

CALIFORNIA OCEAN PROTECTION COUNCIL

Staff Recommendation  
October 17, 2016

**Dungeness Crab Fishing Gear Working Group Coordination and Projects**

Holly Wyer, Program Manager

**RECOMMENDED ACTION:** Authorization to disburse up to \$200,000 to the Nature Conservancy to support the Dungeness Crab Fishing Gear Working Group (Working Group) and implementation of its projects to reduce the risk and impact of whale entanglement in Dungeness crab fishing gear. This may include, but will not be limited to, expansion of ongoing whale disentanglement trainings for commercial and recreational fishermen, survey flights that can efficiently record gear and fishing effort distribution, innovative uses of enhanced reporting technologies such as electronic monitoring programs to determine crab gear distribution and density, pilot projects to research a range of gear modifications, assessments of the impacts of voluntary measures taken by the fleet, and facilitation and coordination of expanded Working Group meetings.

**LOCATION:** Statewide

**STRATEGIC PLAN OBJECTIVE(S):**

- Objective 2.1: Identify high priority management information needs
- Objective 6.1: Support science-based approaches to inform fisheries management

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**EXHIBITS**

Exhibit A: Support Letters

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**FINDINGS AND RESOLUTION:**

Staff recommends that the Ocean Protection Council (OPC) adopt the following findings:  
“Based on the accompanying staff report and attached exhibit(s), the Ocean Protection Council hereby finds that:

- 1) The proposed project is consistent with the purposes of Division 26.5 of the Public Resources Code, the Ocean Protection Act.
- 2) The proposed project is consistent with the Ocean Protection Council's grant program funding guidelines (Interim Standards and Protocols, August 2013).

- 3) The proposed project is not a 'legal project' that triggers the California Environmental Quality Act pursuant to Public Resources Code section 21068 and Title 14 of the California Code of Regulations, section 15378."

Staff further recommends that the OPC adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

"The California Ocean Protection Council hereby approves the disbursement of up to \$200,000 to the Nature Conservancy to support the Dungeness Crab Fishing Gear Working Group (Working Group) and implementation of its projects to reduce the risk and impact of whale entanglement in Dungeness crab fishing gear. This may include, but will not be limited to, expansion of ongoing whale disentanglement trainings for commercial and recreational fishermen, survey flights that can efficiently record gear and fishing effort distribution, innovative uses of enhanced reporting technologies such as electronic monitoring programs to determine crab gear distribution and density, pilot projects to research a range of gear modifications, assessments of the impacts of voluntary measures taken by the fleet, and facilitation and coordination of expanded Working Group meetings.

This authorization is subject to the condition that prior to disbursement of funds, the Nature Conservancy shall submit for the review and approval of the Executive Director of the OPC detailed work plans, schedules, staff requirements, budgets, and the names of any contractors intended to be used to complete the projects, as well as discrete deliverables that can be produced in intervals to ensure the projects are on target for successful completion. All projects will be developed under a shared understanding of process, management and delivery."

**PROJECT SUMMARY:**

Whale entanglements in fishing gear off California have increased over the last several years. In many cases, the source of the fishing gear responsible for the whale entanglements is unconfirmed. However, when gear type can be confirmed, Dungeness crab fishing gear is found most often. To gain a better understanding of this issue and develop solutions to reduce the risk of whale entanglements in Dungeness crab fishing gear, the Ocean Protection Council, California Department of Fish and Wildlife, and National Marine Fisheries Service have convened a Working Group. The Working Group is charged with providing guidance and recommendations on reducing the risk of whale entanglements to the fishing industry and state and federal managers. The Working Group includes representatives from commercial and recreational fishing, conservation organizations, the whale disentanglement network, the California Department of Fish and Wildlife, the National Oceanic and Atmospheric Administration, and the United States Coast Guard.

The Working Group developed a number of initial strategies, tools, and recommendations to be

implemented during the 2015-2016 Dungeness crab fishing season, and the proposed funding is needed to move the Working Group recommendations, activities, and priorities forward. To provide some background, the Working Group's current recommendations and activities include training fishermen to be first responders to entanglements, supporting the establishment of a state-wide lost fishing gear recovery program, improving data collection and enhanced reporting by fishermen and resource managers, testing gear modifications, and developing a best practices guide.

Proposed funding will go to support several key objectives identified by the Working Group over the next two years. Funds would be leveraged against existing and expected investments by the respective management agencies, public funding sources (e.g. Bycatch Reduction Engineering Program Funds, Saltonstall-Kennedy funds, etc.), private foundation support, and in-kind contributions of individuals and organizations (e.g. fishermen, working group participants, independent researchers etc.).

Specific objectives include:

- **Support collaborative scientific research efforts to inform the risk of whale entanglement and development of long-term actions:** Collaborative research may include survey flights that can efficiently record gear and fishing effort distribution, innovative uses of enhanced reporting technologies such as electronic monitoring programs to determine crab gear distribution and density, pilot projects to research a range of gear modifications, and assessments of the impacts of voluntary measures taken by the fleet. Funding for this objective would be leveraged against existing public and private research funds and in-kind contributions to support the implementation of ongoing and expanding research efforts.
- **Develop, implement, and support an effective communications strategy:** Communications will include highlighting Working Group recommendations, including but not limited to voluntary gear modifications for the 2016-17 fishing season. Implementation of the strategy may involve promotional efforts to fishermen and other audiences, multiple in-person port presentations (e.g., gear-setting clinics, port meetings, etc.), and distribution of printed or online materials on whale-entanglement related topics.
- **Expand ongoing disentanglement trainings:** Trainings are currently being held for commercial and recreational fishermen through a partnership with The Nature Conservancy and the National Oceanic and Atmospheric Administration. OPC funding for these activities would augment current plans to extend these trainings up and down the coast to a range of fleets, communities, and stakeholders.
- **Facilitate and coordinate expanded Working Group meetings and discussions:**

Additional facilitation support will accelerate the progress made by the Working Group on developing projects and moving forward recommendations.

The overarching goal of this project is to enhance and accelerate the progress of the Working Group at reducing the risk and impact of whale entanglements in Dungeness crab fishing gear along California's coast.

**Project Timeline:** 2 years

**PROJECT FINANCING:**

Staff recommends that the Ocean Protection Council (OPC) authorize disbursement of up to \$200,000 to the Nature Conservancy to support the Dungeness Crab Fishing Gear Working Group (Working Group) and implementation of its projects, as described above in the project summary.

|                          |                  |
|--------------------------|------------------|
| Ocean Protection Council | \$200,000        |
| The Nature Conservancy   | \$75,000         |
| <b>TOTAL</b>             | <b>\$275,000</b> |

The anticipated source of funds will be from the Ocean Protection Council's appropriation of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Proposition 84 authorizes the use of funds for purposes consistent with Section 35650 of the Public Resources Code, establishing the California Ocean Protection Trust Fund (Pub. Res. Code § 75060(g)). Under Section 35650(b), Ocean Protection Trust Fund monies may be expended for projects authorized by the OPC that are identified as appropriate Trust Fund purposes, as specified. The project is consistent with the Trust Fund purposes as discussed in the following section.

**Leverage of OPC funds**

The Nature Conservancy has leveraged support of \$75,000 for this project, primarily to provide facilitation services to the Working Group. In addition, in-kind contributions are expected to be leveraged throughout implementation of the Working Group's priorities. In-kind contributions are expected to be provided in the form of staff time from participating fishermen, the California Department of Fish and Wildlife, the National Oceanic and Atmospheric Administration, and conservation organizations. This funding is also intended to leverage additional funds from other grant programs to support Working Group research priorities.

**CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:**

The proposed project is consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code, because it is consistent with trust-fund allowable projects, defined in Public Resources Code Section 35650(b)(2) as projects which: Eliminate or reduce threats to coastal and ocean ecosystems, habitats, and species and foster sustainable fisheries. This project promotes coordination of state and federal programs and activities to reduce the occurrence and impact of whale entanglements and will protect and conserve whales. State and federal representatives working together on the working group also provides a venue to ensure that activities are complementary and avoid redundancy.

**CONSISTENCY WITH THE OPC'S STRATEGIC PLAN:**

This project implements Focal Area A: Science-Based Decision-Making, and Focal Area C: Sustainable Fisheries and Marine Ecosystems. Specifically, this project will enable the Working Group to conduct targeted collaborative research to better understand the whale entanglement problem and develop long-term solutions. This project will also enhance the sustainability of the Dungeness crab fishery by reducing unintended impacts to whales from fishing gear.

**CONSISTENCY WITH PROPOSITION 84 (The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006; Public Resources Code §75060(g))**

This project is consistent with Proposition 84 because it involves the development and implementation of projects to foster sustainable fisheries and conserve marine wildlife. This project will foster sustainable fisheries by reducing accidental entanglement or bycatch of whales in Dungeness crab fishing gear. The activities funded by this project aim to reduce the occurrence and impacts of entanglements and will improve the conservation of whales by reducing mortality due to entanglement.

**CONSISTENCY WITH THE OPC'S GRANT PROGRAM FUNDING GUIDELINES:**

The proposed project is consistent with the OPC's Grant Program Funding Guidelines for Proposition 84 funds, in the following respects:

Required Criteria

1. Directly relate to the ocean, coast, associated estuaries, or coastal-draining watersheds: This project relates to whale entanglements off the coast of California.
2. Support of the public: This project is supported by Working Group members and their constituencies, as evidenced by the letters of support, included in Exhibit A.

3. Greater-than-local interest: Whale entanglements off California are of statewide, rather than local interest. Whales entangle in fishing gear for similar reasons off the coasts of Oregon and Washington, so new solutions piloted here may be applicable coastwide.

Additional Criteria

4. Improvements to management approaches or techniques: This project will support the Working Group's goal of developing recommendations to the Dungeness crab fishing industry and the state on best management approaches to reduce whale entanglements in the long term and best practices for setting Dungeness crab gear.
5. Resolution of more than one issue: This project both increases the sustainability of the Dungeness crab fishery and protects and conserves whales.
6. Leverage: The Nature Conservancy has leveraged \$75,000, primarily to provide the Working Group with facilitation services.
7. Timeliness or Urgency: This project is responding to an urgent need to conduct research and provide recommendations on how to manage the whale entanglement issue. The Nature Conservancy is an active member of the Working Group and has the capacity to complete this project in a timely fashion.
8. Coordination: This project would be implemented in coordination with the Working Group, National Marine Fisheries Service, and California Department of Fish and Wildlife.

**COMPLIANCE WITH CEQA:**

The proposed project not a 'legal project' that triggers the California Environmental Quality Act pursuant to Public Resources Code section 21068 and Title 14 of the California Code of Regulations, section 15378.