



# ~California Dungeness Crab Task Force~

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

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## DCTF MEETING JUNE 17, 2020 MEETING SUMMARY

The purpose of this meeting summary is to:

- Provide a high-level summary of discussions and outcomes from the June 17, 2020 DCTF remote meeting/conference call; and
- Inform DCTF Members and the general public of the ongoing work of the DCTF.

A meeting voice recording is also available for 30-days following the meeting and can be obtained by emailing [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com).<sup>1</sup>

### DCTF MEMBER ATTENDEES

Jim Anderson, Half Moon Bay, Low Tier  
John Barnett, San Francisco, High Tier  
Geoff Bettencourt, Half Moon Bay, High Tier  
Bill Blue, Half Moon Bay South, High Tier  
George Bradshaw, Crescent City, Tier Not Specified  
Mark Capra, Sport Fishing  
Larry Collins, San Francisco, Low Tier  
Mike Cunningham, Eureka, High Tier  
Vince Doyle, Fort Bragg, High Tier  
Keith Gilmore, Alternate for Ron Blodgett, Bodega Bay, Lower Tier  
David Haddad, Crescent City, Low Tier  
Scott Hockett, Fort Bragg, Low Tier  
Harrison Ibach, Alternate for David Helliwell, Eureka, Low Tier  
Christy Juhasz, CA Dept. of Fish & Wildlife  
Chris Lawson, Bodega Bay, High Tier  
Kate Kauer, The Nature Conservancy, Nongovernmental Organization  
Ben Platt, Alternate for Gerry Hemmingsen, Crescent City, High Tier  
Carrie Pomeroy, CA Sea Grant  
Zach Rotwein, Trinidad, Tier Not Specified  
Todd Whaley, Nonresident, Tier Not Specified

### ABSENT

Tom Hart, South of Half Moon Bay, Low Tier  
Rick Powers, Commercial Passenger Fishing Vessel  
Mel Wickliffe, Processor  
Jim Yarnall, Sport Fishing, non-voting  
Vacant seat, Processor  
Vacant seat, Nongovernmental Organization

### CA DEPARTMENT OF FISH AND WILDLIFE

Joanna Grebel, CA Dept. of Fish & Wildlife  
Sonke Mastrup, CA Dept. of Fish & Wildlife

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<sup>1</sup> The meeting was recorded by Zoom and will be deleted after 30 days in accordance with the Bagley-Keene Open Meetings Act.

Cpt. Bob Puccinelli, CA Dept. of Fish & Wildlife

## OTHER

Tom Weseloh, Liaison to the Joint Committee on Fisheries and Aquaculture

## DCTF ADMINISTRATIVE TEAM PRESENT

Rachelle Fisher, Strategic Earth Consulting

Carolyn Kraft, Strategic Earth Consulting

Kelly Sayce, Strategic Earth Consulting

Paige Berube, Ocean Protection Council

### *1. Welcome, introductions, agenda review*

*The Admin Team walked through the agenda, meeting agreements, and voting procedures. [Procedures for public comment](#) were also reviewed.*

### *2. Public comment on non-agenda items*

- John Barnett, DCTF Member and commercial fisherman, suggested the DCTF discuss allocating funds to replace the trap tags that were lost in San Francisco's Pier 45 fire in May 2020. Mr. Barnett said he would follow up with the DCTF Admin Team to discuss how to add the topic to a future agenda, but would check in with CDFW first to better understand the provisions for catastrophic loss of tags.

*3. Presentation and discussion on the proposed RAMP regulations including, but not limited to, how the draft regulations would apply to the commercial Dungeness crab fishery, CDFW's implementation timeline, how the draft regulations relate to parallel entanglement mitigation and gear recovery efforts, etc.*

Ryan Bartling, CDFW Senior Environmental Scientist, [provided a presentation](#) on the proposed Risk Assessment and Mitigation Plan (RAMP) regulations and how they relate to CDFW's effort to develop a Conservation Plan (CP) that is required for an incidental take permit (ITP) application. DCTF Members asked clarifying questions and discussed various aspects of the presentation:

- *Reopening, Fishing Zones:* DCTF Members requested clarification on reopening a fishing Zone after a closure and how marine life concentrations, especially Humpback whales, were evaluated. CDFW explained that if risk is abated (e.g., whales have left the area) a Zone could reopen. This would be less likely to occur in the spring when whale concentrations are historically higher. CDFW explained that evaluating the number of Humpback whales is based on surveys approved by CDFW and the National Marine Fisheries Service (NMFS). If only one survey is available, 20 Humpback whales or greater would trigger a management action. If there are a series of weekly surveys available, then the trigger would be based on the average of those surveys.
- *Defining, Fishing Zones:* A DCTF Member suggested modifying Zone 5 explaining that Dungeness crab is not found in the area south of Point Conception to the Mexico border and, as outlined by the proposed regulations, whale concentrations in the Southern California Bight could shut down the entire zone including the area north of Point Conception. DCTF Members discussed splitting up Zone 5 and adding an additional Zone that contains the area between Point Conception and the Mexico border. DCTF Members also expressed concern about Zone 6 and how a single Pacific leatherback sea turtle could trigger a closure in such a large portion of the Central Management Area area. CDFW stated that since Pacific leatherback sea turtles do not arrive until June or July, a closure in that Zone would be unlikely. A DCTF Member suggested that the fishing zones only extend to the 100 fathom line, which is the area where the fleet is most likely to fish and where aerial surveys are conducted.
- *Electronic Monitoring Systems:* DCTF Members expressed concern about the ping rate and technology requirements for electronic monitoring outlined in the proposed regulations citing costs and the need to have consistency with the groundfish fishery. CDFW stated that although the proposed regulations require a minimum ping rate of one ping per minute, fisherman can use any technology (e.g., VMS, AIS, or solar logger) of their

choosing. Members expressed their preference for the ping rate in the proposed regulations to be reflective of federal groundfish requirements of one ping every 20 minutes.<sup>2</sup> CDFW explained the state may not have access to federal VMS data and that the one ping per minute rate is based on solar loggers<sup>3</sup> capabilities as well as California Dungeness Crab Fishing Gear Working Group (Working Group) input that a ping every 20 minutes is not frequent enough for enforcing depth restrictions that may be employed as part of the proposed RAMP regulations.

- *Alternative Gear:* DCTF Members requested more information on alternative gear options and implementation. CDFW stated that alternative gear options could be approved for use during a closure, but there would have to be coordination with gear retrieval teams to ensure alternative gear wasn't accidentally removed. No alternative gears have been authorized yet and CDFW is reviewing options that have been discussed and evaluated by the Working Group. CDFW anticipates some alternative gear options will be authorized for use by spring 2021. A DCTF Member requested that the Ocean Protection Council (OPC) set aside funds for fishermen to test and develop alternative gear to ensure the gear is efficient and useable.
  - Paige Berube, OPC, provided an update on gear innovations funding, in addition to three other projects, that will be reviewed at the next [OPC meeting on Friday, June 19, 2020](#). The [staff recommendation](#) that will be going to the OPC requests funding to provide real time data to inform the RAMP, a scientific analysis of whale abundance datasets to assess their spatial and temporal correlations, and support for gear innovations testing, while other funding in that request would be distributed through a competitive process in alignment with OPC's [strategy](#) to reduce the risk of entanglement. The staff recommendation is a reflection of Working Group recommendations and is in alignment with OPC's strategy. If approved, stipends would be provided by the National Sanctuary Foundation to fishermen who participate in the collaborative research project to test gear innovations.
- *Available Data:* DCTF Members expressed concerns with using historical data since the ocean is constantly changing. They also highlighted the importance of utilizing the commercial Dungeness crab fleet to collect reliable data that can inform the RAMP. A DCTF Member suggested that OPC allocate funding to the fleet to conduct on-the-water surveys. CDFW noted that flexibility is built into the proposed RAMP regulations to reflect the dynamic nature of the ocean. CDFW is interested in data collection efforts from the fleet as long as the methodology meets scientific standards. CDFW is committed to performing aerial surveys, weather and funding permitting, and will look to other agencies and organizations to help collect data. The historical data is used to help estimate when Humpback whales typically leave and arrive and will be considered when aerial surveys are unavailable. The Working Group is also collaborating with CDFW to identify new data streams to inform the proposed RAMP regulations. The Working Group suggested OPC fund the fleet to collect the data. In order for OPC to consider funding research requests from the fleet, a project lead would need to be identified and a scientifically rigorous methodology would need to be developed, in addition to having clear alignment with OPC's [strategy](#) to reduce the risk of entanglement and other considerations. Ms. Berube is available for those who wish to discuss the topic further. A DCTF Member noted that Jon Gonzalez, California Coastal Crab Association, volunteered to liaise with OPC on behalf of the commercial Dungeness crab fleet on alternative gear development and data collection projects.
- *No Data and Closures:* Various DCTF Members discussed their concerns that management decisions, including area and statewide closures, could occur in the absence of data, especially in terms of the Northern Management Area (NMA) where available data has been historically limited. A Member highlighted that if the RAMP regulations had been in place for the 2019-20 fishing season and no data was available by March 1, then the NMA would have closed on April 1 and the fleet would have lost three months of fishing in that area despite no entanglements from the area. During 2016, the worst entanglement year on record, one entanglement was reported in the NMA. Additionally, if the NMA had closed on March 1 due to lack of data, there would have been an extreme effort shift to the Central Management Area (CMA) resulting in higher gear concentrations. DCTF Members expressed support for allowing the NMA to remain open until available data indicated otherwise.

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<sup>2</sup> CDFW later confirmed that the new federal groundfish regulations require a rate of one ping every 15 minutes.

<sup>3</sup> If fishermen are interested in testing a solar logger, please contact Kathi George for more information at [GeorgeK@tmmc.org](mailto:GeorgeK@tmmc.org), funding is available through a grant agreement between the Ocean Protection Council and The Marine Mammal Center.

- *Gear Marking*: The DCTF discussed and expressed support for gear marking in other fisheries to reduce the number of unknown or unidentifiable entanglements that could potentially impact the Dungeness crab fishery. Beginning May 2020, all other California fixed-gear fisheries require unique identifiers on the buoy, and a gear marking program is being developed for Dungeness crab recreational gear as well.
- *Triggers*: DCTF Members discussed the triggers outlined in the proposed RAMP regulations and discussed concerns that out of season entanglements will count against the Dungeness crab fishery. CDFW explained that the commercial Dungeness crab fishery is being held accountable for both in-season and out-of-season entanglements and an average of the number of entanglements over three years will inform whether a closure is triggered. CDFW encouraged the fleet to participate in the gear retrieval program after the season closes.
- *Conservation Plan and Incidental Take Permit*: DCTF Members questioned the need to develop restrictive RAMP regulations when the CP and ITP submitted to NMFS should be responsive, flexible, and adaptable. CDFW explained RAMP regulations must be in place for NMFS to issue the ITP and the ITP will identify acceptable levels of take. The numbers in the proposed regulations are based on conversations with NMFS who will issue the ITP.
- *RAMP Regulations Sunset*: DCTF Members discussed the need for the RAMP regulations to have a sunset date. If Humpback whale populations increase, resulting in increases in entanglements, it would make sense to amend or eliminate the regulations if Humpbacks are no longer listed. Others thought a sunset would create challenges because without the regulations, CDFW does not have the proper authorities to implement the ITP, which could jeopardize the fishery. CDFW noted that if the Humpback whale population increases, then the RAMP regulations would be revisited and updated as part of RAMP 2.0, the next iteration of the RAMP.

Public comment was taken on the topic at hand.

- Dick Ogg, commercial fisherman, requested clarification on how the entanglement triggers operate in-season vs. out-of-season.
  - CDFW stated that in-season entanglement triggers are linked to management responses. However both in-season and out-of-season entanglements count towards the rolling calendar year average.

**ACTION:** *Consideration and possible adoption of recommendations related to marine life entanglements in the Dungeness crab fishery and related management processes.*

Based on the discussion, the DCTF developed the below recommendations to be submitted as public comment to CDFW. While DCTF voted on the following recommendations collectively for efficiency, the DCTF requested that CDFW consider the merits of each recommendation individually. The results of the vote on the full suite of recommendations is as follows:

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

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
15	0	0	0	5

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

Thumbs up (15): Anderson, Barnett, Bettencourt, Blue, Brashaw, Capra, Cunningham, Doyle, Gilmore, Haddad, Hockett, Ibach, Lawson, Platt, Rotwein

Thumbs sideways (0)

Thumbs down (0)

Abstain (0)

Absent (5): Collins, Hart, Powers, Wickliffe, Whaley

**APPROVED: Data Collection and Funding**

The DCTF recommends CDFW actively utilize the commercial Dungeness crab fishing fleet to collect data to inform the RAMP and augment CDFW's available data sources. The California Coastal Crab Association (CCCA) will liaise with CDFW to develop a framework for data collection.

The DCTF recommends that OPC allocate \$500,000 to support the commercial Dungeness crab fleet's data collection efforts to inform the RAMP.

### **Alternative Gear**

The DCTF supports the development of alternative gears that will extend fishing opportunities as outlined in CCR Title 14 §132.8(h). The DCTF recommends the industry play a direct role in designing and testing alternative gears that may be approved by CDFW based on best fishing principles.

### **Amend Electronic Monitoring Tools Requirements**

The DCTF recommends amending CCR Title 14 §132.8(g)(2) to reflect the capabilities of currently utilized electronic monitoring systems that have been approved by the National Marine Fisheries Service (NMFS) in the Electronic Code of Federal Regulations, Title 50, Chapter VI, Part 660<sup>4</sup> to inform fleet dynamics under certain management actions and to ensure the tool is accessible to the broader fleet.

### **Amend the Outcomes Associated with the Humpback Whale Impact Scores**

The DCTF recommends amending CCR Title 14 §132.8(c)(1)(B)(1) such that if the impact score for Humpback whales is 3 or more, the Director "may" close the remainder of the fishing season rather than "will/shall."

### **Amend Actions When Insufficient Data**

The DCTF recommends amending CCR Title 14 §132.8(c)(2)(B) such that if data is unavailable to inform the RAMP risk assessment, the fishery remains open until data is available to inform otherwise.

### **Timely Evaluation of Entanglements**

The DCTF recommends CDFW and NMFS expedite their review, evaluation, and scoring of entanglements, both during and outside of the season

### **Modification of Zones**

The DCTF recommends amending CCR Title 14 §132.8(a)(4)(C)(7) as follows:

- Stop Zone 5 at Pt. Conception and create a new zone from Pt. Conception to the California-Mexico border.
- Reduce the size of Zone 6 so that a smaller area/portion of the fleet would be negatively impacted as a result of the presence of one Pacific leatherback sea turtle in the area.
- Reduce the size of the zones to extend the offshore distance the aerial surveys used to monitor the area (e.g., 100nm) rather than out to 200nm.

### **Sunset Regulations for Humpback Whales<sup>5</sup>**

The DCTF recommends the portions of CCR Title 14 §132.8 related to Humpback whales sunset when the species is delisted from the Endangered Species Act (ESA). The DCTF understands the incidental take permit and regulations regarding other ESA species will need to continue.

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<sup>4</sup> [https://www.ecfr.gov/cgi-bin/text-idx?SID=342c0377346fd4f3e264af882e377ee1&node=50:13.0.1.1.1&rgn=div5#se50.13.660\\_113](https://www.ecfr.gov/cgi-bin/text-idx?SID=342c0377346fd4f3e264af882e377ee1&node=50:13.0.1.1.1&rgn=div5#se50.13.660_113) and <https://www.federalregister.gov/documents/2020/06/11/2020-11011/magnuson-stevens-act-provisions-fisheries-off-west-coast-states-vessel-movement-monitoring-and>

<sup>5</sup> During the final vote of the meeting, a Member was having technical difficulties submitting his vote. This resulted in a quorum of Members not being reached and it was determined at the time that this final vote did not pass. Following the meeting, the Admin Team learned the Member submitted his vote via text six minutes before the end of the call (i.e., during the vote taking). This brought the vote to 15 affirmatives (quorum and consensus). The technical issues with this vote were unfortunate and since the Member shared proof that he was indeed participating in real-time, the vote was included in the DCTF's comments to CDFW. This vote is not intended to set a precedent. Moving forward, if there is not a quorum of DCTF Members at any time during a meeting the Admin Team will end the call and reschedule for another date/time in compliance with the Bagley-Keene Open Meetings Act.

Public comment was taken on the topic at hand.

- Jenn Humberston, TNC, stated that she appreciates the thoughtful conversation and welcomes having greater fleet involvement in informing the marine life concentrations risk factor, which is in alignment with the Working Group.

#### *4. Next Steps*

The meeting next steps include:

The Admin Team/Strategic Earth will

- Work with OPC to update the DCTF webpage to include the CDFW PowerPoint presentation from this meeting.
- Develop a meeting summary, and work with the DCTF to review it for accuracy before finalizing.
- Develop a public comment letter to be sent to CDFW, and work with the DCTF to review it for accuracy before finalizing.

CDFW will

- Check in on AIS electronic monitoring capabilities and whether it can track and record vessel location information at a frequency of no less than once per minute as outlined in the proposed RAMP regulations

DCTF Members will

- Follow up with the Admin Team if allocating funds for replacement tags lost in the Pier 45 fire should be added to the July Executive Call Committee agenda

#### *5. Adjourn*