to be distributed by Pacific States Marine Fisheries Commission (PSMFC). That bill failed to pass through Congress. Next steps are unclear at this time.
- *Status of Marilley vs McCamman et. al.:* Last year, the DCTF learned that money from the Dungeness Crab Account was earmarked to pay for a lawsuit. The lawsuit has been appealed and is now at the State Supreme Court. A decision will not be available until at least September, maybe later. The DCTF will be kept informed on this process as new information becomes available.
- *DCTF Administrative Support:* During the April 2017 EC call, TNC offered to continue funding the DCTF's administration/facilitation through the next DCTF meeting in October 2017 in an effort to ensure the DCTF's work could continue as CDFW continues to explore options to fund the administration of the DCTF (based on the DCTF's [October 2016 recommendation](#)). Strategic Earth recently extended their contract with TNC to support the DCTF until January 2018. In the meantime, CDFW is working on a process to get a public bidding process in place with the goal to have a facilitator in place by February 2018 which will be paid for using funds from the Dungeness Crab Account.
- *2017 DCTF Meeting and Schedule:* Due to the numerous high priority topics on the DCTF's plate, the Admin Team is planning for a 3-day DCTF meeting, likely the week of October 16, 2017. To help ensure the October 2017 meeting is productive, the Admin Team suggested an in-person EC meeting in August to continue addressing these topics and, ideally, develop proposals for consideration by the DCTF. For an in-person meeting of the EC to be compliant with Bagley-Keene, there would have to be at least four EC Members in attendance. Depending on where the meeting is located, there may not be call-in capabilities.
- EC Members discussed the updates.
 - *Landing Fees*

- One EC Member requested further clarification on how the fees in SB92 were arrived at. He explained that some fisheries were hit harder than others in this new fee structure and that the Dungeness crab fishery seemed to receive the largest increase.
 - Tom Weseloh, Chief Consultant to the Joint Committee on Fisheries and Aquaculture, explained that Legislators felt that the 1300% increase in fees that was originally requested by CDFW was excessive. They agreed a 97% increase is more reflective of the standard increases in living since 1992. The Dungeness crab fishery had been paying a comparable rate as other fisheries whose fees are based on tons landed, not pounds. He deferred to CDFW on how those rates were derived.
 - CDFW confirmed the fee increase is in proportion to the estimated value of the Dungeness crab landings.
- One EC Member explained that the processors will likely split the increased landing fees across the management areas and the burden of the fees will be carried by the fishermen.
- *Waivers to have more than six untagged traps in season:* During the last EC call, an EC Member asked about waivers to allow fishermen to have more than six untagged traps onboard during the season. This would support in-season, informal gear retrieval efforts. CDFW's Law Enforcement Division (LED) has informed the Admin Team that such a waiver is not possible, absent a regulatory change.
 - One EC Member requested the opportunity for the DCTF to explore this issue further.
 - The Admin Team reminded the EC why the regulation was put in place (i.e., to prevent people from fishing more traps than they are allocated) and suggested the group consider how to develop this rule and reduce loopholes.
 - One EC Member suggested that only allowing an individual with pump gear on their boat to have more than six traps on board would it make easier for CDFW to know that the person was pumping gear and not fishing beyond their allocation.
 - CDFW highlighted that if the DCTF would like to see a change to the six trap rule, the law would need to be changed. CDFW explained that waivers only apply when the person whose gear is being removed has been identified in the waiver. There is no waiver for general in-season "clean up." Since this is a Title 14 regulation, it may be able to address this issue during the SB1287 rulemaking process.
 - **Per the EC's request, the Admin Team will add the topic of waivers for more than six untagged traps on the October 2017 meeting agenda.**
- *2017 DCTF Meeting and Schedule*
 - EC Members did not have concerns about a 3-day DCTF meeting in October. One Member expressed support for a meeting the first week of October, while another expressed support for anytime the first two weeks of October to accommodate hunting schedules and salmon season.
 - EC Members expressed concern for an in-person EC meeting in August, especially in light of the upcoming 3-day DCTF meeting. Various Members will be out of town during the month of August, while others' schedules were weather/fishing dependent.

Public Comment

- Jim Anderson, DCTF Member and commercial fisherman, asked for clarification on the new landing fees and how the amount was calculated.

- Tom Weseloh, Chief to the Joint Committee on Fisheries and Aquaculture, clarified that the landing fees for Dungeness crab are now \$0.03333, which is considered less than 1% of the value.
- Mark Gentry, commercial fisherman, asked for additional information about the process that was used to establish the updated landing fees and the impetus for the change. He asked how/if out-of-state and international imports were addressed. He stated that the increased landing fees decreased California fishermen's ability to be competitive.
 - Mr. Weseloh explained that the Governor's budget was focused on landing fees. There were other sources that were tapped into to help fill in budget gaps but didn't believe imports were discussed. The state identified the need to keep California fishermen competitive and discussed utilizing the General Fund, license plate funds, and others to make up the CDFW funding shortfall. In the end, the increased fees will only cover \$900,000 of the \$12.4M first proposed.
- Noah Oppenheim, Pacific Coast Federation of Fishermen's Association (PCFFA), asked what CDFW's comments were on CBD's intent to sue. He asked if there were plans to address the concerns highlighted by CBD in their notice or settle them.
 - CDFW explained the state has not been sued and the letter is similar to those the National Oceanographic and Atmospheric Administration (NOAA) have received in the past. CDFW is continuing to work in partnership with the California Dungeness Crab Fishing Gear Working Group to address the issue of whale entanglements. The letter is another indication of the importance for the group to identify solutions to address this issue in a timely manner.
- David Helliwell, DCTF Member and commercial fisherman, explained that in-season waivers for pulling gear were specific to a permit such that it could only be used if a specific individual needed 50 traps removed.
 - CDFW confirmed this statement was accurate.

3. Continue to discuss and prioritize sunseting Dungeness crab regulations (e.g. limited entry, transferability, and fair start, etc.) to address important and timely issues including, but not limited to, domoic acid, whale entanglements, etc.

- The Admin Team explained that Dungeness crab fishermen regularly have suggestions on how to improve fisheries management in an effort to be responsive to issues facing the industry (e.g. domoic acid, whale entanglements, etc.). All commercial Dungeness crab fishery regulations ([here](#)) are scheduled to sunset in January 2019 and currently up for review by the Legislature. The DCTF, and broader industry, has an opportunity to address many of the issues facing the industry as the regulations are being reevaluated. The ideal timing for input and/or recommendations to the Legislature from the DCTF is January 2018.
- The Admin Team asked call participants to consider: *What does the commercial Dungeness crab fishery need from fisheries managers to support the fishery's management in light of issues facing the industry (e.g. domoic acid, whale entanglements, etc.)?*
- On EC Member explained that domoic acid caught the fishery off guard and regulations should be clarified to help fishermen fish more readily in a systematic way.
 - The Admin Team asked what details need to be clarified to simplify things, being mindful that CDFW released six FAQ documents to help provide this clarification over the last two seasons.
- An EC Member suggested modifying the fair start regulations so that delays due to domoic acid are handled the same ways as delays due to crab quality as highlighted in the proposal from the April 2017 EC call ([here](#)).
 - Since District 10 was not included in the proposal, once EC Member expressed support for including District 10 in any clarifications to the fair start regulations and suggested that all partial openers/closures receive the same 30-day protections.

- CDFW explained that once the California Department of Public Health (CDPH) says an area is clear from elevated levels of domoic acid, CDFW must instantly open the area. CDFW has heard from fishermen that they need more warning/time before an opener to prepare and has also heard that fishermen want to fish as soon as possible. Should the Director be given discretion on when to open areas after he is given the “all clear” from CDPH?
 - An EC Member did not support giving more authority to the Director of CDFW to address issues associated with domoic acid. He explained that his port has not been happy with the season openers the last two seasons and stated that a presoak consistent with the northern ports (64 hours) would be helpful to make the openers more fair and safer for the small boats.
 - One EC Member stated that if the entire state had same 64-hour presoak, then the presoak would begin 24-48 hours after the “green light” from CDPH, which should be sufficient time to prepare.
 - CDFW explained that a 24-hour notification is manageable in many circumstances with the exception of last season (2016-17) when the fishery was set to open on Christmas. The area was cleared by CDPH the day before Christmas, but fishermen requested to delay until after the holiday. CDFW did not have the authority to delay, but took the risk as a courtesy. While adjusting the presoak is a legislative change, the sunseting Fish and Game codes provide an opportunity to discuss and address these issues now.
- The Admin Team highlighted the EC prioritizing the topics of transfers, limited entry, and fair start during the April 2017 EC meeting and asked what about these regulations needs to be addressed.
 - *Limited Entry*
 - One EC Member explained that he prioritized the topic of limited entry because it is not controversial and the fleet is not looking for changes. Therefore, it could move forward as-is.
 - *Transferability*
 - One Member said length restrictions for permit transfers were confusing and hard to track by CDFW. Shrimp permits have a much simpler process that could be used as a model for Dungeness crab.
 - CDFW explained that the issue of boat length is very challenging because the License and Revenue Branch (LRB) cannot verify length because they not an authorized agency. Confusing things further, fishermen have shared documentation with the LRB as part of the permit transfer process on the same boat that shows different lengths. How can vessel length be standardized? Could there be a single maximum length for the entire fishery?
 - An EC Member was not supportive of a single length for all vessels in the fishery.
 - One EC Member explained that length restrictions were designed to maintain the existing profile of the fleet. However, the increases in horsepower in recent years have affected this regulation. He would like to minimize the loopholes that allow the fleet to continue to grow despite the length restrictions.
 - Other Members agreed that the law should be updated

Public Comment

No public comment was received.

4. Discuss the long-term structure and functioning of the DCTF including, but not limited to, selection of alternates, elections process, term-limits, incorporation/organizational status (e.g., non-profit 501(c)(3), commission, council, etc.), long-term funding, etc.

- Since 2009, the DCTF has been reevaluating its structure (i.e, Member composition, organizational construct, voting procedures, term limits, etc.), which is extremely timely due to the DCTF's sunset in 2019. Unless recommendations regarding the DCTF's structure are made at the October 2017 DCTF meeting there will likely be a lag in operations if a new DCTF is re-established. During the October [2015](#) and [2016](#) DCTF meetings, the DCTF agreed there is value in and a need for the DCTF. The DCTF requested the EC continue discussing this topic with the goal of providing the DCTF with options for a long-term vision for their consideration for the October 2017 DCTF Meeting.
- During the last two EC conference calls the EC developed options for the DCTF's consideration related to commercial fishing seats and non-commercial fishing seats, and explored other ideas including the need for a chair/co-chair ([here](#)).
- The EC continued to discuss additional options for the DCTF's consideration in October.
- *Revisiting commercial fishing seats:*
 - One EC Member stated that it may be necessary to adjust the definition of high and low permit trap tiers so the high tier vessels are representing more than a handful of individuals. This may help improve involvement by the fleet because diverse sizes of boats will be brought into the conversation.
 - The Admin Team clarified that the high/low tier definitions were based on the pounds landed between 2003-2008 and are not related to the permit trap tiers (which came after the DCTF). Definitions of high and low differ by port. In Eureka, a permit landing more than 281,000lbs between 2003-2008 would be in the high tier and below 281,000lbs would be in the low tier.
 - An EC Member suggested modifying the high/low tier cutoffs at each port.
 - Another EC Member would like to see each port come up with their own representatives regardless of the tier. In some ports, there is difficulty finding people who are willing to participate, and this would allow flexibility in the selection of representatives that would fit the needs of the individual ports regardless of trap tiers or size of operation their representatives are involved in.
 - An EC Member opposed the idea of allowing ports to select whether they want high and low tier representatives. He explained that since poundage translates in trap tiers, high and low tier cutoffs could be based on trap tiers. For example, anyone above 300 traps is high tier, anyone below is low tier.
 - Concern was expressed by another EC Member who questioned the ability to have ports decide whether they would have high and low tier representatives when the port complex covers multiple ports (e.g. South of Half Moon Bay encompasses Morro Bay, Port San Luis, Monterey, etc.)
 - Another EC Member expressed concern about a standard cut off since the number of high and low tier vessels differ by port. He also suggested that production was more a function of boat length than trap tier.
 - All EC Member expressed confusion about what constitutes high and low tier.
 - Options for defining the high and low tier representation of commercial fishermen include:

- 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)
 - Status quo but reduce the threshold for the upper tier so there are more people represented in the high tier
- *DCTF Member's communication with constituents:*
 - DCTF Members have expressed concerns over the years that they are unclear who they represent on a port level since CDFW can not share contact lists with the DCTF. To address this, some DCTF Members have worked with the Admin Team to develop an online form to gather fleet contact information ([here](#)). The form was sent to the DCTF for consideration and no feedback has been shared. The intention is to circulate the form with permit holders so they can provide their contact information with their port representative and/or full DCTF.
 - A few EC Members thought the online form was helpful to generate a list of contacts each Member represents.
 - One EC Member believed the onus should be on the fishermen to contact their Members directly.
 - **The Facilitation Team will distribute the form broadly as well as circulate a list of contact information of DCTF Members for fishermen to be in touch directly with their representative(s).**

Public Comment

- David Helliwell, DCTF Member and commercial fisherman, expressed support for defining high and low tier cutoffs since the result may not be fair if the ports were left to decide.

4. General public comment

- Anne Baxter, University of Washington's School of Marine and Environmental Affairs, stated she is working with researchers to understand socioeconomic impacts of the domoic acid event during the 2015-2016 fishing season. A survey has been developed and circulated as a follow-up to an undergraduate survey in which 100 people were interviewed on this issue in Oregon, Washington, and California. The smaller study helped to generate funding for this larger study. Information that will be collected with this new survey will provide an improved understanding of the economic, social, and cultural impacts of the 2015-2016 domoic acid event. Connections will be made between these experiences and other natural disasters to help the federal government make these types of connections.

Participation from commercial fishermen would be appreciated. To date, it has been challenging to get commercial Dungeness crab fishermen to participate in the survey. Additionally, help from the DCTF/EC to get the word out to the fishing community would also be appreciated. Fishermen can request to participate via the online survey ([here](#)), or a paper survey is available. Please, contact Anne Baxter at (206) 543-4280 or algbloom@uw.edu or click [here](#).

The Admin Team will circulate updated information from Ms. Baxter following the call.

- Zach Rotwein, commercial fisherman, emailed the following comment: In regard to upgrades of boat length. Discussion has been had over allowing opportunities for entrance and upgrades. Ridding the regulations of a boat length would both simplify and allow for growth for those that desire. I can't see a 175 pot permit wanting a 70 footer unless they already have one for another fishery and then their participation would be limited anyway. Also I would like to ask congressman Huffman's rep. If they believe

the denial of disaster relief might correlate with his boycott of the inauguration and his hostilities towards the party in power?

- The Admin Team suggested Mr. Rotwein contact Congressman Huffman's office: Alexa Schaffer: (Alexa.Schaffer@mail.house.gov).

5. Adjourn

- The Admin Team summarized the next steps that emerged from the call discussions.
 - **The Admin Team will produce a summary of this conference call and post it on the [DCTF webpage](#) once it has been reviewed for accuracy by the EC.**
 - **The Admin Team will work with the to schedule the next EC meeting.**

