



~California Dungeness Crab Task Force~

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

DCTF MEETING SUMMARY OCTOBER 25-26, 2022 WEBINAR

The purpose of this meeting summary is to:

- Provide a high-level summary of discussions and outcomes from the October 25-26, 2022 Dungeness Crab Task Force (DCTF) meeting that took place online via Zoom; 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.¹

DCTF MEMBER ATTENDEES

John Barnett, San Francisco, Lower Production Level
George Bradshaw, Alternate for Troy Wakefield, Crescent City, High Production Level
Anthony Caito, Caito Fisheries, Processor
Tony Cannia, Fort Bragg, Lower Production Level
Mark Capra, Coastside Fishing Club, Recreational (Present on Day 2)
Mike Cunningham, Eureka, Upper Production Level
Lorne Edwards, Alternate for Scott Bertelson, Bodega Bay, Lower Production Level
Tom Estes Jr, Fort Bragg, Upper Production Level
Scott Hockett, Noyo Fish Company, Processor
Harrison Ibach, Eureka, Lower Production Level
Christy Juhasz, California Department. of Fish & Wildlife
Kate Kauer, The Nature Conservancy, Nongovernmental Organization
Dave Kasheta, Alternate for Mark Capra, Coastside Fishing Club, Recreational (Present on Day 1)
Asst. Chief.Eric Kord, California Department of Fish & Wildlife
Nick Krieger, San Francisco, Lower Production Level
Brian Nolte, Nonresident (Present on Day 2)
Tim Obert, South of Half Moon Bay, Lower production Level
Dick Ogg, Bodega Bay, Upper Production Level
Jerry Pemberton, Alternative for Jim Anderson, Half Moon Bay, Lower Production Level
Rick Powers, Commercial Passenger Fishing Vessel
Zach Rotwein, Trinidad, Production Level Not Specified*
Randy Smith, Crescent City, Production Level Not Specified*
Fred Soares, Crescent City, Lower Production Level
Ross Taylor, Humboldt Area Saltwater Anglers, Sport Fishing

*Not-specified production level seats represent both the lower and upper production levels.

ABSENT

Bill Blue, South of Half Moon Bay, Upper Production Level
Shauna Oh, California Sea Grant

Vacant seat, Nongovernmental Organization

¹ The meeting is recorded (via Zoom) and will be erased after 30 days in accordance with the Bagley-Keene Open Meetings Act.

CA DEPARTMENT OF FISH AND WILDLIFE

Joanna Grebel, California Department of Fish & Wildlife
Cpt. Brent Chase, California Department of Fish & Wildlife
Ryan Bartling, California Department of Fish & Wildlife

OTHER

Dan Lawson, National Marine Fisheries Service (Present on Day 1)
Tim Scully, Liaison to the Joint Committee on Fisheries and Aquaculture

DCTF ADMINISTRATIVE TEAM PRESENT

Rachelle Fisher, Strategic Earth Consulting
Kelly Sayce, Strategic Earth Consulting
Scarlett Schroeder, Strategic Earth Consulting

1. Welcome, introductions, agenda review

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

2. Public comment on non-agenda items

- Dave Kasheta, Coastside Fishing Club and Alternate on the DCTF, requested the DCTF discuss and, ideally, support, changes to §29.80(c)(3), Title 14 CCR to allow recreational traps to utilize two main buoys instead of one. He explained that there are times when the current is strong and a single buoy gets sucked below the water line and recreational fishermen can't find their gear resulting in gear abandonment. Additionally when the buoy is not visible from the surface, others will drop their gear on top of the submerged gear creating additional issues. He explained that a petition has been started with the Fish and Game Commission (FGC), who will address this issue in December.
 - The Admin Team explained that because of Bagley-Keene's noticing requirements, this topic could not be addressed at the current meeting but could be discussed at a future Executive Committee and/or Dungeness Crab Task Force (DCTF) meeting.
- Ross Taylor, DCTF Member and Humboldt Area Saltwater Anglers (HASA), requested the California Department of Fish and Wildlife (CDFW) clarify recent regulatory changes regarding fishing with hoop nets. Mr. Taylor also reiterated Mr. Kasheta's comment concerning surface buoy requirements for recreational trap gear. He explained that allowing two buoys will help reduce lost gear.
- Molly Glickman, Student at Stanford University, is working on her honors thesis project centered around Dungeness crab fisheries management. She is interested in understanding how fishing industries can operate with different management strategies when entanglement risk is elevated. She requested DCTF Members and others in the fishing industry fill out her [short survey](#). Responses are anonymous. She offered to share a summary of her results when they are available. Please contact Molly Glickman with any questions (650) 868-5631; mollywg@stanford.edu.
- Geoff Shester, Oceana, expressed support for the Dungeness crab fishery's continued endeavors to address important fishery issues. He flagged that Oceana has been working on identifying bycatch in the California halibut bottom trawling industry where there is major overlap with Dungeness crab. Based on observer records, approximately 360,000 lbs of Dungeness crab are assumed dead/caught as halibut fishery bycatch each year. That is more crab by weight and volume than the California Halibut they are targeting. The Marine Resource Committee (MRC) of the FGC will discuss halibut bycatch at their November 17 meeting. He urged DCTF Members to voice their concerns. Mr. Shester further shared that Oceana recently

submitted a letter to the US Coast Guard on the ship strikes issue. Specifically asking for mandatory speed limits and the change of shipping lanes to prevent ship strikes based on research by Point Blue. Lastly, in an effort to address whale and sea turtle entanglements, Oceana supports better gear marking to eliminate unknown entanglements that are counting against the Dungeness crab industry for their annual impact score. They are also supportive of pop up gear and alternative gear set up (e.g., multiple traps per line) to allow the industry to keep fishing when the fishery would otherwise be closed.

3. Review and confirm updated Charter and 2021-23 DCTF Work Plan administration and operations.

The [DCTF Charter](#) was updated to reflect membership and voting changes. The Admin Team reviewed the changes which included:

- Reflecting the results of the recent port elections in the charter: Fred Soares, Crescent City Lower Production Level; Troy Wakefield, Crescent City Upper Production Level; Randy Smith, Crescent City Not Specified; Zach Rotwein, Trinidad Not Specified; John Barnett, San Francisco, Lower Production Level; Nick Krieger, San Francisco, Upper Production Level; Tim Obert, South of Half Moon Bay, Lower Production level; Bill Blue, South of Half Moon Bay, Upper Production Level.
- The membership roster has been updated to reflect replacements until the 2023 election. As outlined in Section 3.2 of the Charter, in the event that an elected commercial Member steps down, an Alternate will replace that seat.

The [DCTF Work Plan](#) provides a road map for how the DCTF will address priority topics. The document was reviewed but not updated during this meeting. It is anticipated to be updated for the October 2023 DCTF meeting.

Public comment was taken on the topic at hand.

- No public comment was received.

ACTION: *Consideration and possible adoption of updated Charter.*

APPROVED: The DCTF adopts the 2022 DCTF Charter. The DCTF recommends adjusting the membership of the Executive Committee. The new Executive Committee membership will be: John Barnett, Geoff Bettencourt, Bill Blue, Mike Cunningham, Dick Ogg, Zach Rotwein, Troy Wakefield, and Randy Smith.

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

Vote of all DCTF Members (ex officio Members abstained; vacant seats not included in tally):

Thumbs up (20): John Barnett, Geoff Bettencourt, George Bradshaw, Anthony Caito, Tony Cannia, Mark Capra, Mike Cunningham, Lorne Edwards, Tom Estes, Scott Hockett, Harrison Ibach, Nick Krieger, Brian Nolte, Tim Obert, Dick Ogg, Jerry Pemberton, Rick Powers, Zach Rotwein, Randy Smith, Fred Soares

Thumbs sideways (0):

Thumbs down (0)

Abstain (0):

Absent (1): Bill Blue

4. Receive updates and discuss California Dungeness crab fishery topics including, but not limited to, California’s preseason quality and domoic acid testing, 2021-22 season landings, bi-weekly reporting requirements, progress on previous DCTF recommendations, the Dungeness crab account, evisceration order updates, etc.

Updates

Christy Juhasz, CDFW Marine Region and DCTF Member, gave a presentation to provide [updates on various aspects of the California Dungeness crab fishery](#). Additionally, CDFW staff shared that a number of Marine Region staff who work with the Dungeness crab fishery and Whale Safe Fisheries Program received promotions/position changes and new staff will also be added to support the Whale Safe Fisheries program and evisceration options.

Captain Eric Kord, CDFW Law Enforcement Division (LED) and DCTF Member, provided high-level updates on the status of the accounting of the Dungeness Crab Account (Fish and Game Code (FGC) §8276.5) stating that the most recent accounting is from the [2018-19 FY](#) and LED hopes to have an updated accounting to share for the 2019-20 and 2020-21 FY by the end of 2022.

DCTF Members discussed elements of the presentation and updates:

Economic Analysis of the Dungeness Crab Fishery and Beyond

DCTF Members expressed interest in seeing a more comprehensive economic analysis of the Dungeness crab fishery than is presented in CDFW's annual DCTF update. Members shared that they would like the analysis to illustrate the economic losses to the overall fleet and by region due to season delays and early season closures as a result of the Risk Assessment and Mitigation Program (RAMP). Members would like a scientific analysis of the net economic impact from the RAMP, net economic impact to the fishery after the Center for Biological Diversity (CBD) lawsuit and [settlement](#), changes in the ex-vessel and market values of Dungeness crab, impacts on supply and support systems for the Dungeness crab fleet, and how these economic changes to the Dungeness crab fishery impact the broader California economy.

The DCTF asked if the analysis could be performed by CDFW. CDFW stated that while there will be a small economic impact analysis done on RAMP 2.0, the analysis will not be as comprehensive as the DCTF is requesting. CDFW staff do not have the staffing or capacity to perform this kind of analysis. A DCTF Member stated that the economic analysis should be performed by CDFW to be credible. The DCTF brainstormed various mechanisms and processes to achieve this analysis, including providing internship opportunities to university students, recommending CDFW hire an economist, asking an academic researcher to do the study, requesting the California Legislature fund a study, etc. Tim Scully, Senator Mike McGuire's Office, explained that requesting funding from the Legislature would be very complex and a fiscal sponsor would need to be identified for the funding to be funneled to, which would make a Legislative request for this study challenging to fulfill.

Buoy Markings for Hoop Nets

A DCTF Member expressed concerns regarding a requirement for permanent buoy markings for hoop nets and explained that the markings would rub off too quickly to help with the identification of lost or abandoned gear. LED explained that there is a legal requirement for all sport buoys to be permanently marked at all times. If the hoop nets are abandoned for more than two hours, then LED has the authority to seize them.

Public comment was taken on the topic at hand.

- Carrie Pomeroy, University of California, Santa Cruz, stated that it is entirely possible to earmark funding to go to an entity to do an economic analysis through something like California Sea Grant or Pacific States Marine Fisheries Commission. It is not unreasonable to have an arrangement where you can arrange for funding to be used to contract with an academic or someone with the appropriate skills. She explained that an economic study can come from inside or outside the CDFW and still have credibility. It will be important to clearly articulate your questions and identify a team or individuals with expertise in these types of analyses. Peer review of the analyses findings by other economists in the field could lend further credibility to

the work. She also shared that she is wrapping up a project related to domoic acid delays and the resulting fisheries disaster and would be happy to share the results when they are available.

The DCTF took a straw poll to assess the level of agreement on whether the DCTF supports making a recommendation regarding the Economic Analysis and one administrative vote.

Straw Poll: The DCTF requests the Legislature and/or Ocean Protection Council (OPC) to allocate funds to a researcher and/or CDFW to hire a limited term economist position to develop an economic analysis of the impacts of the RAMP on the fishery and the overall CA economy and connections to D-crab industry. The study should consider inflation and the changes in the cost of fishing operations.

The DCTF is available to respond to the CDFW regulations unit economist to help inform RAMP 2.0 cost/benefit analysis. (15 up, 1 sideways, 0 down, 0 abstain) - Pass

Since the straw poll had broad support, the DCTF decided to take a final vote on the recommendation at hand.

ACTION: *Consideration and possible recommendations related to CDFW updates, which may include, but will not be limited to, requests for information, or other management measure recommendations.*

APPROVED: 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.

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

Vote of all DCTF Members (ex officio Members abstained; vacant seats not included in tally):

Thumbs up (16): John Barnett, George Bradshaw, Tony Cannia, Mark Capra Mike Cunningham, Lorne Edwards, Harrison Ibach, Nick Krieger, Brian Nolte, Tim Obert, Dick Ogg, Jerry Pemberton, Rick Powers, Zach Rotwein, Randy Smith, Fred Soares

Thumbs sideways (0):

Thumbs down (0)

Abstain (0):

Absent (5): Geoff Bettencourt, Bill Blue, Anthony Caito, Tom Estes, Scott Hockett,

5. Reflections on and discussion of the Trap Gear Retrieval Program and its implementation.

Christy Juhasz, CDFW Marine Region and DCTF Member, gave a presentation to provide an update on the CDFW Gear Retrieval Program from the 2020-2021 season.

Lisa Damrosh, Half Moon Bay Seafood Marketing Association, provided insights on how current regulations make the Lost Gear Recovery Program difficult to conduct. She explained that fishermen have always picked up lost gear and brought it in to return to other fishermen. Beginning in 2015, Lost Gear collection programs have been managed in California crab ports to build incentives for more lost

gear, and stray vertical lines to be removed from the water. Over the last three years, ports have been working with CDFW to implement the Trap Gear Retrieval Program for the last three years, which has been identified as an important component of the state's Incidental Take Permit application and draft Conservation Plan. Ms. Damrosh suggested minor changes to the regulatory language for the Trap Gear Retrieval Program to increase efficiency and effectiveness of local programs that are facing administrative challenges with meeting requirements.

Following the presentations, the DCTF discussed the concerns and issues associated with the Trap Gear Retrieval Program including:

- The Dungeness crab fishery is penalized for entanglements in unidentified gear and are restricted by the number of traps they are allowed to recover during the season. Within the Trap Gear Retrieval Program, vessels are not allowed to recover sport gear or anything that is not clearly marked as commercial Dungeness crab gear leaving entanglement hazards in the ocean.
- CDFW's requirement that original paper logbooks be submitted to receive reimbursement from CDFW for gear recovered through the Trap Gear Retrieval Program creates unfortunate administrative barriers since the paperwork can get wet, there is additional coordination needed to hand off from the gear retrievers to the port coordinators, etc. Digital paperwork and pictures of logbooks would help address these issues.
- The Trap Gear Retrieval Program is administratively burdensome and requires a full-time position to manage that many ports do not have the capacity to support and therefore, are unable to participate in the program.

DCTF Members asked clarifying questions and discussed various aspects of the presentations.

- Since there are restrictions on the types and amount of fishing gear that can be retrieved as part of the Trap Gear Retrieval Program and everyday commercial fishing operations, various DCTF Members expressed their concern about leaving derelict or lost gear they encounter in the water, especially when the Dungeness crab industry continues to be penalized for whale entanglements in unknown gear. Various Members stated the fleet agrees that any abandoned or lost gear should be removed.
 - A DCTF Member inquired if commercial fishermen would be allowed to bring in lost recreational gear or where to report lost recreational traps. CDFW recommended submitting a report to the Whale Safe Fisheries email or to CalTip, then the information could be given to the appropriate group. Currently, commercial fishermen are not allowed to pull in recreational gear and the best option is to call CDFW so they can coordinate recovery of the trap. CDFW explained that Legislative and/or regulatory changes would be required to legally allow commercial fishermen to bring in recreational gear and vice versa.
- Multiple DCTF Members reiterated that the paper records are tedious and overall problematic due to their proximity to water. Digital records and pictures could be more efficient, effective, and secure. Some Members suggested the development and regular use of an app where those on the water could send derelict gear lat/long coordinates directly to the retrieval programs.
 - CDFW clarified that since a permit could be revoked for individuals who do not pay for their gear as part of the Trap Gear Retrieval Program, the paperwork is essential for supporting any potential cases. If a gear retriever or port coordinator does not want to be reimbursed for unclaimed gear, then they don't need to submit the paperwork and can bring in as many traps as they want. The paperwork is only essential for financial reimbursements.

- DCTF Members stated that there were other means to support gear recovery from the ocean including sharing coordinates of gear they spot with port coordinators or other fishermen, using an app to tag the location of the lost gear so someone who is legally able to retrieve the gear can remove it from the ocean, etc. Various Members expressed support for those outside the commercial Dungeness crab fishery and anyone on the water to help remove lost and abandoned gear including recreational fishermen, charter vessels, whale watch operators, etc.
- A DCTF Member suggested requiring trap tags and enhanced gear marking in the recreational Dungeness crab fishery to reduce the incidence of unknown sources of marine life entanglements. Another Member suggested CDFW reach out to the recreational fishing fleet to share information about the importance of clear gear marking. A few Members expressed support for more public awareness of the importance of gear marking in all commercial and sport fisheries to help eliminate unknown sources of entanglement.
- A DCTF Member inquired about why Oregon has been very timely in sharing nearly real-time results of the Trap Gear Retrieval program while California can only report on results from the prior year.
 - CDFW informed the DCTF that Oregon's program is much simpler than California's program allowing for easier, quicker reporting. In their presentation, CDFW shared Oregon's self-reported raw logbook data from the current season rather than the Oregon Department of Fish and Wildlife's comprehensive summary analyzing trap retrieval effort data, which is not yet available.

During the discussion, CDFW clarified that updating the Trap Gear Retrieval Program within the next year is not a priority since CDFW is currently focused on the RAMP and Conservation Plan. Multiple DCTF Members stated they think updating the Lost Gear Recovery Program is a priority and are uncomfortable that CDFW does not feel the same.

Public comment was taken on the topic at hand.

- Lisa Damrosch, Half Moon Bay Seafood Marketing Association, highlighted the importance of the DCTF's conversation. She agreed that the highest priority should be to remove vertical lines from the ocean whenever someone is able to. She hopes that the new hires as part of CDFW's Whale Safe Fisheries Program that were highlighted in the prior agenda item would create added capacity for CDFW to address the issues associated with the Trap Gear Retrieval Program.
- Tim Gillespie, Commercial Passenger Fishing Vessel (CPFV) Operator, said it was unacceptable that if a boater comes across a vertical line and buoy with no markings, they are unable to pull in the gear. That gear could result in a whale entanglement that penalizes the recreational and commercial Dungeness crab fishery. Mr. Gillespie recommends that unknown sources of entanglement not penalize the Dungeness crab fishery since the fishery participants are willing to pull in the gear, but are not allowed to.
- Robert Gallia, Commercial Passenger Fishing Vessel Operator, explained that it is important to publicly clarify that recreational and commercial Dungeness crab fishery participants are not allowed to pull in derelict gear even though they wish to. There is a lot of effort that can be made to clean up the derelict buoys and it should be more of a priority by the state of California. The livelihoods of recreational and commercial Dungeness crab participants are at stake and lost gear retrieval and reducing unknown sources of entanglements should be the highest priority by the state.

ACTION: *Consideration and possible adoption of recommendations related improvements/modifications to the Trap Gear Retrieval Program.*

APPROVED: 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 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.

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

Vote of all DCTF Members (ex officio Members abstained; vacant seats not included in tally):

Thumbs up (19): John Barnett, Geoff Bettencourt, George Bradshaw, Anthony Caito, Tony Cannia, Mike Cunningham, Lorne Edwards, Tom Estes, Scott Hockett, Harrison Ibach, Dave Kasheta, Nick Krieger, Tim Obert, Dick Ogg, Jerry Pemberton, Rick Powers, Zach Rotwein, Randy Smith, Fred Soares

Thumbs sideways (0):

Thumbs down (0)

Abstain (0):

Absent (2): Bill Blue, Brian Nolte

6. Presentation on the status of the RAMP, Conservation Plan development, and other entanglement-related updates in the California Dungeness crab fishery.

Ryan Bartling, CDFW Marine Region, [gave a presentation](#) on several marine life entanglement topics including RAMP and implications for the 2022-23 fishing season, an outline for predetermined open dates, status of RAMP 2.0, and the status of the Conservation Plan. DCTF Members asked clarifying questions and discussed various aspects of the presentations.

- **RAMP 2.0:** Multiple DCTF Members were concerned about the new proposed annual impact scoring that would prohibit prorating entanglements regardless of the severity of the entanglement. Additionally, unknown sources of entanglements would result in half of a point, which is higher than the original RAMP regulations. CDFW informed the DCTF that the total allowable take remains unchanged and that this is regulated federally by the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA) laws under the National Marine Fisheries Service (NMFS). A DCTF Member asked how the new Annual Impact Score would affect their season if they exceeded the number. CDFW said that exceeding thresholds wouldn't necessarily result in a delayed season and that they would need to consult with NMFS on next steps. Under current RAMP, the number of entanglements from 2022 are high, CDFW will be more risk averse during the 2022-23 season such that if thresholds are exceeded, the CDFW Director will likely have to implement measures statewide, rather than by zone. The DCTF requested more clarification around how entanglements are identified and how to confirm

whether an entangled humpback whale, for example, is part of an ESA threatened population or not. Dan Lawson, NMFS, explained that while extensive forensic review of photographs is performed on every reported entanglement, the population of humpback whales that are entangled is unknown absent genetic testing. Therefore, all humpback whale entanglement must be counted as if a whale from the ESA threatened population were entangled. A DCTF Member inquired how total allowable take numbers were calculated. NMFS stated that there were various different factors that influenced the number including stock assessments and guidance in the ESA and MMPA.

- *Conservation Plan:* Many DCTF Members were upset that the Incidental Take Permit (ITP) will be a 21 year permit. They believe the permit should have mechanisms for modification and updates as whale populations continue to grow. Since the humpback whale population along the west coast has been increasing by a rate of 6-8% each year, there is concern that there will be such a high density of whales that interactions with fishing gear will be impossible to avoid and only permitting 3 entanglements a year for 21 years would greatly harm the Dungeness crab fishery. DCTF Members suggested the ITP allow updates every 3-5 years to adjust entanglement thresholds in alignment with changes in whale populations. CDFW appreciated the concerns and responded by saying that there are certain aspects of the conservation plan and ITP that are not negotiable since they are part of the federal guidelines for issuing an ITP. They further explained that conservation plans and ITPs can take up to ten years and a lot of resources to develop and a long-term permit is necessary for CDFW and NMFS to have certainty. That being said, there is an adaptive management component of the conservation plan that will address population recovery and amendment processes if stock recovery is seen.
- *Electronic Monitoring:* A DCTF Member requested more information about the RAMP's electronic monitoring program. CDFW stated that it was in progress. In addition to simple forms of electronic monitoring (e.g., solar loggers), CDFW is investigating the use of hydraulic gear sensors as part of a future iteration of the RAMP like RAMP 3.0. However, it needs more testing and discussion with the fleet.
- *Ship Strikes:* Various DCTF Members expressed concern about the number of whale mortalities each year as a result of ship strikes in the shipping industry. They felt that the fleet was being penalized for minor interactions that tend to leave whales unharmed while the shipping industry was not being penalized for killing an exorbitant number of whales each year. NMFS clarified that all whale mortalities associated with ship strikes are illegal and the shipping industry does not have an ITP.
- *2022-23 Fishing Season Outlook:* A DCTF Member asked what the consequences to the fleet may be for entanglements confirmed outside of the fishing season. CDFW responded by stating the entanglements are added to the Dungeness crab fishery's impact score, but there is no direct action out of season since there is no active fishing. However, CDFW will be more risk averse in the 2022-23 fishing season as a result.

Public comment was taken on the topic at hand.

- Brand Little, commercial fisherman, commented that populations of humpback whales on the west coast are continuing to grow despite entanglements and ship strikes. He wanted to express interest in prioritizing the alternative gear discussion, especially knowing that future RAMP regulations (RAMP 2.0) could consider implementing alternative gear use by zone rather than statewide. He sees value in using alternative gear methods in traditionally more problematic zones, rather than requiring them statewide.

6.a. Updates on the Executive Committee's discussions regarding predetermined commercial Dungeness crab fishery season opener dates.

- Since the fleet has been requesting more certainty around season open dates, CDFW shared a calendar outlining how they are piloting a predetermined open date approach during the 2022-23 fishing season. For example, once a risk assessment has been performed and the Director has declared an area can open, season open dates would be November 15, December 1, December 15, and December 31. The 64 commercial presoak periods would be allowed. DCTF Members expressed gratitude for the clear layout of the season open dates.
- A DCTF Member requested the data being used to inform risk assessments be collected approximately a week before the anticipated opener date and suggested CDFW shorten their decision-making window. CDFW stated that the notification to the fleet of when the season will open will be approximately one week prior to the opener and data will be collected and analyzed as timely as possible. In an effort to factor in the legally required 72-hour season notification and the 64-hour presoak, CDFW needs to provide the fleet the maximum notification.
- In response to a DCTF Member question, CDFW confirmed that there is still a 64 hour pre-soak when an area is delayed.
- Some recreational DCTF Members expressed concern that the recreational and commercial seasons may start simultaneously and not allow the recreational fishermen a head start when the season is delayed due to RAMP. They explained that once the commercial fishery starts, most of the recreational sector stops fishing. A DCTF Member explained that recreational fishermen can fish hoop nets prior to the commercial opener and only trap gear would be restricted. However, recreational trap gear could be fished while commercial gear is still subject to the 64-hour presoak allowing for a small “head start.”

Public comment was taken on the topic at hand.

- Barry Day, commercial fisherman, explained that in recent years, it has gotten progressively harder to find crews as the season opener gets pushed back. He expressed support for predetermined open dates and providing the maximum lead time up to the delayed season start date.
- Tim Gillepsie, CPFV Operator, requested clarification on how the predetermined open dates would apply to the management areas.
 - CDFW explained that in the season’s first RAMP risk assessment, they are considering the coastwide sport opener, which is traditionally the first Saturday in November. This risk assessment would also apply to the Central Management Area’s November 15 commercial opener. If the sport fishery is delayed during the first risk assessment, its open dates would be either December 1, December 15, or December 31. For each risk assessment, CDFW will consider opening the recreational fishery by zone similar to the commercial fishery.

ACTION: *Consideration and possible adoption of recommendations related to the development and identification of a framework for predetermined commercial Dungeness crab fishery season opener dates.*

APPROVED: 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 15,² 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 pre-determined season open dates be evaluated by CDFW and the DCTF.

The DCTF recommends that if the commercial and recreational Dungeness crab fisheries are delayed as a result of 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 fishermen using trap gear will still be allowed to pull crabs 64 hours prior to the commercial fishery start.

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

Vote of all DCTF Members (ex officio Members abstained; vacant seats not included in tally):

Thumbs up (19): John Barnett, Geoff Bettencourt, George Bradshaw, Anthony Caito, Tony Cannia, Mike Cunningham, Lorne Edwards, Tom Estes, Scott Hockett, Harrison Ibach, Dave Kasheta, Nick Krieger, Tim Obert, Dick Ogg, Jerry Pemberton, Rick Powers, Zach Rotwein, Randy Smith, Fred Soares

Thumbs sideways (0):

Thumbs down (0)

Abstain (0):

Absent (2): Bill Blue, Brian Nolte

6.b. Updates on the state’s efforts to implement marking of gear to better identify the original source of marine life entanglements (i.e., state and fishery)

Christy Juhasz, CDFW Marine Region and DCTF Member, [gave a presentation](#) on the state’s effort to implement gear marking to better identify the original source of marine life entanglements within the state and Dungeness crab fishery. Dan Lawson, NMFS, was also available to provide additional guidance and insights to the DCTF’s discussion. DCTF Members asked clarifying questions and discussed various aspects of the presentations.

- A DCTF Member asked if RAMP penalized the Dungeness crab fishery for entanglements that are confirmed to NOT be associated with the California Dungeness crab fishery. CDFW explained that entanglements from other states and that are without a doubt not from the Dungeness crab fishery are not penalties for the Dungeness crab fishery or count toward their impact score.
- CDFW wanted to comment that they are still having conversations with NMFS to identify concerns and still need to coordinate with the tri-state.
- Multiple DCTF Members mentioned that line and gear marking has been a large topic of discussion in the Dungeness crab industry. Many DCTF Members stated that the commercial Dungeness crab fishery should not be required to increase gear marking until the penalties from unknown sources of entanglement are removed from the Dungeness crab fishery impact score.

² This open date would only apply to the Central Management Area (the Sonoma-Mendocino County line to the CA-MX border)

- Some Members asked what level of gear marking would be necessary that would result in a negative attribution such that it would be clear that the gear associated with an unknown entanglement is clearly not Dungeness crab. NMFS responded that entirely removing the unknown gear attributions would be extremely difficult and the only way to have a negative attribution would be to change the entire color of the line. Even then, there would need to be regulations in other fisheries to prevent anyone else from using the same line/markings.
- Various DCTF Members agreed that replacing their entire lines to be a solid color would be the most efficient and effective way to mark gear. If the fleet routinely replaces their gear, marking requirements could be phased in over the course of a few years. However, they are not willing to agree until the unknown attributions are reduced or eliminated.
 - CDFW informed the DCTF that if the commercial Dungeness crab fishery had mandated gear marking requirements (e.g., a distinctive line color not used in other fisheries) then legislative and/or regulatory changes would be needed to occur. Other fisheries and states would need their own distinctive color(s) and using another industry's color would have to be made illegal. This would be a large challenge to accomplish.
- DCTF Members noted that marking gear is expensive for the fleet and there needs to be benefits to the commercial fleet for such a requirement. They voiced that the commercial Dungeness crab fishery should not be responsible for all unknown sources of entanglement when they have more extensive gear marking than most fixed-gear fisheries. Additionally, confirmed Dungeness crab entanglements carry an even greater penalty than unknown sources of entanglement further reducing the incentives to switch gear. A DCTF Member commented that knowing what fishery is entangling a whale does reduce the number of entanglements. However, understanding the source of an entanglement may help reduce the problem.

Public comment was taken on the topic at hand.

- Robert Gallia, CPFV operator, expressed concern that the gear marking conversations are only focused on the Dungeness crab fishery and similar conversations are not being had with other fixed gear fisheries.
- Tim Gillepsie, CPFV operator, worries that with only one buoy the currents off of Fort Bragg will suck the buoys under. He asked if there was the ability for CPFVs to use multiple buoys for crab traps so the lines aren't lost.
 - CDFW responded by stating that there is a minimum buoy size requirement but there is no maximum. Fishermen are allowed to use [larger buoys](#) to ensure they are not sucked under the surface during larger swells. The buoy size rule was created to standardize the buoys being used as opposed to gear that could become ocean debris (e.g., Clorox bottles, pool noodles, etc).

ACTION: *Consideration and possible recommendations regarding gear marking protocols. .*

APPROVED: The Dungeness crab fishery is penalized for unknown entanglements and sees value in all fixed fishing gear being clearly identified to reduce the number of unknown entanglements. Requiring all Dungeness crab fishermen to change the marking of the gear will be very costly for the fleet. Therefore, before requiring additional gear marking in the Dungeness crab fishery, the DCTF recommends CDFW work with the National Marine Fisheries Service (NMFS) to identify how to maximize the benefits to the Dungeness crab fishery by removing penalties for unknown sources of entanglements in fishing gear. This would help outweigh the costs of investing in new gear and potentially reduce financial impacts on the fleet.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
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20	0	0	0	1
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Vote of all DCTF Members (ex officio Members abstained; vacant seats not included in tally):

Thumbs up (20): John Barnett, Geoff Bettencourt, George Bradshaw, Anthony Caito, Tony Cannia, Mark Capra, Mike Cunningham, Lorne Edwards, Tom Estes Jr., Scott Hockett, Harrison Ibach, Nick Krieger, Brian Nolte, Tim Obert, Dick Ogg, Jerry Pemberton, Rick Powers, Zach Rotwein, Randy Smith, Fred Soares

Thumbs sideways (0):

Thumbs down (0)

Abstain (0):

Absent (1): Bill Blue

6.c. DCTF discussion on other marine life entanglement issues, including, but not limited to, the Conservation Plan, fishing options when risk is elevated, new fishing gear, exploration of new management options to mitigate entanglements, long-lining, industry-led monitoring surveys, zonal management, regulations in other states, etc.

Building on CDFW's presentations earlier in the meeting, the DCTF discussion to date, and reflecting on the summer Executive Committee meetings, the DCTF continued exploring and discussing the topic of marine life entanglements including how to allow fishing when risk of entanglement is elevated.

Zonal Management and RAMP Toolbox

- A few DCTF Members expressed frustration that the Northern Management area was closed early during the spring 2021-22 fishing season as a result of entanglements in the Central Management area and that the data supported leaving the upper zones open under these circumstances. They suggested CDFW better utilize zonal management when risk is elevated such that entanglement "hot spots" are closed before thresholds are reached forcing the entire state to close.
 - CDFW explained that entanglements do not always occur in the same location(s) they are observed since whales can travel with gear. They further explained that exceeding the impact score required a coastwide closure. CDFW explained that as the entanglements continued to accumulate during the season, regular risk assessments were performed with the Dungeness Crab Fishing Gear Working Group's guidance to determine if precautionary management measures were needed prior to the full closure.
- Some DCTF Members showed support for voluntary zonal management mitigation by the fleet. A DCTF Member asked if real-time whale geolocation information would be available throughout the fishing season to allow the fishing community to self impose depth restrictions or voluntarily close areas within their fishing zone(s). CDFW explained that they are collecting more data and increasing the number of flyovers. That data is made publicly available when it is shared with the Dungeness Crab Fishing Gear Working Group prior to a risk assessment. It takes time for CDFW to analyze and prepare the data and it cannot be available in real-time.

Two straw polls were taken to assess the level of agreement on options to address entanglement risk and challenges with data availability.

Straw Poll: Reflecting on the 2021-22 season during the springtime, if a similar dynamic occurs in the 2022-23 or future season, the DCTF recommends the Working Group/CDFW takes immediate action of closing specific zone(s) under circumstances when an entanglement takes place/observed to avoid a full statewide closure. (6 up, 2 sideways, 6 down, 5 abstain) - Fail

- Rationale developed by the DCTF to support/inform this vote: It is important to contain/limit additional entanglements in a zone(s) and avoid the annual threshold that

triggers a statewide closure. Tools in the RAMP toolbox (e.g. depth restrictions) could be implemented for areas that remain open. Suggest CDFW consider if an area has a history of higher entanglement sightings when deciding to close the zone before the thresholds are reached.

Straw Poll: The DCTF recognizes the pressure that fishermen based in Zones 3 and 4 are under during the springtime, specifically with limited information to determine when marine life arrives in these areas. The DCTF recommends that CDFW prioritize data collection in Feb/Mar in Zones 3 and 4 to inform proactive management decisions (e.g., pot limits, depth restrictions, limited spatial area closures). (8 up, 2 sideways, 4 down, 5 abstain) - Fail

- Rationale developed by the DCTF to support/inform this vote: The DCTF appreciates the willingness of the fishermen in Zones 3 and 4, and elsewhere, to proactively respond to elevated risk to avoid closures/affecting the fishery statewide and to limit impacts to the start of the season.

Neither straw poll had large support so the DCTF decided to table the recommendation for a future discussion.

Public comment was taken on the topic at hand.

- No public comments were received at this time.

Spring Fishery

- A DCTF Member stated that the season opener was more important than the spring fishery and they supported closing the coast in the spring. They expressed concern about the fishery's currently high impact score and hoped that the fishery would prioritize the season opener as opposed to trying to find ways to fish in the spring when it could jeopardize the opening of the fall fishery.

Alternative Gear: Scoop pots, Long-lining, EFPs

On August 24, 2022, an Alternative Gear Workshop hosted by the National Marine Sanctuaries Foundation, in partnership with CDFW and OPC, brought together fishermen and gear manufacturers to discuss alternative gear (e.g., pop-up gear) and long-lining gear. Testing of these tools through CDFW's Experimental Fishing Permit (EFP) program was also discussed. These topics were also discussed during the summer Executive Committee meetings.

- DCTF Members shared that the lengthy timeline (i.e., six months) for acquiring an EFP through the Fish and Game Commission is a detractor for many fishermen to participate. Members also expressed concern that if an entanglement occurred as a result of an EFP the fishery would be penalized, creating risks to testing gear.
 - CDFW clarified that entanglements resulting from testing gear through an EFP would not penalize the fleet since fishing is not occurring under a Dungeness crab fishing permit. They further explained that an EFP would help inform and support any proposed regulatory or legislative changes.
- Another DCTF Member asked how CDFW would know if an entanglement was the result of an EFP or a non-EFP entanglement? CDFW said that EFPs would have extremely strict marking regulations.
- A DCTF Member inquired about the number of individuals allowed on an EFP and shared concern about the inability to test whether a gear functionally reduces entanglements unless it is tested fleet-wide.

- CDFW responded that EFPs are given to individuals with specific terms and conditions. EFPs do not limit the number of individuals participating under a single EFP and many fishermen can be included on the permit. The EFP application must have the names of the fishermen participating. There is nothing in the regulations that would prevent an entire port being part of a single EFP.
- DCTF Members questioned whether there is a need to test long-lining gear. A DCTF Member shared that long-lining is prohibited in the Northern Management Area because deep water fishermen, historically, used to move their gear into shallower water on top of others' gear, which created huge gear conflicts resulting in significant loss of gear. They suggested that long-lining only be allowed in deep water (i.e., 70-100 fathoms).
 - CDFW explained that many questions still need to be answered with regard to long-lining (e.g., how many pots can safely be strung together). CDFW stated that for long-lining to be a long-term solution, regulatory changes will be needed. However, long-lining could be employed in the short-term through an EFP. That being said, EFPs cannot be used as an end run to keep the fishery open. Their intent is to test new gear to see if it will fix a current problem.
- DCTF Members briefly discussed the [scoop pot proposal](#) shared in advance of the meeting. A DCTF Member stressed the importance of testing gear like the scoop pot to prevent the economic losses experienced the last few years with early closures. They suggested that scoop pots be allowed on beaches to allow fishermen the ability to fish in shallow waters.
 - CDFW said they are in the process of reviewing the scoop pot concept. As an alternative to a scoop pot, fishermen could try leaving the lid on a pot and change the gear tending requirement to service their gear daily so a large portion of the fleet is actively tending gear. The DCTF Member responded saying that the idea to have the top off of the pots prevents cheating since there is no incentive to let the crab walk away if the pots are not tended in a timely manner and suggested CDFW explore the scoop pot proposal.
 - CDFW stated that absent the use of an EFP, scoop pots and pop up gear would require legislative changes because they are not legally identified as commercial gear.
- A DCTF Member stated that they understand the need to explore new gear, but also want to stress the importance of using the existing tools before eliminating the use of traditional gear (e.g., zonal management, depth restrictions, single buoys, and alternative gear).
- Multiple DCTF Members expressed that they could not vote on any alternative gear concept during this meeting. They expressed the need to identify gear and tools that could support the broader fleet, not just certain constituents of the fleet. Various DCTF Members requested the Executive Committee to continue this discussion.

Public comment was taken on the topic at hand.

- Brand Little, commercial fisherman, explained that if a solution was not developed to support fishing in the Central Management Area, fishermen would migrate to the Northern Management area and increase pressure and entanglement risk in those areas. Mr. Little would like the coastwide support of solutions for the Central Management Area since it will benefit the entire fleet. He explained the importance of reducing the overall number of vertical lines in the water especially in the spring to increase fishing access. He explained that EFPs could be helpful for proof of concept and are not designed as work-arounds. He stated that if the fishery adopts a scoop pot in the fall, traditional gear in the winter, and longlining in the spring, the risk of entanglements will be reduced and access will be increased.

- CDFW is looking at each of the alternative gear requests. The way that the regulations are currently written, if the Director authorizes the use of alternative gear it would be statewide.
- Steve Melz, commercial fisherman, explained that EFPs should cover as many participants as possible to ensure testing is done on a large enough scale. He encouraged fishermen to participate in an EFP to help get Dungeness crab back on the holiday markets.
- Porter McHenry, commercial fisherman, expressed support for the use of alternative gear. However, he was not in support of allowing any tool that would hamper the fishery opener. The fleet lands most of the crab in the first 6 weeks of the season that will then support 90% of the fleet. If EFPs will not have an impact on the commercial industry, then they should aim to protect the fall fishery.

7. Discussion about the use of a sort box and continuous sorting of Dungeness crab standard fishing practice and whether or not current regulations are flexible enough to legally accommodate those practices.

The issue of the sort box was discussed by both the DCTF Executive Committee and the DCTF during their 2021 annual meeting. DCTF Members expressed that it continues to be a priority topic because of a recent case involving a fisherman in possession of sublegal crabs in their “sort box” while actively fishing. A sort box is used by fishermen to hold crabs until they are able to sort them and return them to the ocean. The DCTF is concerned that FGC §8278 may not allow for the use of a sort box, which is a traditional fishing practice. CDFW [provided an FAQ](#) to inform the fleet on how to legally use a sort box. LED shared that they were open to the possibility of regulatory changes to address fishermen’s concerns but warned the DCTF that it could open the door for loopholes. They explained that as long as fishermen and crew are actively and continuously sorting crab in a sort box, they are not in violation of the law. DCTF Members asked clarifying questions and discussed the topic of sort boxes.

- Many DCTF Members agreed that continuous sorting is important. However, they were concerned that the legal definition of possession (i.e., take, land or possess) makes it seem like they are in violation as soon as the crab is landed on their deck. A DCTF Member suggested the elimination of the word “possess” from the regulation.
 - LED explained that most fisheries do not allow the possession of any shorts and require immediate sorting of the catch. There needs to be a difference between actively fishing and possessing.
- A DCTF Member inquired about other state’s sort box regulations.
 - LED responded stating that Oregon has a 15 minute rule but a zero undersized take is allowed while California continues to have a 1% take of shorts (i.e., between the legal size and an intermediate size).
 - Various DCTF Members agreed that a 15 minute rule would be preferable over the 1% take rule currently allowed since many individuals fish without a crew. LED shared the challenges and enforceability associated with such a requirement.
- A DCTF Member mentioned that there was concern about leaving sole discretion of whether someone is “continuously sorting” to the boarding LED officer.
 - LED shared that officers must complete a training program with an understanding of institutional standards so all officers have the same understanding of the laws while also acknowledging the judgment that comes into place when enforcing those laws.

- A DCTF Member suggested that all wardens carry legal measuring tools specific to the Dungeness crab fishery since they have experienced wardens using uncalibrated measuring sticks to measure crabs at the docks.
- Multiple DCTF Members suggested moving this conversation to a future Executive Committee call.

8. Next Steps

The meeting next steps include:

The Admin Team/Strategic Earth will

- Work with OPC to update the DCTF webpage to include the PowerPoint presentations from the meeting
- Develop a meeting summary
- Develop a report to send to the Legislature, CDFW, OPC, and the Fish and Game Commission
- Make the meeting recording available upon request for 30 days following the meeting
 - For questions and/or a copy of the recording email info@dungenesscrabtaskforce.com
- Continue sharing relevant updates through the DCTF public email list
- Track the timing of revisiting the sort box discussion

CDFW will

- Share a 2019-20 and 2020-21 FY Dungeness Crab Account update
- Continue development of the electronic monitoring program
- Continue exploring DCTF discussion topics related to the RAMP 2.0 (i.e., gear marking, best practices, alternative gear, conservation plan etc.)

DCTF Members will

- Review draft materials including meeting summary and DCTF report (see Admin Team next steps)
- Speak with their constituents/peers about DCTF-related topics to learn about fleet perspectives, including alternative gear, sort boxes, etc.

9. Adjourn