

**Meeting Summary  
DCTF Executive Committee  
February 26, 2021**

*Meeting Participants*

EC Members Present	John Barnett, George Bradshaw, Larry Collins, Mike Cunningham, Gerry Hemmingsen, Porter McHenry (Alternate for Geoff Bettencourt), Dick Ogg, Zach Rotwein
EC Members Absent	Bill Blue
Other Meeting Participants	Lindsay Bonito, Ocean Protection Council Joanna Grebel, CA Department of Fish and Wildlife Christy Juhasz, CA Department of Fish and Wildlife Cpt. Steven Johnson, CA Department of Fish and Wildlife Sonke Mastrup, CA Department of Fish and Wildlife Tom Weseloh, Joint Committee on Fisheries and Aquaculture  Rachelle Fisher, DCTF Administrative Team Kelly Sayce, DCTF Administrative Team Carolyn Kraft, DCTF Administrative Team Support

Meeting Summary

*1. Welcome, introductions, agenda overview.*

- The California Dungeness Crab Task Force (DCTF) Administrative Team (Admin Team) introduced and welcomed participants to the DCTF Executive Committee (EC) call. Agenda topics were reviewed. All meeting outcomes including ideas and options developed by the EC on these topics will be shared with the DCTF for consideration during the anticipated March 2021 DCTF meeting.
- The EC is a subcommittee of the DCTF and cannot make decisions on behalf of the DCTF and will report back to the full DCTF with the outcomes of this conference call. The DCTF has directed the EC to begin discussions to address priority topics and help usher DCTF recommendations between DCTF meetings. The [2019-21 Work Plan](#) and submissions from the public (see [Guidelines to Submit Requests DCTF & Executive Committee Agenda Items](#)) to guide EC discussions.
- Meeting agreements and [guidelines for providing public comment](#) were reviewed. The Admin Team reminded participants that per the Bagley-Keene Open Meetings Act, new topics cannot be added to the agenda once it has been posted and the agenda must be posted 10 day in advance of the meeting.
- The call was recorded and will be available for 30 days following the call.

*2. Public comments on non-agenda items*

- Richard James, Marin County resident, expressed concern about commercial and recreational Dungeness crab gear washing up on local beaches. Recently, he contacted the owners of the gear listed on the tag, but hasn't heard back. He asked whether the DCTF was discussing mechanisms or processes for addressing lost gear that washes up on the shore.

*3. Updates on issues involving the Dungeness crab fishery, including, but not limited to, the status of DCTF recommendations identified during the October 2020 meeting, legislation, etc.*

- *Biweekly Reporting:* The California Department of Fish and Wildlife (CDFW) shared that biweekly

reporting is required as part of the Risk Assessment and Mitigation Program (RAMP) regulations that went into effect on November 1, 2020, which requires all participating vessels in the commercial Dungeness crab fishery to email/text CDFW on the 1st and 16th of each month and include their permit number, number of traps, depth, and fishing zone. At the end of the season, all fishermen are also required to report the number of lost traps. Compliance with this reporting system has been low and CDFW encouraged folks to participate since it is a law.

- An EC Member asked if it was possible to receive a confirmation receipt after sending the biweekly report. CDFW is exploring ways to send confirmations and reminders. CDFW is following up with fishermen who have shared incomplete information. Those who have not heard directly from CDFW have reported correctly.
- *Gear Retrieval:* At the January 2021 Fish and Game Commission meeting, CDFW shared an update on the gear retrieval program for the 2019-2020 fishing season. Seven permits were issued for the season. A summary of the 2020 program will be posted on the [Whale Safe Fisheries website](#). The gear retrieval program is only applicable postseason, there are no coordinated, in-season gear retrieval efforts underway at this time. If anyone is interested in more details, please contact Morgan Ivens-Duran at [Morgan.Ivens-Duran@wildlife.ca.gov](mailto:Morgan.Ivens-Duran@wildlife.ca.gov).
- *Gear Innovations:* OPC shared that the National Marine Sanctuary Foundation (NMSF) is recruiting fishermen to participate in gear innovations testing, for more information please visit the [NMSF website](#).
- *DCTF Vacant Seats:* OPC is in the process of filling the vacant recreational fishing seat and is waiting on final confirmation for Ross Taylor, the previous Member's Alternate, from CDFW Law Enforcement Division (LED). The process for filing the vacant processor and nongovernmental organization (NGO) seats will begin in April. OPC invited DCTF Members to help recruit potential candidates for the processor and NGO seats highlighting a lack of interest in the last public solicitation process.
- Legislation: Updates were provided on [Senate Bill \(SB\) 80](#) and [Assembly Bill \(AB\) 534](#).
  - Tom Weseloh, Joint Committee on Fisheries and Aquaculture, explained that the [DCTF's 2019 recommendations](#) related to the 64-hour presoak south of the Mendocino-Sonoma County line and requesting authority for the state agencies to be able to explore evisceration options had been part of Senate Bill (SB) 1128, which never moved forward due to COVID-19. The contents of SB 1128 were reintroduced as SB 80 and new topics from the [DCTF's 2020 report](#) were added related to the ability to transit a closed area with electronic monitoring. Senator McGuire is currently weighing whether or not to add the DCTF's recommendation related to extending the gear servicing interval from 96 hours to nine days. The bill also contains amendments to Fish and Game Code (FCG) §8280.3 and fish sampling. In order to ensure SB 80 moves forward successfully, he urged port associations and other organizations to send letters of support for the bill.
    - An EC Member asked if the DCTF were to discuss SB 80 during the March 2021 DCTF meeting, would that allow enough time to still add recommendations to the bill.
      - Mr. Weseloh confirmed that it would be enough time if the recommendations had broad support and were easy to translate into legislative language. He noted that recommendations that could possibly hinder the bill most likely wouldn't be included to ensure that SB 80 can move forward.
    - An EC Member asked if there was an opportunity to ask the Legislature to review the permit transfer language from SB 1310 because there have been abuses that have ignored the intent of the amendment by allowing vessels to increase from 35 to 90 feet, for example. An EC Member added that the intention was to standardize vessel measurements and boats adding anything beyond 10 feet was most likely a red flag.
      - A review of the changes made to permits/vessels, including permit transfers and

the number of vessels that were modified, can be requested by the DCTF. The CDFW Law Enforcement Division (LED) noted that enforcement has been a challenge and that a remedy hasn't yet been identified.

- AB 534 would require ropeless/pop-up gear in all California fisheries by November 1, 2025.
- The EC was interested in the DCTF discussing a letter of support/opposition to SB 80 and AB 534 at the March DCTF meeting.

#### *Public Comment*

- Geoff Shester, Oceana, stated that Oceana was not involved with authoring AB 534 and expressed concern that the bill could hamper current gear innovation testing efforts. Oceana has asked Assemblymember Bonta to withdraw the bill. He hopes that fishermen will participate in gear testing efforts that are underway. Additionally, Oceana opposes changing the gear servicing requirement from four to nine days as recommended by the DCTF in October 2020. However, Oceana is interested in discussing this further with the DCTF at a future meeting and collaboratively addressing both Oceana's and the industry's concerns.
- Richard James, Marin County resident, reiterated his concerns about commercial and recreational crab fishing gear found on the beach and explained he has made efforts to clean up lost gear onshore by contacting the gear owner. He stated that gear is rarely picked up and urged the DCTF to address the situation. He also asked why the L number on a buoy is kept confidential making it difficult to contact the owner.
  - CDFW suggested contacting [CalTIP](#) to report the gear and to contact CDFW about the buoy information.
- Ed Tavasieff, commercial fisherman, suggested the DCTF discuss tools to reduce marine life entanglements. An option could be bringing in gear every night and limiting all fishermen to a maximum of 100 traps per boat in the spring.
  - CDFW responded that this issue can be discussed with Ryan Bartling, [Ryan.Bartling@wildlife.ca.gov](mailto:Ryan.Bartling@wildlife.ca.gov), who can work with the Dungeness Crab Fishing Gear Working Group to potentially address it.
- Jim Anderson, DCTF Member and commercial fisherman, in response to Mr. James's concerns, asked whether The Nature Conservancy (TNC) has a website to send the GPS information of lost gear.
  - Ross Taylor, DCTF Alternate and recreational fishermen, noted that it was his understanding that TNC did a pilot gear retrieval phone app in the Bodega Bay area. The Admin Team will check with TNC to see if their lost gear recovery reporting tool is still active.

#### *4. Discuss and consider priority topics for the DCTF's future agendas, including, but not limited to:*

- a. DCTF voting structure and minimum participation*
  - b. Application of fair start to season delays as a result of the RAMP regulations*
  - c. Fish and Game code section 8280.3's requirement that previous owners be included on a permit for a minimum of 1 year*
  - d. Discuss possession and allowance of short crab while actively fishing and sorting*
- The Admin Team introduced the above topics for this agenda item and asked EC Members if there were any topics missing that required discussion.
    - An EC Member requested more information on whale population estimates.
      - The Admin Team suggested adding this topic to the March DCTF meeting due to limited time during the current meeting. CDFW noted they are planning on having discussions

with the fleet about the new whale population estimates and how they relate to the RAMP triggers.

#### *DCTF voting structure and minimum participation*

- The Admin Team reviewed the DCTF's voting structure and minimum participation requirements. As mandated by FGC §8276.4, there are 21 voting members and each DCTF Member is allowed an alternate when they are unable to attend a meeting. The 21 voting members include 17 commercial fishermen, two processors, one commercial passenger fishing vessel (CPFV), and one recreational fisherman. Two separate Fish and Game Code Sections outline DCTF voting:
  - [FGC §8276.4](#): "Except as otherwise provided in Section 8276.5, a recommendation shall be forwarded to the Joint Committee on Fisheries and Aquaculture, the department, and the commission upon an affirmative vote **of at least two-thirds of the task force members.**"
  - [FGC §8276.5](#): "For the purposes of this section, a proposed recommendation that receives an affirmative vote of **at least 15 of the non-ex officio members** of the Dungeness crab task force may be transmitted."
- The Admin Team discussed the differences between the code sections noting that due to recent changes in DCTF membership, two-thirds of the task force no longer equals 15 affirmative votes; two-thirds is now 14 affirmative votes.
- EC Members discussed potential options for changing the voting structure and minimum participation requirements.
  - A couple of EC Members preferred changing the minimum threshold of a vote to be reflective of the number of voting members present at each meeting. This would prevent absent seats from being de facto "nay" votes. For example, if 15 Members were present,  $\frac{2}{3}$  of 15 DCTF Members present (i.e., 10 Members) would be required to pass a vote. A number of meeting participants and EC Members expressed concern that 10 votes isn't a strong enough consensus to move DCTF recommendations forward since it only represents half of voting Members. The EC discussed the need to ensure that the DCTF's vote and subsequent legislation has strong support from the fleet. Various EC Members emphasized the need to have as many DCTF Members participate in meetings as possible.
  - Various DCTF Members emphasized the need to increase participation in DCTF Meetings and change the minimum voting requirement to reflect seats that are filled (i.e. minus vacant seats). The Admin Team reminded the EC that every DCTF Member is required to have an Alternate but many have not identified one.

#### *Application of fair start to season delays as a result of the Risk Assessment and Mitigation Program (RAMP) regulations*

- The Admin Team recapped the fair start discussion from the [October 2020 DCTF meeting](#) and shared the results of the straw poll that was taken at that time:

*Straw Poll: The DCTF recommends updating Fish and Game code section 8279.1 so that fair start will apply anytime a regulatory action by the state/feds results in a fishery delay*

*Rationale: attempting to make fair start consistent across all types of regulatory delays, would apply to [geographic area]. (9 up, 5 sideways, 2 down, 1 abstain) - Fail*

- Various EC Members voiced their support for having fair start be included in the March DCTF Meeting agenda; One EC Member stated that there will likely be strong opposition to fair start from the fleet. An EC Member noted the need to send a notice to the fleet to let them know a vote on fair start will take place to ensure they are informed and to avoid potential controversy. The

Admin Team responded that they are not able to send notices to permitholders, but all information related to DCTF Meetings is shared on the [DCTF website](#) and via email through the [DCTF listserv](#).

*Fish and Game code section 8280.3's requirement that previous owners be included on a permit for a minimum of 1 year*

- Senator McGuire's office was contacted by Noah Oppenheim, Homarus Strategies and former Executive Director of Pacific Coast Federation of Fishermen's Association (PCFFA), who requested [FGC §8280.3](#) be updated to remove the provision requiring that the previous permitholder be on a permit for 1 year after a transfer. An [explanation of proposed changes](#) was shared in advance of this call. This provision has caused problems with disaster relief fund distribution and other issues.
  - EC Members had questions about the purpose of having the previous owner on a permit for a year after the transfer and discussed various theories such as issues related to liability or limited entry. CDFW stated that they can look into the history of this provision further. It may have originated from a need to facilitate transferring a permit when a fisherman had a vessel breakdown to prevent people from averting fair start rules, etc.
  - Jamie O'Neill, Dock Street Brokers, clarified that when someone sells a vessel the permit is retained upon sale, which was an issue that was missed when making updates to aspects of the code in SB 1309 in 2019. Updates to the code would give fishermen the ability to sell the boat and permit separately, this may affect fair start because a vessel cannot be operated without a permit.

*Discuss possession and allowance of short crab while actively fishing and sorting*

- The Admin Team reviewed [FGC §8278](#): *Except as otherwise provided, no Dungeness crab less than six and one-quarter (6<sup>1</sup>/<sub>4</sub>) inches in breadth, and no female Dungeness crab, may be taken, possessed, bought, or sold, except that not more than 1 percent in number of any load or lot of Dungeness crabs may be less than six and one-quarter (6<sup>1</sup>/<sub>4</sub>) inches in breadth but not less than five and three-quarters (5<sup>3</sup>/<sub>4</sub>) inches in breadth.* They explained that a Dungeness crabbing vessel was recently boarded and almost cited for having shorts onboard (i.e., in their dump box) even though the fisherman was actively fishing his gear and running a string. A number of EC Members requested this be discussed by the DCTF and include a discussion about how to build safeguards into the regulations so fishermen are not penalized for possession of shorts while running gear.
- Various EC Members thought that this issue could be addressed simply by requesting LED enforce the spirit of the law and use reasonable judgement. They explained that many fishermen keep short crab and females in their dump box while actively fishing and then release them once sorting has been completed. Some EC Members also suggested this issue could be solved by enforcing the regulation only when offloading crab at the docks instead of on the water.
  - LED stated that they could not comment on the specifics of the recent incident. CDFW noted that if the law is not workable with current fishing practices or if further clarification on how the regulation is enforced is needed, there would be value in a discussion internally and with the fleet.
- Some EC Members noted that it may be better to address the issue by clarifying what qualifies as "possession." CDFW urged caution in pursuing a recommendation to change the definition of "possession" in regulation because the definition applies to all fisheries, not just Dungeness crab. However, CDFW offered to look into the possibility of addressing the issue by more clearly defining how possession is applied to FGC §8278 and share any updates during the March DCTF Meeting.

*The Ability to Sell Crab When Retrieving Gear with a Waiver*

- An EC Member would like the DCTF to consider a recommendation that would allow the sale of crab caught when retrieving gear with an in-season waiver. He read the following statement: *“Current reality under Fish and Game code is if a vessel becomes disabled at a time when crab production is lucrative other crab vessels would be reluctant to assist in gear recovery due to the economic loss the retrieving vessel would sustain due to the many hours involved to perform this task instead of harvesting crab. Retaining for sale the crab in the retrieved gear offers economic incentive to perform this task. Leaving unattended crab gear in the ocean increases the risk of the gear becoming derelict gear, lost, or stuck. This increases the chance of a whale entanglement. If this happens under the RAMP rules, the consequences will likely be loss or curtailment of the crab season.*

*Changing this Fish and Game Code helps in keeping the ocean, both in and out of season clearer of derelict crab gear. The retrieval can only be brought back to the dock and the local warden should be notified by a phone, email or text before commencing to retrieve.”*

- The Admin Team noted that the waiver process is listed in the Title 14 regulations, which may need to be amended to accommodate this recommendation.
- Various EC Members discussed the pros and cons of changing the regulations as outlined above. The crab removed from that gear could be landed as part of the assisting vessel’s overall catch. A few EC Members noted the need to remove gear from the water to prevent entanglements, but also highlighted that this had been discussed in detail at the [October DCTF Meeting](#) and several members had pointed out potential problems. To avoid problems, various EC Members suggested instituting a time limit of five to seven days to pull gear and having LED track breakdowns to see if the same people are making repeated requests and taking advantage of the situation. An EC Member also noted the need to consider how this would work within entanglement related delays for the season opener.
- CDFW expressed interest in taking any actions that could remove gear that isn’t being fished as soon as possible to prevent whale entanglements. If this ability to sell crab is a priority for the DCTF, then CDFW could look into the need to amend the regulations and minimize loopholes.

## Public Comment

- Jim Anderson, DCTF Member and commercial fisherman, asked whether the DCTF needs to revisit the discussion about the length of presoak in the Central Management Area after COVID-19.
- Harrison Ibach, DCTF Member and commercial fisherman, stated that he didn’t know the answer to the voting structure issue, but emphasized the need for more participation by members at DCTF meetings. He suggested altering voting requirements could potentially help. He also noted that it would be important for DCTF to revisit fair start based on conversations that have been taking place within the fleet, in addition to addressing the permit transfer issue.
- Richard James, Marin County Resident, asked if there is an appropriate venue to discuss the issue of derelict commercial and recreational crab fishing gear washing up on the beach. He believes there are too many fishermen in the Dungeness crab fishery, which is causing the problem of abandoned gear.
  - The Admin Team suggested a follow up discussion with Mr. James.
- Dave Bitts, commercial fisherman, expressed support for updating FGC §8278 to be clearer on how the definition of “possession” is applied when actively fishing. He is concerned that the current statute, which states that short crabs cannot be “taken, possessed or sold,” could be interpreted in such a way that as soon as the crab comes onto the boat a fisherman could be in violation. He emphasized his wish to be able to fish without having to worry about what is and isn’t defined as take.

## 5. Adjourn

- The EC identified the following topics as highest priority for a March DCTF meeting agenda: position letters for SB 80 and AB 534, DCTF voting structure and minimum participation, application of fair start as a result of RAMP-related season delays, amendment of Fish and Game Code §8280.3, ability to sell crab when retrieving gear with an in-season waiver, and application of possession of short crab while actively fishing and sorting.
- The Admin Team summarized the next steps that emerged from the call discussion. The following next steps were identified in addition to the next steps listed in the summary:
  - **The Admin Team will:**
    - **Produce a summary of this conference call and post it on the DCTF webpage once it has been reviewed for accuracy by the EC**
    - **Develop an agenda for the March DCTF meeting and circulate it in accordance with the Bagley-Keene Open Meetings Act**
    - **Share February update to the Fish and Game Commission on the gear retrieval program**
    - **Check in with TNC to see if their GPS tool to log for lost gear recovery is still active/available**
  - **CDFW will:**
    - **Review permit transfers since the passage of SB 1309 and summarize outcomes of boat length changes**
    - **Keep the Admin Team informed if there is a need to circulate an announcement about whale population updates via the DCTF email list**
    - **Consider how best to communicate with reportees as part of the bimonthly reporting process**
    - **CDFW to discuss internally issues identified during this meeting regarding possession of short and female crabs while fishing**