



~California Dungeness Crab Task Force~

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

DCTF MEETING SUMMARY MARCH 17-18, 2021 WEBINAR

The purpose of this meeting summary is to:

- Provide a high-level summary of discussions and outcomes from the March 17-18 2021 California Dungeness Crab Task Force (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
Richard Axelson, Alternate for Bill Blue, South of Half Moon Bay, Upper Production Level
John Barnett, San Francisco, Upper Production Level
Scott Bertelsen, Bodega Bay, Lower Production Level
George Bradshaw, Crescent City, Production Level Not Specified**
Tony Cannia, Fort Bragg, Lower Production Level
Mark Capra, Sport Fishing
Larry Collins, San Francisco, Lower Production Level - Day 1
Mike Cunningham, Eureka, Upper Production Level
Vince Doyle, Fort Bragg, Upper Production Level
Lorne Edwards, Alternate for Dick Ogg, Bodega Bay, Upper Production Level - A portion of Day 2
David Haddad, Crescent City, Lower Production Level
Tom Hart, South of Half Moon Bay, Lower Production Level
Gerry Hemmingsen, Crescent City, Upper Production Level
Scott Hockett, Processor
Harrison Ibach, Eureka, Lower Production Level
Christy Juhasz, CA Dept. of Fish & Wildlife
Jenn Humberstone, Alternate for Kate Kauer, The Nature Conservancy, Nongovernmental Organization
Nick Kreiger, Alternate for Larry Collins, San Francisco, Lower 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**
Frank Sousa, Alternate for Geoff Bettencourt, Half Moon Bay, Upper Production Level
Asst Chief Mike Stefanak, CA Dept. of Fish & Wildlife
Ross Taylor, Recreational Fishing
Joe Tyburczy, California Sea Grant

*Unless otherwise indicated, DCTF Members attended both days of the meeting.

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

ABSENT

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

Lindsay Bonito, Ocean Protection Council
Rachelle Fisher, Strategic Earth Consulting
Carolyn Kraft, Strategic Earth Consulting
Kelly Sayce, Strategic Earth Consulting

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

- Ed Tavasieff, commercial fisherman, asked if there is a group of fishermen who are investigating options for whale mitigation.
 - The California Department of Fish and Wildlife (CDFW) responded that the [Dungeness Crab Fishing Gear Working Group](#) (Working Group) had a subgroup working on the issue and suggested contacting Ryan Bartling at Ryan.Bartling@wildlife.ca.gov or Sonke Mastrup at Sonke.Mastrup@wildlife.ca.gov to learn more.

3. Receive updates on topics related to the California commercial Dungeness crab fishery. May include updates from CDFW, the Ocean Protection Council, Legislative staff, and others.

DCTF - Appointments & Vacancies

Lindsay Bonito, Ocean Protection Council (OPC), provided an update on filling vacant DCTF seats: recreational fishing (non-voting) and processor (voting). OPC is in the process of taking the required steps to appoint Ross Taylor for the recreational fishing seat. The solicitation to fill the vacant processor seat will begin in April 2021. The Admin Team clarified that the current processor seat, Mel Wickcliffe, had stepped down and Scott Hockett (formally the Fort Bragg, Lower Production Level seat) has replaced him. Tony Cannia is now representing Fort Bragg, Lower Production Level. The Admin Team urged DCTF members to spread the word about the open processor seat once the solicitation for nominees is open in April.

Biweekly Reporting Requirements

Christy Juhasz, CDFW Environmental Scientists and DCTF Member, gave an update on biweekly reporting. As part of the [Risk Assessment and Mitigation Program \(RAMP\)](#) regulations that went into effect on November 1, 2020, bi-weekly reporting of a vessel's permit, trap number, RAMP zone, and depth is required for all permitholders. To date, there has been poor compliance rates. CDFW reminded the DCTF that this information should be submitted via email. The last report of the fishing season should also include the number of lost traps. Additional information about the biweekly reporting requirements are available in [this FAQ](#) (scroll to "Bi-Weekly Reporting" at bottom of page). If you have any questions, please contact Christy directly at Christy.Juhasz@wildlife.ca.gov.

A DCTF Member requested a bi-weekly report example to see the format, which is available [here](#). Another DCTF Member suggested modifying the bi-weekly reporting requirement to start in March when whales potentially arrive, plus a report at the beginning of the season and at the end of the season, to

avoid redundant information. CDFW will be evaluating this effort, but currently bi-weekly reports are needed to inform the risk assessments. A DCTF Member asked if reporting will still be required when all fishermen have electronic monitoring devices in 2023. CDFW stated it depends on the types of electronic monitoring available. Regardless, fishermen will still be required to report lost gear.

Executive Order

Sonke Mastrup, CDFW Environmental Program Manager, Invertebrate Program, shared there are no updates at this time in regards to Governor Newsom's [Executive Order on Nature-Based Solutions](#) (N-82-20), also referred to as the '30x30' initiative. There are also no updates on the status of [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act and the Coronavirus Response and Relief Supplemental Appropriations Act of 2021](#) as they relate to the commercial California Dungeness crab industry.

Alternative Gear Authorizations

Mr. Mastrup shared that CDFW has received an application for pop-up gear to be considered as a potential RAMP alternative gear pending authorization. CDFW will be evaluating the application, including its viability, and will share updates as available.

Various DCTF Members requested clarification on the alternative gear authorization application and emphasized the need for fishermen to be involved in testing and vetting the gear to ensure its use is financially viable. CDFW explained that while the application was recently received, a full analysis hasn't been completed yet. CDFW has 60 days to evaluate the gear based on a [set of criteria](#) that are available for review on the [California Whale Safe Fisheries website](#). CDFW will work with the industry to ensure that all alternative gear authorizations are viable from a fishability and financial perspective. CDFW reminded the DCTF that gear innovations are intended to only be used at high risk times during the fishing season.

Legislative Updates - Senate Bill 80 and Assembly Bill 534

Tom Weseloh, Liaison to the Joint Committee on Fisheries and Aquaculture, provided an update on the status of [Senate Bill \(SB\) 80](#). Currently, SB 80 is moving through the legislative process and includes recommendations the DCTF made in their [2019](#) and [2020](#) reports including the 64-hour presoak, evisceration options, and the ability to transit a closed area with electronic monitoring. A fish sampling component was also added. The bill does not include the 9-day gear servicing option recommended by DCTF due to opposition from environmental organizations and per DCTF's recommendation to exclude anything that could prevent SB 80 from moving forward. SB 80 passed the Water, Parks and Wildlife Committee unanimously with nine votes on March 16, 2021 and is now moving to the Health Committee. SB 80 is an urgency bill, which requires a 2/3 vote of the legislature in both the State Senate and State Assembly and will become effective immediately if it passes.

The Admin Team shared that [Assembly Bill \(AB\) 534](#) would require "ropeless", or pop-up, fishing gear by November 1, 2025. AB 534 was assigned to committee and will be heard by the Assembly Committee on Water, Parks and Wildlife Committee by April 9, 2021. Legislative updates will continue to be shared via the [DCTF listserv](#), and the Admin Team suggested checking spam folders or promotions tab if individuals are not receiving these emails.

Related to SB 80, a DCTF Member commented that an evisceration option south of Point Arena is unnecessary. He stated that since there is no evidence that domoic acid causes illness domoic acid closures and evisceration options are unnecessary. The Admin Team reminded the DCTF that the DCTF's recommendation from 2019 related to evisceration orders provides CDFW, the California Department of Public Health (CDPH), and the Office of Environmental Health and Hazard Assessment (OEHHA) with the authority to explore evisceration as an option and once this regulation is in place, it would be another 1-2 years before California could consider the options as more work would need to be done to develop HACCP plans, etc. CDFW added that closures in response to domoic acid levels are federal regulations that the state must abide by. Concerns about these regulations must be brought up with the federal government.

Discussion about the bills, including the DCTF's position on the bills, is included in agenda item 9.

Public comment was taken on the topic at hand.

- Nick Kreiger, commercial fisherman, requested clarification on testing experimental gear since currently there are 140,000 pots in the water that haven't entangled whales. How do you prove that experimental gear is better when there have been zero entanglements this season?
- Ed Tavasieff, commercial fisherman, stated that due to the RAMP regulations there should be multiple gear innovations for fishermen to consider, not just ropeless gear.
 - CDFW noted that the Working Group has a subgroup reviewing a variety of gear types. The Admin Team highlighted that gear innovations may be brought to future DCTF and Executive Committee meetings as well.

4. Review options discussed by the Executive Committee and revisit and confirm the DCTF voting structure and minimum participation requirements to improve the DCTF's ability to convene and advance priorities.

The Admin Team reviewed the DCTF's voting structure and minimum participation requirements. As mandated by Fish and Game Code (FGC) §8276.4, there are 21 voting members and each DCTF Member is allowed to have an alternate. The 21 voting members include 17 commercial fishermen, two processors, one commercial passenger fishing vessel (CPFV), and one recreational fisherman. Two separate Fish and Game Code Sections outline DCTF voting:

- FGC §8276.4: "Except as otherwise provided in Section 8276.5, a recommendation shall be forwarded to the Joint Committee on Fisheries and Aquaculture, the department, and the commission upon an affirmative vote **of at least two-thirds of the task force members.**"
- FGC §8276.5: "For the purposes of this section, a proposed recommendation that receives an affirmative vote **of at least 15 of the non-ex officio members** of the Dungeness crab task force may be transmitted."

The Admin Team discussed the differences between the code sections noting that due to recent changes in DCTF membership, two-thirds of the task force no longer equals 15; two-thirds is now 14.

Various DCTF Members discussed the pros and cons of changing the voting requirements. Several DCTF Members highlighted the challenges that were presented during the October 2020 DCTF meeting when barely a quorum was present, which meant each vote had to be almost unanimous to pass. It is often difficult to attend a DCTF meeting when folks need to fish and support their businesses, but various Members agreed it was important to have the full DCTF present at each meeting. Some Members stated that rather than attending a meeting and voting "no," a Member can not show up, in which case, their absence prevents the group from reaching a $\frac{2}{3}$. Suggestions were made that the voting requirements be amended and based on a percent of those in attendance and exclude vacant seats from the minimum requirement to pass a recommendation. Other DCTF Members were not in favor of changing the voting structure noting this has been discussed several times and having at least a two-thirds vote to pass a recommendation helps the legislature demonstrate broad support for a bill. CDFW and Mr. Weseloh suggested updating FGC §8276.4 and FGC §8276.5 so both sections match to reduce confusion and provide statutory consistency.

Various DCTF Members noted the importance of alternates and the need to ensure that if members can't attend a meeting an alternate is identified and attends in their absence. The Admin Team noted that although requests have been made for members to identify alternates, many times members don't respond. A few DCTF Members requested the option of identifying alternates from another port and production level if necessary. The Admin Team explained that the [charter](#) and FGC §8276.4 requires Alternates to reflect the Member's port and production tier that they have been elected to represent.

Various DCTF Members also discussed changing CPFV and recreational fishing seats to non-voting seats because they do not believe those sectors are impacted by issues discussed by the DCTF in the same way as commercial fishermen. Additionally, the recreational/sport sectors are governed by separate

regulations. Concerns were expressed that these seats could be tiebreakers on a close vote related to commercial issues. Some DCTF Members suggested those seats could only be allowed to vote if a tiebreaker was needed. CPFV and recreational fishermen on the DCTF noted that all fishermen, commercial and recreational, are impacted by bills such as AB 534 and whale entanglement issues. These DCTF Members expressed their interest in continuing to have the recreational and CPFV seats participate as voting members and noted the importance of aligning efforts between the sectors and demonstrating a unified front when issues from environmental organizations (e.g., whale entanglements). CDFW pointed out that through fees, the sport and recreational fishermen pay for a significant portion of CDFW staff time, who also support DCTF. A DCTF Member suggested that CPFV and recreational fishing seats

Public comment was taken on the topic at hand.

- Ed Tavasieff, commercial fisherman, recommended keeping the status quo with 15 votes or 2/3 of the full membership should remain in place to ensure recommendations to the legislature have full support, otherwise it indicates that members don't care. He also emphasized that recreational fishing should have a voting seat, but recommended that there should be more definition on what issues commercial fishermen and recreational fishermen vote on.

The DCTF took three straw polls to assess the level of agreement on whether the DCTF supports updating DCTF membership in regards to voting.

Straw Poll: The DCTF recommends amending FGC §8276.4 and §8276.5 to be in agreement such that a recommendation is forwarded upon an affirmative vote of at least 2/3 of the DCTF. With 21 voting Members, 14 affirmatives should forward a recommendation. (9 up, 10 sideways, 1 down, 0 abstain) - Pass

Straw Poll: The DCTF recommends amending FGC §8276.4 and §8276.5 - 15 votes except when vacant seats // then a minimum of 14 votes. (6 up, 11 sideways, 3 down, 0 abstain) - Pass

Straw Poll: Recommend updating DCTF membership so that all CPFV and recreational seats are ex-officio (non voting). Consideration // abstentions for certain votes/issues that don't impact recreational fishery. (3 up, 3 sideways, 10 down, 4 abstain) - Fail

Because the level of support for the first straw poll was stronger than the second, the DCTF decided to move forward with a vote on recommending that FGC §8276.4 and §8276.5 be in agreement such that a recommendation is forwarded upon an affirmative vote of at least 2/3 of the DCTF. This would help maintain the intent if there are future changes to DCTF membership. With regard to the third straw poll vote, since there was strong opposition, the DCTF tabled the discussion on changing the voting status of recreational and CPFV seats.

ACTION: *Consideration and possible recommendations related to amending Fish and Game Code §8276.4 and §8276.5, including but not limited to identifying a consistent number of DCTF Members required to advance an affirmative vote.*

APPROVED: The DCTF recommends amending FGC §8276.4 and §8276.5 to be in agreement so that a recommendation from the DCTF is forwarded to the Joint Committee of Fisheries and Aquaculture, CDFW, and the Commission upon an affirmative vote of at least 2/3 of the voting DCTF Members.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	3	3	0	1

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, Tony Cannia, Mark Capra, Larry Collins, Mike Cunningham, David Haddad, Tom Hart, Scott Hockett, Harrison Ibach, Dick

Ogg, Frank Sousa

Thumbs sideways (3): Matthew O'Donnell, Rick Powers, Zach Rotwein

Thumbs down (3): Richard Axelson, Vince Doyle, Gerry Hemmingsen

Abstain (0)

Absent (1): Vacant processor seat

6. Discuss the provision in Fish and Game Code §8280.3 requiring previous permitholders to be included on a permit for a minimum of 1 year.

Senator McGuire's office had been contacted recently by Noah Oppenheim, Homarus Strategies and former Executive Director of Pacific Coast Federation of Fishermen's Association (PCFFA), to update FGC §8280.3. This code section requires previous permitholders to be included on a permit for a minimum of 1 year following the transfer of that permit. This provision has caused problems with disaster relief fund distribution and other issues. SB 80 was amended to update FGC §8280.3 and Senator McGuire is looking to the DCTF for clear direction on whether the industry agrees with the change or if there are any concerns.

The DCTF discussed that this regulation dated back to the limited entry program more than 20 years ago. Various DCTF Members agreed the code should be updated to remove this provision since it was no longer necessary/relevant.

Public comment was taken on the topic at hand.

- No public comment was received

ACTION: Consideration and possible recommendations related to amending Fish and Game Code §8280.3, including but not limited to adjusting the 1-year requirement for previous permitholders to be included on a permit.

APPROVED: The DCTF supports the current proposed changes to FGC §8280.3 as drafted in SB 80 (2021-2022) (as amended on March 5, 2021).

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
20	0	0	0	1

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

Thumbs up (20): Jim Anderson, Richard Axelson, John Barnett, Scott Bertelsen, George Bradshaw, Tony Cannia, Mark Capra, Larry Collins, Mike Cunningham, Vince Doyle, David Haddad, Tom Hart, Gerry Hemmingsen, Scott Hockett, Harrison Ibach, Matthew O'Donnell, Dick Ogg, Rick Powers, Zach Rotwein, Frank Sousa

Thumbs sideways (0)

Thumbs down (0)

Abstain (0)

Absent (1): Vacant processor seat

5. Receive updates from CDFW on the issue of entanglements, including recent updates to large whale population estimates, and revisit the discussion and straw poll from the October 2020 DCTF meeting regarding the application of fair start to season delays as a result of the Risk Assessment and Mitigation Program (RAMP) regulations.

Dan Lawson, National Marine Fisheries Service (NMFS), Protected Resources Division, West Coast Region, gave a [presentation explaining new studies on large whale population estimates](#). Mr. Lawson also provided context for how this new information applies to the RAMP and the CDFW's efforts to obtain an Incidental Take Permit (ITP).

Various DCTF Members asked about:

- the possibility of miscalculating blue whale abundance due to the survey size area
- how much the PBR (potential biological removal) and N_{\min} for Humpback and blue whales are expected to rise, and
- how the estimates for the Mexico and Central American Humpback whale populations will be determined.

Mr. Lawson acknowledged that blue whales could have been undersampled in 2018 due to the survey area not including areas further offshore, but was not sure if that had been factored into the estimate or not. The Potential Biological Removal (PBR) and N_{\min} are expected to increase in the next stock assessment report in proportion to the changes in population estimates represented by these new estimates. For humpback whales off California, Oregon, and Washington, that is close to doubling since the previous stock assessment was published. NMFS is required to assess whales in two different ways based on the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). Based on the MMPA, humpback whales off the U.S. West Coast appear to be thriving. Under the ESA, NMFS recognizes the breeding ground populations from Mexico and Central America. While there hasn't been an assessment of those populations since the early 2000's there is a study underway now to help provide an updated assessment of their abundance. NMFS is continuing to evaluate the situation based on these varying requirements.

CDFW provided an update on the RAMP and [March 16, 2021](#) risk assessment. Based on the weekly running average of Humpback whales observed in Zone 4 and the lack of recent survey data for Zones 1, 5 and 6, CDFW recommended a fleet advisory to be cautious about whales and to continue to follow the guidelines outlined in the [Best Practices Guide](#). There was no opposition in the Working Group to CDFW's initial assessment and recommendation, which has been submitted to the CDFW Director. The next risk assessment will take place on April 1, 2021. Information for each of the [2020-21 Risk assessments](#) is posted at this link provided. For all information related to CDFW's Whale Safe Fishery efforts can be found on the [Whale Safe Fisheries website](#).

Various DCTF Members requested further clarification on a number of questions, including:

- what geographic area the fleet advisory was issued
- if the fishing season will end early, the status of the revised Humpback whale stock assessment, and
- whether depth restrictions are an option for future management.

CDFW responded that the fleet advisory was statewide as a precaution due to the presence of whales in Zone 4 and a lack of data in Zones 1 and 5. The season could potentially end early depending on the RAMP risk assessments because CDFW is still operating under the terms of the [settlement agreement](#) until an ITP is issued. CDFW noted that while whale population numbers are increasing, the increased abundance likely won't impact the trigger numbers outlined in the RAMP. The RAMP regulations allow for depth restrictions, which could allow fishing in shallow water if whales are present in deeper water and vice versa.

The Admin Team provided a recap of the discussion the DCTF had during the [October 2020 meeting](#) about applying fair start.

The DCTF discussed whether fair start regulations should be updated and whether they should apply to any regulatory action taken by the state and/or federal government that could result in a season delay or only to apply to delays resulting from elevated entanglement risk as determined by the RAMP. CDFW expressed concerns with updating fair start to apply to all delays because the language was too broad and could cause unintended consequences for the fishery. A couple of DCTF Members noted that the point of using broad language was to avoid having to revisit fair start each time a new issue arises and asked CDFW to confirm their willingness to revisit fair start provisions as needed. CDFW agreed to revisit the

topic as needed. The DCTF did not take action or make a recommendation on applying fair start to any regulatory delay due to lack of support, but did discuss fair start in relation to RAMP delays.

A few DCTF Members expressed support for recommending fair start for RAMP delays, noting that it had been discussed extensively at the last DCTF meeting. A couple of DCTF Members supported applying fair start to RAMP delays and requested its application be based on established RAMP fishing zones. Some Members stated that a fair start provides more fishing opportunities and allows smaller boats to maintain a viable income without having to worry about large boats traveling to their area. A couple of Members felt a fair start limited fishing opportunities, especially for travelling boats.

The DCTF took two straw polls to assess the level of agreement on whether the DCTF supports updating fair start.

Straw Poll: The DCTF recommends updating Fish and Game code section 8279.1 so that fair start will apply to all delays associated with the RAMP program. (12 up, 2 sideways, 4 down, 2 abstain) - Fail

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. (0 up, 11 sideways, 7 down, 2 abstain) - Fail

The DCTF revisited this discussion on day 2 and a couple of Members stated that they had updated their thinking from how they responded to the straw poll from day 1.

Public comment was taken on the topic at hand.

- Ed Tavasieff, commercial fisherman, suggested that moving forward on fair start for all delays may be premature, but noted his support for fair start for RAMP delays.

ACTION: *Consideration and possible recommendations related to amending Fish and Game Code §8979.1, including but not limited to expanding the application of fair start to apply to delays due to elevated risk of marine life entanglements.*

APPROVED: The DCTF recommends updating FGC §8279.1 so that “fair start” will apply to all commercial Dungeness crab season delays associated with the RAMP program under the authority FGC §8276.1 with supporting regulations found in §132.8 Title 14, CCR.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
13	4	3	0	1

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

Thumbs up (13): Jim Anderson, John Barnett, Scott Bertelsen, George Bradshaw, Tony Cannia, Mark Capra, Mike Cunningham, David Haddad, Tom Hart, Scott Hockett, Harrison Ibach, Nick Kreiger, Dick Ogg

Thumbs sideways (4): Matthew O'Donnell, Rick Powers, Zach Rotwein, Frank Sousa

Thumbs down (3): Richard Axelson, Vince Doyle, Gerry Hemmingsen

Abstain (0)

Absent (1): Vacant processor seat

7. *Discuss possession and allowance of sublegal and female Dungeness crab while actively fishing and sorting including but not limited, receiving updates on recent conversations on the topic with the Executive Committee and others.*

The DCTF Executive Committee prioritized a discussion around possession and the allowance of sublegal and female Dungeness crab while actively fishing and sorting. Recently, a fisherman received a warning about

possessing too many sublegal crabs in their “dump box” while actively fishing. A dump box is used by fishermen to hold crabs until they are able to sort them and return them to the ocean. FGC §8278 states: “Except as otherwise provided, no Dungeness crab less than six and one-quarter ($6\frac{1}{4}$) inches in breadth, and no female Dungeness crab, may be taken, possessed, bought, or sold, except that not more than 1 percent in number of any load or lot of Dungeness crabs may be less than six and one-quarter ($6\frac{1}{4}$) inches in breadth but not less than five and three-quarters ($5\frac{3}{4}$) inches in breadth.” The DCTF discussed how this regulation is interpreted on the water and the possibility of amending it to reflect fishing practices.

Various DCTF Members suggested updating the regulations so possession was only enforced at the time of landing to prevent on-the-water sorting issues. Various DCTF Members asked CDFW’s Law Enforcement Division (LED) to use common sense and discretion in interpreting regulations and enforcing possession. CDFW explained they could not speak to the interpretation of this regulation at this time due to a pending case. However, LED did note that CDFW internal discussions following the February 2021 DCTF Executive Committee call where this issue was first brought up, flagged the larger challenge of modifying the definition of possession, which can not be altered as it has a wide application to other fish and game animal species. CDFW suggested fishermen modify their fishing practices to better reflect regulations. DCTF Members noted that they hope CDFW would be able to find a solution so that fishermen are not in violation of the law for common fishing practices (e.g., the use of a dump box). Various DCTF Members requested CDFW and LED discuss this topic more thoroughly and circle back with the DCTF and broader fleet about their interpretation of the law and how commercial fishermen can use a dump box without being in violation. CDFW agreed they would make this effort in time for the next DCTF meeting and potentially include something in a preseason FAQ document.

Public comment was taken on the topic at hand.

- No public comment was received.

8. Review options discussed by the Executive Committee regarding the ability to sell crab when retrieving gear with an in-season waiver.

DCTF and Executive Committee Member, Zach Rotwein, explained that when a vessel breaks down, it can be difficult to find someone to stack the gear of the inoperable vessel. He suggested fishermen have the ability to sell crab when retrieving gear someone else’s gear with an in-season waiver. This would provide economic incentive to recover gear if someone has a breakdown, health issues, etc. especially during the height of the fishing season. Mr. Rotwein noted that during the last DCTF discussion on this topic during the 2020 meeting, there were concerns that allowing fishermen to sell crab when retrieving gear with an in-season waiver could lead to cheating. He emphasized that leaving gear in the water could cause whale entanglements, which is an even greater concern because it could have adverse impacts to the entire fishery.

Various DCTF Members agreed that retrieving gear is important to prevent entanglements and that it would be helpful to have the ability to sell crab when retrieving gear with an in-season waiver. Other DCTF Members noted that when people need help getting gear out of the water, fellow fishermen generously help one another regardless of any incentives. To prevent loopholes, some DCTF Members suggested the captain of the disabled vessel be required to be onboard while retrieving the gear and requiring a two-week timeframe to retrieve gear or possibly requiring the vessel retrieving the gear to carry an electronic monitoring device. Other DCTF Members debated whether cheating is truly a concern while others felt strongly it would be, based on previous experience with the waiver process. DCTF Members discussed options to reduce opportunities for dishonest activity, including a two week limit to sell crab when pulling gear with an in-season waiver. Some DCTF Members expressed concern that two weeks to retrieve gear may not be enough time if there’s bad weather, etc. A couple of DCTF Members commented on the arduous process of getting waivers and the need for LED to issue waivers in a more timely manner. A few DCTF Members thought the permitting process for waivers should be simple and done through a hotline or phone application with about a two-day turnaround time.

CDFW clarified that renewing a waiver after the 2 week period could be considered, and 14 CCR §132.2(b) allows flexibility and discretion for CDFW to issue in-season waivers to retrieve gear. The turn-around time for waiver requests has improved in recent years based on feedback from the fleet. LED expressed interest in allowing more than one vessel to help retrieve gear due to previous experiences with long turnaround times to remove gear after a breakdown. CDFW stated that once implemented by the state, electronic monitoring tools could help enforce waivers. CDFW asked if the gear owner/setter or the waived gear retriever should be responsible for illegally set gear. A couple of DCTF Members suggested the gear owner/setter be responsible for gear violations.

Public comment was taken on the topic at hand.

- Ed Tavasieff, commercial fisherman, asked if there is an expiration for the waivers, what the consequence would be if gear isn't retrieved in two weeks, and whether CDFW has capacity to remove traps.
 - CDFW responded that currently permits are issued for a specified number of days or weeks depending on the circumstances. CDFW LED is not able to retrieve/stack gear.

The DCTF took two straw polls to assess the level of agreement on whether the DCTF supports the ability to sell crab when retrieving gear with an in-season waiver.

Straw poll 1: The DCTF requests that when CDFW issues waivers as indicated in 14 CCR §132.2(b) that CDFW allow the vessel(s) retrieving the gear to land the crab recovered in the traps. Traps should be stacked within two weeks and crab should be sold within that time. A vessel may retrieve gear under the waiver on the same trip when they are servicing their own gear. Waivers may be renewed and after the first two-week waiver period crabs will not be sold. The person who set gear should be responsible for violations. (5 up, 10 sideways, 3 down, 2 abstain) - Pass

Straw poll 2: The DCTF recommends the waiver review period be as timely as possible (e.g., a few days).- Consider utilizing text/phone to expedite the waiver process // NOAA declaration hotline could be considered as a model. The DCTF requests that when CDFW issues waivers as indicated in Title 14 §132.2(b) that CDFW allows the vessel(s) retrieving the gear to land the crab recovered in the traps. The person who set gear should be responsible for violations. A vessel may retrieve gear under the waiver on the same trip when they are servicing their own gear. The DCTF recommends the waiver review period be as timely as possible (e.g., a few days). (6 up, 9 sideways, 3 down, 2 abstain) - Pass

Since both straw polls narrowly passed, CDFW suggested the DCTF identify features and performance expectations for granting the ability to sell crab when retrieving gear with an in-season waiver, which CDFW could evaluate and then share at a future meeting.

A couple of DCTF Members expressed concern that the issue was becoming overly complicated. The intent is simply to allow the sale of crab to improve the process of removing gear from the water quickly. Some DCTF Members thought the current waiver process was working and that any suggested changes needed further deliberation.

ACTION: *Consideration and possible recommendations related to clarifying allowances for the possession of sublegal and female Dungeness crab while servicing gear including but not limited to recommended amendments to Fish and Game Code §8278.*

APPROVED: The DCTF supports tools to remove gear that is not actively being fished from the ocean as soon as possible. To do this, DCTF requests CDFW revisit the waiver process (as mandated in 14 CCR §132.2(b)) to address the following:

- CDFW should allow the crab recovered from the gear that is being stacked to be retained and sold to help incentivize gear retrieval.
- The gear owner should be responsible for any violations associated with the gear while it is being

- stacked and the individual retrieving the gear should not be held liable.
- The individual retrieving the gear via a waiver should be allowed to service their own gear on the same trip(s) as when they are stacking the gear for which the waiver was obtained.
- In an effort to reduce the amount of time it takes to obtain a waiver, tools to expedite the waiver process should be explored, including, but not limited to utilizing text messages/phone calls as well as looking to other waiver-issuing models that work well for fishermen (e.g., NOAA’s waiver declaration hotline).

The DCTF welcomes CDFW to continue to discuss tools and incentives as outlined in this recommendation while also identifying mechanisms to reduce loopholes and maintaining enforceability of existing regulations. The DCTF requests CDFW report back to DCTF on updates to the waiver process (14 CCR §132.2(b)) at a future DCTF meeting.

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
18	1	0	1	1

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

Thumbs up (18): Jim Anderson, Richard Axelson, John Barnett, Scott Bertelsen, George Bradshaw, Tony Cannia, Mark Capra, Vince Doyle, David Haddad, Tom Hart, Scott Hockett, Harrison Ibach, Nick Kreiger, Matthew O'Donnell, Dick Ogg, Rick Powers, Zach Rotwein, Frank Sousa

Thumbs sideways (1): Gerry Hemmingsen

Thumbs down (0)

Abstain (1): Mike Cunningham

Absent (1): Vacant processor seat

9. Discuss the development of DCTF letters in support and/or opposition of Senate Bill 80 and Assembly Bill 534.

SB 80

The DCTF discussed a letter of support for [SB 80](#) as the bill goes through the committee process. Various DCTF Members expressed frustration that the 9-day gear servicing interval amendment (recommendation 6 from the DCTF’s [October 2019 report](#)) was not included in the bill. Mr. Weseloh explained that Senator McGuire carefully weighed the options, including the consideration of opposition expressed by environmental and non-industry organizations due to perceptions of gear servicing in relation to the issue of entanglements. Senator McGuire decided not to include the DCTF’s recommendation for a 9-day gear servicing interval from SB 80 to ensure the bill moves forward. Various DCTF Members expressed interest in having Senator McGuire include recommendations from the March 2021 meeting in SB 80. Some DCTF Members were opposed to this suggestion because they did not support the fair start recommendation.

Public comment was taken on the topic at hand.

- Geoff Shester, California Campaign Director with Oceana, stated that Oceana has great respect for the DCTF’s expertise. Oceana, Natural Resource Defence Council (NRDC), and Earth Justice collectively submitted a letter of support for SB 80. However, they do not support adding an amendment to allow a 9-day servicing interval due to the potential for lost gear, increased whale entanglements, etc. Oceana hopes to have a conversation with DCTF to find a way forward that includes better tracking of lost gear similar to the process used in the California spiny lobster fishery.

AB 534

Various DCTF Members expressed their opposition to [AB 534](#) and stated that the bill would require drastic changes to the fishery.. DCTF Members expressed concerns that the bill is based on outdated entanglement data from a unique El Niño year (the 2015-2016 season), and since that time entanglements have continued to decrease. Additionally, the fishery has taken many precautions to prevent whale entanglements, including delaying the start of the season and closing the season early. Requiring widespread use of “ropeless” (or pop-up)

gear will increase the amount of lost gear in the water and cause potential negative interactions with other fisheries. DCTF Members also noted that other gear innovations are in the process of being designed, developed, and tested by fishermen to ensure their fishability and cost effectiveness. Some DCTF Members worried that the bill would limit opportunities to consider other gear innovations besides “ropeless gear.” A DCTF Member shared their understanding that ship strikes impact whales more than fishing. A DCTF Member who represents the recreational fishing sector emphasized the need for recreational and commercial fishermen to unite against the bill since it would impact all recreational and commercial trap fisheries.

Ms. Bonito stated that although OPC cannot take a position on bills, a letter from OPC was sent to Assemblymember Bonta’s office outlining the entanglement reduction efforts that have taken place to date and the gear innovation project funded by OPC that is currently underway. In addition, OPC offered to provide more background information and technical guidance to the Assemblymember. Ms. Bonito also shared information about the [NMSF gear testing project](#).

Public comment was taken on the topic at hand.

- Ed Tavasieff, commercial fisherman, suggested adding information to the AB 534 opposition letter from Dan Lawson’s, NMFS, presentation on whale populations. He also suggested developing a public relations video to better inform the public about what fishermen have done to reduce marine life entanglements and noted the potential impact of “ropeless” fishing gear on other fisheries such as halibut and salmon trolling.
- Geoff Shester, California Campaign Director with Oceana, stated that Oceana does not support AB 534 and has asked Bonta to withdraw it. The Dungeness crab fishery has a history of supporting innovations and Oceana is encouraged by reduced entanglements and recognizes that fishermen will need to play an integral role in testing new gear. Oceana understands the need for fishermen to oppose AB 534, but wants to make sure that the fleet isn’t opposed to all “ropeless” gear in the future even after it has been further refined to meet the needs of the industry.

Administrative Vote: *Consideration and possible adoption of letters of recommendation and/or opposition related to SB 80 and AB 534.*

APPROVED: The DCTF voted to develop a letter of support for SB 80. The letter expresses gratitude to the bill authors for including recommendations from the DCTF’s [October 2019](#) and [October 2020](#) reports. The letter also acknowledges Recommendation 2 (re: support for amendments to FGC §8280.3). The DCTF requested the bill’s authors consider the recommendations in this March 2021 report and Recommendation 6 from the October 2020 report regarding updating gear servicing requirements. The DCTF acknowledged their support for SB 80 is not contingent on any of the DCTF’s recommended changes to SB 80.

Vote of all DCTF Members (non-voting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
10	9	1	0	1

Note: Roll call is not taken for administrative votes.

APPROVED: The DCTF voted unanimously to develop a letter of opposition for AB 534. The letter highlights that AB 534 will jeopardize the safety, economic viability, and productivity of California’s Dungeness crab industry and could result in adverse impacts to the marine ecosystem and the health and wellbeing of marine life. The authors and proponents of AB 534 have failed to engage with the Dungeness crab fishing industry and align with ongoing multi-stakeholder efforts to innovate alternative gear, missing the opportunity to work collaboratively to address the important issue of reducing marine life entanglements. The DCTF includes examples of work that industry has done in partnership with CDFW, OPC, and others to address this issue. Since entanglements have greatly decreased, the mandate for “ropeless” fishing gear does not reflect the improving nature of the issue. Problems with the bill

include the high cost of the gear, concerns about gear loss, and the fact that it would limit further innovation to address entanglement issues. The DCTF highlights that the RAMP program is already in place to manage entanglements and that more data on whale populations is needed to understand fishing and other (e.g., ship strikes) impacts to whale mortality. The DCTF and industry welcome gear testing to identify appropriate and cost-effective solutions to marine life entanglements and wish to be engaged in the design, development, and testing of all alternative gear-types.

Vote of all DCTF Members (non-voting Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	1	0	0	1

Note: Roll call is not taken for administrative votes

10. 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 [letter of support for SB 80](#) and a [letter of opposition for AB 534](#); Submit the letters on the DCTF's behalf following their review
- Develop a [report to send to the Joint Committee on Fisheries and Aquaculture, CDFW, OPC, and the Fish and Game Commission](#)
- Share an email through the DCTF email list with follow up materials from this meeting
- Reach out to all DCTF Members to confirm their Alternate
- Make the meeting recording available upon request for 30 days following the meeting
- Work with OPC to fill the vacant processing seat on the DCTF
- Track ongoing topics from this meeting including needs to adjust the charter to reflect the DCTF's recommendation on voting, the voting status of CPFV and sport seats, the status of the alternative gear application, the status of whale-related discussions, etc.

CDFW will

- Share an explanation of how to fish/use a dump box without being in violation of FGC §8278 via the next DCTF meeting and/or a preseason FAQ document
- Circle back with the DCTF on the waiver process (14 CCR §132.2(b))

DCTF Members will

- Review draft materials including meeting summary, DCTF report, SB 80 letter of support, and AB 534 letter of support (see Admin Team next steps)
- Identify an Alternate and share contact with Strategic Earth
- Support the Admin Team in circulating the solicitation for the processing seat

The Executive Committee

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

11. Adjourn