



~California Dungeness Crab Task Force~

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

REPORT

TO: Joint Committee on Fisheries and Aquaculture, Mike McGuire, Chair
California Fish and Game Commission, Samantha Murray, President
California Department of Fish and Wildlife, Charlton Bonham, Director

CC: California Ocean Protection Council, Jenn Eckerle, Acting Executive Director
California Fish and Game Commission, Melissa Miller-Henson, Executive Director
California Fish and Game Commission, Susan Ashcraft, Marine Advisor
California Department of Fish and Wildlife, Craig Shuman, Marine Region Manager
Pacific States Marine Fisheries Commission, Dave Colpo, Sr. Program Manager
Joint Committee on Fisheries and Aquaculture, Tim Scully, Consultant to the Joint
Committee on Fisheries and Aquaculture

FROM: California Dungeness Crab Task Force

DATE: December 20, 2022

RE: October 2022 recommendations from the California Dungeness Crab Task Force

APPENDICES: (1) [Dungeness Crab Task Force Background and Operations](#)
(2) [DCTF Charter - Updated October 2022](#)
(3) [October 25-26, 2022 DCTF Meeting Summary](#)
(4) [Updated Draft Conservation Plan for California's Commercial Dungeness Crab Fishery, December 1, 2021](#)
(5) [January 15, 2015 DCTF Report: Initial recommendations from the Dungeness Crab Task Force as requested in SB 369 \(Fish and Game Code 8276.4\)](#)
(6) [December 9, 2021 DCTF Report: October 2021 recommendations from the California Dungeness Crab Task Force](#)
(7) [June 5-6, 2018 DCTF Meeting Summary](#)
(8) [DCTF Membership List, updated August 2022](#)

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 (CDFW), and the Fish and Game Commission (the Commission). These recommendations are presented to inform Dungeness crab fisheries management, including future legislation and existing regulations. Specifically, this report includes recommendations to continue reducing marine life entanglements, update the Risk Assessment and Mitigation Program (RAMP), and measure the impacts of entanglement mitigation on the fleet. Additional details on the DCTF's recommendations are available in the full October 25-26, 2022 meeting summary ([Appendix 3](#)).

The DCTF is grateful for the opportunity to advance and inform the management of the Dungeness crab fishery in partnership with the Legislature, CDFW, and the Commission. The DCTF's work

was completed pursuant to Fish and Game Code (FGC) §8276.4 with financial support as directed by FGC §8276.5. For additional background details and DCTF operations, please see [Appendix 1](#).

Additional information, including previous reports and meeting summaries with 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/>.

DCTF VOTES AND ANALYSIS

The DCTF developed the following recommendations during a two-day meeting on October 25-26, 2022. The recommendations represent the agreements of DCTF Members present at the meeting (as per voting protocols defined in the DCTF Charter ([Appendix 2](#))¹). However, in some cases, the recommendations are not the *verbatim* language used when the votes were taken. Because of the iterative nature of the conversations at the DCTF meetings, the language of some recommendations has been adjusted to improve clarity. The additional context and the voting record will be included in the meeting summary, which will be posted on the DCTF's webpage when available. Explanatory notes are provided below recommendations when necessary.

DCTF RECOMMENDATIONS — October 25-26, 2022

Marine Life Entanglements in Dungeness Crab Fishing Gear

Fish and Game Code (FGC) §8276.4 mandates the DCTF to discuss refining Dungeness crab management. A huge focus of the commercial and recreational California Dungeness crab fisheries in the last few years has been addressing and reducing the incidence of marine life entanglements. During the October 2022 meeting, the DCTF's discussion focused primarily on the RAMP (§132.8 to Title 14, CCR) and other topics that directly inform the RAMP, including the state's efforts to apply for an Incidental Take Permit.

Recommendation 1, Trap Gear Retrieval Program: The Trap Gear Retrieval Program (§132.7, Title 14, California Code of Regulations (CCR)) has been identified as an important tool in the RAMP and CDFW's draft Conservation Plan ([Appendix 4](#)) to help reduce the risk of marine life entanglements by the commercial Dungeness crab fishery. The DCTF sees tremendous value in the continued implementation of this program and would like to see improvements made to the program to clean up the ocean and help address issues with known and unknown sources of entanglements in fishing gear.

Port coordinators and fishermen permitted under the program have flagged several challenges preventing the program's widespread, consistent application throughout the state. The DCTF recommends that CDFW work with port coordinators to amend regulations and address the identified issues to make the program more effective and less administratively burdensome.

Although regulations do not currently allow it, the DCTF supports amending the Fish and Game code and other regulations to allow anyone (e.g., commercial and recreational fishermen, Commercial Passenger Fishing Vessel operators (CPFV), whale watch boats) to remove lost Dungeness crab fishing gear outside the Dungeness crab fishing season.

¹ As part of the DCTF's voting procedures, thumbs up and thumbs sideways are *both* counted as affirmative votes in determining whether a recommendation has at least the $\frac{2}{3}$ affirmative vote required to be forwarded to the Joint Committee on Fisheries and Aquaculture, CDFW, and Commission.

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	0	0	0	2

NOTES:

With a few exceptions, Fish and Game Code §8604 and §9002(a) contain broad prohibitions against willfully or recklessly disturbing any commercial net, trap, or other harvesting apparatus belonging to another person. Additionally, §29.80(a)(3), Title 14, CCR includes a general prohibition against disturbing or moving any trap belonging to another person. Following recommendations from the DCTF in 2015, Senate Bill 1287 (2015-2016) established the [Trap Gear Retrieval Program](#) ([Appendix 5](#)). The program was later added to §132.7, Title 14, CCR and became operational in 2020.

The DCTF has continued to track the implementation of this program and the industry views the removal of all lost and derelict gear as an urgent and crucial step to reducing the number of entanglements, including entanglements of unidentified origin, that negatively impact the commercial and recreational Dungeness crab fishery as part of the RAMP. They stated the importance of making it as easy as possible to remove lost and derelict commercial and recreational Dungeness crab gear from the ocean after the season by any means possible. Members pointed to user-friendly smartphone apps that could be developed² to allow all boaters to send coordinates of lost gear to the retrieval programs. Whale watch boats, CPFVs, commercial fishermen, recreational fishermen, etc. should also be allowed to remove commercial and recreational fishing gear after the season closes. This change would require action by the Commission and the Legislature.

Recommendation 2, Predetermined Season Open Dates: The Dungeness crab fishing industry has highlighted the need for more certainty around season openers specific to delays due to elevated entanglement risk. The DCTF commends CDFW for piloting pre-determined open presoak and start dates during the upcoming 2022-23 season. Upon the success of the pilot, the DCTF recommends the appropriate regulatory and legislative amendments be made to require the Director to open the commercial Dungeness crab fishery under the RAMP at predetermined intervals after a risk assessment such that the start dates for the season opener (i.e., pull dates) for all management areas would be Nov 15,³ Dec 1, Dec 16, and Dec 31. Gear set (i.e., presoak) dates would be 64 hours prior to those open dates as mandated by FGC §8283 and §8276.3(b). The DCTF also recommends that data collected to inform the RAMP and the season opener be collected as close to the identified start dates as possible to ensure its relevance. The DCTF recommends any legislative changes sunset on April 1, 2029, in accordance with the related Dungeness crab code, to encourage the approach to predetermined season open dates to be evaluated by CDFW and the DCTF.

The DCTF recommends that if the commercial fishery is delayed and the use of recreational crab traps is also restricted as a result of risk assessments conducted under the RAMP program, all trap gear (both recreational and commercial) be set at the same time. Since the commercial fishery is allowed a 64-hour gear preset prior to the commercial start date, recreational

² A smartphone app to log the coordinates of lost gear was piloted by the Nature Conservancy and fisherman in Half Moon Bay a few years ago.

³ This open date would only apply to the Central Management Area (the Sonoma-Mendocino County line to the CA-MX border)

fishermen using trap gear will still be allowed to pull crabs 64 hours prior to the commercial fishery start.

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	0	0	0	2

Notes:

Since the implementation of the RAMP in November 2020, CDFW is required to give a 72-hour notice of an opener (§132.8 (f)(2), T14, CCR) if the Dungeness crab fishery is delayed as identified by RAMP. Members of the commercial and recreational Dungeness crab fishing fleet have requested more orderly openers similar to the openers for preseason quality testing, allowing the fleet more time to prepare. As a result, CDFW will be piloting this approach during the 2022-23 season. The DCTF supports putting predetermined openers in place for at least the next few seasons and continuing to evaluate them as a management measure at a future DCTF meeting.

The recreational fishery has traditionally opened statewide on the first Saturday of November and generally has had between 8 and 13 days to fish in the Central Management areas before the commercial season opened on November 15. The recreational fishery is now also subject to crab trap restrictions as a result of the RAMP risk assessments. Various members of the commercial Dungeness crab fishery have explained that if the risk of entanglement is elevated for commercial traps to be deployed at various times of the year, the same should be true for recreational traps. Therefore, the DCTF supported requiring recreational fishermen to follow the same opener schedule as the commercial fishery when using traps. That being said, the DCTF recommends the recreational fishery maintain their “head start” by using other means of fishing on the first Saturday of November using non-trap gear (e.g., hoop nets). Additionally, recreational fishermen using trap gear will still get a 64-hour “head start” in accordance with the commercial trap presoak period.

Recommendation 3, Gear Marking: The Dungeness crab fishery is penalized for unknown entanglements and recommends all fixed gear fisheries be clearly marked to aid in identifying sources of entanglements to ultimately reduce the number of unknown entanglements. Before requiring additional gear marking in the Dungeness crab fishery, the DCTF recommends that CDFW work with the National Marine Fisheries Service (NMFS) to identify how to maximize the benefits to the Dungeness crab fishery by removing penalties to the Dungeness crab fishery for unknown sources of entanglements. This would help outweigh the costs of investing in new gear and potentially reduce financial impacts on the fleet.

Vote of all DCTF Members (nonvoting Members abstained):

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

Notes:

The west coast Dungeness crab fishery has been the target of marine life protection efforts by environmental groups, the state of California, and federal agencies over the last six years. This has placed an unfair burden on the west coast Dungeness crab fleet when other sources of entanglement and whale mortality have also been documented (e.g., ship strikes, other fisheries, and scientific gear). The DCTF continues to express frustration that the Dungeness crab fishery is penalized under the RAMP for unidentified fishing gear involved in an entanglement and that penalties under RAMP will increase following the anticipated regulatory amendments by CDFW in

early 2023. The DCTF is open to exploring tools to increase the number of identifiable sources of entanglements like improved gear marking including marking of the line but believes that other fixed gear fisheries need to do the same.

Over the last few years, the Dungeness crab fishery has implemented new regulations to mark their gear (e.g. commercial buoy tags, requiring all commercial buoy tags to be marked on both sides, recreational buoy markings) which have increased the number of known sources of Dungeness crab fishery entanglements since 2014.⁴ The DCTF also made a recommendation in the 2021 report ([Appendix 6](#)) that all fixed-gear fisheries be required to mark their gear. The DCTF also informed and supported Senate Bill 1309's (2017-18) provisions to require other trap gear fisheries (e.g., California spiny lobster, rock crab, spot prawn, nearshore finfish, coonstripe shrimp and tanner crab commercial fisheries) to include markings on multiple sides of the surface buoy which resulted in updating §180.5, T14, CCR. However, requiring the Dungeness crab fishery to clearly mark their gear with limited requirements for other fisheries to do the same will increase the number of known Dungeness crab entanglements while doing little to reduce the incidence of unknown entanglements. The Dungeness crab fishery has already experienced a great deal of financial hardship since the 2015-16 fishing season due to domoic acid and entanglement-related delays and do not believe that their fishery should be penalized by inaction in other fisheries. The Dungeness crab fishery would be open to investing in improved gear marking only if they were no longer held liable for unknown sources of entanglement on top of the entanglements they are already taking responsibility for. The DCTF would like the state of California to work with other fisheries beyond Dungeness crab to require better gear marking and reduce sources of unknown entanglements throughout the state. The DCTF also encourages CDFW to work with federal partners, especially NMFS, to remove penalties to the Dungeness crab fishery for unidentified sources of entanglement.

Recommendation 4: The DCTF requests the Legislature and/or the Ocean Protection Council (OPC) to allocate funds for the development of an economic analysis of the impacts of the RAMP on the Dungeness crab fishery and broader industry including its relationship to the overall California economy. The DCTF recommends the funds be allocated to a researcher or to CDFW to hire a limited-term economist position. The study should consider inflation and other increases in the cost of fishing operations due to the RAMP.

The DCTF understands the CDFW regulations unit has an economist available to help inform upcoming RAMP amendments (i.e., RAMP 2.0) and may be able to perform some level of cost/benefit analysis. The DCTF and/or its Executive Committee is available to be responsive to any questions that will inform the economic study that is being performed as part of the RAMP amendment process.

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	0	0	0	5

Notes:

The Dungeness crab fishery has felt the financial impacts of the RAMP since its implementation.

⁴ Saez, L., D. Lawson, and M. DeAngelis. 2021. [Large whale entanglements off the U.S. West Coast, from 1982-2017](#). NOAA Tech. Memo. NMFS-OPR-63A, 50 p.

Since Dungeness crab is one of the top three most valuable fisheries in California,⁵ the DCTF suspects there are other impacts of the RAMP on the economy beyond ex-vessel value. There has been little effort by the state to measure and acknowledge the far-reaching economic and social impacts of the RAMP. The DCTF would like to see a comprehensive economic study to gain a better understanding of the economic and social effects of the RAMP.

The DCTF would like this study to explore a number of questions and subject areas, including, but not limited to:

- Questions
 - Does the RAMP, as it has historically been implemented and as it is anticipated to be implemented following amendments in 2023 (i.e., RAMP 2.0), jeopardize the California Dungeness crab fishery's long-term existence and all ancillary businesses?
 - Has the RAMP hindered supply and deprived the public of access to the Dungeness crab resource?
- Considerations
 - The study should be comprehensive to include commercial fishing, recreational fishing, processing, restaurants, retail, etc.
 - The study should also include recommendations for how to modify the RAMP to improve the economic impacts of the program.

The DCTF has been advised that an [IMPLAN model](#) could be a valuable economic analysis tool along with real-world input from the fishery and other target audiences identified in the study to help ground the model. The DCTF stated that having CDFW perform the study would help lend credibility to the outputs. The DCTF is also open to other experienced researchers performing the work. The DCTF believes it would be inappropriate to increase costs to the fleet to pay for this study since it is a component the state should be actively investigating in their fisheries management activities.

DCTF NEXT STEPS

The DCTF anticipates meeting again in October 2023 to address high-priority topics related to the management of the Dungeness crab fishery. As dictated by Fish and Game Code §8276.4, the DCTF will deliver a new report no later than January 15, 2022, and every third year thereafter. The DCTF may meet prior to October 2023 should any timely issues arise that would benefit from the DCTF's perspectives. To ensure that recommendations are shared in a timely fashion and the appropriate entities can act on those recommendations while they are relevant, the DCTF anticipates sharing a report following each DCTF meeting, as appropriate. The DCTF looks forward to being responsive to the needs of the Dungeness crab industry, CDFW, the Commission, and the Legislature to discuss priority issues including those outlined in this report, and other priorities that may arise.

⁵ Pomeroy C, Thomson CJ, Stevens MM. 2011. California's North Coast Fishing Communities Historical Perspective and Recent Trends. Final Report to the California State Coastal Conservancy Award 06-128, Publication No. T-072a. 14 p.