Litigation Overview

*Center for Biological Diversity v. Charlton H. Bonham Settlement timeline:*

- October 2017 – CBD filed complaint - alleged illegal take of endangered species
- Pacific Coast Federation of Fishermen's Associations later intervened
- November 2018 CDFW announced it would seek a federal permit under the Endangered Species Act
- March 2019 - Parties arrived at Settlement agreement
- Court issued a “Stay” until a final RAMP Rule
Interim Management: Settlement

• 2019-20 Commercial Dungeness Crab season will close April 1, 2020 (unless risk determined to be low)

• Confirmed entanglement or presence ESA listed species prompt closure

• Working Group provides risk assessment and management recommendation to Director

• Working Group conducts evaluation (November 1 - July 1)

• Director makes final determination

• Process remains in place until RAMP rule is adopted (November 2020)
Interim Management: Settlement

• Regulation development:
  • Gear retrieval program by November 15, 2019
  • Fixed gear marking by November 15, 2019

• Submit a draft Habitat Conservation Plan to NOAA by May 15, 2020

• Prohibit gear spatially or temporally, or take other management measures as recommended by NOAA

• CDFW commits to regular check-in with CBD/PCFFA

• Pursue stipends for Working Group members
Interim Management: Settlement

- Support efforts to making WG meeting accessible to the public
- Commit to regular RAMP workshops
- Provide Appendix A material for possible inclusion into RAMP rule
- Support Sea turtle research and funding
- Support Whale presence modeling
- Support electronic monitoring development
- Support gear innovation/modification efforts
CDFW Priorities

Settlement implementation, rulemakings and Conservation Plan development:

- RAMP and data evaluation (May-August 2019)
- Proposal development (August 2019)
- Gear retrieval program by (November 2019)
- Fixed gear marking (November 2019)
- Engage WG in Conservation Plan development (May 2020)
- RAMP rulemaking by (November 2020)
ESA and HCP Basics

- Section 9 - prohibits take, harm, harassment etc. (broad)
- Section 10 - permits take for lawful activities
- Incidental Take Permit (ITP) - non-Federal activities
- HCP (CP) must accompany ITP application
Conservation Plan

Key elements of the Conservation Plan:
• Species and covered activities
• Impacts of fishery on ESA-listed species
• Biological goals and objectives for ESA-listed species
• Avoidance and minimization measures (RAMP)
• Monitoring approach and adaptive management
• Implementation plan, funding and enforcement
• Project alternatives (extent practicable)
Conservation Plan

Important development factors:
- Applicant driven process
- Stakeholder involvement
- Take levels – Marine Mammal Protection Act
- Adaptive management
- Climate change
- Minimization measures (proof)
- Jeopardy standard (survival and recovery)
- NEPA and CEQA
- Alignment with OR and WA?
## Commercial Dungeness Management Timeline

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<thead>
<tr>
<th>Event</th>
<th>September 2019</th>
<th>May 2020</th>
<th>November 2020</th>
<th>2021</th>
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