

Meeting Summary
DCTF Executive Committee
Tuesday, May 19, 2015

Meeting Participants

EC Members Present Bill Carvahlo, Larry Collins, Mike Cunningham, Vince Doyle, Brett Fahning

EC Members Absent Bill Blue, Geoff Bettencourt

Other Meeting Participants: Tom Barnes, CA Department of Fish and Wildlife
Bob Farrell, CA Department of Fish and Wildlife
Pete Kalvass, CA Department of Fish and Wildlife
Christy Juhasz, CA Department of Fish and Wildlife
Steve Riske, CA Department of Fish and Wildlife
Jacki Meyer, Ocean Protection Council
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 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 the purpose of the call: 1) to begin discussing the topic of whale entanglements including how to support a process that encourages conversations between the Dungeness crab industry, California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS) Protected Resources Division; and 2) to receive EC approval on a [memorandum](#) requested during the [April 20 EC meeting](#).
- The Admin Team introduced EC Members, OPC staff, and California Department of Fish and Wildlife (CDFW) staff.
- [Guidelines for providing public comment](#) were reviewed.

2. *Updates*

- In an effort to maximize the amount of time the EC spends discussing important issues during EC calls, a summary of recent [Admin Team, CDFW, and OPC updates](#) was circulated prior to the call. The update included new data supplied by CDFW highlighting the [maximum potential traps fished by management area and timing of season for the 2013-14 and 2014-15 seasons](#). The Admin Team recommended this approach be adopted to increase efficiency of future EC calls.
 - EC Members agreed that receiving written updates ahead of calls would help streamline EC discussions and recommended using the same approach for future calls. The EC did not have any follow-up questions to the update document.
 - The EC did not have any updates to share at this time.

Public comment

- Geoff Shester, California Campaign Director, Oceana stated that he was encouraged by the [process design document](#) developed for the EC's review, and looks forward to working with the EC, DCTF, CDFW and others to help continuing moving the discussion of whale entanglements forward.

3a. Whale entanglement discussion - [Presentation by Dan Lawson, NMFS Protected Resources Division](#), to introduce the topic of whale entanglements including, but not limited to, an overview on NMFS's role in entanglement reporting, Marine Mammal Protection Act and ESA management.

- The DCTF Admin Team reminded the EC that during the April 20 EC meeting there was interest in further discussing the whale entanglement issue that was brought up during the public comment period.
- Dan Lawson, NMFS Protected Resources Division, walked through a [power point presentation](#).
 - He explained that a wide variety of data sources are used to inform NMFS understanding of whale entanglements, but information is limited. Information gathering has improved over past 10 years, and an increase in entanglements has been reported in the last 4-5 years. It is important to educate fishermen and members of the general public on how to report whale entanglements.
 - There are specialized and highly trained "response teams" in place along the West Coast to respond to an entangled whale. This is highly dangerous work to all involved, including those working to release the whale.
 - Mr. Lawson discussed the Marine Mammal Protection Act (MMPA), which governs how to manage whale entanglements, and explained the differences between Category I, II, and III fisheries. He also briefly introduced the Endangered Species Act (ESA), including anticipated changes to humpback whale listings.
 - He explained that NMFS is not looking to develop a [take reduction plan](#) to address increased whale entanglements in California. Instead, NMFS is interested in working with the Dungeness crab fishery and others through an alternative process.
 - NMFS welcomes an opportunity to speak with fishermen to learn about the Dungeness crab fishery, as well as educate the fishing industry on what NMFS has done to-date (e.g., data collection efforts). NMFS is looking to work in partnership with fishermen and others to brainstorm ideas and identify potential solutions to help address increased whale entanglements.
 - Questions on the presentation:
 - One EC Member asked how "take" of a whale was defined. Mr. Lawson explained that "take" considers serious injuries or mortality such that an animal is removed from the population.
 - CDFW staff asked if Dungeness crab fisheries across all three West Coast states were categorized separately under the MMPA. Mr. Lawson explained that they are all defined separately.
 - CDFW staff asked what "by analogy" on slide 8 meant. Mr. Lawson explained that NMFS does not rely solely on confirmed incidences to categorize a fishery and if the fishery does not have good data, they may have to categorize a fishery "by analogy" or using unconfirmed data.

3b. Whale entanglement discussion - Discuss ideas for engaging the Dungeness crab industry on this issue.

- The Admin Team introduced a draft [process document](#) for the EC's review and discussion.

- Ms. Fisher briefly walked through the draft document, which outlines a number of options to engage the Dungeness crab industry in a discussion to help address whale entanglements. Engagement opportunities presented in the document include: utilizing the EC and DCTF as a forum for discussions; convening port meetings, small group discussions, workshops with Dungeness crab industry and other fixed gear fisheries, as appropriate; and convening meetings with Oregon and Washington.
 - Any engagement opportunity will be designed to inform and guide other engagement opportunities. For example, if workshops are convened, any ideas that are generated will be brought back to the EC and DCTF for further consideration.
- One EC Member stated that information gathering and communication is essential to successfully addressing increased whale entanglements. He suggested convening town hall meetings to ensure broad participation by the Dungeness crab industry. He stated it would be valuable to integrate scientific information on migration and feeding patterns of whales with the mechanics of Dungeness crab fishing and fishermen's knowledge. He expressed support for working with NMFS and CDFW to generate ideas together, but stated that fishermen need to be more informed/educated about the whale entanglement issue to be productive in this effort. He further expressed support for improved communication across fisheries, including the spiny lobster and spot prawn fisheries.
- The OPC is interested in convening and organizing the initial dialogue, in an effort to identify areas of voluntary action and those that would benefit from further research and analysis.
 - Workshops may be convened by the OPC in coordination with CDFW and NMFS, and will likely require funding and a higher level of coordination beyond the DCTF.
- The Admin Team asked if there is a need to have a select number of EC Members (i.e., 2) who can be available to the OPC, NMFS, and CDFW for guidance when planning the engagement process. EC Members were not generally in support of this idea and suggested that many fishermen need to be a part of each stage in the conversation.
 - An EC Member expressed support for recruiting fishermen outside the DCTF to participate in whale entanglement discussions and potentially creating a subcommittee that would not be subject to the Bagley Keene Open Meetings Act.
 - **The Admin Team will work with OPC to outline possibilities for convening such a subcommittee.**
- One EC Member stated he would like to see solid whale entanglement data that has been vetted properly for credibility. He further stated that the more fishermen that are part of the conversation, the more collective knowledge is available to inform the process.
- CDFW stated they are interested in obtaining the best available information to better understand the issue and so that management decisions are well informed. CDFW would like to work with NMFS to thoroughly mine all available datasets to ensure confidence that the best available information is being used to inform the discussion.
 - NMFS expressed support in working with CDFW.
 - **Tom Barnes, CDFW, will follow up with Dan Lawson, NMFS, to explore how best to coordinate staff at the two agencies to work on data sharing and analyses.**
- NMFS and CDFW would also like to continue working with the EC to inform all conversations associated with this effort.
- The Admin Team mentioned there is an emphasis to have voluntary measures before the next season. Voluntary measures could help be a bridge to timeline constraints that the legislative timeline can't support, and can also build cross-interest partnerships.

- One EC Member stated that Dungeness crab fishermen could not consider voluntary changes for next season without all fisheries affected by the issue having a discussion together and reporting back to their respective fishing organizations.
- Another EC Member was cautious about outside expectations that voluntary changes could be made quickly since industry historically moves slowly and carefully.

Public comment

- Carrie Pomeroy, California Sea Grant, stated that the lost gear recovery program by California Sea Doc might have information and data that could help address the whale entanglement issue. Those involved in the program may have insights related to mechanics of the fishery, as well as residual evidence of whale interactions and other clues that could help inform the best way to avoid whale entanglements in future. It is also important to understand if entanglements are a result of lost gear or actively fished gear.
- Tom Weseloh, Senator Mike McGuire's staff and Joint Committee on Fisheries and Aquaculture, expressed an interest to work closely with OPC, CDFW, NMFS, and the DCTF on this issue. He stated that there might be potential to discuss this issue at an upcoming legislative hearing. He added there is a need to better understand the cause of whale entanglements to gain a greater understanding of how to resolve them.
- Geoff Shester, Oceana, is interested in better understanding the whale entanglement issue (i.e., gather and analyze data) and would like to work collaboratively with the fishing industry to develop a common understanding of shared information (i.e. what is known and what isn't). Dr. Shester expressed support for better generation of information. Instead of litigation and adversarial positions, he hopes Oceana can be helpful in supporting the industry develop effective solutions. He acknowledged that Oceana does not have a specific solution or outcome in mind. Mr. Shester and Oceana would like to see the industry, and state and federal agencies work toward concrete steps to better understand the problem and prevent future entanglements. Oceana would like feedback on how to participate in conversations with industry, and NMFS, CDFW, and OPC moving forward. Oceana can contribute two research interns to support the process, as needed. Oceana is interested in creating opportunities for more positive public communications, and would like to see responsiveness of the industry towards finding solutions.

4. Review and consideration of memo to Oregon/Washington regarding trap limit program monitoring and evaluation questions.

- Per the EC's request during the April 20, 2015 EC call, the DCTF Admin Team developed a [memo inviting Oregon Department of Fish and Wildlife and Washington Department of Fish and Wildlife](#) to discuss lessons learned about the monitoring and evaluation of Oregon and Washington's trap limit programs. The DCTF Admin Team asked EC Members if they had any input on the draft memo, including if it would be appropriate to add details about engaging in conversations with Oregon and Washington regarding the whale entanglement topic.
 - EC Members were comfortable with the memo and suggested a separate memo be developed at a future date regarding whale entanglements.
- **The DCTF Admin Team will circulate the memo without any new edits to Oregon Department of Fish and Wildlife and Washington Department of Fish and Wildlife staff with the intention to coordinate a discussion in advance of the next EC conference call.**
- **The DCTF Admin Team will add reaching out to Oregon and Washington on the issue of whale entanglements as a topic to a future EC agenda.**

5. General Public Comment

- Dan Lawson, NMFS Protected Resources Division, provided information on the type of outreach NFMS has performed on the whale entanglement issue with Oregon and Washington to-date. He explained that Englund Marine Supply hosted a number of town hall meetings last year in Oregon

and invited Mr. Lawson to attend. During these meetings, Mr. Lawson shared similar information provided to the EC earlier on today's call (e.g., information about the state of the science and reporting), and gathered feedback about fishermen's interest in the issue. Fishermen in attendance expressed a general interest to continue discussing the whale entanglement issue, including a willingness to participate in a response network and supporting research projects. There has been limited communication with Oregon and Washington since last fall, but NMFS is looking to follow up with the industry and state agencies.

- Craig Goucher, fisherman and DCTF Member, stated that the fishing industry is trying to address the issue of whale entanglements and that threats of litigation absent voluntary measures by the beginning of the season are counterproductive. He expressed support for a collaborative effort to address the issue. The lost gear retrieval program continues to be successful and is a step in the right direction. He further stated that CDFW and administrators of the lost gear retrieval program are in discussion on how to expand the program further south.
- Geoff Shester, Oceana, stated that NGOs are also concerned about the whale entanglement issue in Oregon and Washington and will be sending a similar [letter as sent to CDFW](#) to those states.

6. Adjourn

- The Admin Team summarized the **next steps** that emerged from the call discussions.
 - **The Admin Team will continue speaking with DCTF Members to consider the need for an in-person DCTF meeting in October 2015.**
 - **A summary of the call will be available on the DCTF webpage in the coming weeks. It is anticipated that the EC will hold another conference call in June/July.**