

Draft Meeting Summary
DCTF Executive Committee
Wednesday, September 2, 2015

Meeting Participants

EC Members Present Geoff Bettencourt, Larry Collins, Mike Cunningham, Vince Doyle, Brett Fahning

EC Members Absent Bill Carvahlo, Bill Blue

Other Meeting Participants: Pete Kalvass, CA Department of Fish and Wildlife
Christy Juhasz, CA Department of Fish and Wildlife
Bob Puccinelli, CA Department of Fish and Wildlife
Steve Riske, CA Department of Fish and Wildlife
Rachelle Fisher, DCTF Administrative Team
Kelly Sayce, DCTF Administrative Team

Meeting Summary

All "next steps" are **in bold** below.

1. Welcome, Introductions, Agenda Review

- The DCTF Administrative Team (Admin Team) explained the role of the Executive Committee (EC).
 - The EC was appointed and approved by the Dungeness crab task force (DCTF) at the [April 2012 DCTF meeting](#). The intent of the EC is to act as an advisory body between scheduled DCTF meetings. The EC cannot make decisions or recommendations on behalf of the DCTF and all discussion topics and ideas generated by the EC must be reported back to the DCTF for consideration and review.
- The Admin Team walked through the [agenda](#) and clarified that the purpose of the call is to discuss options for a long-term lost fishing gear recovery program in California.
 - The Admin Team introduced EC members, Ocean Protection Council (OPC) staff, and California Department of Fish and Wildlife (CDFW) staff.
- [Guidelines for providing public comment](#) were briefly reviewed.

2. Informational updates on topics including, but not limited to, outcomes of the August 20, 2015 whale entanglement discussion and use of high-intensity work-lights by commercial fishing vessels.

- A summary outlining recent [Admin Team, CDFW, and OPC updates](#) was circulated to the EC in advance of the September 2 call.
- A [letter](#) was shared regarding the use of working lights in the San Francisco Bay with the EC/DCTF as a courtesy to the Coast Guard. Questions about the letter were directed to the Coast Guard of CDFW. CDFW will look into circulating a copy of the letter to the collective commercial Dungeness crab fleet prior to the October 2015 DCTF meeting.
- The Admin Team gave a brief update on the [Aug 20 whale entanglement discussion](#) in Oakland, hosted by CDFW, National Marine Fisheries Service (NMFS), and OPC.
 - There was general agreement by the commercial Dungeness crab fishing fleet to get ahead of the issue. Although the discussion was not focused on solutions, strategies to address the issue were introduced for consideration including expanding the lost gear recovery program and training fishermen to be a part of the on response teams.
 - A working group will be developed by CDFW, NMFS, and OPC to continue discussions on developing short and long-term strategies. Outcomes of the working groups will be

shared at the October 2015 DCTF meeting. Those interested in participating in the working group or learning more can email info@dungenesscrabtaskforce.com.

- The EC did not have any updates to share at this time.

Public comment

- No members of the public commented on this agenda topic.

3. Discuss options for ensuring the long-term functioning of a California lost fishing gear retrieval program and potentially develop recommendations to share with the DCTF for consideration.

- The Admin team explained that a lost Dungeness crab fishing gear recovery project was launched 2014 by SeaDoc Society in three northern ports: Eureka, Trinidad, and Crescent City. The project received broad support by local fishermen and brought in +650 lost traps. In fall 2015, the project was expanded to include Half Moon Bay, San Francisco, and Bodega Bay. There is only grant funding through October 2016. There is a need to develop a framework to help guide efforts across California ports and establish a long-term, fiscally sustainable program that does not rely solely on grant funding. The intention of this meeting is to discuss the options that have been shared by fishermen and hopefully come up with a streamlined recommendation that can be presented to the DCTF at the October 2015 meeting for consideration. To guide today's discussion, a [document was shared comparing the options](#) (comparisons document) that have been discussed by the EC to-date.
- The goals of the program were discussed.
 - All EC Members agreed with the goals listed in the comparisons document aside from "Establish disincentives for individuals to abandon gear in California waters" which did not align with the EC's vision for this program.
 - One EC Member stated there was a need to reduce "wet storage." Since wet storage is illegal there should be penalties and tickets issued for this kind of behavior. Perhaps with enough violations of this nature, individuals could have their permits revoked or suspended. He further suggested that if individuals could recover traps two weeks after the season and claim them as their own, the incidences of wet storage would decrease.
- The Admin Team provided an overview of the differences in the California (CA) versus the Oregon-Washington (OR/WA model) as outlined in the [comparisons document](#). The grant-funded program currently in place resembles the California model. However, one of the concerns about the current program is that individuals are not required to pay for their recovered gear. For the program to be financially sustainable, there would need to be a statute forcing individuals to pay for the recovered gear.
 - An EC Member proposed another option/model for consideration. After the close of the commercial fishing season, a boat will be contracted from each port to canvas the ocean to look for lost traps and record their whereabouts. That information will be shared with CDFW who will then issue letters or make phone calls to the owners of the traps warning them to remove their traps from the ocean or there will be penalties. If the gear is not removed by a designated time, CDFW will impound the traps and issue violations.
 - Various EC Members supported enforcement issuing more violations but questioned CDFW's ability to get in touch with the trap owner and how to pay for the contracted boat.
 - One EC Member suggested that CDFW should not issue warnings, but instead go straight to issuing violations.
 - Jennifer Renzullo, California Lost Fishing Gear Recovery Program, stated that the current program recovered traps from 65 boats, and acknowledged that this proposal would require enforcement to take on a large workload.
 - CDFW staff expressed concern about the added staff and resources that would be required to call or issue warning letters to contact all individuals with lost or abandoned gear.

- One EC Member stated that in the OR/WA model, property rights would have to be relinquished, whereas in the CA model, the recovered gear would still belong to the individual who lost it.
- An EC Member stated when selecting a program it will be important to consider how much gear is being removed from the ocean because the program is in place.
- Various EC Members stated that increased enforcement presence was needed to help reduce the amount of gear left in the water after the season.
- The EC discussed the merits of the OR/WA model:
 - CDFW Enforcement staff spoke with representatives from Oregon and Washington who stated that their perspective programs are effective, and from an enforcement standpoint very simple. Enforcement staff further stated that permits to recover traps following the season are not limited by port and anyone can apply. Once all permits are issued, traps can be recovered beginning two weeks after the season ends. In Oregon, the relinquishment of property rights is for a specific period of time; permitholders are given four weeks to recover gear, and after that period any traps that are recovered do not change ownership. There are exemptions available if individuals are unable to get their gear out of the water following the end of the season due to weather or mechanical issues. This information is made clear to permittees of the program so that those individual's gear is not collected. The OR/WA model would require some extra work from CDFW since biologists and enforcement would need to meet permittees at the dock to tag gear that changes ownership.
 - EC Members shared their perspectives on the OR/WA model:
 - The OR/WA model would be effective and would require the least amount of effort and financial support from the fleet.
 - There are concerns that the OR/WA model would not be effective at removing all of the traps from the ocean, especially stuck or unusable traps. All of the easy, nice traps will be collected and all others will be left behind.
 - Fishermen won't have first option to get their lost gear back. Most fishermen are not going to be happy seeing their gear in someone else's pile, which could create added strife in the fishery.
 - Is the threat of a fisherman losing his traps two weeks after the season (due to change in ownership) enough incentive to ensure his gear is out of the water at the end of the season?
- Are there enough incentives in the OR/WA model to remove stuck gear? The EC discussed the merits of the CA model:
 - EC Members discussed how to require individuals to pay for their recovered traps. Ideas included putting trap recovery fees onto the permit renewal form or not allowing individuals with outstanding trap recovery fees to renew their permit(s).
 - EC Members shared their perspectives on the CA model:
 - The CA model would be more effective at removing stuck gear and retrieving less valuable/useable traps.
 - There needs to be a mechanism in place (i.e., penalty) to require individuals to buy their gear back. Forcing individuals to pay for their recovered gear and tacking recovery fees onto the permit renewal would require the repeat offenders to pay for the program and hopefully discourage abandoning of traps.
 - Some years there may be a lot of gear to recover due to harsh winters and other years there will be less gear resulting in a fluctuating yearly budget to support the CA model.
 - Creates an option for individuals to pay to get their lost gear back.
 - The cost of the CA program is higher than OR/WA since it would require an administrator to coordinate each port's gear recovery efforts and storage fees.
 - There is concern that individuals will not retrieve their traps after the season and will use the program to recover their gear.
 - Ms. Renzullo stated that there were 666 traps recovered last season as part of the current program. Of those traps, less than 30 were scrapped. Recovered pots from Oregon boats were sold back to an Oregon fisherman who paid for multiple people's traps with the intent of returning them to their owners. Some Oregon fishermen stated

they preferred the CA model. Fishermen were generally happy to pay for their traps because the cost (\$65/trap) was less than a new trap and it avoided seeing their traps on other boats. She further stated that the CA model would be simpler to implement in-season than the OR/WA model.

- One EC Member asked if the CA model could be in place for part of the year to remove the stuck traps and then have the OR/WA model in place.
- Various EC Member stated they would be more willing to support the OR/WA model if there was an option to give the original owner the opportunity to get their gear back.
 - Members suggested an option that allowed fishermen a window of time to claim their gear and if they refused to pay for it, the ownership would change to the person who recovered the trap(s).
 - The Fish and Game Code currently requires individuals to make a “reasonable attempt” to get the gear back to its owner.
- The group discussed what a “reasonable” amount of time would be and how much it would cost to get gear back to its original owner in both models.
 - Ms. Renzullo explained that it could take a few months and 4-6 attempts to get in touch with fishermen and for them to collect their gear. In Crescent City last year, storage fees cost \$1,500.
 - One EC Member suggested that individuals be given two weeks to claim their traps and then be charged a storage fee if they do not pay and pick up their traps within that timeframe.
- There was a discussion by the group about how to simplify the CA model to reduce the administrative and financial costs.
 - Ms. Renzullo suggested a single person is designated in each port (potentially a captain) to recover and log gear, contact the trap owners, and dispose of, keep, or auction unclaimed gear. This way only one person would be needed in each port as opposed to the current system that requires one person to recover gear and another to log it. A single administrative person could then check in with each port to ensure the gear recovery is taking place. She suggested that port associations and CDFW staff could potentially be utilized to help coordinate these efforts.
 - One EC Member expressed concern with the CA model being so heavily dependent on a single individual.
 - Another suggestion was made by Ms. Renzullo that an online database could be created and populated by the captains recovering the gear. Permittees would be responsible for checking the database to see if their traps were recovered. If they failed to pay for their traps, there will be a notice attached to their permit requiring the permittee to pay the fees before they can renew their permit.
 - Questions were raised about who maintains the database, how the gear would be stored until it was claimed, and how to ensure an accurate accounting of gear.
 - CDFW Enforcement would be willing to meet people on the docks to band traps, similar to the OR/WA model. However, CDFW is not comfortable taking ownership or liability of storing traps until they are claimed.
- Various EC Members expressed support for the OR/WA model due to its simplicity.
 - One Member suggested the OR/WA model could be implemented and then reevaluated at a later date to see if it has created enough incentive to remove gear from the ocean after the season.
- A few EC Members expressed doubt about the effectiveness of the OR/WA model since voluntary efforts are generally less effective and it would not create enough incentive to remove stuck gear.

Public comment

- Jim Anderson, fisherman/DCTF Member, stated that some gear collected through a gear recovery program will be usable and some will not. As long as a trap owner can be identified the CA model creates a great opportunity to get the gear back to its rightful owner.

- Craig Goucher, fisherman/DCTF Alternate, stated that if the OR/WA model was in place he would not participate. He does not want to see his gear in someone else's stack. Mr. Goucher agreed there are challenges associated with administering the CA model, but the OR/WA model will not create enough incentives to remove stuck or junky gear from the ocean after the season. Mr. Goucher expressed the importance of removing stuck gear explaining that stuck gear can entangle more gear and make it even more difficult to recover the gear. If the CA model were selected, it will be important to charge individuals more than \$65 for each recovered trap so people will be less inclined to leave their gear in the water and others will be more inclined to participate in the program to retrieve the gear. He also stated there needs to be better enforcement on abandoned/strings of gear. Mr. Goucher provided suggestions on how to make the CA model simpler including allowing traps to be recovered immediately following the season and allowing a waiver from the program to operate in season.

The EC continued discussing the topic.

- It was widely agreed that pumping stuck gear and creating incentives to remove junk gear are complicated topics to address.
- An EC Member stated the reason for not employing the program during the fishing season or waiting two weeks after the season to begin recovering gear has to do with enforcement. To help minimize this issues, perhaps fishermen could notify CDFW when they have finished fishing so they may have more than six traps on board their vessel. He suggested developing an option to allow fishermen to have more than six traps onboard their vessel during the season to help recover traps in-season as well as out of season.
 - CDFW stated that implementing a gear recovery program during the fishing season would be very complex from an enforcement perspective. The regulations state that individuals cannot tamper with another person's gear during the season. Implementing during the season would require changes to regulations or waivers.
 - Ms. Renzullo stated that a waiver was issued by enforcement previously to allow the program to operate in-season. However, it may not be profitable for those fishermen implementing the program during the season if too few traps are recovered.
- The EC asked for clarification from the Admin Team on what it would mean to agree on a framework for a lost gear recovery program.
 - The Admin Team explained that the EC cannot make decisions for the full DCTF, but could provide guidance and recommendations to the DCTF. Ideas and/or proposal(s) developed by the EC will be shared during the upcoming DCTF meeting in October. The Admin Team will draft a memo on behalf of the EC to the DCTF outlining the EC's suggestion(s) in advance of the October DCTF meeting. Today's conversation will help inform EC and DCTF Members' conversations with their constituents prior to the October DCTF meeting. Agreement by the EC would also give the Admin Team and CDFW an opportunity to investigate and research the EC's suggestion(s) to inform DCTF discussion and be prepared to take steps (i.e., regulatory package) to get a California Lost Fishing Gear Recovery Program in place.
- **The EC agreed to move forward with recommending the OR/WA model to the DCTF unless the administration of the CA model could be simplified.**
 - The model can be tailored to address a number of CA needs, including providing the original trap owner the first option to get their gear back within a specified time period, create incentives for the pumping of stuck gear, and create mechanisms to discourage repeat violators.
 - Pros of the OR/WA model identified by the group include:
 - It would be a positive step in recovering lost gear after the season especially considering this gear is interfering with other fisheries and has implications for whale entanglements.
 - There are still options that could be built in to sell or give gear back to the original owner.
 - It is the simplest to implement and run.
 - Concerns with the OR/WA model identified by the group include:
 - Concerns about the model's effectiveness in northern ports where traps can get stuck.

- Concerns with fishermen targeting lost gear that is functional/in good shape and leaving junky gear in the water.
- Concerns that the current OR/WA model does not have provisions that allow the original owner the first opportunity to purchase/get gear back due to the relinquishment of property rights.

Public comment

- Craig Goucher, fisherman/DCTF Alternate, explained there needs to be a way to deal with the repeat violators that CDFW enforcement does not have the resources to address. For example, there is no enforcement vessel in Shelter Cove and therefore fishermen aren't concerned about receiving a violation for abandoning their gear in the area.

4. General Public Comment

- No members of the public provided general comment.

5. Adjourn

- The Admin Team summarized the next steps that emerged from the call discussions.
 - Summaries of both the August 14 and September 2 EC meetings will be circulated to the EC for review and then posted the DCTF webpage.
 - The Admin Team will develop a memo from the EC to the DCTF recommending the OR/WA model for consideration, including explaining the need for options to tailor this model to reflect California needs. The memo may also ask the DCTF to consider options for simplifying the administration of the CA model.
 - The next DCTF meeting will be held during the last week in October in Ukiah, CA.