



~California Dungeness Crab Task Force~

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

March 29, 2021

The Honorable Rob Bonta
State Capital, PO Box 924849
Sacramento CA, 94249-0018

RE: Opposition to Assembly Bill 534 – Ropeless Fishing Gear

Dear Honorable Assembly Member Bonta,

On March 17, 2021, the Dungeness Crab Task Force (DCTF) voted unanimously to oppose AB 534. Assembly Bill 534 will jeopardize the safety, economic viability, and productivity of California's Dungeness crab industry and could result in adverse impacts to the marine ecosystem and the health and wellbeing of marine life. The authors and proponents of AB 534 have failed to engage with the Dungeness crab fishing industry and align with ongoing multi-stakeholder efforts to innovate alternative gear, missing the opportunity to work collaboratively to address this important issue that we all care about: reducing marine life entanglements.

One of the most valuable and productive fisheries in California, the commercial Dungeness crab fishery is a vital part of California's marine heritage and an important contributor to California's economy. The recreational fishery, including charters and sport fishing, is one of the most popular recreational fisheries in Central and Northern California. As fishermen who have spent our lives on the ocean, we are reliant on the health and wellbeing of California's marine ecosystems. It is because of our relationship with the ocean and commitment to responsible fishing practices that our industry has taken [direct action to minimize the risk of marine life entanglements](#). This includes informing the development of the RAMP, evaluating and testing gear innovations and modifications, recommending regulatory changes to address surface gear concerns (see CCR Title 14 §132.6), helping to secure resources for research and monitoring, training fishermen as first responders, recommending CDFW require the use of double-sided trap tags in the Dungeness crab trap limit program to help aide in entanglement documentation, and developing and circulating an annual best fishing practices guide to promote "whale safe" fishing. Whales and sea turtles are magnificent creatures and we are encouraged by recent reports ([Calambokidis and Barlow 2020](#); [Becker et. al. 2020](#)) indicating that certain whale populations are increasing. AB 534 does not accurately reflect the tremendous work being done to date to address this complex issue, nor does it account for the realities of our industry's operations.

The DCTF opposes AB 534 based on the following:

- **Increases in Gear Loss:** The DCTF supports efforts to reduce gear loss to minimize impacts to marine life and reduce navigational hazards for other fisheries. Abandoned, lost, and derelict fishing gear has been found to be a primary contributor to ocean plastics. Requiring the use of ropeless gear systems as outlined in AB 534, however, will result in more lost and derelict fishing gear and dismantle years of progress the industry has made to reduce and recover lost fishing gear. To date, the testing of ropeless gear systems has been predominantly conducted outside California (i.e., in the Australian rock lobster fishery, early testing in the U.S. East Coast lobster fishery). This limited testing conducted on ideal bottom structure (i.e., firm substrate where gear does not typically get stuck) have seen high failure rates (up to 16-30%) to recover the ropeless gear (e.g., mechanism does not deploy to release surface gear)([Terhune 2018](#)). In California, Dungeness crab fishing traps are often placed on muddy bottom, which can cause gear to be stuck in the mud, often requiring the use of special tools to remove them from the ocean floor. Gear innovations that may work in one area or fishery, may not be effective for another. In addition to failing to deploy, the ropeless gear mechanisms (i.e., the lift bag) could get buried under the silt causing the gear to be irretrievable. We are deeply concerned about the high degree of gear loss that would result while using these systems in California as currently designed. Use of this gear would require fishermen to purchase hard, non-collapsible buoys to replace soft surface buoys, which would result in increased expenses to fishermen and more plastic waste in the ocean if the gear is lost. Without a way to

see these traps from the surface, this gear would not be recoverable by California's industry-led lost fishing gear retrieval program (see CCR Title 14 §132.7) and there is currently no solution for recovering lost ropeless gear. Additionally, other fisheries will be adversely impacted by ropeless gear systems (both those actively in use and derelict), including salmon and halibut trolling and trawling fisheries, since they will not have the ability to locate submerged gear. This will further exacerbate derelict gear issues and cause navigational hazards. Preliminary testing has been [conducted in California](#) and is [currently underway](#) (i.e., gear has been purchased from manufacturers and testing with fishermen will begin in the spring), however, there is much more to learn before requiring this gear to be used for Dungeness crab and other California trap-gear fisheries (see [Entanglement Science Workshop p. 28-30](#)).

- **Cost Prohibitive and Social Disparities:** The Dungeness crab industry has been faced with severe financial hardships over the last six years caused by shortened fishing seasons as a result of entanglement risk and elevated levels of domoic acid, as well as impacts to available markets due to COVID-19. Mandating ropeless gear will be a financial impossibility for most fishermen until manufacturers can reduce the cost to the fleet. In speaking with a representative from Desert Star Systems in 2019, we learned that using this equipment requires purchasing a surface box (\$8,000), software (\$2,000), and enough deployment units for each trap (\$1,600/unit). Requiring commercial Dungeness crab fishermen to pay an additional \$290,000 - \$810,000 on top of their already increasing overhead costs without support from the legislature will drive the extinction of smaller operations in the commercial and recreational Dungeness crab fisheries and other California trap fisheries. These overwhelming costs will also create social disparities in the recreational sector, creating inequities in who could participate in trap-gear fisheries.
- **Stifles Innovation and Exploration of Alternative Fishing Gear:** Beginning in 2015, Dungeness crab fishermen have been at the forefront of gear innovations testing. [The California Dungeness Crab Fishing Gear Working Group's](#) webpage highlights examples of this work and also includes [guidance for future testing of "ropeless gear"](#) and other innovations based on lessons learned. Without substantial effort, this gear is not ready for widespread use as indicated by California Department of Fish and Wildlife (CDFW) in their [Guidance for Testing Trap Fishing Gear Modifications](#) which states: "*Prior to widespread adoption, or mandatory use, of any fishing gear modifications, additional testing and refinement must be conducted. CDFW encourages testing through incorporating modifications into legal fishing gear, which can be done in both recreational and commercial fisheries. New or "innovative" gears such as "pop-up gear" (also called "ropeless gear") can only be tested under certain conditions...*" There are incentives outlined in the The Risk Assessment and Mitigation Program (RAMP) (Fish and Game Code §8276.1; California Code of Regulations (CCR) Title 14 §132.8) program that creates opportunities and incentives to use alternative gear when the fishery is otherwise closed due to entanglement risk. By shifting California's focus solely to "ropeless" fishing gear, AB 534 would result in abandoning the exploration of other potential innovative tools and technologies that could be more effective and cost-efficient solutions.
- **Legislation Does Not Reflect the Need:** Since the rate of entanglements is on a downward trend and a number of tools are in place to avoid such catastrophic situations in the future, requiring a moratorium on trap fishing gear is too drastic and is not warranted based on the progress that has been made to-date. Section 1(e-f) of AB 534 is very misleading as it neglects to highlight the increasing abundance of several whale stocks ([Calambokidis and Barlow 2020](#); [Becker et. al. 2020](#)). The spike in marine life entanglements that occurred during the 2015-2016 Dungeness crab fishing season was tragic, however, it has significantly improved. In fact, the NOAA Fisheries West Coast Region just released their report of the [2020 West Coast Whale Entanglement Summary](#) that shows a decreasing trend in entanglements since 2016 with only one entanglement attributed to the commercial California Dungeness crab fishery in 2020. Additionally, research shows that the 2016 spike was the result of a marine heat wave causing whale habitat compression coupled with an unprecedented delayed opener for the commercial Dungeness crab fishery ([Feist et. al. 2021](#)). The RAMP's forecasting tools consider habitat compression indicators that help forecast and prevent events like the one we experienced in 2016. The RAMP should be explored further before the state requires the extreme measures outlined in AB 534. Mandating widespread use of "ropeless" gear in California is premature at this time. A better understanding of whale entanglement issues including whale and sea turtle population estimates is vital. We respectfully request that you

advocate for an updated whale population assessment from NOAA Fisheries rather than basing your rationale for AB 534 on twenty-year old stock assessments and ignoring recent studies on whale populations and recent trends in entanglements reported off of California.

The DCTF cannot support this bill. Since 2015, the California Dungeness crab industry has actively worked to reduce the incidence of entanglement in Dungeness crab fishing gear. We have worked in partnership with the California State Legislature, CDFW, the Ocean Protection Council, and the Working Group to develop [strategies and solutions](#) to address this complex issue. The DCTF and broader industry supports the development of alternative gears and innovation that will extend fishing opportunities without harming whales and sea turtles. We welcome the opportunity to work with gear manufacturers, scientists, regulators, and others to test/develop gear and to identify appropriate/cost-effective solutions to entanglements. The DCTF would like to engage directly in the design, development and testing of gear innovations for all non-traditional fishing gears.

The DCTF appreciates the opportunity to respond to AB 534 and values its ongoing working relationship with the Legislature and other state bodies. The DCTF was established in 2009 pursuant to Fish and Game Code §8276.4 and directed to review and evaluate Dungeness crab fishery management measures and provide recommendations to the Joint Committee on Fisheries and Aquaculture, CDFW, and the Commission. For additional information about our work, please visit <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/> or contact Rachelle Fisher at info@dungenesscrabtaskforce.com or 805-845-9852.

Sincerely,

The California Dungeness Crab Task Force

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