

Local: Concord woman with rare disease to stay in U.S. permanently. B1



Business: Lawmakers join rush to buy N.Y.'s first legal pot. C7



World: Netanyahu back in power. A4



The newspaper of Silicon Valley

The Mercury News

BayArea NewsGroup

FRIDAY, DECEMBER 30, 2022

24/7 COVERAGE: MERCURYNEWS.COM » \$3.00

'WE HAVE TO ADAPT OR DIE'



Brand Little shows off a modified, half-open-top crab pot at San Francisco's Fisherman's Wharf. He believes the simple redesign could be a solution to the problem of whale entanglement that has been repeatedly delaying crab season openings.

THIS LOW-TECH IDEA IS A REAL CATCH

Two Bay Area crab fishermen have come up with a simple modification of crab pots that could protect whales – and help revitalize a threatened industry

By Roxanne Hoorn

Correspondent

As whale populations swell along the California coast, Dungeness crab fishermen are struggling to stay afloat.

Fear of entangling whales in a minefield of ropes extending from traps on the ocean floor to buoys floating on the surface has forced state regulators to delay the traditional Nov. 15 start of the commercial crabbing season year after year. This year alone it was delayed several times because of the continuing presence of migrating whales. It will finally open Saturday — limited to half the usual number of crab pots.

In response to the dwindling season, crab fishermen and scientists have been working furiously to come up with solutions to the problem.

One new high-tech design being tested bundles the ropes with crab pots so that the ropes pop up to the surface only when triggered by a timer or a sound alert sent from fishing boats

But two veteran Bay Area fishermen, Brand Little and Steve Melz, have also come up with a potential low-tech solution already available in their boat-

Arguing that developing expensive gadgetry is overthinking the solution, ioned crab pot with half the top re-



JOE ELOWERS — NOAA MARINE MAMMAL HEALTH AND STRANDING RESPONSE PROGRAM

Members of a National Oceanic and Atmospheric Administration team that rapidly responds to whale entanglements disentangle Dungeness crab gear from a humpback whale in the Monterey Bay National Marine Sanctuary in 2018.

of the traditional crab pot that they say could put the nostalgic delicacy back be able to crawl out of the top, which on holiday menus as soon as next year. Little and Melz say would incentiv-"We have to adapt or die," Little ize fishermen to stay with their traps

The duo's redesign is an old-fash-

so crews can quickly retrieve the pots. they've crafted a simple modification moved, essentially converting it from a trap to a "scoop." Some crabs would ize fishermen to stay with their traps rather than leaving them unattended for days — lying in wait for whales

FISHERMEN » PAGE 5

AIR TRAVEL TURMOIL

'Normal' services to resume today, Southwest says

By Eliyahu Kamisher and Harriet Blair Rowan Staff writers

After canceling thousands of flights and leaving passengers stranded around the country in recent days, Southwest Airlines said it will return to normal operations with "minimal disruptions" starting today in time flight rebookings. for New Year's celebrations. the big question as the beleaguered airline ramps up, going from canceling nearly 60% of its flights to fullthrottle in just one day.

While Southwest projects an end to the current air travel misery, the compa-

ny's reputation is badly battered by a fiasco that could end up costing hundreds of millions of dollars. Many passengers are still scrambling to save what's left of holiday travel plans, and thousands of other passengers are enduring missing luggage and hefty fees for hotel stays, rental cars and

We are encouraged by How "normal" will look is the progress we've made to realign crew, their schedules, and our fleet," Southwest said Thursday in a statement. "With another holiday weekend full of important connections for our valued customers and em-**SOUTHWEST » PAGE 5**



Travelers wait in line at the Southwest Airlines check-in counter in Terminal 2 of Oakland International Airport on

Tuesday.

'SOGGY AND BOGGY'

Strong storm may bring flooding

Bay Area is under flood watch through Saturday; shallow landslides possible, forecasters say

By Robert Salonga and Austin Turner ${\it Staff writers}$

The Bay Area should brace for another soaking today and Saturday with a major storm system settling that is raising flooding and landslide concerns given that the region's soil already absorbed rain from another storm earlier this week.

Both the National Weather Service and U.S. Geological Survey have found that soil saturation is expected to set off a domino effect that leads to an elevated risk of shallow landslides, particularly on Saturday.

'You can't just keep adding water to the soils when the soils are full," said Brian Garcia, a meteorologist at the weather service's station in Monterey. "That becomes runoff, putting more water in rivers, creeks and streams and in the water-shed. We're going to see higher rises than what we saw in the last system."

The region got an early glimpse of the coming rains Thursday when residents woke up to wet and rainy conditions following a short respite Wednesday that saw dry and sunny weather for most of the region.

Still, even after a morning of gray skies and scattered showers, the National Oceanic and Atmospheric Administration's rainfall survey showed much of the Bay Area got no more than a third of an inch of rain Thursday.

WEATHER » PAGE 5

OAKLAND SCHOOL BOARD RACE

After election error, what comes next for ranked choice voting?

By Shomik Mukherjee smukherjee@bayareanewsgroup.com

OAKLAND » The revelation this week of an unprecedented error in Alameda County's counting of election results has upended an Oakland school board race. But more lasting damage could be done to the reputation of ranked choice voting, a novel "instant runoff" format that is growing in popularity around the country.

Mike Hutchinson, the third-place finisher in a race for Oakland Unified's District 4 school board seat, was told by election officials Wednesday that he may actually have won the race due to a technical mistake in how the county's Registrar of Voters tabulated ranked choice results.

The mistake itself involved a simple switch -afeature in the county's election software that was incorrectly turned on, rather than left off. As a result, ballots where a first-choice candidate was missing were incorrectly counted.

"We incorrectly had the software set so that it **ELECTIONS » PAGE 5**



Global icon: Brazilian soccer legend Pelé dies at 82. C1

NEWS ON YOUR PHONE

Download the Mercury News mobile app for iPhone or Android. INDEX

BusinessC7 Classified B6 Comics/TV B10 Lottery A2 Obituaries Puzzles...... B2, C5, C6 Weather B12 **WEATHER**

H: 60-61 L: 54-55 Full report on B12



MediaNews Group Subscribe: MercuryNews.com ©2022



Southwest

FROM PAGE 1

ployees, we are eager to return to a state of normalcy."

Starting today and for the first time in days, Southwest plans to fly the vast majority of planes originally scheduled to take off prior to the airline's staggering meltdown, which snowballed into one of the biggest air travel disasters in modern

history It is likely that far more than 1 million passengers have been affected. Southwest has canceled more than 13,000 flights since its troubles began on Dec. 22. Its planes have 143 to 175 seats and were nearly fully booked around the Christmas and New Year's holidays.

Southwest axed more flights this week than were canceled by all airlines for the entire month of July, according to a Bay Area News Group analysis of De-

partment of Transportation data. Until this month, January 2022 had the highest number of cancellations 33,256 — for all airlines in the last decade outside of the first two months of COVID-19 lockdowns. This week alone, preliminary data show more than 20,000 flights were canceled.

Even though the Bay Area was spared from the pre-Christmas arctic blast that paralyzed much of the country, the region's airports suffered some of the highest rates of cancellations this past week as Southwest's problems worsened because of the airline's major presence in San Jose and

Oakland. "We know even our deepest apologies — to our customers, to our employees, and to all affected through this disruption — only go so far," the airline said while including a link for customers to submit reimbursement requests for meals, hotel stays

line said it will provide reimbursements for expenses deemed "reasonable" without providing further details.

On Thursday, Southwest slashed about two-thirds of its scheduled flights with over 2,300 flights canceled nationally and over 250 flights axed at airports in San Jose and Oakland, according to FlightAware. But for today, Southwest has preemptively canceled just 39 flights, less than 1% of its scheduled air traffic.

'We've certainly seen other upsets to the system, the period after 9/11 and the pandemic ... but this is pretty bad," said John Albrecht, a spokesperson for Oakland International Airport. Albrecht said things are returning to normal at the airport, and a once massive pile of lost luggage is slowly being whittled down as bags are reunited with their owners. "It's very calm here toset. We hope they're ready" for today.

California has been particularly impacted by the Southwest fallout since the carrier operates as the Golden State's "unofficial flag airline," said Henry Harteveldt, an airline expert at Atmosphere Research Group. Airports in Sacramento, San Jose, Oakland and Long Beach have consistently ranked this week among the top in the nation

for cancellations Harteveldt said Southwest's debacle "far outstrips" other airline meltdowns. and he expects the episode to cost the company hun-

dreds of millions of dollars. At the core of Southwest's woes was vastly outdated crew scheduling technology that left the airline's network crumbling in the wake of a massive Christmas weekend storm while its competitors steadily recovered. Southwest's planes and crews and transportation costs due day," said Albrecht. "It looks were out of position to com-

traps, they could

avoid areas where

whales are sighted

occurs

Pro: It's a simple modification that could

removed piece can be put back once the

the business models of some fishermen.

whale migration season is over.

allow some crabbing in the fall season. The

Con: Lower yields in the fall wouldn't fit into

and pull up the pots

before entanglement

BAY AREA NEWS GROUP

was found to be responsible

for 22 of the record 48 con-

firmed whale entanglements

off the West Coast, most of

them in Central California

In recent years, the Cal-

ifornia Department of Fish

and Wildlife has delayed

the commercial crab season

opening to as late as Jan. 1.

to the disruptions. The air- like they've successfully re- plete routes, forcing it to erations are improving. cancel flights en masse with luggage loaded but passengers stranded in the middle

of layovers far from home. Southwest has consistently for decades kicked the technology can down the road," said Harteveldt. "They delayed because everything was working fine and they didn't want to spend the money. Well, things work fine until they don't, and this has been a very expensive lesson for Southwest."

One indication of the price tag: Southwest said a disruption in October 2021 cost it \$75 million. That breakdown was far smaller, resulting in about 2,000 canceled flights over a four-day

stretch. 'We have much work ahead of us, including investing in new solutions to manage wide-scale disrup-

tions," Southwest said. Andrew Watterson, Southwest's chief operating officer, told employees by video on Wednesday that op-

"Right now it looks like a pretty smooth operation as we head into this transition (Thursday) to allow us to resume operations on Friday at our normal schedule, which is a big step up," he

Grace Ling is among the many passengers who spent part of her holiday sleeping in an airport due to Southwest's collapse. After a night at the Denver airport, Ling's flight from San Jose to Los Angeles was also canceled. So she spent three hours in a car rental line hoping to drive down to Long Beach in time to board a vacation

cruise. "I feel accomplished because we were stuck in the dark for a while," said Ling on Wednesday as she waited for her cruise ship to set sail. "My overall takeaway is – avoid flights during the holiday season."

 $The \ Associated \ Press$ contributed to this report.

Fishermen

FROM PAGE 1

headed south for the winter. The constant harvesting of crab from traps would cut the number of pots and lines in the water per boat from a maximum of 450 to 60, which fishermen would have to continuously monitor and move around when

whales are sighted. But once

most of the whales leave for

the season in late December,

Little and Melz say, crews

would switch back to their traditional high-yield gear. In exchange for adjusting the way they fish and accepting lower yields early in the season, fishermen could once again start profiting off

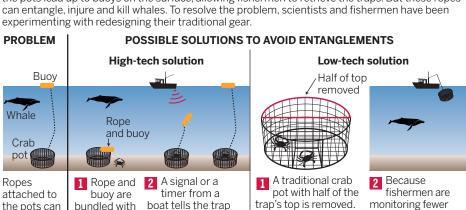
the lucrative fall season. Their idea is quickly gaining the attention of fellow fishermen, regulators and scientists.

"Sounds like a brilliant solution," said Jarrod Santora, a marine biologist at the National Oceanic and Atmospheric Administration's Southwest Fisheries Science Center in Santa Cruz.

Some fishermen seem intrigued, but others worry that the concept won't benefit all fishermen's business models equally.

"You have to be careful that everyone has the same

SAVING THE WHALES ONE CRAB POT AT A TIME To catch Dungeness crabs, fishermen use metal pots that rest on the seafloor. Ropes attached to the pots lead up to buoys on the surface, allowing fishermen to retrieve the traps. But these ropes



Because crabs could

crawl out, fishermen

are incentivized to stav

with their traps rather

unattended for days.

than leaving them

trap Pro: Stowed rope greatly reduces chance of entanglement, and the trap can be left out for days

boat tells the trap

to release the buoy,

which tows the rope

to the surface and

allows fishermen

to retrieve their

bundled with

Con: A trap with the device can cost as much as \$2,500.

man Dick Ogg, the Bodega most valuable and sustain-

Dungeness crab has been sometimes even die. In 2016,

Not to scale ource: Bay Area News Group reporting

Bay representative on the

Dungeness Crab Task Force,

a state advisory panel. Be-

cause bigger boats have

larger crews and use more

fuel, Ogg said, the skimp-

ier catch may not result in

enough revenue to make it

worth their while.

the pots can

entangle

Traps are

left out for

increasing

likelihood

happening.

of that

days at

with a fix. One big issue is the cost of the crab pot. An old-fashioned one costs about \$200. One outfitted with electronic wizardry can set a fisherman back as much as \$2,500.

"Economically, it's just not feasible at this time," Santora said.

The pots can also get lost or fail to deploy completely, leaving a tangle of loose ropes in the water column. In addition, fishermen complain that the new gear slows them down.

Melz, 55, a San Jose native who lives in San Carlos, inherited a love for fishing from his late father, who passed his boat down to his son. He's on the ocean year-round, fishing the seasons and said he plans to launch Saturday, despite the weather. Even on his rare day off, he goes bass fishing or volunteers his time to help test the health of Dungeness crab populations.

Little, 49, followed a different path. In 2004, despite his susceptibility to seasickness, he maxed out his credit cards and bought his first boat.

With the help of his wife, Laura, Little began to sell his catch at a market stand they called the Little Fish Company. In 2010, he quit Hence the race to come up his desk job to become a full-

time salmon fisherman.

Today, he lives in Auburn and captains the 53-foot Pale Horse, which is docked in San Francisco. His business, now much bigger than the original stand, sells fresh seafood at farmers markets around the state.

The two fishermen have participated in high-tech gear trials and are confident that their low-tech idea will catch on. They're pursuing an experimental fishing permit from CDFW to try it out.

Established this year, the special permit program allows short-term exemptions from state fishing laws to test innovations on a small scale before rolling them out to the masses. Ryan Bartling, a senior

environmental scientist with CDFW, said he thinks the Melz-Little proposal is "an interesting conversation to have. We're certainly going to be looking at it.' Ultimately, CDFW Direc-

tor Chuck Bonham will determine the fate of the lowtech concept sometime before the fall 2023 season.

Little and Melz are hopeful that their idea could finally turn the tide for local crab fishermen.

"We didn't do this because we're trying to be millionaires," Melz said. "We do this because this is now in our blood."

Weather

The stormy conditions are all but certain to carry into the start of 2023, with the weather service's sevenday forecast showing rain in most of the area's major population centers.

A flood watch was set to take effect this evening and extend through Saturday for the entire Bay Area. The intensity of the storm coming into the region, forecasters say, is fueled by a subtropical patch of moisture and warm air coming from Hawaii combined with cold air from the Pacific Northwest.

The predicted shallow landslides will push mud onto a variety of inoppor-

tune locations, including tral part of the city. The city's swell, smaller rivers could works since the disaster. roads, farmland and, in worst flood since 1997 caused overflow and that "some tion that trees, now rooted in saturated soil, will be more vulnerable to toppling even in lighter winds far weaker than what usually would bring them down.

Generally, Garcia said, residents can anticipate standing water in low-lying areas and flood plains throughout the Bay Area, from Livermore to San Francisco.

"All those places will be soggy and boggy," he said.

In San Jose, the incoming consecutive storms evoked memories of the infamous President's Day weekend flooding of 2017 that saw Coyote Creek spill out of its banks and submerge several neighborhoods in the cen-

evacuation of 14,000 people who lived near Coyote Creek, one of two major bodies of water — along with the ${\it Guadalupe \, River-that \, flow}$ through San Jose. The neighborhoods of Rock Springs, Naglee Park and several mobile home parks between Old Oakland Road and Coyote Creek were the hardest hit.

opportunity," said fisher- one of California's oldest and the Dungeness crab fishery

able catches - "the back-

bone of our fishery," San-

tora said. But the commer-

cial fishery hasn't been great

for whales. When the larg-

est animals on Earth be-

come entangled in the crab-

bers' ropes, they can suffer

severe injury, infection and

That flood occurred after a series of large atmospheric river storms, much like what's expected this weekend, but Garcia said he does not expect anything approaching that severity.

"If the 2017 storm was a 10 out of 10, we're probably looking at a 4 out of 10," he said. Garcia said rivers will

some roads" due to the weekend storms, but there are not major flooding threats on waterways such as the Guadalupe River and Coyote Creek.

That risk has been alleviwake of the 2017 flooding, the Santa Clara Valley Water District was ordered by federal regulators to rebuild Anderson Dam and ensure that it holds up in a major earthquake. While the project won't be finished until 2030, the construction work required that the dam's water level be significantly lowered.

Floodwalls, berms and Creek have also been in the

But while a major flood some instances, homes, Gar- an estimated \$100 million in storm drains will not be be event is unlikely, Garcia ote Creek. cia said. That's not to mendamage and the emergency able to keep up and flood noted that homeless poputo weather events face additional risks.

"The area has at least 9,000 unhoused individuals, and a lot of them live in riverbeds," he said. "The potenated in part because, in the tial need for swift water rescues on New Year's Eve, that goes up.'

On Thursday, activist Shaunn Cartwright with the Unhoused Response Group was busy warning people in San Jose about the potential for rising water while also passing out tents, tarps and winter clothing to help people stay warm and dry.

She said she is "absonew levees along Coyote lutely" worried about the toll the coming storm will take

on encampments along the Guadalupe River and Coy-

"What if we don't tell lations already vulnerable the right camp and they're the one that gets flooded and somebody dies?" she asked. "You feel an immense amount of pressure."

While the general advisory from authorities is to stay indoors and wait out the storms, Garcia said those who have to venture out in the rain should heed simple directives.

Take a big dose of patience with you through this system if you have to go out," he said. "If you see a flooded road, it's not worth it (to drive through)."

Staff writer Marisa Kendall contributed to this report.

Elections

FROM PAGE 1

did not elevate those votes when there wasn't a vote in the first-choice column," Registrar Tim Dupuis said in an interview Wednesday. "It was an error, and after being notified we immediately took that seriously and did the research to validate it."

County officials are scrambling to figure out the process for recertifying election results after they were formalized Dec. 8, and Dupuis hinted that it could require legal action on the part of the candidates inreached Thursday for an update on what steps need to be taken for Hutchinson to be rightfully elected.

The school board race is the only one that was affected, the registrar says. But it could not come at a worse time for election officials who are trying to allay fears about the legitimacy of results provided to the public.

The debacle could par-

system allows voters to select more than one candidate for a particular race by ranking them in order of preference and redistributes votes from the lowest performers until one candidate secures majority support and is declared the winner. The system eliminates the need for a separate runoff election when no candidate gets a majority of votes.

Ironically, the error affecting Hutchinson's totals was detected by advocacy groups working to get jurisdictions around the country to adopt the format. They noticed a discrepancy while reviewing all of Oakland's election results, which volved. He could not be indicated that a special category of votes wasn't being counted until the second round of ranked choice results. The error was also caused by a decision made by the registrar's staff, not a flaw in the election software.

"This is a learning moment for all of us, and I think it's crucial we maintain transparency around the process no matter what." said Rob Richie, the CEO of

implement ranked choice in the city's 2010 elections. Still, mistrust may grow.

Ranked choice supporters were already fending off attacks from supporters of Loren Taylor, who narrowly lost the Oakland mayor race last month after Sheng Thao won enough vote transfers from other candidates to overcome his lead in first-place ballots.

Earlier this month, Oakland's chapter of the NAACP helped members of the public request a recount by the county registrar, but no one had enough money to foot the \$21,000-a-day bill. Much of their criticisms of the process — including those from Taylor himself — fixed on the ranked choice format.

'When you have a situation where you can vote for a second and third and so-forth candidate, it's too confusing for the average voter without better information," said George Holland Sr., the chapter's president, in an interview earlier this month.

Ranked choice voting has been adopted in Albany, Berkeley and San Leshot down efforts to adopt the system.

"I think it makes things Jones, the city's vice mayor, said at the time. "We're trying to encourage people to come out and vote, and when you make the process more intuitively discouraging people from participating.

Here's what went wrong in Oakland: The software provided by well-known elections firm Dominion Voting Systems allows cities and counties to activate a "suspended votes" feature that does not immediately count votes where the firstchoice column is left blank but subsequent columns are filled.

Most cities and counties with ranked choice elections simply "slide the votes to the left," registering the voter's designated second choice as their top preferred candidate, the third as their second and so on.

votes" feature, it instead ticularly be a black eye for FairVote, which successfully andro, as well as San Fran-sidelined ballots missing a same questions as everyone ranked choice voting. The lobbied for Oakland to first cisco, but in a vote earlier first-place choice until the else."

this year, San Jose officials second round of ranked choice voting was completed. Hutchison, who had the fewest first-place votes too complicated," Chappie at that point, was mistakenly eliminated and did not receive any second- or third-place votes from those ballots.

As it turned out, he had and more complicated, you're enough support from those suspended votes to make it to the next round, where vote transfers from secondchoice candidate Pecolia Manigo would have helped him defeat the certified winner, Nick Resnick.

'How I interpreted the phone call from (the county) was, 'Sorry, our bad, you actually won," Hutchinson said on Wednesday after he was notified that the reults had been miscounted.

Resnick, who was declared the race's winner in last month's final results, said Wednesday he was looking for more information about what exactly occurred.

"I received a call today But when the Alameda with unprecedented infor-County registrar's office mation from the County activated the "suspended Registrar," he said in a text message, adding, "I have the

Incidentally, the registrar mistakenly activated the "suspended votes" feature in Oakland, Berkeley and San Leandro elections as well, but not in Albany, which adopted the system for the first time earlier this year. It's unclear how that happened. However, it does not appear the mistake affected the outcome of any races in those other cities. Richie is aware of the

backlash against ranked choice, acknowledging that a bevy of election terms involved - such as "overvote," "exhausted vote" and now "suspended vote" can confuse people, leading them to question an election's integrity.

Ultimately, though, the burden is on a city or county to educate the public about how ranked choice saves money on runoff elections and gives voters more choices upfront, he said.

'It's a wake-up call for people to be that much more attentive," Richie said. 'Oakland, perhaps, got into this mode of coasting after (ranked choice) had been used in a number of elections. Fundamentally, it's working as intended."