



**~California Dungeness Crab Task Force~**

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

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January 15, 2015

Senator Mike McGuire, Chair  
Joint Committee on Fisheries and Aquaculture  
1303 10<sup>th</sup> Street  
Sacramento, CA 95814

Dear Senator McGuire,

The California Dungeness Crab Task Force (DCTF) is pleased to submit the following recommendations regarding management of the California Dungeness crab fishery.

Pursuant to SB369, the California Ocean Protection Council has been designated as the body responsible for establishing and administering a task force. The DCTF is directed to review and evaluate the California Dungeness crab fishery with the objective of making recommendations related to the management of the fishery to the Joint Committee on Fisheries and Aquaculture, the California Department of Fish and Game, and the California Fish and Game Commission by January 15, 2015 and January 15, 2017.

The enclosed report, submitted on January 15, 2015, provides initial DCTF recommendations and fulfills the first requirement of the SB369 mandates. The DCTF intends to provide additional recommendations by January 15, 2017 to fulfill the second requirement of the SB369 mandates.

Printed copies of the report may be obtained by contacting the DCTF Administrators at (805) 845-9852 or [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com). The report may also be downloaded on the DCTF webpage: <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>.

Sincerely,

The California Dungeness Crab Task Force

Ec:                    Jim Wood, Vice Chair, Joint Committee on Fisheries and Aquaculture  
                          Charlton Bonham, Director, California Department of Fish and Wildlife  
                          Michael Sutton, President, California Fish and Game Commission  
                          Sonke Mastrup, Executive Director, California Fish and Game Commission  
                          Catherine Kuhlman, Executive Director, Ocean Protection Council  
                          Dave Colpo, Sr. Program Manager, Pacific States Marine Fisheries Commission



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### REPORT

TO: Joint Committee on Fisheries and Aquaculture, Mike McGuire, Chair  
Joint Committee on Fisheries and Aquaculture, Jim Wood, Vice Chair  
California Fish and Game Commission, Michael Sutton, President  
California Fish and Game Commission, Sonke Mastrup, Executive Director  
California Department of Fish and Wildlife, Charlton Bonham, Director

CC: California Ocean Protection Council, Catherine Kuhlman, Executive Director  
Pacific States Marine Fisheries Commission, Dave Colpo, Sr. Program Manager

FROM: California Dungeness Crab Task Force

DATE: January 15, 2015

RE: Initial recommendations from the California Dungeness Crab Task Force as requested in SB 369 (Fish and Game Code 8276.4)

APPENDICES: (1) [Senate Bill 369](#)  
(2) [January 15, 2010 Report \(Report #1\)](#)  
(3) [March 31, 2010 Report \(Report #2\)](#)  
(4) [Tri-State Dungeness Crab Commission Memorandum of Understanding \(MOU\)](#)  
(5) [DCTF Membership List](#)  
(6) [DCTF Charter](#)  
(8) [Summary of DCTF Votes from April 22-23, 2014 meeting](#)  
(9) [Summary of DCTF Votes from October 29, 2014 meeting](#)  
(10) [DCTF Memorandum: Response to Tri-State Committee Request](#)  
(11) [DCTF Memorandum: Response to Recreational Fishing Proposal](#)  
(12) [Coastal Dungeness Crab Tri-State Committee Meeting 2014: Decisions and Next Steps Summary](#)  
(13) [Coastside Fishing Club Proposal: Modifications to the Dungeness crab sport fishery](#)

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This report provides recommendations from the California Dungeness Crab Task Force (DCTF) to the Joint Committee on Fisheries and Aquaculture (the Legislature), the California Department of Fish and Wildlife (the Department), and the Fish and Game Commission (the Commission) that may inform future Dungeness crab fishery management changes. This work was completed pursuant to Senate Bill (SB) 369 (Evans, 2011) (Appendix 1). SB 369 requires the DCTF to submit initial recommendations by January 15, 2015 – the following report fulfills that requirement. The DCTF looks forward to developing another report for January 15, 2017 containing final recommendations. As needed, the DCTF may also develop additional reports beyond those that are legislatively mandated to provide additional recommendations to the Department, the Legislature, and the Commission. The work of the DCTF is supported by the California Coastal Protection Fund of 2006 as authorized by the California Ocean Protection Council (OPC).

**Additional information, including meeting summaries offering details on the development of the recommendations provided in this report, is available on the DCTF webpage:**

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

## **BACKGROUND**

The California Dungeness crab industry is a valuable state resource. Dungeness crab is one of the most productive fisheries in California<sup>1,2</sup> with an average ex-vessel value<sup>3</sup> of approximately \$59.6 million per calendar year. This is in large part due to strong demand by consumers, including international markets. The Dungeness crab industry is interested in maintaining the health of the fishery to safeguard its economic health and to preserve the fishing communities that rely on the resource.

### ***SB 1690 and SB 369***

In an effort to alleviate concerns about the California fishery and create a forum for the industry to resolve Dungeness crab fishery issues, SB 1690 was passed in September 2008, and provided for the establishment of a DCTF that was representative of the diverse fishery interests. SB 1690 (which added Section 8276.4 to the California Fish and Game Code) directed the California Ocean Protection Council (OPC) to establish and administer the DCTF, and directed the DCTF to review and evaluate the Dungeness crab fishery and make recommendations to the Legislature, the Commission, and the Department. The DCTF ceased to exist on January 1, 2011 per SB 1690's sunset clause, but was reestablished later the same year by SB 369 (2011-2012 Reg. Sess), which again tasked the OPC with developing and administering the DCTF. SB 369 mandated that the DCTF be composed of 25 members including 17 members representing commercial fishing interests, two members representing sport fishing interests, two members representing crab processing interests, one member representing CPFV interests, two members representing nongovernmental organization interests, one member representing Sea Grant, and two members representing the Department. SB 369 also established a seven-tier commercial Dungeness crab trap limit program. The Department is responsible for developing and implementing the program in consultation with the DCTF.

The work of the DCTF is to be carried out during the course of several public meetings held in California between March 2012 and January 2017. The goal of these meetings is to make recommendations on the commercial tiered trap limit program and other Dungeness crab fishery management measures as described in Fish and Game Code Section 8276.5 by January 15, 2015 and January 15, 2017. The Ocean Protection Council (OPC) has authorized approximately \$215,000 from the California Coastal Protection Fund of 2006 to support the DCTF until 2017.

### ***California Management of the Fishery***

The California Dungeness crab commercial fishery is managed by the Department pursuant to California Fish and Game Code Section 8275 *et seq*, which requires the fishery be managed using a 3-S (sex, size, and season) management strategy. Commercial harvest is restricted to male crabs, greater than 6.25 inches carapace (body) width, from mid-November through the end of June (District 10<sup>4</sup>) or December 1 through July 15 (north of District 10). This management strategy is considered to be successful in maintaining the crab population because males have the opportunity to mate several times before reaching legal size, females are protected from commercial harvest, and the fishing season avoids both the soft-shell and primary breeding period. The California Fish and Game Code designates the opening of the season for District 10 (November 15) as well as Districts 6, 7, 8, and 9 (December 1). In Districts 6, 7, 8, and 9, the code delegates

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<sup>1</sup> Hackett, Steven, D. King, D. Hansen and E. Price. 2009. *The Economic Structure of California's Commercial Fisheries*. Technical Report . California Department of Fish and Game, Sacramento.  
<http://www.dfg.ca.gov/marine/economicstructure.asp>

<sup>2</sup> The Dungeness crab fishery is an important contributor to the economy of small port communities such as Crescent City

<sup>3</sup> Ex-vessel value is the amount paid to fishermen when they land (deliver) their catch to buyers the docks.

<sup>4</sup> "District 10" refers to the region south of Point Arena. District 10 and all coastal districts south of 10 to the Mexican border are subject to the same Dungeness crab fishery regulations.

the authority to delay the season opening to the Department Director if crabs are soft-shelled or low quality. Additionally, in 1995 a limited entry program<sup>5</sup> was implemented that served to limit the total number of permits in the fishery. In 2014, there are 540 permits, of which 445 are active and 119 are inactive (or “latent”<sup>6</sup> referring to those permits (vessels) with landings of less than 200lbs in the previous season).

In contrast to the commercial fishery, the Dungeness crab sport fishery is managed by the Commission, with measures that include a specified season, daily bag limits, and minimum size requirements. The specifics of the regulations vary by region and by sport fishing mode (i.e. private vessel versus shore-based fishing versus commercial passenger fishing vessels (CPFV)).

### ***Tri-State Coastal Dungeness Crab Committee & West Coast Management of the Fishery***

In 1996, the Tri-State Dungeness Crab Agreement was established through a MOU between the Pacific States Marine Fisheries Commission (PSMFC) and Washington, Oregon, and California to facilitate communication and cooperation between the states in managing their Dungeness crab fisheries (see Appendix 4 for MOU). Most notably, this agreement established preseason crab testing<sup>7</sup> from the Washington-British Columbia border to Point Arena. Through the Tri-State Coastal Dungeness Crab Committee these three states have had the ability to discuss and align management of Dungeness crab in their respective states including coordinating fair start clauses.<sup>8</sup>

The Oregon and Washington Dungeness crab fisheries are also high-value fisheries. In contrast to the California commercial fishery, where management authority resides with the Legislature, the Oregon and Washington commercial fisheries for Dungeness crab are managed by their respective Fish and Wildlife Commissions. Historically, both the Oregon and Washington fisheries have experienced similar trends as the California fishery, including the presence of inactive permits, increased gear in the water, and a derby dynamic, whereby a large proportion of a fishery’s landings are made in a short period at the beginning of the season with landings dropping sharply thereafter. In an effort to correct these issues and distribute fishing throughout the season, the Washington Department of Fish and Wildlife (WDFW) established a tiered Dungeness crab trap limit system in 1999. The Oregon Department of Fish and Wildlife (ODFW) followed suit in 2006 by establishing a trap limit program modeled after Washington’s system. At a 2009 DCTF meeting, WDFW and ODFW staff explained that while their trap limit programs have capped the amount of gear in the water, there is no evidence that they significantly reduced the derby dynamic of the fishery.

### ***Current Management Issues***

A variety of issues and topics related to the management of the fishery have been identified by the DCTF and some members of the commercial fishery, including:

*Commercial Dungeness crab trap limit program:* Prior to the 2013-2014 commercial Dungeness crab season, some fishermen were concerned about the increase in the numbers of traps used each season in an effort to land as much crab as possible, to help address this issue and cap the excess fishing capacity, a commercial Dungeness crab trap limit program, based on 2010 recommendations from

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<sup>5</sup> A limited entry program is a management strategy that restricts the number of participants in a fishery.

<sup>6</sup> The Department does not use the term “latent permit(s)” formally. The definition of latent comes from the DCTF.

<sup>7</sup> Preseason crab quality testing is used to predict the meat recovery rate prior to the season opener. A recovery rate of 25% is required for the December 1 season opener in Northern California. If this standard is not met, testing is repeated within specific time intervals until the quality test passes with the Northern California fishery will open no later than January 15. Requirements for preseason testing do not apply in District 10.

<sup>8</sup> Fair start provisions require fishermen to commit to fishing in a single management area (e.g., District 10, north of District 10) for 30 days prior to fishing in another management area.

the DCTF, was successfully implemented in the 2013-2014 commercial season pursuant to SB 369. The seven-tier trap limit program allows each permit holder to fish a specified number of traps based on the permit's historical landings. However, some fishermen believe a trap limit program will have a limited effect on capping capacity of the fishery. The DCTF will evaluate the trap limit program and provide the Legislature, the Department, and the Commission with feedback on the industry's experiences with the program as directed by SB 369.

*Latent capacity:* The DCTF has discussed the "latent capacity" in the fishery, or the number of inactive permits in the fishery. Some believe the Dungeness crab fishery's latent capacity could threaten the economic viability of the fishery in the long-term. With approximately 119 inactive or "latent"<sup>9</sup> Dungeness crab commercial fishing permits in California, constituting approximately 21% of the fleet, some members of the industry have questioned the sustainability of the fishery into the future should latent permits be activated, since these permits represent unexploited fishing potential. As Dungeness crab is a high value fishery, some fishermen believe this concern is a very real possibility. In contrast, some industry members believe latent permits represent a means for new entrants to get into the fishery by creating a more affordable entry-point to buy into the fishery. There continues to be debate on whether the latent capacity of the fishery should be addressed by the DCTF, fishery managers, and those with decision-making authority including the California Legislature, the Department, and the Commission.

*Fleet mobility:* Throughout the season, there is a bidirectional movement of fishermen and gear along the California coast. Fishermen throughout the West Coast fish in District 10 where the fishery opens November 15 (two weeks prior to the Northern California opener) to take advantage of consumer demand for Dungeness crab during the Thanksgiving and Christmas holidays. When the northern<sup>10</sup> fishery opens (December 1 or later depending on crab quality), a portion of the fishing effort typically shifts to north of Point Arena. In addition to California resident vessels, non-resident vessels from Oregon and Washington confound this shift by fishing in California prior to their respective state openers. Some fishermen based south of Point Arena believe the early opener and subsequent shift to the south has created an unfair playing field (i.e. the shift encourages concentration of effort locally with potentially negative implications, including overcrowding fishing grounds and flooding the market with product). On the other hand, some fishermen from the northern management areas believe fishermen from the south have the same opportunities for travel as everyone else and therefore, the shift is fair.

Members of the Dungeness crab industry have made several attempts to resolve these issues and others including those related to crab quality testing, season start dates/times, etc. However, the fishery consists of a diverse group of individuals, communities, and viewpoints. Opinions regarding the management goals and objectives for the California Dungeness crab fishery generally vary by production level, vessel size and homeport location<sup>11,12</sup> making it challenging at times for fishery participants to reach agreements. Nonetheless, the DCTF has made significant progress toward reaching agreements and forwarding

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<sup>9</sup> Although the Department does not use the term "latent permit(s)" formally, the DCTF uses this term to refer to those permits (vessels) with landings of less than 200lbs in the previous season.

<sup>10</sup> "Northern" refers to the region north of District 10/Point Arena to the California-Oregon border.

<sup>11</sup> Dewees, C.M. et al. 2004. Racing for crabs: Cost and management options evaluated in Dungeness crab fishery. California Agriculture. Vol. 58(4): 186-193.

<sup>12</sup> Pomeroy, C., et al. (2011). California's North Coast Fishing Communities: Historical Perspective and Recent Trends. Secondary California's North Coast Fishing Communities: Historical Perspective and Recent Trends. Secondary Pomeroy, C., et al. La Jolla, CA: 350p.

recommendations to fisheries managers and those with decision-making authority. The DCTF looks forward to continuing this work and updating the Legislature, the Department, and the Commission on the outcomes of their discussions regarding the issues discussed above and others as they arise.

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## **DCTF PROCESS AND PROCEDURES**

Together, [SB 369](#) and the [DCTF Charter](#) describe the DCTF's operating and voting procedures. The DCTF Charter was developed and ratified by the DCTF in September 2009 and amended in March 2012 and April 2014. The charter establishes ground rules, member roles, and voting procedures for the group. In keeping with those procedures for the Legislature's request for recommendations, the DCTF charter states that, "a proposed recommendation that receives an affirmative vote of at least 15 of the non-ex officio members of the DCTF may be transmitted ... [and] shall be considered to be the consensus of the task force, and shall be considered to be evidence of consensus in the Dungeness crab industry." The following voting protocol, described in the DCTF Charter, was used to conduct straw polls and final voting on the Committee's proposals to the DCTF:

- **Thumbs Down:** I do not agree with the proposal. I feel the need to block its adoption and propose an alternative.
- **Thumbs Sideways:** I can accept the proposal although I do not necessarily support it.
- **Thumbs Up:** I think this proposal is the best choice of the options available to us.
- **Abstention:** At times, a pending decision may be infeasible for a Member to weigh in on.

Thumbs up and thumbs sideways were *both* counted as affirmative votes to determine a 15-member majority on a recommendation. In the interest of informing the Legislature, the Department, and the Commission of the full DCTF's perspective on these issues, recommendations that did not receive an affirmative vote of at least 15 members have not been included in this memo.

## **DCTF VOTES AND ANALYSIS**

The following recommendations were developed by the DCTF over the course of two meetings in 2014: April 21-22 and October 29. The recommendations represent agreements of DCTF members (as per voting protocols defined in the DCTF Charter (Appendix 6); however, in some cases they are not the *verbatim* language from when the votes were taken. Because of the iterative nature of the conversations at the DCTF meetings, the language of some of the recommendations has been adjusted to improve clarity. The verbatim language, together with the voting record from both meetings is included Appendices 8 and 9 for reference. Some recommendations are grouped together for clarity. Explanatory notes are provided below recommendations, when necessary.

### **Commercial Dungeness Crab Trap Limit Program**

SB 369 mandated the DCTF "prioritize the review of pot limit restriction options." The ensuing recommendations are directly related to the commercial Dungeness crab trap limit program.

**Recommendation 1-** The DCTF agrees that the Dungeness crab commercial trap limit program is an important step in managing the amount of gear in the water. The DCTF looks forward to monitoring the development of the program and providing additional recommendations related to its efficiency and effectiveness in the DCTF's legislatively mandated 2017 report. Future recommendations may include:

- Looking at the need for in-season replacement tags to address concerns about potential loopholes associated with replacement tags.
- Recommendations related to preserving the structure of the commercial fleet.

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	0	0	0	3

NOTES:

At the time of this report, the commercial Dungeness crab trap limit program has only been in effect for one full season. The DCTF feels more time is needed to evaluate the benefits, challenges, and loopholes associated with the program. The DCTF acknowledges that a number of topics and potential concerns have been raised by members of the Dungeness crab industry and may be addressed in the January 2017 report to the Legislature, Department, and Commission.

**Recommendation 2-** Allow buoy tag fee waiver for permit holders who are unable to fish due to mandatory military service. The waiver must be requested when the permit is renewed and there is no limit on how many times a permit holder can seek the waiver. A permit holder cannot purchase tags mid-season and start fishing. If a permit holder decides to not fish one year and wants to fish the next year, the permit holder will need to pay tag fees for two full years. No discounting or prorating fees.

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
17	1	1	0	3

NOTES:

The DCTF agreed there are times when a permit holder faces a hardship and is unable to fish. In many cases, there are options available to ensure permit holders can support their businesses even when they are unable to fish (e.g. emergency transfers, leasing a permit/vessel). Still, the DCTF agreed that individuals who are faced with military service should be allowed a waiver on their buoy tag fees. They also agreed that since the buoy tags are 2-year tags, it would be much simpler and cleaner if these permit holders were required to purchase their tags at the 2-year price rather than allowing these individuals to purchase pro-rated tags.

**Recommendation 3-** The DCTF believes no action should be taken to change the Tier 7 permit provisions, which allow trap tag transfers March 31, 2015.

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	5	0	0	3

NOTES:

Fish and Game Code 8276.5(1)(G) states that permit holders in the lowest tier (i.e. the 175 trap tier) have restrictions on the transfer of their trap tags when transferring their permits. The code states “California

permits described in paragraphs (1) and (2) of subdivision (g) of Section 8276.4 shall receive a maximum allocation of 175 tags. The tags in this tier shall not be transferable for the first two years of the program.” On March 31, 2015 the trap tags associated with these permits will become transferrable. There had been concern by some that this would encourage the activation of previously unused permits. However, DCTF members felt that preventing the transferability of these trap tags would have severe negative impacts on those who purchased these Tier 7 permits with the understanding that these permits would become transferrable after March 31, 2015.

**Recommendation 4-** The DCTF continues to oppose the stacking of commercial Dungeness crab permits.

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	1	2	0	3

**NOTES:**

There had been renewed interest by some in the commercial fishing fleet (including members of the DCTF) to revisit the discussion around allowing permit stacking in the commercial fishery so individuals have another means to increase their trap allocations (aside from purchasing a new permit). After discussion and subsequent vote, the DCTF stated that it opposed stacking of commercial Dungeness crab permits.

**Recommendation 5-** The DCTF recommends amending 132.1 CCR T-14 to add section 3- Vessels may transit waters south of 42.00°N with traps buoy tagged with either a valid Oregon or Washington buoy tag, provided no crab species are aboard the vessel and no traps shall be deployed in waters south of 42.00°N without a valid CA buoy tag.

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
13	3	0	3	3

**NOTES:**

Various permit holders have expressed concern that the California Code of Regulations (CCR) does not have provisions to allow vessels to transit California waters with only Oregon- or Washington-tagged traps onboard. Per 132.1 CCR T-14 California resident permit holders who also hold Oregon and/or Washington Dungeness crab commercial permits have no legal means to transport their traps to other states to fish. Furthermore, these regulations state that a permit holder is in violation if there are more than six (6) traps onboard without a valid California trap tag. The DCTF feels recommendation 5 would be sufficient to resolve this issue so fishermen may legally fish in multiple states.

**Recommendation 6-** 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.



*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
18	0	0	1	3

**NOTES:**

DCTF members agreed that a program to retrieve lost fishing gear is beneficial in helping the commercial Dungeness crab fishery to avoid potential trap issues (e.g. whale entanglement, ghost fishing). The CA Lost Fishing Gear Recovery Project (<http://www.seadocsociety.org/california-lost-fishing-gear-removal-project/>), which is run by the SeaDoc Society in partnership with Humboldt State University, has been working to retrieve lost Dungeness crab traps near the ports of Eureka, Trinidad, and Crescent City. The commercial Dungeness crab fishing community has greeted the project with widespread support and requested that the program be extended to the southern extent of the fishery. Since the project is finishing up a grant cycle at the end of 2014, the project administrators are looking to the Dungeness crab fishery to fund ongoing project activities as well as design and implement the project over the long term. At the October 29, 2014 DCTF meeting, there was a consensus to investigate how to design, implement, and fund a lost trap retrieval program for the commercial Dungeness crab fishery. The DCTF looks forward to developing recommendations on how to accomplish this task and sharing it with the Legislature, the Department, and the Commission in their January 2017 report, or sooner if possible.

**Dungeness Crab Tri-State Issues**

At its May 23, 2013 meeting in Portland, OR, the Tri-State Coastal Dungeness Crab Committee requested the DCTF review proposals from the Committee and provide recommendations on how to address them. Initial feedback from the DCTF was submitted to the Tri-State Coastal Dungeness Crab Committee’s in advance of its May 21-22, 2014 meeting; this information was also made available to the Legislature, the Department, and the Commission (see Appendices 10 and 11). During the May 2014 Tri-State Coastal Dungeness Crab Committee meeting, the Committee forwarded a second round of proposals for the DCTF and California’s consideration (see Appendix 12). The DCTF submits the following recommendations in response to those proposals.

**Recommendation 7-** The DCTF does not support the recommendation from the Tri-State Coastal Dungeness Crab Committee to give the Director of the Department more authority and/or flexibility in making changes to the commercial Dungeness crab fishery as they relate to tri-state issues. Issues include presoak, start date, start time, management area lines, to have the ability to draw new lines for soft-shell delays, and new delay increments for season start. The DCTF feels that these issues are currently resolved and would like to retain California’s current structure for making recommendations to the Tri-State Coastal Dungeness Crab Committee.

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
6	13	0	0	3

**NOTES:**

In accordance with the Tri-State MOU (1980, subsequently amended), California, Oregon, and Washington have agreed to take mutually supportive actions in the management of the commercial Dungeness crab fishery in each state. In response to the Tri-State Coastal Dungeness Crab Committee’s recommendation to give California more flexibility in collaborating with Oregon and Washington on commercial Dungeness crab management issues, the DCTF concluded that the issues identified by the Tri-State Coastal Dungeness

Crab Committee were resolved and that giving the Director of the Department more authority to make changes without Legislative oversight was not necessary at this time.

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**Recommendation 8-** The DCTF recommends the following guidelines for funding Dungeness Crab Quality testing in California:

The Department and Pacific States Marine Fisheries Commission (PSMFC) will coordinate to send out vessels with observers onboard to retrieve Dungeness crab for the purposes of pre-season Dungeness crab quality testing. All Dungeness crab caught will be provided to a processor(s) to process the crab using the well-established guidelines developed through the Tri-State Dungeness Crab Committee. The processor will then provide PSMFC with an accounting of the weight of the picked meat and the market value of the canned meat, which will specify the total available budget for the crab quality test. PSMFC will disperse payment using the following temporary guidelines:

- Observer costs (including observer time and travel) will be paid at the rate(s) indicated by the providers of the observers.
- Processor costs will also be reimbursed at rate of \$4 per pound. Processors may attend a future DCTF meeting to provide updated insights on whether the above figure is sufficient to cover their costs for processing the crab. The DCTF may consider revisiting compensation for processors at that time.
- Vessel costs will be reimbursed at a flat rate of \$1,000 per port, per test.
- If there are insufficient funds available from the sale of the Dungeness crab to cover these costs, observer costs will be paid first, in full. Then, processor and vessel costs will be pro-rated based on the amount of remaining funds such that processors and vessels will only be reimbursed for a percentage of their expenses.
- If there are surplus funds available after all of the above expenses are paid, the funds will be retained by PSMFC in an account until the DCTF further discusses the process for managing surplus funds. This may include, but not be limited to, using funds for charitable purposes, reserve the funds for years when the sale of the crab is insufficient to cover costs, require observers when setting crab gear, funding the DCTF, and/or funding a Dungeness crab trap recovery program. In the meantime, these funds may be used to cover future crab quality testing when budget shortfalls occur.

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
20	1	0	0	1

NOTES:

Assembly Bill 2363 (2011-2012 Reg. Sess) directed the Department to work with the Dungeness crab industry, including the DCTF, to develop guidelines for the management of funds received from pre-season Dungeness crab quality testing. The DCTF worked with Department staff to develop a recommendation for these guidelines. Department staff and PSMFC have agreed to adopt these recommendations as guidelines for funding pre-season Dungeness crab quality testing until additional recommendations are made by the DCTF or another appropriate body.

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**Additional DCTF Recommendations**

The DCTF is also mandated to prioritize the review of the sport and commercial fisheries including effort, season modifications, etc. The following recommendations address additional issues that have been brought to the attention of the DCTF.

**Recommendation 9-** The DCTF recommends changing all references to “a/the person” in Fish and Game Code 8279.1 (a)-(d) to “any Dungeness crab permitted vessel”.

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
7	11	1	0	3

**NOTES:**

California law prohibits commercial Dungeness crab permitholders from fishing in multiple management areas<sup>13</sup> for 30 days when one management area opens for fishing after another under delayed conditions (also referred to as a “fair-start”). As written, the Fish and Game Code uses “a person” to refer to any permitholder, including any entity that is legally connected to the permitholder including a company, business, or employee/crew member. Therefore, if a company or individual owns multiple permits/vessels, all vessels owned by that company/individual are required to operate as a single entity. For example, if one of the company’s/individual’s vessels is subject to a 30-day fair start delay then **all** other vessels owned by the company/individual are also subject to this delay. The DCTF agreed that this restriction was unfair to individuals who operate vessels on behalf of a company, individuals who own multiple vessels, and crewmembers that choose to assist permitholders in multiple management areas. The DCTF agreed that changing all references of “a/the person” to “any Dungeness crab permitted vessel” would address these issues.

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**Recommendation 10-** Per the Commission’s direction, the DCTF has discussed the Coastside Fishing Club’s proposal (dated October 9, 2013). The DCTF feels strongly that these issues need to be vetted through and decided on by the Commission with input from CDFW and members of the recreational fishing fleet.

The DCTF agrees that there should be a uniform bag limit and minimum size for the recreational fishery throughout California. However, at this time, the DCTF agrees that the Commission should decide the details of these issues with input from CDFW and members of the recreational fleet.

The DCTF looks forward to discussing future recreational fishery issues.

*Vote of all DCTF Members (nonvoting Members abstained):*

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
21	0	0	0	1

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<sup>13</sup> The CA Dungeness crab fishery is divided into two (2) management areas. The northern management area is all districts north of Point Arena. The central California or southern management area consists of District 10 and other areas south of Point Arena.

NOTES:

In early 2014, the Department requested the DCTF review and offer feedback on a proposal from Coastside Fishing Club's proposal (Appendix 13) to modify recreational Dungeness crab fishing regulations to inform the state's deliberations the proposal. A report providing a summary of the recommendation that emerged during DCTF deliberations on the Coastside Fishing Club proposal was provided on May 9, 2014 (Appendix 11). CPFVs operating from Sonoma County to Monterey County are allowed a bag limit of 6 crabs per person at a minimum size limit of 6", while CPFVs operating in the north may retain up to 10 crabs at a minimum size of 5.75". The DCTF agrees there should be a uniform bag limit and minimum size for all CPFVs operating throughout California. However, the DCTF agrees the Commission should decide the details of those regulations with input from the recreational fleet and CDFW. The DCTF looks forward to continuing discussing issues related to the recreational fishery and welcomes future requests from CDFW and the Commission to review and provide recommendations on recreational Dungeness crab issues.

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