

**Meeting Summary  
DCTF Executive Committee  
April 12, 2018**

*Meeting Participants*

EC Members Present	Geoff Bettencourt, Bill Carvalho, Larry Collins, Mike Cunningham, Vince Doyle, Brett Fahning
EC Members Absent	Bill Blue
Other Meeting Participants	Paige Berube, Ocean Protection Council Christy Juhasz, CA Department of Fish and Wildlife Sonke Mastrup, CA Department of Fish and Wildlife Cpt. Bob Puccinelli, CA Department of Fish and Wildlife Ruth Flores, 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

*All "next steps" are in bold below.*

*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, including updates on topics directly impacting the Dungeness crab fishery, identifying priority topics for the DCTF's discussion in 2018, and continuing the discussion on whale entanglements in the California Dungeness crab fishery. All meeting outcomes including ideas and options developed by the EC on these topics will be shared with the DCTF for consideration during the June 2018 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.
- Meeting ground rules and [guidelines for providing public comment](#) were reviewed. For those experiencing technical difficulties on the call, public comments can be submitted via [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com). Emailed comments received during the conference call may be read aloud by the Admin Team as time permits, and will be included in the meeting summary (comments may be paraphrased to improve readability).
  - A public comment was received prior to this call, which will be posted on the DCTF webpage ([here](#)).
  - The Admin Team noted that general public comment regarding items not on the agenda has been moved to the beginning of this call in response to feedback shared during the October 2017 DCTF meeting.

## 2. Public comments on non-agenda items

- George Castagnola, attorney, explained that judges often look for precedents from similar rulings when a case goes to court. Since marine protected areas (MPAs) are relatively new, a precedent has not yet been set in these types of cases making it difficult for a judge to rule on the issue. The DCTF could make a recommendation on how a judge might rule in these cases, particularly when considering the difference between poaching in an MPA and gear accidentally being moved into one. Mr. Castagnola requested the DCTF add this topic to a future agenda and provide a resolution to clarify how judges might rule on cases regarding MPA violations.

## 3. Updates on issues involving the Dungeness crab fishery including, but not limited to, gear recovery program design (per SB 1287), active legislation, etc.

- Since the October 2017 DCTF meeting, the Admin Team has sent a number of emails through the DCTF email list providing updates on [the release of meeting summaries](#), [the release of the DCTF's final report](#), the work of the [Dungeness Crab Fishing Gear Working Group](#) and their progress piloting/testing the [Risk Assessment and Mitigation Program \(RAMP\)](#), crab quality and domoic acid testing results, DCTF funding, season delays and openers, disaster relief, and the introduction of Senate Bills (SB) [1309](#) and [1310](#). Call participants were invited to email [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com) if they are not receiving these updates so they can be added to the email list.
- **Lost Fishing Gear Recovery Program:** During the October 2017 DCTF meeting, there was a lengthy discussion about the implementation of [SB 1287](#), the Lost Fishing Gear Recovery Program. At that time, the California Department of Fish and Wildlife (CDFW) indicated that changes were needed to the statute to implement the program as the DCTF and broader fleet had requested. In response to this request, SB [1309](#) includes amendments to Fish and Game Code section 9002.5 to facilitate CDFW's ability to implement the program as recommended by the DCTF. CDFW indicated they are continuing to work to implement the program and are currently in the process of drafting Title 14 regulations. The draft regulations are intended to be shared with the DCTF to review and comment on during the June 2018 DCTF meeting.
  - An EC Member provided an update on the port of San Francisco's efforts to implement a lost fishing gear recovery program. The program is being developed in consultation with the Half Moon Bay Seafood Marketing Association, SeaDoc Society, and The Nature Conservancy. He explained that SeaDoc Society helped the port purchase a pump. The port has also identified unloading and gear storage areas. The program should be running by the end of the season.
    - CDFW asked if the San Francisco program will be similar to the program in Half Moon Bay. The EC Member confirmed that the programs would be similar but the port is still working out a few details.
- **Active Legislation:** An email was circulated on February 20, 2018 announcing the introduction of SB [1309](#) and SB [1310](#).
  - SB 1310, the Dungeness Crab Bill, contains all of DCTF's recommendations, including additional clarifications to the Fish and Game code as requested by CDFW and others.
  - SB 1309, the Fisheries Omnibus Bill of 2018, contains DCTF recommendations related to extending the sunset date of the Lost Fishing Gear Recovery Program and addresses a Dungeness Crab Fishing Gear Working Group's recommendation to require standardized marking of surface gear for all fixed gear fisheries to address the issue of whale entanglements. The bill also gives the Working Group and CDFW the authority to implement the RAMP and potentially implement management measures (e.g. closures). Although outside the purview of the DCTF, the bill also covers a range of issues related to other fisheries including the salmon stamp, halibut, and anchovy.
  - Mr. Weseloh stated there will be a public hearing for both bills on April 16, 2018 at the Senate

Natural Resources Committee. He anticipated the committee will share analyses and suggested amendments on both bills prior to the hearing. He suggested that individuals continue to track the bills as they move through the legislative process since additional amendments/changes may be made to the bills in future committees. Comments made during the EC call may be too late to be included in the bill in time for the April hearing, but are welcomed for consideration as the legislation moves forward.

- *Permit Transfers, Fish and Game Code 8280.2*: SB 1310 contains an amendment to Fish and Game code section 8280.2 that will require permitholders to send a new certified vessel length survey using a new definition of length overall on or before March 31, 2020. This regulation is based on a recommendation in the DCTF's December 2017 report. The Admin Team and CDFW reminded call participants that SB 1310 has not yet been passed and requested permitholders not send in updated vessel length surveys until after the bill passes. CDFW agreed.

## Public Comment

No public comment was received.

*4. Discussion and consideration the DCTF's 2018 work plan including meeting timing and schedule, priority agenda topics, and requests by DCTF Members and the public for DCTF meeting agenda topics. Begin brainstorming on proposals and tools to inform the upcoming DCTF meetings related to tri-state issues, the 96-hour rule, fair start regulations, season openers, etc.*

- The Admin Team's primary role is to help support DCTF-related conversations and ensure the DCTF (and EC) can identify and address priority topics in a timely fashion.
  - To help support the DCTF focus their discussion and be efficient with their time, CDFW, with support from the Admin Team, developed a draft 2018-19 work plan ([here](#)) for the DCTF's consideration. The draft work plan was circulated to the full DCTF on February 27, 2018 via the DCTF email list and is intended to be more fully discussed, refined, and potentially approved at the June 2018 DCTF meeting.
  - The work plan provides objectives for the next 12 months, and outlines top priorities that will inform agenda development, meeting approach, timelines/milestones, final products or deliverables through April 2018. A high-level budget is also included for full transparency.
    - The current draft attempts to outline topics that CDFW and the Admin Team have heard are high priority for both the fleet and fisheries managers. However, should new topics emerge as high priority, this work plan can be adaptive and flexible.
  - The purpose of today's conversation is to have the EC walk through the work plan and make adjustments for the DCTF's review in June.
- The Admin Team reviewed the work plan's main objectives and asked the EC for feedback on whether these are the right objectives.
  - EC Members generally agreed that the outlined objectives reflect the high level objectives of the DCTF.
- The Admin Team discussed the draft work plan priorities ([see page 2](#)). To help ensure discussions are productive, efficient, and manageable, CDFW and the Admin Team suggested that some topics be deemed lower priority until new information is available that can move the conversation forward. Once new information is available or if urgent issues arise, priorities can be adjusted accordingly after consultation with CDFW, and the DCTF and/or the EC.
- The Admin Team reviewed the draft high priority topics for 2018-19 and asked the EC for their feedback.

- An EC Member stated the DCTF should play a role in deciding how to inform the distribution of the disaster relief funds once awarded.
  - The Admin Team explained there is currently budget for two DCTF meetings in 2018. A third meeting may be needed to address disaster relief.
- An EC Member responded that he agreed with the identified priorities and suggested including topics that CDFW also identifies as priorities.
  - The CDFW clarified that they helped develop the list of draft priorities in the work plan and agree with those currently listed.
- An EC Member stated that fair start is an important priority. Discussion on this topic is crucial to help get the fleet on the same page and clarify understanding of how it will be implemented.
  - The Admin Team explained that SB 1310 will amend the Fish and Game Code to address issues fishermen have had with the interpretation of the fair start regulations in the past. The reason it is prioritized as high in the work plan is because CDFW would like further clarification on how fishermen would like fair start regulations to look and confirm whether or not further revisions to the law are needed.
  - EC Members generally agreed that fair start and SB 1310 would be important discussion topics to prioritize.
- CDFW suggested removing the topic of prohibiting permit transfers for any fisherman with any pending criminal or civil actions since a bill has recently been introduced into the legislature that aims to address this problem.
  - The Admin Team acknowledged that this topic was added by CDFW and would be removed from the high priority list and could be added in the future if the legislation fails.
- The Admin Team reviewed the draft topics listed in the lower priority category. The primary reason these topics were listed as lower priority is because there is currently no new information to help usher these topics forward. Once new information is available, the intent will be to move these topics to a higher priority. The Admin Team asked the EC for feedback on this approach.
  - An EC Member responded that the lower priority topics are appropriately categorized.
  - Another EC Member agreed and suggested adding a priority topic related to allowing the fishery to remain closed beyond January 15 if the crab is not market quality as deemed by preseason testing.
    - The Admin Team explained this topic will be addressed as part of a high priority topic that has been included, Tri-State/preseason quality testing, which would include discussion about dates for when a season may start due to a season delay.
- The Admin Team explained that a new process was developed to manage requests from DCTF Members and the public for agenda items. The Guidelines to Submit Requests DCTF & Executive Committee Agenda Items ([here](#)) document was shared via the DCTF email list on March 28, 2018. Following the circulation of those guidelines, requests for new agenda items were received and circulated prior to this call.
- The Admin Team introduced an agenda item request that was received by a member of the public requesting the DCTF consider a recommendation for implementing zone declarations for each year that permit holders renew their California Dungeness crab fishing permits. Rationale and background information was provided for the DCTF's review([here](#)).
  - An EC Member stated he has heard support in the Eureka area for this concept and suggested moving forward with conducting initial research on the idea.

- Another EC Member stated that the DCTF has brought this idea up during times of high effort shift. He believes the smaller boats will support this idea, but it will be contentious topic.
- Another EC Member agreed with the previous two statements and suggested adding the topic to the low priority list until more information is available to support the discussion.
- **The Admin Team will add the topic of zone declarations to the low priority list and will begin conducting initial research to help broaden the discussion and will circle back with the EC and DCTF when there is additional information to share.**
- The Admin Team circled back on the suggestion from Mr. Castagnola during the public comment period earlier in the call to add an agenda topic related to a resolution on the interpretation of MPA laws. The Admin Team asked if this topic should be a priority for the DCTF moving forward.
  - An EC Member stated he didn't believe the issue was appropriate for the DCTF because it is a CDFW enforcement issue. The EC Member asked CDFW for their input.
    - CDFW stated that they've spoken to Mr. Castagnola about this issue and agreed to meet separately to discuss it. CDFW doesn't think it would be appropriate for the DCTF to weigh in on legal matters such as this.
  - EC Members generally agreed that this topic should not be added to the DCTF's list of priorities.

## Public Comment

- Jim Anderson, commercial fisherman, suggested the DCTF support the researchers involved in monitoring and identifying domoic acid hotspots and suggested adding domoic acid to the list of priorities. He explained that if managers have a better understanding of hot spots, areas could be opened sooner and there can be a better understanding of whether 30 ppm is an appropriate safety threshold. He explained that if there are no funds available to support research, the DCTF should consider allocating disaster money to the research.
- George Castagnola, attorney, explained that while the legislature makes the laws, the courts must try to reasonably interpret those laws. One way to inform those interpretations is to develop industry standards. He believed the DCTF should weigh in on the issue of MPA citations since the courts are looking to the DCTF for guidance.
- Bill Forkner, commercial fisherman, asked when the DCTF would be holding new elections. He explained that he and other fishermen in his port do not feel they are being fairly represented by the DCTF.
- Christian Zajak, commercial fisherman, expressed support for Mr. Castagnola's comments and was pleased with his efforts to ensure MPA laws are clear. He explained that storms and kelp can drag gear into MPAs and fishermen should not be fined for those occurrences.
- Bill Forkner, commercial fisherman, stated that the geoduck clam fishery, where the entire organism is consumed, uses 80 ppm for domoic acid monitoring and that the 30 ppm threshold in the Dungeness crab fishery may be inappropriate.
- Based on the public comment, EC Members discussed the need for adjustments to the list of priorities in the draft work plan.
  - An EC Member agreed with the comments around domoic acid and believed the DCTF would support funding domoic acid research. However, a clear funding source for the research is uncertain at this time.
    - CDFW explained that the California Ocean Science Trust, in partnership with the Ocean Protection Council (OPC), recently convened a workshop on harmful algal blooms, which mostly focused on domoic acid. There have been a number of discussions on the topic and new publications have been produced. They explained that what they learned from these discussions is that harmful algal blooms are going to continue and the fisheries

need to consider how to continue fishing given this issue.

- An EC Member expressed support for allocating some disaster relief funding toward domoic acid research.
  - Another EC Member suggested adding domoic acid as a high priority since the fishery could face the same issue on the North Coast this year.
  - CDFW explained that the public health agencies monitor domoic acid and that it is not the responsibility of the DCTF to track it. Instead, the DCTF is well positioned to respond to domoic acid events especially as they related to fair start and other fishery operations.
  - **The Admin Team will add domoic acid to the list of high priority topics, and will track whether disaster relief funding can be allocated to fund research on this issue.**
- The Admin Team reviewed the meeting approach, timing, and preparation of materials in the draft work plan. The work plan proposed:
    - Two DCTF meetings in 2018: one meeting in June (around salmon season to the extent possible) prior to the Tri-State meeting and one meeting in October.
    - Up to four more EC calls to move conversations forward, track legislation, and generate ideas for DCTF discussions between June and October.
    - The Admin Team may go on a port tour with CDFW, potentially in late August, to discuss DCTF-related issues and support DCTF Member conversations with their peers.
    - Between meetings, the Admin Team will circulate regular email updates through the DCTF email list, ensure the webpage has all current information posted and continue working with CDFW and OPC to help support DCTF conversations. The Admin team will do background research to inform agenda topics to the extent feasible, encourage and support proposal development to inform DCTF/EC discussions, and check in with DCTF members periodically via phone to ensure all members are receiving emails and are up-to-date on discussions. Summaries will be available following each EC call and DCTF meeting.
  - The Admin Team asked EC Members if they had any feedback on the proposed meeting approach.
    - EC Members expressed support for the meeting approach outlined in the work plan.
    - The Admin Team explained that in-person DCTF meetings have traditionally been held in Ukiah, CA at the request of DCTF Members because it is a halfway meeting point between the southern and northern extents of the California fishery. EC Members expressed support for continuing to convene in-person DCTF meetings in Ukiah, CA.
  - The Admin Team explained that there may be budget for new elections. The Admin Team asked the EC whether or not the DCTF should have new elections over the summer recognizing another set of elections would be required if SB 1310 passes.
    - An EC Member stated that new elections were a high priority.
    - Another EC Member asked whether funding was available for an election.
      - The Admin Team explained that there is not enough funding for an election plus a port tour, plus a third meeting to discuss disaster relief. The DCTF will need to help prioritize to be responsive to available resources.
      - The EC Member stated that discussions about disaster relief should be a higher priority for the DCTF than new elections.
    - Mr. Weseloh clarified that, since SB 1310 is an urgency bill, if enacted it would go into effect immediately after the Governor signs it. The new law, its associated regulations, and a new DCTF could go into effect as early as September 2018, which is the deadline for signing bills.
  - The Admin Team mentioned that a high level budget is provided in the draft work plan, which covers

DCTF administration from January 2018 through April 2019.

- The Admin Team explained that if SB 1310 passes, the budget may look different since the management of DCTF contract services will move from CDFW to OPC. The Admin Team will know more by September/October 2018.
- **The Admin Team will explore whether there is room in the budget for elections over the summer. The Admin Team will also check in during the June meeting to see if the DCTF wants elections prior to the October meeting recognizing that new elections will be needed in January 2019 once SB 1310 passes due to new seating requirements. Please contact the Admin Team directly with questions pertaining to the budget.**
- **The Admin Team will circle back with Mr. Weseloh and CDFW to better understand how SB 1310 passing this year will impact the DCTF's budget and elections. The Admin Team will provide updated information at the June meeting.**

### Public Comment

- Christian Zajak, commercial fisherman, asked that the DCTF ensure that the science community gets involved in the domoic acid issue and to not be swayed by the media. He expressed concern that the 30ppm threshold is inappropriate since it was based on mussels in Washington, sea lion biology, and articles that lack scientific rigor. He suggested that raising the 30 ppm threshold would allow the fishery to open sooner and help alleviate whale entanglements that result from setting high concentrations of gear late in the season. He urged the DCTF to seek the legitimate, unbiased, scientific facts about domoic acid.
- Jim Anderson, commercial fisherman, agreed the DCTF needs new elections, but did not support having one election in the summer and another in early 2019 once SB1310 passes. He suggested the DCTF have one election in 2019.

*5. Continue to review the status of whale entanglements in the California Dungeness crab fishery, efforts by the California Dungeness Crab Fishing Gear Working Group, and updates on litigation and legislation related to this issue.*

- The Admin Team and two Dungeness Crab Fishing Gear Working Group (Working Group) participants provided an update on the progress of the Working Group to keep the lines of communication open between the Working Group and DCTF. The Admin Team highlighted that the issue of whale entanglements is a challenging topic, but the intention of this discussion is to provide neutral updates and information to the EC and the public.
  - During the October 16-18, 2017 DCTF meeting, Working Group participants and advisors provided the DCTF with information about the status of our understanding of whale entanglements on the west coast. Details were also shared about Working Group's efforts to address entanglements in the Dungeness crab fishery, including the development of a Risk Assessment and Mitigation Program (RAMP).
  - The DCTF supported the Working Group's September 2017 recommendations by providing a parallel recommendation to require standardized surface gear marking on all fixed gear fisheries. The DCTF also expressed support for the Working Group to continue working on this issue and to support port representatives accordingly.
- Over the course of the 2017-18 Dungeness crab season, the Working Group has worked to pilot the RAMP. The Working Group, state and federal agencies, and advisors to the Working Group have tracked four main factors: whale concentration, number of entanglements, fishing dynamics, and forage/oceanographic conditions. Regular updates on the status of these factors were provided through the DCTF email list, on the Working Group's webpage, and through other electronic means on November 30, 2017 and January 3 and March 14, 2018 (in addition to interim communications).

- During the November 30, 2017 RAMP status update, high concentrations of humpback and blue whales were observed, particularly off of Monterey Canyon and the Gulf of the Farallones. Fishing effort also appeared to be high in those areas. To assess whether there was an overlap between whale concentrations and fishing effort that would increase the risk of whale entanglements, the Working Group coordinated an aerial survey on December 8, 2017, which concluded there was minimal overlap between fishing efforts and whale concentrations. As a result, the relative entanglement risk was deemed low and the Working Group did not need to recommend any action. The Working Group observed that risk continued to decrease in December as whales continued moving out of the areas where fishing was occurring.
- As of the March 14 update, all factors are of low concern for whale entanglements. Although whale concentrations will be increasing in the spring relative to regular migration patterns, Dungeness crab fishing effort is generally slowing. The Working Group will meet again in late April to continue evaluating the overall entanglement concern.
- Over the coming months, the Working Group will begin evaluating the 2017-18 pilot including the RAMP structure and function, implementation of the risk assessment framework, and the process for assessing circumstances where entanglement risk is elevated. The Working Group intends to further refine the RAMP and determine decision pathways for identifying possible management measures (mandatory/voluntary) for the Director's consideration should the RAMP be formally adopted by the state.
- [SB 1309](#) addresses topics regarding whale entanglements. Specifically, it responds to the Working Group and DCTF's recommendations that all surface gear from fixed gear fisheries be clearly marked to better assist with identifying the source of whale entanglements. The bill also gives the Working Group and the CDFW Director authority to take action if there is a high risk of whale entanglements as indicated by the RAMP.<sup>1</sup>
- The Working Group will continue discussing and refining the RAMP and continue coordination of collaborative research projects, most notably gear innovations testing. Working Group participants welcome innovative ideas on ways to address the issue of whale entanglements in the Dungeness crab fishery and suggested EC Members work with Working Group participants to solicit ideas from their peers in the commercial fleet.
  - **Those interested in helping to inform the RAMP, participating in collaborative research, and/or testing alternative gear types are invited to contact [info@cawhalesgroup.com](mailto:info@cawhalesgroup.com). The Admin Team will continue to provide updates on the Working Group's efforts through the DCTF email list and during EC calls and DCTF meetings.**
- An EC Member asked about the status of whale entanglements in the Dungeness crab fishery during the 2017-18 season.
  - The Admin Team responded that during the 2017-18 fishing season, there has been one confirmed humpback whale entanglement in Dungeness crab fishing gear Monterey Bay. In 2017, there were 31 confirmed entanglement reports in all gear types. Of those reports, 5 were confirmed commercial Dungeness crab and 1 was confirmed recreational Dungeness crab.
- An EC Member stated that since whale entanglements have drastically dropped since 2016 the [best practices](#) are working. He suggested the Working Group has done their job and may not need to continue their efforts.
  - The Admin Team explained that the RAMP monitors the issue and can mobilize experts (including fishermen) under circumstances of elevated entanglement risk. It does not prescribe changes to fishing practices every season even when the risk of entanglement is low.
  - CDFW stated that the Working Group, DCTF, and broader Dungeness crab fleet should celebrate the reduction in whale entanglements. The reduction may be the result of the Working Group's

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<sup>1</sup> Immediately following the April 12, 2018 EC conference call, SB 1309 was amended and this provision was removed from the bill. To track the bill and its amendments through the legislative process visit <http://leginfo.legislature.ca.gov/>.



efforts and fleet's attentive behavior, however, it's most likely because there was minimal overlap between whales and fishing effort this season. CDFW hopes the RAMP is a modest investment to prevent another 2015-16 season that resulted in a high number of entanglements.

- An EC Member expressed concern about SB1309. He stated that while he appreciates the efforts of the Working Group to address whale entanglements, he is concerned that the Working Group's recommendation to close the fishery was immediately added to legislation before being shared with the DCTF or broader fleet.
  - The Admin Team clarified that the provisions in SB 1309 relating to the Director's authority were not recommended by the Working Group and that they were caught off guard as well. The Working Group is working on developing the RAMP and have indicated that it is not ready legislation. The Admin Team clarified that there are pressures on the state to address entanglement risk and Senator McGuire created this bill to address those pressures. The Senator tried to address the fishermen's concerns with including language that the Director would only have authority under a consensus recommendation by the Working Group, and is open to alternative ideas from the fleet.
  - The EC Member explained that the bill should be more specific around its intent for the CDFW Director to and not left to broad interpretation. Specifically, the bill should clearly define "emergency basis."
    - The Admin Team explained that as they understood it, SB 1309 highlights the RAMP as the systematic tool that is intended to be used to identify "emergency basis" and increased entanglement risk. The Admin Team urged the EC Member and others with concerns or suggestions regarding the bill to contact Mr. Weseloh as he is open to feedback and ideas.
  - Another EC Member shared similar concerns about the bill and added he was frustrated that the bill had not been shared with the DCTF.
    - The Admin Team explained that there has not been a DCTF or EC discussion since the bill was developed, but there are opportunities for the DCTF and EC to continue discussing and weigh in on the bill as it moves through the Legislature. **The Admin Team will add a discussion about SB 1309 to the June 2018 DCTF meeting agenda. EC Members and members of the public are welcome to contact Mr. Weseloh from Senator McGuire's office directly with questions or to share ideas.**
- The Admin Team stated that Working Group participants have been providing observations on what they are seeing on the water to help inform the RAMP. The Working Group's most recent observations indicated that fishing efforts is generally low and gear is being removed from the water. Some gear could be added later if salmon season predictions are poor. Additionally, annual whale migrations are beginning. The Admin Team stated that these kinds of observations are important to inform the level of risk of whale entanglements at any given point during the season.
  - A Working Group participant agreed with the observations summarized by the Admin Team and stated he would like the EC and DCTF to be more involved in these observations and provide insights to the RAMP.
  - An EC Member stated that he has had similar observations as those characterized by the Working Group.
- An EC Member stated that while he appreciates the the concern from the increased entanglements during the 2015-16 season, the risk has decreased and entanglements will be less of an issue moving forward. He expressed concern that groups were still working to change management and harm the fishery.
  - The Admin Team reminded the EC about the pressure on the state to avoid another season like the 2015-16 season. The RAMP is being developed to address the issue of entanglements when there is increased risk and not to implement management changes when the risk is low. If this is not the correct approach to addressing the issue, the Working Group welcomes other ideas.
  - CDFW reminded the EC that if the fleet does not address the issue, the other option is to let the

federal government take over and convene a take reduction team. They stated that the issue of whale entanglements has not yet been abated and that the RAMP and Working Group are a better way to address the issue than a take reduction team.

### Public Comment

- Christian Zajack, commercial fishermen, stated that the fishing industry is important to the Monterey Bay economy. He explained that the lawsuit filed by the Center for Biological Diversity (CBD) has devalued commercial Dungeness fishing boats and has created roadblocks for the fishery. He suggested the industry countersue CBD for economic losses. He highlighted that whales can use sonar to avoid ropes and buoys and requested evidence that Dungeness crab traps are harmful to whales. The evidence should be rigorous and not opportunistic and/or observational data. Mr. Zajack expressed concern about the Monterey Bay National Marine Sanctuary's (MBNMS) draft management plan's intention to engage in the issue of whale entanglements because they should not have a role in fisheries management as outlined by their charter. He stated that during the Marine Life Protection Act (MLPA) process, the MBNMS agreed not to get involved in fisheries management and implied MBNMS may be playing a role in SB 1309's provision giving the Director the authority to close the commercial fishing season in response to whale entanglements. He expressed further concern that conference calls and meetings were being used to exclude fishermen from the conversation around whale entanglements and the fate of the Monterey Bay fishing fleet.
- Mark Gentry, commercial fisherman, asked if the Working Group had refined the RAMP in a way that defines what management measures would be employed under specific circumstances.
  - The Working Group participants on the call explained that the Working Group developed an initial list of management options, and plans to continue refining this "toolbox" at an upcoming in-person meeting. They explained that they are interested exploring options that maximize fishing effort while also mitigating the increased risk of whale entanglements and welcomed ideas from the fleet. They further explained that closures are a last resort option from their perspective.

### 6. Adjourn

- 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 June DCTF meeting and circulate it 10 days prior to the meeting.**
  - **CDFW will share draft Title 14 Gear Recovery Program regulations for the DCTF's consideration prior to the June 2018 DCTF meeting.**