



~California Dungeness Crab Task Force~

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

DCTF MEETING SUMMARY

April 23, 2024 - VIRTUAL MEETING

The purpose of this meeting summary is to:

- Provide a high-level summary of discussions and outcomes from the April 23, 2024 Dungeness Crab Task Force (DCTF) meeting that took place via Zoom; 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

MEETING ATTENDANCE

DCTF Members

Tony Anello, Fort Bragg, Lower Production Level
Richard Axelson, Alternate for Bill Blue, South of Half Moon Bay, Upper Production Level
Geoff Bettencourt, Half Moon Bay, Upper Production Level
Mark Capra, Coastside Fishing Club, Recreational
Joe Cincotta, Pacific Choice, Processor
Mike Cunningham, Eureka, Upper Production Level
Barry Day, Alternative for Jerry Pemberton, Half Moon Bay, Lower Production Level
Tom Estes Jr, Fort Bragg, Upper Production Level
Holly Fruehling, San Francisco Lower Production Level
Scott Hockett, Noyo Fish Company, Processor
Jenn Humberstone, Alternate for Kate Kauer, The Nature Conservancy, Nongovernmental Organization
Harrison Ibach Eureka, Lower Production Level
Christy Juhasz, California Department. of Fish & Wildlife
Asst. Chief Eric Kord, California Department of Fish & Wildlife
Nick Krieger, San Francisco, Lower Production Level
Tim Obert, South of Half Moon Bay, Lower Production Level
Dick Ogg, Bodega Bay, Upper Production Level
Shauna Oh, California Sea Grant
Rick Powers, Commercial Passenger Fishing Vessel
Zach Rotwein, Trinidad, Production Level Not Specified*
Randy Smith, Crescent City, Production Level Not Specified
Fred Soares, Crescent City, Lower Production Level
Troy Wakefield, Crescent City, Upper Production Level

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

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

Absent

Tony Cannia, Fort Bragg, Lower Production Level
Brian Nolte, Nonresident
Ross Taylor, Humboldt Area Saltwater Anglers, Sport Fishing

Vacant seat, Nongovernmental Organization

CA Department of Fish and Wildlife

Ryan Bartling, Marine Region
Ellie Brauer, Marine Region
Cpt. Brent Chase, Law Enforcement Division
Joanna Grebel, Marine Region
Allegra La Ferr, Marine Region
Lt. Specialist Tiffany Wolvek, Law Enforcement Division

DCTF Administrative Team

Rachelle Fisher, Strategic Earth Consulting
Kelly Sayce, Strategic Earth Consulting
Scarlett Schroeder, Strategic Earth Consulting

1. Welcome, introductions, agenda review

The Admin Team walked through the agenda, meeting agreements, and voting procedures. [Procedures for public comment](#) and participation were also reviewed. The intention for this meeting was for the DCTF to decide if/how they were interested in responding to the California Department of Fish and Wildlife's (CDFW) [proposed regulatory changes to the Risk Assessment and Mitigation Program \(RAMP\)](#).

2. Public comment on non-agenda items

- No public comment was received.

3. Presentation and discussion on the proposed regulatory changes to RAMP, including, but not limited to, addressing marine life entanglements in the Dungeness crab fishery, how the draft amendments would impact the commercial Dungeness crab fishery, CDFW's implementation timeline, clarifications, alignment of the draft regulations with Incidental Take Permit needs, etc.

Ryan Bartling, CDFW Marine Region, gave a presentation to provide [updates on the proposed regulation changes of RAMP 2.0 for the California Dungeness crab fishery](#).

DCTF Members asked clarifying questions and discussed elements of the presentation. The [proposed regulatory changes](#) were referenced throughout the discussion.

§ 132.8 (c), Title 14 CCR - Triggers for Management Action

- DCTF Members asked a number of clarifying questions around the triggers for management action. Below is a summary of the responses from CDFW:
 - If triggers are met for the prior season or over the summer, a gear reduction or other management tool is not automatically prescribed. CDFW, in consultation with the National Marine Fisheries Service (NMFS) and the [Whale Working Group](#), will evaluate

how to address and minimize risk for the upcoming season (e.g., delay the season until marine life concentrations are low).

- Entanglements from unknown fishing gear (referred to as unknown entanglements) discovered outside California waters would not be counted against the California Dungeness crab fishery, while unknown entanglements found within California waters would count against the California Dungeness crab fishery as clarified in the proposed regulatory text. Entanglements confirmed in California Dungeness crab gear reported from any location will continue to count against the fishery.
- If a leatherback sea turtle entanglement sighting results in a delay in management zones 3 and 4, fair start would be applied and CDFW, in consultation with NMFS and the Working Group, would consider when those zones may open and what management actions may or may not be needed.
- Some DCTF Members stated that whale and gear interactions are not increasing at the same rate as whale population increases, indicating that the increases in the impact score numbers in the proposed regulations are unnecessary. Instead, the impact scoring should reflect the current population trends and allow for more entanglements before management measures are necessary. CDFW shared that the impact scoring numbers are indicated by NMFS as being required to receive an Incidental Take Permit (ITP) and are informed by stock assessments. NMFS may adjust these numbers if future stock assessments show population growth. Various DCTF Members expressed frustration that managers do not recognize the efforts from the fleet to address entanglements, which is resulting in more restrictive triggers for management actions.

§ 132.8 (e), Title 14 CCR - Management Actions

Fleet Advisory

- Multiple DCTF Members expressed concern about removing the fleet advisory from the list of potential management actions because they believe a fleet advisory should be employed before a more drastic management measure is put in place. CDFW explained that fleet advisories will continue to have their place in Dungeness crab fishery management as a voluntary effort but could not be used as a tool under RAMP as they do not have a measurable effect on entanglement risk, a requirement to receive an ITP. This has been highlighted in the conservation plan.

Surface Gear

- A DCTF Member shared that during a recent gear recovery trip, they recovered approximately 40 traps and only a quarter of them had surface gear attached implying that traps without surface line/trailer buoys are more likely to be lost than those with surface gear. Various Members stated that including a prohibition of surface gear as a management action in RAMP would result in more lost gear and would be counterproductive to the RAMP's goals of reducing entanglement risk.

Active Tending Requirement

- DCTF Members expressed concern about including the active tending requirement as a RAMP management action. DCTF Members explained that the management action would not be financially feasible and would reduce the fishing capacity of each boat to roughly 20% of

capacity. Members discussed whether the management action could be used at the start of the season to support holiday markets and decided that it would not be financially viable even then.

- A DCTF Member was frustrated that active tending was included as a management action in the proposed RAMP regulations when the DCTF expressed opposition to it during the [November 2023 DCTF meeting](#). CDFW voiced they had heard interest in gear tending which prompted them to include it as an additional tool in the RAMP toolkit.
- Multiple DCTF Members asked for research demonstrating the link between shorter servicing times and decreased entanglement risk. CDFW shared that they were modeling the proposed tool after hoop net operating standards and, if used, would likely be paired with a gear reduction. CDFW explained that if the gear was being routinely serviced, fishermen could actively monitor the area for whale activity. CDFW's intention in introducing this management action was to support the fleet's desire to have holiday markets again. A DCTF Member disagreed with CDFW's rationale and shared that fishermen in the Central Management Area have been fishing with a gear reduction all season and have been monitoring for whale activity routinely 24 hours a day, but the risk of entanglement did not change as a result.
- DCTF Members were concerned about the feasibility of servicing gear at four-hour intervals and expressed concerns about safety if it were implemented. They explained that every day would be "dump day" and there would be a lot of traffic in small areas. A DCTF Member added that all the new regulations in the commercial Dungeness crab fleet (e.g., electronic monitoring) are placing huge burdens on the fleet and this new regulation would likely result in higher rates of unintentional violations since it would be extremely difficult to service gear within the four-hour window.

§ 132.8 (g), Title 14 CCR - Mandatory Data Reporting Requirements

- DCTF Members explained that the way the proposed regulations are currently worded, fishermen would be subjected to economic hardship if their electronic monitoring units unintentionally fail. A DCTF Member explained that if a unit fails, there may not be local repair capabilities for the unit and it could take weeks or months to be resolved. Electronic monitoring units can also fail without a fisherman being aware for days or weeks. The current regulatory language as is prevents Dungeness crab fishing activity when the unit is not working and does not take into consideration the amount of time required for the repair of broken electronic monitoring units as well as the missed financial opportunity for those affected. Members explained that if a unit were to break before or during the opener, the financial impacts to the permit holder would be catastrophic. CDFW recommended a conversation with LED. DCTF Members suggested amending the proposed regulations by allowing fisherman's plot charter data or similar information to be made available to CDFW's Law Enforcement Division (LED) upon request.
 - Various DCTF Members shared their experiences with electronic monitoring equipment failing or malfunctioning in other fisheries and the legal and financial issues that have resulted.
 - Members expressed concern that since the electronic monitoring device supplied by CDFW is not durable (e.g., not waterproof), transmission failures are very likely. They requested that CDFW notify them when their unit isn't working. CDFW explained that it would be the responsibility of the vessel operator to monitor their electronic monitoring equipment and ensure it is working properly through the interface (e.g., app, web) provided by their electronic monitoring equipment.

- A DCTF Member shared that they participated in a project investigating vessel monitoring and implementation across the United States and globally that developed recommendations around electronic monitoring, especially for East Coast fisheries. They offered to share the report when it is available.
- A DCTF Member asked whether the unit needed to be turned off when participating in other fisheries during and outside the Dungeness crab season. CDFW clarified that fishermen may leave their units on when fishing other fisheries. If they had set up the unit this season, the subscription would be valid through the end of the Dungeness crab statutory season.

§ 132.8 (h), Title 14 CCR - Dungeness Crab Fishing Gear Identification

- A DCTF Member asked a clarifying question about buoy markings and whether buoy markings need to be changed if someone else were to fish their gear. Would they need to replace all their buoys to identify who is currently fishing them? LED requires the commercial fishing license number (CFL) of the operator to be on the main buoy, not the trailer buoys. So whoever is running the vessel and the gear would need to have their CFL on the buoy. Updating this requirement may require changes to Fish and Game Code.
- DCTF Members were concerned that the proposed regulations require costly gear modifications (e.g., line marking, changes in buoy marking), and there is no promise that the fleet won't eventually be required to use alternative gear. A DCTF Member asked for written reassurance that traditional gear will continue to be allowed in the Dungeness crab fishery. CDFW does not anticipate traditional gear being banned in place of alternative gear in the near future. That being said, CDFW explained that they cannot control bill proposals under the legislative process.
- DCTF Members asked if funding could be made available to support the Dungeness crab fleet in marking their buoys and lines. CDFW shared that [OPC has designated funding for this effort](#) and CDFW is looking into additional funding sources.
- DCTF Members expressed frustration that they are being required to make costly changes to improve gear identification at the same time as the thresholds triggering a management action are being reduced, thereby increasing the penalties to the Dungeness crab fishing fleet. There were also concerns that unknown entanglements would continue to penalize the fishery until 2028 while the fleet updates gear to comply with the new marking requirements.
- The DCTF explored whether shortening or changing gear-marking implementation timelines would reduce unknown entanglement penalties in the near term. Some Members stated that a shorter timeframe for implementation was not feasible as the fleet will need time due to the large financial burden of complying with the line marking regulation. The discussion also indicated that even if the entire fleet were to mark the surface line sooner, the timeline for reducing unknown entanglement penalties would still be set for the 2028-29 season. DCTF Members reminded CDFW that their [November 2023 recommendation](#) supporting marking of surface gear was made with the understanding that they would no longer be penalized for unknown entanglements under RAMP.
- A DCTF Member expressed concern with the speed at which manufacturers would be required to produce material so the fleet could comply with the proposed RAMP regulations. The Admin Team reminded the DCTF that painting lines was acceptable as an alternative to buying new manufactured lines, and the fleet has until the 2025-26 season to comply with the surface gear marking, while they have until the 2028-29 season for the vertical line to be marked. CDFW

added that the buoy marking would need to be updated by the 2024-25 season and was specific to the California Dungeness crab fishery.

- DCTF Members were concerned that the anticipated [Take Reduction Team \(TRT\)](#) would change regulations like these after the fleet had already made large investments in line marking, electronic monitoring, etc. They shared that they should not be required to mark gear as outlined in the proposed regulations until after direction is received from the TRT because of the huge financial investment. CDFW shared that line marking was one of the non-negotiable aspects of the proposed RAMP regulations. CDFW shared that they are hopeful the public and TRT recognize the work California has done to identify and reduce entanglement risk within the Dungeness crab fishery and model their recommendations off California's existing regulations and Conservation Plan.
- A DCTF Member explained that the Chevron deference doctrine is currently being heard by the United States Supreme Court and could have implications for the TRT and other regulations directed by the federal government.
- A DCTF Member asked how LED intended to enforce line marking regulations. CDFW shared they would conduct spot checks similar to how they currently enforce regulations.

§ 132.8 (i), Title 14 CCR - Alternative Gear

- DCTF Members asked if CDFW intended to allow the use of alternative gear at the season start and asked for clarification around the language allowing alternative gear use after the season closed instead of on a set date. CDFW explained that if the season were to close early, EFP participants could begin fishing once the season closes instead of waiting until an arbitrary date. They clarified at this time their intention for alternative gear to be used in the spring after the closure of the fishery with traditional gear.

Additional Regulatory Interests

Multiple DCTF Members expressed interest in recommending changes to the 96-hour gear servicing requirement to match Oregon and Washington's 12-day service interval requirement. A DCTF Member explained that it is difficult to comply with the current regulation, which has resulted in increased violations or unsafe fishing practices to comply with the law. The Admin Team reminded the DCTF that they made a similar [recommendation in 2020](#) and [again in 2021](#) to extend gear servicing intervals. However, this recommendation has not resulted in updated legislation nor is it supported by CDFW. In the context of a RAMP management tool, CDFW is aiming to reduce the service interval further (see discussion above on active tending) to help lower entanglement risk and align with ITP requirements. This will not impact the 96-hour gear servicing law, which is in the Fish and Game code. Additionally, since the 96-hour gear servicing requirement is not (and cannot be) addressed in the proposed RAMP regulation updates but is regulated by the Legislature, it is outside the scope of the RAMP's public comment process, and the Admin Team suggested the DCTF revisit this discussion during their next meeting.

Public Comment

- Ed Tavasieff, commercial fishing, supported a management action that allowed for a tended gear option when the risk of entanglement is elevated. He defined active tending of gear as "day fishing" and explained that it could create a critical opportunity for small boats to fish during the holiday season. He also shared his experience fishing halibut with alternative gear and expressed interest in ensuring that there are options for line marking that are low cost (e.g., dyeing or weaving in small markings).

ACTION: Consideration and possible development of recommendations related to management actions that could be responsive to whale entanglement risk and written comments related to the proposed revisions of the RAMP regulations to be submitted prior to CDFW's written public comment period deadline of no later than May 21, 2024.

Based on the discussion, the DCTF developed the below recommendations to be submitted as public comments to CDFW. While the DCTF voted on the following recommendations collectively for efficiency, the DCTF requested that the CDFW consider the merits of each recommendation individually. The results of the vote on the full suite of recommendations are as follows:

The DCTF unanimously approved the following recommended changes to the proposed RAMP rulemaking. While the recommendations were voted on collectively during the meeting for efficiency, the DCTF would like CDFW to consider the merits of each recommendation individually.

APPROVED: § 132.8 (c), Title 14 CCR - Triggers for Management Action. The DCTF recommends amending Title 14 CCR Section 132.8(c) to increase entanglement triggers to reflect whale population increases. The current management triggers outlined in the proposed regulatory amendments are excessively low and need to account for the increased interactions expected as whale populations continue to increase. A 2020 report from Calambokidis and Barlow,² which serves as the basis for the NOAA's humpback whale stock assessment,³ indicates that humpback whale stocks have grown 8.2% annually since 1989. The DCTF understands that this figure is not specific to the threatened Mainland Mexico - CA-OR-WA humpback stocks, but neither are the triggers outlined in the proposed RAMP amendments. As humpback whale populations increase, the probability of interactions between whales and fishing gear also increases. This probability should be factored into the triggers such that the fishery is not immediately closed after three entanglements, but rather, more entanglements (e.g., five) will be allowable before the fishery is closed.

§ 132.8 (e), Title 14 CCR - Management Actions. The DCTF requests that "fleet advisory" continue to be included as a management action when the risk of entanglement is elevated prior to triggering a closure. The DCTF is concerned that by removing "fleet advisory" from the list of RAMP management actions, CDFW is missing a critical first step in mitigating entanglements before placing hardship on the fleet. Fleet advisories are an essential tool to raise awareness about the presence of whales and create an opportunity for whales and fishing activities to coexist. Alerting the fleet about the presence of whales is vital to help ensure fishermen can take the necessary precautions to avoid entanglements before a more oppressive management action is employed that may cause financial hardship to the fleet.

The DCTF recommends removing the "surface gear" prohibition as a potential management action when a trigger for management action has been reached. Surface gear is critical to help locate and pull fishing gear, especially in high current or traffic areas. Prohibiting surface gear when entanglement risk is elevated will result in increased gear loss, further hindering entanglement mitigation efforts. While a few fishermen do not use surface gear to locate their gear, they constitute the minority of the fleet. Conversely, some fishermen use excessive surface line and should be held accountable through existing regulations and a best practices guide that requires and instructs those individuals to fish more responsibly. Fishermen who

² Calambokidis, J. and J. Barlow. 2020. Updated abundance estimates for blue and humpback whales along the U.S. West Coast using data through 2018, U.S. Department of Commerce, NOAA Technical Memorandum NMFS-SWFSC-634. <https://repository.library.noaa.gov/view/noaa/27104>

³NOAA Fisheries. 2023. Humpback Whale (*Megaptera novaeangliae kuzira*) Mainland Mexico - California - Oregon - Washington Stock. <https://www.fisheries.noaa.gov/s3/2023-08/Humpback-Whale-Mainland-Mexico-2022.pdf>

have been recovering lost gear since the season closed in the Central management area in early April report that approximately 85% of lost gear recovered has no surface gear attached. This provides a strong argument for the association between lost gear and lack of surface line. CDFW indicated in its draft Conservation plan that removing and preventing lost, and derelict gear is an urgent and crucial step to reducing the number of entanglements. Prohibition of surface gear, when entanglement risk is elevated, contradicts that stated goal. Instead, CDFW should require fishermen to fish with as tight of line as possible as instructed by CDFW's best practices guide.

The DCTF recommends removing the "active tending requirement" when a trigger for management action has been reached. This DCTF discussed a version of this "active tending requirement" during their November 2023 meeting.⁴ With only two exceptions, the DCTF did not support the concept of active tending during the fall opener due to safety concerns whereby fishermen will fish in dangerous conditions and questioned the ability to enforce compliance. DCTF continues to explain that active tending would promote congestion of gear close to shore creating safety and navigational hazards. The DCTF is concerned that CDFW disregarded their feedback and reiterated their concerns about safety and enforceability.

§ 132.8 (e) & (i), Title 14 CCR - Alternative Gear. The DCTF recommends clarifying that alternative gear may only be used in the spring after a season fishery closure throughout all the regulations.

Section 132.8 (e)(6) states that alternative gear may be used "During a Fishery Closure after the Fishing Season has opened...", which makes it clear that alternative gear will only be permitted after the season closes, not during a delay. However, Sections 132.8 (e)(5) and (i)(1)(A) are less clear about when alternative gear may be permitted to be used such that it could be authorized during a delay or at the season opener. In their 2023 report⁵, the DCTF stated that they "[do] not support, under any circumstances, commercial Dungeness crab fishing in the fall before the legal commercial crab opener with the use of alternative or non-traditional Dungeness crab trap gear. The commercial fishery should only open once traditional fishing gear, as defined in FGC §9006 and §9011, may be used."

The DCTF stated that the fleet's priority is to provide fishermen the opportunity to maximize their income while minimizing the risk of entanglements. The DCTF supports alternative/non-traditional gear (e.g., pop-up gear, hoop nets) in the spring and opposes it in the fall before the opener. An entanglement from alternative gear during a delayed opener could jeopardize the broader commercial opener. Dungeness crab is one of California's most valuable fisheries⁶ with approximately 80 percent of the catch landed in the first six weeks of the season, starting late fall and tapering off in the winter. A large proportion of the commercial Dungeness crab fleet participates at the start of the season, and their businesses rely on it.

§ 132.8 (g), Title 14 CCR - Mandatory Data Reporting Requirements. The DCTF recommends amending Section 132.8(g)(3)(C) to say: "Whenever regular data transmission is interrupted, or the vessel owner/operator is notified by the department that data are otherwise not being received, the vessel shall be allowed to continue fishing. Upon request, the vessel owner/operator shall share their vessel track lines from a data plotter or other onboard backup

⁴ Dungeness Crab Task Force. 2023. November 2-3, 2023 DCTF Meeting Summary. https://opc.ca.gov/wp-content/uploads/2023/12/DCTF_DRAFT_Meeting-Summary_Nov2-3_2023_508.pdf

⁵ Dungeness Crab Task Force. 2023. November 2023 recommendations from the California Dungeness Crab Task Force. https://opc.ca.gov/wp-content/uploads/2023/12/DCTF_LegReport_November_2023_508.pdf

⁶ California Department of Fish and Wildlife. 2023. Dungeness Crab, *Metacarcinus magister*, Enhanced Status Report. <https://marinespecies.wildlife.ca.gov/dungeness-crab/>

device with the department’s law enforcement division until regular data transmission resumes.”

DCTF Members and other Dungeness crab fishery participants have extensive experience with onboard vessel tracking devices in other fisheries and have suffered financial hardships due to their malfunction. Many times, vessel operators are unaware that their devices have been malfunctioning for quite some time. Additionally, it can take weeks or months to repair the vessel tracking unit since local repair services are often nonexistent. If a fishing participant were to miss the commercial fishing season opener as a result of a malfunction of their electronic monitoring device, it would have devastating impacts on their business and livelihood. The DCTF recommendation is an attempt at a solution that balances CDFW’s need for data where fishing occurs while not creating undue hardship on fishing participants.

| Thumbs up | Thumbs Sideways | Thumbs Down | Abstained | Absent |
|-----------|-----------------|-------------|-----------|--------|
| 15 | 0 | 0 | 0 | 7 |

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

Thumbs up (15): Tony Anello, Richard Axelson, Geoff Bettencourt, Mark Capra, Mike Cunningham, Barry Day, Scott Hockett, Harrison Ibach, Nick Krieger, Tim Obert, Dick Ogg, Rick Powers, Randy Smith, Fred Soares, Troy Wakefield

Thumbs sideways (0)

Thumbs down (0)

Abstain (0)

Absent (7): Mark Capra, Joe Cincotta, Tom Estes Jr., Holly Fruehling, Brian Nolte, Zach Rotwein, Andrew “Boomer” Schlafer

4. 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, and work with the DCTF to review it for accuracy before finalizing.
- Develop a public comment letter to be sent to CDFW, and work with the DCTF to review it for accuracy before finalizing.
- Make the meeting recording available upon request for at least 30 days following the meeting.
 - For questions and/or a copy of the recording email info@dungenesscrabtaskforce.com

DCTF Members will

- Review draft materials including meeting summary and public comment letter (see Admin Team next steps).
- If interested, provide individual written public comment on the proposed RAMP 2.0 regulations either directly to CDFW by 5pm May 21, 2024 or during the [virtual public hearing on May 21, 2024](#).

5. Adjourn