



~California Dungeness Crab Task Force~

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

DCTF MEETING MEETING SUMMARY OCTOBER 21-22, 2020 WEBINAR

The purpose of this meeting summary is to:

- Provide a high-level summary of discussions and outcomes from the October 21-22, 2020 DCTF meeting that took place online via WebEx; 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

Jim Anderson, Half Moon Bay, Lower Production Level
John Barnett, San Francisco, Upper Production Level
Scott Bertelsen, Bodega Bay, Lower Production Level
Geoff Bettencourt, Half Moon Bay, Upper Production Level - Day 1
Bill Blue, South of Half Moon Bay, Upper Production Level
George Bradshaw, Crescent City, Production Level Not Specified*
Mike Cunningham, Eureka, Upper Production Level
Vince Doyle, Fort Bragg, Upper Production Level
David Haddad, Crescent City, Lower Production Level
Gerry Hemmingsen, Crescent City, Upper Production Level
Scott Hockett, Fort Bragg, Lower Production Level
Harrison Ibach, Eureka, Lower Production Level
Christy Juhasz, CA Dept. of Fish & Wildlife
Kate Kauer, The Nature Conservancy, Nongovernmental Organization
Nick Kreiger, Alternate for Larry Collins, San Francisco, Lower Production Level
Porter McHenry, Alternate for Geoff Bettencourt, Half Moon Bay, Upper Production Level - Day 2
Matthew O'Donnell, Nonresident, Production Level Not Specified*
Dick Ogg, Bodega Bay, Upper Production Level
Rick Powers, Commercial Passenger Fishing Vessel
Zach Rotwein, Trinidad, Production Level Not Specified*
Asst Chief Mike Stefanak, CA Dept. of Fish & Wildlife
Ross Taylor, Recreational Fishing
Joe Tyburczy, California Sea Grant

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

ABSENT

Mark Capra, Sport Fishing
Tom Hart, South of Half Moon Bay, Lower Production Level
Vacant seat, Processor
Vacant seat, Processor
Vacant seat, Nongovernmental Organization

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

CA DEPARTMENT OF FISH AND WILDLIFE

Joanna Grebel, CA Dept. of Fish & Wildlife
Cpt. Steve Johnson, CA Dept. of Fish & Wildlife
Sonke Mastrup, CA Dept. of Fish & Wildlife

OTHER

Tom Weseloh, Liaison to the Joint Committee on Fisheries and Aquaculture

DCTF ADMINISTRATIVE TEAM PRESENT

Rachelle Fisher, Strategic Earth Consulting
Carolyn Kraft, Strategic Earth Consulting
Kelly Sayce, Strategic Earth Consulting
Paige Berube, Ocean Protection Council

1. Welcome, introductions, agenda review

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

2. Public comment on non-agenda items

- Joe Tyburczy, California Sea Grant, introduced himself as the new California Sea Grant representative on the Dungeness Crab Task Force (DCTF).
- Paddy Davis, commercial fisherman, expressed frustration about not knowing there was a DCTF meeting until 20 minutes before it started because he didn't receive any emails.
 - The Admin Team responded that the meeting agenda and materials have been posted on the DCTF website since October 9, 2020 in compliance with the Bagley-Keene Open Meetings Act and three emails were sent out to the listserv. The Admin Team advised everyone to check their spam folders for future emails and for Members to let their peers know about the meetings and DCTF communications.

3. Confirm the DCTF Charter and 2019-2021 with new members.

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

- Sport Fishing Representative (non-voting): Jim Yarnell stepped down and appointed Ross Taylor as his Alternate. Mr. Taylor is anticipated to fill the seat until the OPC Chair makes a new appointment.
- California Sea Grant: Joe Tyburczy will replace Carrie Pomeroy on the DCTF.
- Processors: Mel Wickliffe stepped down from the DCTF and did not appoint an Alternate to serve as his replacement leaving a processor seat open. There are two, vacant, voting processing seats.

The Ocean Protection Council (OPC) chair is responsible for appointing non-commercial fishing seats. There is not a set timeline to make appointments to fill these vacancies, but when available, information will be sent to the DCTF listserv and posted on the DCTF website. In the meantime, OPC welcomes suggestions on potential people who could fill the vacancies.

The Admin Team reviewed Appendix A regarding the Executive Committee. A DCTF Member requested to be added to the Executive Committee. The DCTF had no additional comments or discussion about the Charter and made a motion to support the Charter as amended and add Dick Ogg to the Executive Committee. Minimum requirements for a quorum will remain unchanged with Mr. Ogg's addition.

Public comment was taken on the topic at hand.

- No public comment was received.

Administrative Vote: *Consideration and possible adoption of the 2020 DCTF Charter.*

APPROVED: The DCTF adopts the 2020 DCTF Charter.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	1	0	0	4

Note: Roll call is not taken for administrative votes.

Administrative Vote: *Adjustments to the membership of the Executive Committee.*

APPROVED: The DCTF recommends adjusting the membership of the Executive Committee to add Dick Ogg. The new Executive Committee membership will be: John Barnett, Geoff Bettencourt, Bill Blue, George Bradshaw, Larry Collins, Mike Cunningham, Gerry Hemmingsen, Dick Ogg, and Zach Rotwein.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	0	0	0	3

Note: Roll call is not taken for administrative votes.

4. *Receive updates and discuss Tri-state and California commercial Dungeness crab fishery topics including, but not limited to, Dungeness crab trap tag account, DCTF facilitation contract, lost fishing gear recovery program, California's pre-season quality testing standards, domoic acid Biotoxin Management Areas, Oregon/Washington line marking, disaster relief funds used for research, Senate Bill 1128, etc.*

Updates

Christy Juhasz, California Department Wildlife (DFW) and DCTF Member, gave a presentation to provide [updates on various aspects of the California Dungeness crab fishery](#). DCTF Members discussed elements of the presentation:

Domoic Acid Biotoxin Management Areas

Various DCTF members expressed concern about the proposed biotoxin management areas, specifically the line at the Humboldt Bay North Jetty delineating areas B and C. Various Members explained that the line would bisect the port of Eureka and cause landing issues. CDFW explained that the biotoxin management areas were created in partnership with the California Department of Public Health (CDPH) and the Office of Environmental Health Hazard Assessment (OEHHA) based on production, a minimum distance for each area, and the availability of sampling sites. CDFW will circle back with CDPH and OEHHA on the possibility of moving the boundaries in the Humboldt Bay.

A DCTF member also suggested that since there is a lack of crab south of Pt. Conception, a line should be drawn above Point Conception with a new area created covering Pt. Conception to the Mexico border. CDFW explained that the state does not believe it would be necessary since the Biotoxin Management Areas only apply to Dungeness crab, and there would be no Dungeness crab sampling between Pt. Conception to the Mexico border.

A number of DCTF members expressed concern that commercial fishermen are not allowed to transit (with Dungeness crab onboard) or land in a closed area. They explained that this regulation has caused difficulties in previous seasons, specifically in Bodega Bay during the 2018-19 fishing season. They emphasized the need to allow fishermen to transit closed areas to allow fishermen to land crab at their home ports and reduce the travel time/expenditures if they are forced to drive around a closed area. CDFW stated they may be open to a regulatory change allowing fishermen to transit closed areas with an electronic monitoring system onboard and will work with the fleet to better address the issue.

Disaster Relief Funds Used for Research

[Dr. Carrie Pomeroy](#), University of California Santa Cruz, provided a brief update on the research she will be doing to characterize the human dimensions of Dungeness and rock crab fisheries and the economic impacts of management decisions. This research is being funded by disaster relief funds and is expected to be complete by 2023.

Legislative Updates - Senate Bill 1128

Tom Weseloh, Liaison to the Joint Committee on Fisheries and Aquaculture, provided an update on the status of [Senate Bill \(SB\) 1128](#). Due to COVID-19, the California legislature put a hold on 70% of bills in the California state legislature, including SB 1128. Senator McGuire intends to reintroduce the content of SB 1128 in a new bill in 2021. In addition to the language from SB 1128, the new bill may include any new recommendations from the DCTF that require legislation and other fishery-related issues. Various DCTF members asked for clarification on whether it was necessary for the DCTF to make a recommendation to ensure the content of SB 1128 will be reintroduced in 2021. Mr. Weseloh confirmed that a recommendation wasn't necessary since the DCTF made the recommendation for the issues in SB 1128 in 2019. The Legislature's leadership and Speaker Pro Temp will determine whether the bill, and other bills not related to COVID-19, will be allowed to move forward in 2021.

Public comment was taken on the topic at hand.

- Carrie Pomeroy, University of California Santa Cruz, commented on the discussion related to transiting and landing in closed areas during a domoic acid closure. She noted that her study characterizing the human dimensions of Dungeness and rock crab fisheries will examine and assess the issue of fisherman's ability to transit across biotoxin management zones in relation to port delivery.
- Larry Collins, commercial fisherman and DCTF Member, requested confirmation that modifying the presoak south of the Mendocino-Sonoma County line to 64 hours is included in SB 1128 and urged Senator McGuire to usher the bill through the legislature.
- Paddy Davis, commercial fisherman, commented on the Biotoxin Management Areas and suggested the line identified as "Cape Mendocino" at 40° 10' be moved to Pt. Gorda.

ACTION: *Consideration and possible recommendations related to Tri-state and California commercial Dungeness crab fishery updates, including but not limited to, DCTF administration, Dungeness crab fishery management measures, policy statements, requests for information, preseason quality testing protocols, domoic acid/Biotoxin Management Areas, line marking, etc.*

APPROVED: DCTF recommends CDFW, CDPH, and OEHHA eliminate the proposed line at the north jetty at Humboldt Bay and create a larger area (combined area) with boundaries at Reading Rock and 40°10'.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
10	6	1	0	2

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

Thumbs up (10): John Barnett, Scott Bertelsen, Bill Blue, Mike Cunningham, Harrison Ibach, Nick Kreiger, Porter McHenry, Dick Ogg, Rick Powers, Zach Rotwein

Thumbs sideways (6): Jim Anderson, George Bradshaw, David Haddad, Gerry Hemmingsen, Scott Hockett, Matthew O'Donnell

Thumbs down (1): Vince Doyle

Abstain (0)

Absent (2): Mark Capra, Tom Hart

APPROVED: The DCTF recommends allowing commercial fishermen to transit and/or land in any closed or delayed area when a vessel uses an electronic monitoring tool/ping rate approved by CDFW (e.g., logger, AIS). This would apply to delays as a result of elevated levels of domoic acid, elevated entanglement risk (RAMP), and poor quality (as defined by the Tri-state agreement).

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
17	0	0	0	2

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

Thumbs up (17): Jim Anderson, John Barnett, Scott Bertelsen, Bill Blue, George Bradshaw, Mike Cunningham, Vince Doyle, David Haddad, Gerry Hemmingsen, Scott Hockett, Harrison Ibach, Nick Kreiger, Porter McHenry, Matthew O'Donnell, Dick Ogg, Rick Powers, Zach Rotwein

Thumbs sideways (0):

Thumbs down (0)

Abstain (0):

Absent (2): Mark Capra, Tom Hart

5. *Presentation and discussion on the marine life entanglement issue including, but not limited to, the proposed RAMP regulations, how the proposed RAMP regulations will apply to the commercial Dungeness crab fishery during the 2020-21 season, how the proposed RAMP regulations relate to parallel entanglement mitigation efforts, updates on gear innovations testing, update on Dungeness Crab Fishing Gear Working Group discussions, electronic monitoring, etc.*

Implementation of the RAMP Regulations

Ryan Bartling, CDFW Senior Environmental Scientist, [provided an overview of the Risk Assessment and Mitigation Program \(RAMP\)](#) regulations, including how the new regulations will be implemented during the 2020-21 season. The presentation also included an update on CDFW's efforts to develop a Conservation Plan (CP) and how the CP relates to the regulations. DCTF Members asked clarifying questions and discussed various aspects of the presentation:

- *Aerial Surveys:* Various DCTF Members noted the need for greater transparency on when and where aerial surveys will take place. CDFW explained that the intention is to do aerial surveys in all fishing zones before a risk assessment and following any closure or management action to assess the efficacy of the management action. All survey-related information will be posted on the [CDFW Whale Safe Fisheries webpage](#).
- *Season Delay and Fair Start:* Various DCTF Members asked for clarification on how a season delay or closure would be implemented, including whether fair start would occur.
 - CDFW explained that if the preseason risk assessment identified the need for a season delay, the delay would be implemented and re-evaluated in two week increments. Closures will only be applied to the fishing zones impacted by high marine life concentrations. A statewide closure or delay would be implemented when the entanglement trigger outlined in the [RAMP regulations](#) is met because of the impacts to Potential Biological Removal (PBR) numbers.
 - Fair start would not be implemented since the provision in Fish and Game Code related to fair start only applies to preseason quality testing and public health issues. The DCTF discussed whether there was a need to request the Legislature to amend the Fish and Game Code to require fair start to apply to RAMP-related closures. DCTF Members identified benefits to fair start for RAMP-related delays including additional protections for fishermen and reducing the pressure on open areas/effort shifts that could negatively impact marine life entanglements. Some DCTF Members suggested the Fish and Game Code be amended so fair start provisions apply more broadly to include all season delays regardless of the reason. CDFW urged caution in applying the fair start more broadly as there could be unintended consequences (e.g., military training exercises could trigger fair start). They also explained that fair start is the source of most of the fleet's confusion at the beginning of the season and could be even more confusing if caution is not exercised. Some DCTF Members expressed concerns about applying fair start to whales due to all the confusion and unintended issues fair start causes every year. Increasing the application of fair start would create more regulations that could further restrict the Dungeness crab fishery resulting in a complete loss of a fishing season if whales remain in a particular zone throughout the season.

The DCTF took a straw poll to assess the level of agreement on whether the DCTF supports making fair start consistent across all types of regulatory delays.

Straw Poll: The DCTF recommends updating Fish and Game Code section 8279.1 so that fair start will apply anytime a regulatory action by the state/feds results in a fishery delay. (9 up, 5 sideways, 2 down, 1 abstain) - Fail

The DCTF paused on pursuing any fair start recommendations at this time.

- *Out-of-season Entanglements:* The DCTF requested clarification how out-of-season entanglements will count under the RAMP regulations. CDFW explained that for the 2020-21 fishing season, out-of-season entanglements (i.e., from summer 2020) will not impact the 2020-21 season. In future seasons, out-of-season entanglements that meet the criteria outlined in the RAMP regulations will be counted towards a rolling average such that once a threshold is met, the season will stay closed until a consultation with NOAA to determine when/how to open the fishery.
- *Bi-Weekly Reporting Requirements:* The DCTF requested clarification on the new reporting requirements outlined in the RAMP regulations. CDFW stated that fishermen are being asked to report the number of traps being actively fished to help inform the fishing dynamics aspect of the RAMP. All vessels must submit reports via text or email (to Whalesafefisheries@wildlife.ca.gov) every other week. Reports must include permit number, current RAMP fishing zone, depth range, and number of traps deployed at the time of reporting. Reports shall be submitted on or before the 1st and 16th day of each month. At the conclusion of the fishing season the number of lost traps shall also be reported on the final bi-weekly report that is submitted to the department.
- *Recreational Fishing and Sport Crabbers:* Various DCTF Members requested clarification whether marine life concentration triggers impact recreational fishing. CDFW explained that at this time, marine life concentration triggers and commercial RAMP-related closures/management actions will not impact recreational fishing. However, the Fish and Game Commission is [considering the adoption of new regulations](#) that would also apply some aspects of the RAMP regulations to the recreational fishery by the 2021-22 fishing season.
- *Unknown Entanglements:* Various DCTF Members expressed frustration about the Dungeness crab fishery being penalized for unknown entanglements. CDFW stated that Dungeness crab fishing gear is associated with 50 percent of entanglements. Marking requirements in other commercial trap fisheries were implemented in May 2020, while improved marking for the recreational Dungeness crab fishery is being considered by the Fish and Game Commission to eliminate the issue of unknown gear and if adopted, would be in place by the 2021-22 fishing season.
- *Whale and Sea Turtle Populations:* The DCTF expressed frustration that the RAMP regulations do not account for increasing whale populations. CDFW explained that although the National Oceanic Atmospheric Administration (NOAA) is in the process of reviewing a new Humpback whale stock assessment, the RAMP regulations are a reflection of the current incidental take numbers (i.e., entanglement thresholds). If the stock assessment should update the incidental take numbers, the RAMP regulations will be amended to reflect the new numbers. Additionally, CDFW clarified that even as numbers of whales increase, California fisheries should not be entangling any whales. CDFW further clarified that the Fish and Game Commission accepted Leatherback Sea Turtles as a candidate species for listing as endangered under the California Endangered Species Act (CESA). Under CESA, any take of a turtle would be prohibited under state law. It is unclear at this time what implications this has for the RAMP program and the commercial Dungeness crab fishery.

Electronic Monitoring

Mr. Bartling shared the electronic monitoring requirement outlined in the RAMP regulations will be effective no later than the 2023-24 fishing season. Kathi George, Marine Mammal Center and California Dungeness Crab Fishing Gear Working Group (Working Group), [provided a presentation](#) on a solar logger pilot program. DCTF Members asked clarifying questions and discussed various aspects of the RAMP regulations' electronic monitoring requirement and the presentation on the solar logger pilot program:

- *Ping Rate:* DCTF Members expressed concern about the regulatory requirement of a ping rate of one ping/minute stating that many fishermen already use and pay for VMS at a ping rate of one ping every 15 minutes. CDFW explained that based on conversations with the CDFW Law Enforcement Division and the Working Group, a rate of one ping/minute is required to understand where the gear is set and deployed in comparison to whale activity. A 15-minute ping rate does not provide that level of resolution.
- *Streamlining Tools:* DCTF Members expressed frustration that under the RAMP regulations different electronic monitoring systems may be required for federal and state managed fisheries. They suggested CDFW collaborate with NOAA to streamline electronic monitoring tools and potentially allow fishermen to use VMS to satisfy the RAMP's electronic monitoring requirement in order to reduce costs, maintenance, clutter, etc. CDFW acknowledged that streamlining electronic monitoring systems with NOAA would be ideal. However, the federally required VMS electronic monitoring does not meet the state's needs (see ping rate above) and there are issues with CDFW accessing the VMS data for implementation of the RAMP. CDFW explained that VMS will not be used to implement the RAMP, but the exact electronic monitoring systems that will be required has not yet been identified. CDFW is open to exploring options with the fleet.
- *Solar Loggers:* As shown in Ms. George's presentation, state funds are being used to test solar loggers as a potential electronic monitoring tool for the implementation of the RAMP because they comply with the ping rate outlined in the RAMP regulations. Ms. George highlighted that a small number of solar loggers are still available as part of the pilot. Fishermen will be allowed to keep these solar loggers, but will have to pay the yearly fee to keep them activated at the conclusion of the pilot. For those interested, please contact Kathi George at kathikoontz@gmail.com. A DCTF Member asked if it was possible to turn the solar logger off when it wasn't in use (i.e., when not fishing Dungeness crab) to reduce costs. CDFW said they would investigate if that was an option.
- *Management Measures, Depth Constraints:* The DCTF discussed how electronic monitoring would be used to implement the RAMP regulations. Electronic monitoring systems will be required if depth constraints are used as a management measure on or before 2023-24 season. They will also be required when fishing with authorized alternative gear in the spring in a closed zone.
- *Costs:* The DCTF expressed concern about the cost to the fleet to purchase an electronic monitoring system especially with the financial hardship already being experienced by the commercial Dungeness crab fishing fleet. Members asked whether OPC or another entity could provide funding to cover the costs of solar loggers. Some DCTF Members supported a request for funding, but did not support identifying an electronic monitoring system in that request since it is unclear which system CDFW will adopt. Members generally supported making a recommendation related to funding electronic monitoring for the fleet to make depth restrictions a viable management measure. OPC stated there may be some limited funding available to support a recommendation of this nature from the DCTF, but OPC leadership would need to decide if and how this recommendation would fit within the [OPC's Strategic Plan](#). CDFW noted that they will be looking for electronic monitoring funding to support the fleet regardless of a DCTF recommendation.

Public comment was taken on the topic at hand.

- Michael Cohen, commercial fishermen, requested clarification on how solar loggers determine the number of traps in the water.
 - CDFW explained that solar loggers could employ an algorithm to determine the approximate number of traps based on a boat's speed and movement patterns. This information could be used to identify high risk entanglement areas or "hot spots" by identifying the relative number of traps in an area, not necessarily exact numbers of traps.
- Paddy Davis, commercial fishermen, expressed support for the DCTF's recommendation to pursue funding for electronic monitoring.

Gear Innovations

Paige Berube, OPC Program Manager, provided an update on a gear innovations project that is being funded by OPC based on guidance from the Working Group. A scientific project design for low technology gear innovation testing (e.g., yale grip sleeves) is being developed by the National Marine Sanctuary Foundation in conjunction with NOAA, CDFW, and the Working Group. Through the same grant, another scientific project design is also being developed to test pop-up gear between April 2021 and June 2021. Fishermen who assist with testing will receive a stipend and may be able to keep any crabs that are caught. Fishermen who are interested in participating can contact Paige Berube at Paige.Berube@resources.ca.gov or Morgan Ivens-Duran at Morgan.Ivens-Duran@wildlife.ca.gov. DCTF Members asked clarifying questions and discussed various aspects of the update:

- *Settlement Requirements:* A DCTF Member stated that CDFW's settlement with the Center for Biological Diversity (CBD) would allow the use of experimental gear during the spring of the 2020-21 fishing season. He stated that alternative gear authorization does not appear to be a high priority for CDFW and that it is a valuable tool for the fleet to be able to fish during a closure. He explained that testing alternative gear in the spring, as CDFW has required, during the fishing season is not appropriate since fishermen need to be fishing crab at that time to make a living. CDFW clarified that alternative gear is included in the settlement and that the RAMP regulations allow the use of alternative gear if it meets CDFW's requirements. CDFW will be sharing more information about alternative gear on the [Whales Safe Fisheries webpage](#) once the RAMP regulations are in place November 1, 2020 and will be accepting proposals on testing alternative gear. If fishermen have any questions about testing alternative gear, contact Ryan Bartling at Ryan.Bartling@wildlife.ca.gov.
- *Alternative Gear Entanglements:* Various DCTF members expressed concern about the possibility of an entanglement occurring while testing alternative gear resulting in a fishery closure. CDFW confirmed that entanglements involving alternative gear would count toward the triggers in the RAMP regulations and would also put the effectiveness of the gear in doubt. OPC added that during the testing of pop up gear, a backup line would be required in case the gear failed to deploy. DCTF members voiced concerns that testing alternative gear under these conditions seemed too risky and undermined incentives to test alternative gear.
- *Experimental Permit Program:* CDFW suggested that an Experimental Fishing Permit (EFP) could increase alternative gear testing opportunities while also eliminating penalties to the fleet for entanglements since it would allow testing outside of the fishing season. Based on DCTF concerns, CDFW could revisit the EFP process with the Fish and Game Commission. They noted that even with an EFP in place, alternative gear testing would not be authorized in areas with high concentrations of whales. A couple DCTF Members expressed interest in pursuing an EFP.

Public comment was taken on the topic at hand.

- Larry Collins, commercial fisherman, requested clarification on the current status of aerial surveys and whether the fishery is likely to open on November 15. He expressed frustration about the pressures on the fleet by outside organizations, especially as it relates to alternative gear testing. He emphasized the need to return to fishery management practices that place the fleet's needs first.
 - CDFW performed an aerial survey the prior week, but visibility was poor. CDFW is planning to do another aerial survey at the end of October/early November.

Update, Dungeness Crab Fishing Gear Working Group

The Admin Team shared [highlights from the Working Group's Annual Meeting](#) on September 29-October 1, 2020.

Public comment was taken on the topic at hand.

- Carrie Pomeroy, University of California Santa Cruz, shared that she is working on two projects that will utilize CDFW data to better understand human dimensions. This information could help support the socioeconomic data streams that are being pursued by the Working Group and she is available to work with the Working Group to inform these projects.

ACTION: Consideration and possible adoption of recommendations related to marine life entanglements in the Dungeness crab fishery and related management processes.

APPROVED: The DCTF recommends CDFW work with state and federal agencies (i.e., the National Oceanic and Atmospheric Administration (NOAA)) to streamline electronic monitoring requirements (e.g., vessel monitoring systems (VMS), loggers, automatic identification system (AIS)) so fishermen are only required to use one system or device.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	3	0	0	2

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

Thumbs up (14): Jim Anderson, John Barnett, Scott Bertelsen, George Bradshaw, Mike Cunningham, David Haddad, Gerry Hemmingsen, Harrison Ibach, Nick Kreiger, Porter McHenry, Matthew O'Donnell, Dick Ogg, Rick Powers, Zach Rotwein

Thumbs sideways (3): Bill Blue, Vince Doyle, Scott Hockett

Thumbs down (0)

Abstain (0)

Absent (2): Mark Capra, Tom Hart

APPROVED: The DCTF supports CDFW working with the California Dungeness Crab Fishing Gear Working Group (Working Group), OPC, and others to identify and acquire funding to purchase electronic monitoring systems for the California commercial Dungeness crab fleet by the 2023-24 season once a system has been identified by CDFW.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
10	7	0	0	2

Vote of all DCTF Members (nonvoting Members abstained):

Thumbs up (10): Jim Anderson, John Barnett, Scott Bertelsen, Bill Blue, Mike Cunningham, Vince Doyle, Scott Hockett, Harrison Ibach, Nick Kreiger, Porter McHenry

Thumbs sideways (7): George Bradshaw, David Haddad, Gerry Hemmingsen, Matthew O'Donnell, Dick Ogg, Rick Powers, Zach Rotwein

Thumbs down (0)

Abstain (0):

Absent (2): Mark Capra, Tom Hart

APPROVED: The DCTF recommends the Commission, CDFW, and other relevant agencies prioritize developing a simple, flexible approach to testing alternative gear types to help reduce entanglements without activating the risk thresholds outlined in subsection 132.8(c), Title 14, CCR. This could involve:

- CDFW Law Enforcement Division reviewing existing gear setting regulations to identify options for increased flexibility;
- The Commission prioritizing the review and adoption of new Experimental Fishing Permit (EFP) regulations;
- CDFW and individual fishermen collaboratively advancing other testing opportunities; and
- Identifying Legislative solutions to facilitate regulatory needs to allow more alternative gear testing, as applicable.

Options and opportunities for testing alternative gear should be publicly available in a timely manner so that alternative gear options can be tested and approved by CDFW in time for Spring 2021. The DCTF requests the CDFW Law Enforcement Division also explore opportunities for fishermen to be able to retain and sell crab caught during testing (in season) to offset costs (e.g., fuel, lost fishing time).

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
12	3	0	0	4

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

Thumbs up (12): John Barnett, Scott Bertelsen, Bill Blue, George Bradshaw, Vince Doyle, David Haddad, Gerry Hemmingsen, Nick Kreiger, Porter McHenry, Dick Ogg, Rick Powers, Zach Rotwein

Thumbs sideways (3): Jim Anderson, Harrison Ibach, Matthew O'Donnell

Thumbs down (0)

Abstain (0)

Absent (4): Mark Capra, Mike Cunningham, Tom Hart, Scott Hockett

6. Discuss the commercial Dungeness crab trap limit program as referenced in the 2019-2021 DCTF Work Plan including, but not limited to, biannual versus annual trap tags, in-season replacement tags, the biannual permit fee, etc.

Christy Juhasz, CDFW Environmental Scientist and non-voting DCTF Member, reviewed the [Dungeness Crab Trap Limit Account: Worksheet of Projected Balances Resulting from Adjustments to Buoy Tag Fees](#) to follow up on a DCTF request to understand the financial impacts of transitioning from biennial to annual trap tags as part of the commercial Dungeness Crab Trap Limit Program. In addition, Josh Morgan, CDFW License and Revenue Branch Chief, shared information on CDFW's internal procedures for acquiring and sending biennial and replacement trap tags to permit holders. DCTF Members asked clarifying questions and discussed various aspects of the worksheet:

- *Annual tags*: Some DCTF Members expressed support for replacing biennial trap tags with annual tags in order to reduce annual costs to struggling fishermen, eliminating the need for replacement tags thereby reducing potential abuses, and improving gear identification in marine life entanglements. Other DCTF Members expressed concerns about moving towards an annual tag due to the increased costs of the tags overall (i.e., over the course of 2 years). Members discussed the option of a payment plan for biennial tags rather than paying the lump sum every two years to reduce the burden. CDFW Law Enforcement Division stated that there would not be any additional costs for enforcement with annual trap tags.
- *Identifying Marine Life Entanglements*: A couple DCTF Members reflected on Working Group discussions that identified annual trap tags as a tool to improve the ability to identify the timing of entanglements in Dungeness crab fishing gear. Instead of an annual tag, the biennial tag could be modified for the second year with a sticker or cutting the tag in half. Some DCTF Members expressed concerns about loopholes and abuses that could manifest with a modified biennial tag. A DCTF Member asked if the double-sided tag has helped make identification easier. CDFW stated that the production of double-sided buoy tags have helped NOAA identify gear in photographs.
- *In-Season Replacement tags*: Some DCTF Members expressed concern about the abuse of in-season replacement tags and suggested eliminating them. CDFW noted that about 9% of fishermen request in-season replacement tags while more individuals request between-season replacement tags.
- *Costs*: The DCTF asked clarifying questions about the costs outlined in the worksheet including, the \$230,000 line item for CDFW in Table 3. CDFW explained that those dollars are used to fund facilities including offices, vehicles, etc. and noted that the same cost is applied to other fisheries' fees. Some DCTF Members expressed concerns about the enforcement costs outlined in Table 3 and inquired as to whether those costs could be reduced once solar loggers and/or electronic monitoring is required for the full fleet in 2023. CDFW Law Enforcement Division does not believe electronic monitoring will reduce enforcement costs. Members identified alternatives they would like evaluated including the projection of tag costs over a three year time frame instead of 10 years and reducing the DCTF's budget since fewer meetings are needed.

Public comment was taken on the topic at hand.

- Deanie Davis, commercial fishing, expressed concerns about the use of annual or modified biennial tags. She supports maintaining biennial tags and paying half the tag fees annually. She noted that modified biennial tags would not address the issues with between-season replacement tags and would also be likely to result in inappropriate tampering by other fishermen. CDFW is aware which fishermen are continually requesting replacement tags and should be able to track abuse. She cautioned requiring fishermen to provide tips on who isn't following the rules because it could lead to retaliation.
- Tom Weseloh, Liaison to the Joint Committee on Fisheries and Aquaculture, shared that if the DCTF would like to make a recommendation that increases costs to administer the Dungeness Crab Trap Limit Program (i.e., an annual tag or sticker) or the DCTF, then the recommendation should also increase CDFW's spending authority of the Dungeness Crab Account to avoid any issues with the Department of Finance. He explained that the Legislature takes DCTF very seriously on how the fishery should be managed and suggested the DCTF consider all of their recommendations very thoughtfully with as much specificity as possible.
- Michael Cohen, commercial fishermen, stated that each time the DCTF has discussed annual tags, they have not been interested in increasing costs. Recognizing that annual tags would double CDFW labor and increase costs and labor on the fleet, he urged the DCTF to consider alternatives to addressing loopholes with in-season and between-season replacement tags.

Several straw polls were taken to assess the level of agreement on whether the DCTF supports annual trap tags at various price points, continuing with current biennial tag fees, and other options discussed by the DCTF.

Straw poll: Support cutting annual tag fees in half to \$2.50/tag and change the fee schedule of permit fee to \$500/year. (9 up, 2 sideways, 5 down, 1 abstain) - Fail

Straw poll: Biennial fees status quo, trap tags are modified: 2nd year modify tag (e.g., hole punch, cut in half, sticker, etc.). (3 up, 5 sideways, 8 down, 1 abstain) - Fail

Straw poll: Biennial tag fees reduced: a biennial tag fee at \$3.50/tag and permit fee/schedule remains the same; second year tag would be modified (2 up, 7 sideways, 7 down, 1 abstain) - Fail

Straw poll: Status quo (9 up, 5 sideways, 2 down, 1 abstain) - Fail

The straw polls showed that the DCTF is not in agreement on the pathway forward, but was close to a quorum on status quo. For that reason, the DCTF agreed to pause on the conversation of annual trap tags at this time.

7. Updates on the work of the Executive Committee including, but not limited to, relevant available data to inform industry discussions, the 96-hour gear servicing requirement, and the ability to sell crab when retrieving gear with an in-season waiver.

During the July 6, 2020 DCTF Executive Committee meeting, members requested a number of topics be brought back to the DCTF for updates and discussion including information on data available to the Dungeness crab fishery, an update on the Nature Conservancy's Management Strategy Evaluation, a discussion about the 96-hour gear servicing requirement, and a discussion about the ability to sell crab when retrieving someone else's gear with a waiver.

West Coast Entanglement Workshop

Paige Berube, Program Manager, Ocean Protection Council (OPC), provided an update on the [West Coast Entanglement Science Workshop](#). The workshop featured 30 presentations from researchers and research managers and a summary will be posted online shortly. The presentations highlighted a lot of new information, including socioeconomic data, that will become available in the near future. The Working Group is tracking these studies.

Management Strategy Evaluation

Kate Kauer, The Nature Conservancy, provided an update on the Management Strategy Evaluation (MSE). The Nature Conservancy hosted a Zoom meeting with members of the Dungeness crab fishery to help inform the study. The MSE is

not intended to advocate for a management action, but rather to identify trade-offs associated with management actions. The study was also shared during the West Coast Entanglement Science Workshop and the [presentation](#) is available online.

96-hour Gear Servicing Requirement

A DCTF Member explained that the 96-hour rule in California is not consistent with other states and is difficult to adhere to in practice at the end of the season where longer gear soak times are needed for a cost effective spring fishery. During the Executive Committee meeting, CDFW indicated they would not support a 2 week landing requirement similar to Oregon, however, CDFW stated that a 7-day servicing requirement, similar to the California spiny lobster fishery, could be considered. Anything longer than 7 days would not be supported by CDFW due to concerns about marine life entanglements. Mr. Weseloh noted concerns about public perception with longer service intervals. DCTF Members expressed doubt that a longer gear servicing requirement would result in increased entanglement risk. They discussed various gear servicing requirements and felt that a 7-day gear servicing requirement would allow fishermen more flexibility, and a more appropriate soak time at the end of the season. However, since the proposed recreational fishing regulations under consideration by the Fish and Game Commission would require a minimum of a 9-day gear servicing interval, the DCTF felt it would be reasonable for the commercial fishery’s regulations to be in alignment with the proposed recreational requirement.

Public comment was taken on the topic at hand.

- Paddy Davis, commercial fisherman, asked why sport fishermen were not required to tend their gear.
 - CDFW stated that the rulemaking in development for the recreational fishery proposes service intervals.

Ability to Sell Crab When Retrieving Gear with an In-Season Waiver

A DCTF Member shared that incentives need to be in place to remove unfished gear from the ocean especially in light of marine life entanglements. There are times when fishermen can not pull their gear due to boat breakdowns, health challenges, etc. Currently, it’s difficult to get fishermen to help because of the loss of income incurred while they are retrieving this gear with an in-season waiver without the ability to keep and sell crab from this gear. A DCTF Member noted that the DCTF should consider how best to address loopholes associated with the waiver process when retrieving another vessel’s gear so fishermen do not abuse it by potentially fishing two sets of gear. Due to time constraints, the DCTF was unable to discuss this topic and will revisit it at a future DCTF meeting.

Public comment was taken on the topic at hand.

- Paddy Davis, commercial fisherman, noted that fishermen are not allowed to sell the crab retrieved and they are not allowed to have their own crab onboard when using an in-season waiver.

ACTION: *Consideration and possible adoption of recommendations related to available data, modification of the 96-hour gear servicing requirement, and/or the ability to sell crab when retrieving gear with an in-season waiver.*

APPROVED: The DCTF recommends amending FGC §9004 (the 96-hour gear servicing requirement) to a 9-day soak time, in alignment with the proposed Section 29.80 Title 14, CCR for the California recreational Dungeness crab fishery, currently under review by the Commission.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
16	1	0	0	2

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

Thumbs up (16): Jim Anderson, John Barnett, Scott Bertelsen, Bill Blue, George Bradshaw, Mike Cunningham, Vince Doyle, David Haddad, Scott Hockett, Harrison Ibach, Nick Kreiger, Porter McHenry, Matthew O'Donnell, Dick Ogg, Rick Powers, Zach Rotwein

Thumbs sideways (1): Gerry Hemmingsen

Thumbs down (0)

Abstain (0)

Absent (2): Mark Capra, Tom Hart

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 Joint Committee on Fisheries and Aquaculture, CDFW, OPC, and the Fish and Game Commission
- Share an email with the CDFW Newsletter, updates on the Working Group, the final RAMP regulations, RAMP list-serv information, guidance for gear innovations testing, and updated biotoxin management area map
- Share contact information for individuals who can provide more information on gear innovations, solar logger pilot project, and relevant research
- Make the meeting recording available upon request for 30 days following the meeting
- Work to fill the vacant seats (i.e., processing) on the DCTF

CDFW will

- Post any updates concerning high concentrations of domoic acid testing results, if necessary; CDPH will continue to post results on their website as they become available

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 interest in annual trap tags, perspectives and solutions on in-season replacement tags, between-season replacement tags, ability to sell crab when retrieving someone else's gear with an in-season waiver, etc.

The Executive Committee

- Will address the items outlined in the work plan including fair start, annual trap tags, etc.

9. Adjourn