

## California Dungeness Crab Fishing Gear Working Group Annual Meeting | September 29 - October 1, 2020 Key Highlights and Next Steps

October 2020

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Since September 2015, the California Dungeness Crab Fishing Gear Working Group (Working Group) has taken steps to actively identify and be responsive to elevated risk of entanglements. The Working Group held its annual meeting on September 29 - October 1, 2020 to prepare for the upcoming 2020-2021 Dungeness crab fishing season. Discussion topics focused on confirming the Working Group's roles and responsibilities relative to its three priority areas of operation: Risk Assessment and Mitigation Program (RAMP) management recommendations, innovations, and communications.

The following provides key highlights and next steps from the Working Group meeting. This summary is publicly available via the Working Group's webpage and has been circulated via the Working Group email list, the Dungeness Crab Task Force (DCTF) email list, and posted to the Working Group's webpage. To be added to these email lists and/or receive updates on the progress of the RAMP and the Working Group's efforts, please contact [WhaleSafeFisheries@wildlife.ca.gov](mailto:WhaleSafeFisheries@wildlife.ca.gov). For more information about the Working Group and the RAMP and this effort, visit <https://wildlife.ca.gov/Conservation/Marine/Whale-Safe-Fisheries> and [www.opc.ca.gov/whale-entanglement-working-group](http://www.opc.ca.gov/whale-entanglement-working-group).

### Key Highlights, September 29 - October 1, 2020 Working Group Meeting

#### Updated Charter

The [Working Group Charter](#) was updated to reflect the group's evolved role in the RAMP process and associated innovation work.

- **Form:** Working Group's form largely remained unchanged. National Marine Fisheries Service West Coast Region (NMFS WCR) will serve an advisory role moving forward. Working Group Members agreed to allow for a designated Alternate to serve when a Member is unavailable to attend a meeting. Vacancies for Working Group seats are anticipated to be filled by the California Department of Fish and Wildlife's (CDFW) Marine Region Manager in late Spring 2021.
- **Administration:** Moving forward, CDFW will be responsible for administering the Working Group, which may be modified to accommodate CDFW's available staff resources. Strategic Earth Consulting will no longer provide facilitation and administrative support to the Working Group. CDFW will prioritize convening the Working Group for management action discussions and will work to allocate resources to support innovations work when appropriate (i.e., supporting Project Teams (see below)).
- **Management Action Process:**
  - *Chair Role:* With the changes in administrative and facilitation support, the Working Group discussed the role of a Chair to lead meetings. A Chair would support a balanced conversation where all voices are expressed without favoritism. CDFW expressed their willingness to serve as chair in alignment with their role managing the Working Group. Working Group participants emphasized the need for having a neutral third party facilitate meetings and serve as the chair. Some Members expressed concern about CDFW's ability to be neutral, acknowledging that CDFW staff will be developing an initial management recommendation. The Working Group agreed to having CDFW serve as the chair and will reevaluate the approach in January 2021.
  - *Evaluation Team:* The Working Group confirmed an Evaluation Team—or a subgroup of the full Working Group—will be responsible for developing a management action upon the request of CDFW under circumstances of elevated risk. While the full Working Group will be notified of the meeting request, a good-faith effort will be made by CDFW to ensure Evaluation Teams are comprised of a minimum composition and consider participation that has knowledge of any geographic areas of concern. CDFW committed to doing their due diligence to convene an

Evaluation Team, however if an Evaluation Team is unable to be confirmed within the 48-hours notice, the Director will move forward without Working Group guidance.

- *Recommendation Making:* In the spirit of collaboration and developing recommendations that reflect the Working Group's shared vision, an Evaluation Team will strive towards consensus (no opposition) for all recommendation(s) forwarded to the Director. Recommendations with no opposition will be identified as 'consensus' and likely prioritized by the Director. All recommendation(s) developed by an Evaluation Team, including any that do not have consensus support, will be captured in a Recommendations Memo. To help focus the Director's review, an Evaluation Team will aim for no more than five (5) management options.
- *Informal Caucuses:* The Working Group agreed to recognize in their Charter the role of informal caucuses. Two (2) or more Members or Advisors may meet in advance of a management action meeting to consider and identify shared areas of interests. The results of caucus discussions will be conveyed at a high-level during the management action meeting and will help inform an Evaluation Team's recommendation development process.
- *Internal Planning Team/Executive Committee:* Working Group Members expressed an interest in cultivating more transparent dialogue and collaboration with the state and federal agencies. The group requested the opportunity for Working Group Members to work directly with agency staff to support meeting planning (e.g., agenda development) and internal coordination.
- **Innovations Project Teams:** The Working Group agreed to identify Project Leads for each of their identified Project Teams (gear innovations, data review, and communications). Project Leads will work with CDFW to advance the administration of the Working Group's innovations activities. CDFW, in collaboration with the Ocean Protection Council and the Working Group, will explore ways to support these continued conversations, which may or may not include hiring outside administrative support.

### Proposed RAMP Regulations

CDFW outlined how the [proposed RAMP regulations](#) (to be added to Section 132.8, Title 14, CCR) would be implemented during the 2020-21 season, including the Working Group's role and responsibilities. In cases where risk is deemed elevated based on thresholds defined in the RAMP regulations, the Working Group (in the form of an Evaluation Team) will provide recommendation(s) regarding the appropriate management response for the CDFW Director's consideration, as required by [Fish and Game Code \(FGC\) § 8276.1](#) and *Section 132.8, Title 14, CCR*. Key steps include:

- **Determine the Scope of Risk:** Based on CDFW's initial assessment and recommended management action, informed by the best available science, including management considerations and, and other relevant information, an Evaluation Team will review and evaluate the management considerations to gain a more thorough understanding of the scope of identified risk (*Section 132.8 subsection (d)*).
- **Develop Recommended Management Action:** Based on the determined scope of risk, an Evaluation Team will review management action options (*Section 132.8 subsection (e)*) and develop a recommended management action(s) for the CDFW Director's review and consideration to minimize entanglement risk. The Working Group's recommendations should use best available science and expert judgement to provide rationale for management actions that would minimize entanglement risk and socioeconomic impacts to the commercial Dungeness crab fishery. CDFW confirmed that under circumstances where multiple management actions are being considered that would achieve similar conservation outcomes, the action that has the least economic impact on the fleet should be prioritized.

The Working Group discussed the level of flexibility built into the RAMP regulations. Concerns were expressed that closures act as the default management action. CDFW identified a level of flexibility based on the regulatory language that provides the option to recommend an alternative management action, as outlined in Subsection (e), that meets the same conservation goals. To support a systematic and streamlined approach to developing management action options, the Working Group developed guiding questions and a recommendations memo template to be used in the 2020-21 season.

## Working Group Reflections on the Anticipated 2020-21 RAMP Process

A number of questions and concerns were highlighted by the Working Group during their discussions with CDFW on the anticipated process to implement the 2020-21 RAMP regulations.

- **CDFW's Initial Management Action Recommendation:** The Working Group requested CDFW include several management action options, including their rationale and tradeoffs for consideration, in the initial assessment of risk that will be developed to inform an Evaluation Team's deliberations. Specifically, Working Group Members requested receiving an analysis of which option(s) would have the least economic impact to the commercial Dungeness crab fleet. CDFW clarified that socioeconomic analysis will be limited to landings data and include some historical perspectives.
- **Timeliness of Information:** The Working Group requested CDFW provide data to the Working Group as soon as it is available. CDFW is committed to sharing data no later than 48 hours in advance of a Working Group discussion, as outlined in the proposed RAMP regulations.
- **Reflections on the Working Group's Role:** Some Members expressed concerns the proposed RAMP regulations do not promote a spirit of collaboration between CDFW and the Working Group. CDFW stressed that the CDFW Director will be looking to the Working Group for guidance and expertise on what management action is most appropriate to take throughout the 2020-21 season in response to elevated risk. The Working Group highlighted the importance of continuing to utilize this interdisciplinary body to inform the RAMP process. Various Members expressed an interest in remaining engaged and continuing to volunteer to participate on the Working Group, both through the lens of RAMP management response and innovations work.
- **Best Available Science:** CDFW presented a list of CDFW-approved data sources, which will be included as the basis for data compiled by CDFW for Evaluation Team review. Working Group Members identified socioeconomic data as a high priority to be included in the management recommendation-making process. CDFW's socioeconomic data is currently limited to landings information and the bi-weekly mandatory reporting that will be required under the RAMP regulations. Working Group Members expressed an interest expand socioeconomic data sources and analyses to better inform the review of RAMP regulations management considerations (subsection (d)). Based on the CDFW-approved data, the Working Group will need to come to agreement on how they will consider best available science to inform their management action recommendation(s). The group highlighted the need to establish criteria and/or a framework for evaluating available data, and continue developing and improving data options. This work has been initiated by the Working Group's Data Project Team, and a request was made to convene this project team to further data review discussions.
- **Management Actions, Alternative Gear:** Beginning November 1, 2020, individuals can submit applications for the use of alternative gear under the new RAMP regulations. Requests should be submitted to [WhaleSafeFisheries@wildlife.ca.gov](mailto:WhaleSafeFisheries@wildlife.ca.gov). The Working Group sees value in alternative gear as a management option and is interested in tracking current and encouraging new gear testing in hopes that alternative gear options will be approved by CDFW and be made available for April 1, 2021 and beyond.

## Next Steps

The Working Group will meet again in October 2020 to begin reviewing available information and expertise to inform the Preseason Risk Assessment and associated Working Group Management Action discussion. An updated Charter, RAMP Operations document memorializing the discussion above, and a more detailed summary of key themes discussed during the annual meeting will be made available on the Working Group webpage: <http://www.opc.ca.gov/whale-entanglement-working-group/>.