

Dungeness Crab Fishing Gear Working Group Conference Call

HIGH-LEVEL SUMMARY AND NEXT STEPS

Thursday, September 26, 2019

1:00pm - 3:00pm

Call Participants

Working Group: Jim Anderson, Michael Cohen, Calder Deyerle, Tom Estes Jr., Rick Harris, Gerry Hemmingsen, Jenn Humberstone, Kathi George, Travis Hunter, Doug Laughlin, Tom Mattusch, Lori Mazzuca, John Mellor, Dick Ogg, Noah Oppenheim, Susan Rotwein, Dan Quinley, Geoff Shester, David Toriumi, Andrea Treece

Observers: Lee Crusius

CDFW: Ryan Bartling, Morgan Ivens-Duran, Sonke Mastrup

NMFS: Dan Lawson, Lauren Saez

OPC: Paige Berube

Advisors: Scott Benson, Pieter Folken, Karin Forney, Karen Grimmer, Jarrod Santora

Strategic Earth Consulting: Carolyn Kraft, Kelly Sayce

Meeting Goal: To continue reviewing and discussing Working Group feedback on the draft integrated Risk Assessment and Mitigation Program (RAMP), continue planning for the 2019-20 Dungeness crab fishing season, and confirm Project Team activities and related near-term coordination needs.

Agenda Item #1: Agenda Review and Updates

- *Walk through agenda and confirm meeting objectives*
- *Learn about updates related to Working Group operations, entanglements, recent Gear Demonstration Day, and other activities*
- Working Group participants were introduced by the facilitation team. The facilitators highlighted new participants on the Working Group and welcomed them to the call: Jenn Humberstone, The Nature Conservancy (TNC); Ryan Steen, observer for Dan Quinley; Lee Crusius, observer for Lori Mazzuca.
- Meeting ground rules were reviewed and goals/objectives were reconfirmed:
 - Confirm the Working Group's feedback on the draft integrated RAMP to inform CDFW's development of the RAMP rulemaking and draft Conservation Plan (CP).
 - Outline planning needs for the 2019-2020 Dungeness crab fishing season and confirm meeting schedule.
 - Introduce draft agenda topics for the October 2019 meeting and identify coordination and work needs in advance of the meeting.
 - Review Working Group activities, confirm Project Team priorities, and confirm scheduling needs.
- Products and meeting summaries of the full Working Group will be publicly available on the OPC website (<http://www.opc.ca.gov/whaleentanglementworkinggroup/>).

- Lauren Saez, NOAA, provided a brief update on whale entanglements including two whale entanglements off Oregon. There have not been any whale entanglements off California since the last Working Group meeting.
- Ryan Bartling, CDFW, provided a brief overview of the Gear Demonstration Day that took place on September 6, 2019 in Monterey, California with support from the National Marine Sanctuary Foundation. The event was attended by innovators from across the United States, plus one from Canada, who demonstrated several types of gear including pop-up gear, yale grips, etc. Two to three hours was spent deploying and retrieving the various gear innovations. Overall, participants thought it was time well spent and next steps continue to be discussed by the Gear Innovations Project Team as far as how to best support additional testing and what funding options to pursue.
- Karin Forney, NOAA, and Scott Benson, NOAA, provided an update on recent leatherback turtle aerial surveys, which can be reviewed [here](#).

Agenda Item #2: Working Group Feedback on CDFW Integrated RAMP Straw Proposal

- *Review feedback received by Working Group participants following September 4-5, 2019 in-person meeting*
- *APA ([here](#))*
- *Confirm next steps, timelines, etc.*

Discussion

- The facilitation team and CDFW reviewed the status of the RAMP straw proposals developed by CDFW and reminded the Working Group that the proposals are intended to be a starting place for discussion and once finalized will apply to the 2020-21 Dungeness crab fishing season. CDFW is in the process of considering the Working Group's comments and is in the beginning stages of translating those comments into a proposed rulemaking for public comment, which will most likely start at the end of February 2020. CDFW has received additional feedback from Working Group participants since the September In-Person Meeting.
 - Dan Quinley, California Coastal Crab Association (CCCA) shared a brief overview of CCCA's feedback on the RAMP straw proposals, which is available for review in full [here](#). CCCA is continuing to collate comments from members and is holding port meetings throughout the week. Dan will provide updated information to the Working Group as it is available.
 - Andrea Treece, Earth Justice, shared a brief overview of their feedback on the RAMP straw proposals submitted in conjunction with Oceana, which is available for review in full [here](#).
- The Working Group discussed the additional feedback submitted to CDFW with a specific focus on how the 100 percent monitoring mentioned in the Earth Justice/Oceana proposal would be implemented. Ideally, from Earth Justice/Oceana's perspective, 100 percent monitoring would be required to acquire more data to better inform the RAMP and determine fine-tuned management measures instead of broad closures. From Earth Justice/Oceana's perspective, this could be funded by OPC or grant money to prevent fishermen from bearing this burden.

- CDFW shared that one of the outcomes from the Pacific States Marine Fisheries Commission meeting was that California, Oregon, and Washington are looking at the possibility of using electronic monitoring to track vessels collecting samples for domoic acid testing and the fleet's movements. The Commission approved a policy to ask PSMFC to find funding for electronic monitoring. CDFW noted that 100 percent coverage would only be required for vessels assisting with domoic acid testing. Most likely, a lower percentage of the fleet would need to be tracked to gather the information needed to inform the fleet dynamics risk factor during the commercial season.
 - The Working Group discussed other options for tracking such as using VMS data, but CDFW does not have access to this data because it's a federal program. CDFW is moving forward with looking at alternatives to VMS, such as the solar-powered vessel loggers currently being tested by the Working Group.
 - OPC clarified that currently there isn't a specific plan for gear monitoring or tracking to be covered by OPC; however, OPC could support improved monitoring and gear innovations. Related, OPC is funding the second phase of the solar logger pilot project, which is described in more detail in this [staff recommendation](#).
- The Working Group discussed the need for flexibility in the RAMP rulemaking and to avoid making it too prescriptive.
 - CDFW shared information on the Administrative Procedures Act (APA) guidelines [here](#) and explained that in order for regulations to pass APA review, the RAMP needs to clearly identify data streams, triggers, and potential management measures. The place to incorporate flexibility is in the management measures. Also, there will be opportunities to further adjust and adapt the rulemaking during RAMP 1.2.
- **Next Steps**
 - CDFW will continue considering feedback provided by the Working Group and continue refining the draft RAMP straw proposals for 2020-21 for Working Group review with the goal of sharing another draft towards the end of the year, prior to proposed regulations being released for public comment. If Working Group participants have questions, reach out to Ryan Bartling at Ryan.Bartling@wildlife.ca.gov.

Agenda Item #3: 2019-20 RAMP Planning

- Continued discussion to plan for the 2019-20 California Dungeness crab fishing season, including, but not limited to, the Risk Assessment Framework (RAF)
- Confirm next steps, scheduling, etc.

Discussion

- The facilitation team reviewed the proposed process for implementing the RAF for the 2019-20 season based on what was discussed during the September In-Person Meeting. CDFW and NMFS are responsible for monitoring all four risk factors, with CDFW taking the lead in gathering information. Information will be shared with the Working Group as soon as it's available with the caveat that updated information and data may become available last minute.

The RAF will be conducted by the Working Group, with a minimum number of participants in attendance, during two-hour conference calls.

- The Working Group discussed the need for a strict timeline to receive information in advance of the RAF to provide enough time for review and requested clarification on how the process would work in terms of evaluating risk and sharing a decision with the CDFW Director.
- CDFW will share information and a draft risk suggestion for discussion during the conference call. Once the Working Group comes to a decision they will share their recommendation with the CDFW Director who will decide what to do and then must convey that decision to the fleet with 72-hours notice (Note: time frame requirement under FGC 8276.1 is 48 hours). There is also a possibility that the Director could disagree with the Working Group's recommendation and request an alternative. Flexibility must be built into the timing to accommodate this possible scenario.
- The Working Group discussed the possibility of having longer RAF calls to ensure there is enough time to review all of the information. The Working Group will move forward with scheduling two-hour calls every two weeks, but if necessary, the calls will go longer to ensure the Working Group is able to make a recommendation.
- The Working Group continued discussing management measures that had been proposed during the September In-Person Meeting.
 - Depth restrictions and area closures could potentially cause greater risk in other fishing areas if gear placement becomes denser. Also, enforcement would be challenging. Vertical line reduction would be easier to implement and the tags not being used could be kept on the boat to show CDFW enforcement.
 - The Working Group debated the percentage amount gear should be reduced to maximize fishing and avoid entanglements. Numbers suggested included starting at 100% and then reducing to 50% or starting at 75% and then reducing it from there. There was concern about starting at 50% because an additional reduction could lead to 25%, which is a very limited fishing season and not financially viable.
 - There was also a suggestion to put double tags on the pots to indicate that those fishermen had implemented the reduction. Overall, Working Group participants preferred keeping the extra tags on the boat to prevent loss and for easy access if gear is allowed back in the water.
 - Options such as delayed openers in specific areas were also considered with the possibility of using fair start and triggers set for domoic acid as a model.
 - Overall, there was general agreement that if there is a closure the time needed to make that happen was more important in terms of gear retrieval than in terms of selling crabs. The amount of time required to remove gear from the water could vary wildly at different times of year due to the weather. If there are breakdowns, fishermen will be able to enlist another vessel for help.

- Ideally, fishermen representing the areas being considered for closure will be on the RAF calls, but due to tight timelines, the Working Group will have to move forward regardless.
- **Next Steps**
 - Update Working Group meeting schedule and timelines to build in enough time for a feedback loop from the CDFW Director.
 - Share the California state code for fair start and domoic acid for Working Group consideration.
 - Working Group to think about when providing recommendations during times of crisis during the season, the timing could be different with each recommendation. Each recommendation should include: how much time to give fishermen and the deadline that triggers violations.
 - Working Group to send additional feedback on this discussion.

Agenda Item #4: Working Group Activities

- Review updated Work Plan ([here](#))
- Confirm priority Project Team activities through to the end of the year
- Discuss planning for October 2019 meeting to conduct the 2019-20 pre-season risk assessment
- Next steps, scheduling, etc.

Discussion

- The facilitation team shared an updated Work Plan for the Working Group's review and highlighted where the Communications, Gear Innovations, and Survey Project Teams would play a role.
 - There was a request to add the Section 6 funding application timeline to the Work Plan.
 - There was a question about the status of funding for Jarrod's forage/ocean conditions factor. OPC is developing a funding strategy to reduce the risk of entanglement in California fishing gear. This strategy may guide a competitive request for proposals process which will support improved scientific data streams to inform management, including oceanographic and forage patterns, fishery dynamics, and whale and sea turtle concentrations.
- The facilitation team asked about whether Working Group participants would be interested in having an in-person meeting on October 15 in advance of the DCTF meeting on October 16-17.
 - There was general agreement for an in-person meeting on October 15.

Next Steps

- Working Group to continue reviewing the Work Plan.
- Strategic Earth to send a calendar invitation for October 15.
- Strategic Earth to draft a next steps email and call summary.