

# Meeting Summary

## DCTF Executive Committee

### May 4, 2022

#### *Meeting Participants*

EC Members Present	Gerry Hemmingsen, Zach Rotwein, Mike Cunningham, Nick Krieger (Alternate for Larry Collins), Bill Blue, Geoff Bettencourt, John Barnett, Dick Ogg, Troy Wakefield (Alternate for George Bradshaw)
EC Members Absent	None
Other Meeting Participants	Noah Ben-Aderet, Ocean Protection Council Duy Truong, California Department of Public Health Joanna Grebel, CA Department of Fish and Wildlife Christy Juhasz, CA Department of Fish and Wildlife Cpt. Eric Kord, CA Department of Fish and Wildlife Lt. Brent Chase, CA Department of Fish and Wildlife Ryan Bartling, CA Department of Fish and Wildlife Tim Scully, Joint Committee on Fisheries and Aquaculture  Rachelle Fisher, DCTF Administrative Team Brittani Bohlke, DCTF Administrative Team Support Kelly Sayce, DCTF Administrative Team

#### Meeting Summary

##### *1. Welcome, introductions, agenda overview.*

- The California Dungeness Crab Task Force (DCTF) Administrative Team (Admin Team) introduced and welcomed participants to the DCTF Executive Committee (EC) call.
- The EC is a subcommittee of the DCTF and cannot make decisions on behalf of the DCTF. The DCTF has directed the EC to begin discussions to address priority topics and help usher DCTF recommendations between DCTF meetings. The [2021-2023 Work Plan](#) and submissions from the public (see [Guidelines to Submit Requests DCTF & Executive Committee Agenda Items](#)) also guide EC discussions. All meeting outcomes, including ideas and options developed by the EC, will be shared with the full DCTF for consideration during the next DCTF meeting that is anticipated for October 2022.
- Agenda topics, meeting agreements, and [guidelines for providing public comment](#) were reviewed. The Admin Team reminded participants that per the Bagley-Keene Open Meetings Act, new topics cannot be added to the agenda once it has been posted (a minimum of 10 days in advance of the meeting).
- A recording of the call will be available upon request for 30 days following the call. Please contact [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com) for more information.

##### *2. Public comments on non-agenda items.*

- No public comment was received on this agenda item.

3. Updates on issues involving the Dungeness crab fishery, including, but not limited to, the status of DCTF recommendations from previous meetings, sort box, bi-weekly report compliance, 2022 DCTF Election status, the Risk Assessment and Mitigation Program etc.

- **Status of DCTF recommendations from previous meetings:** The Admin Team explained that a bill has not been introduced this year to address the [DCTF's recommendations 2021 recommendations](#) where legislation was requested. This process is being tracked closely and the Admin Team is in touch with Senator McGuire's office. CDFW has responded to many of the DCTF's requests (i.e., those related to sort box, Risk Assessment and Mitigation Program (RAMP) etc.) and provided the following related updates:
- **Sort Box:** In March 2021, the DCTF requested that the California Department of Fish and Wildlife (CDFW) develop a Frequently Asked Questions (FAQ) document to provide guidance on how a commercial Dungeness crab fisherman can fish legally with a sort box. CDFW developed and circulated a [Sort Box FAQ](#). CDFW explained that the regulations are complex and they hope this FAQ provides the clarification they need. CDFW explained that overall, the FAQ indicates that the longer fishermen delay sorting their catch, the higher the risk of a citation.
- **Bi-weekly Report Compliance:** CDFW explained that the bi-weekly reporting by the commercial Dungeness crab fishery is a requirement of the [RAMP](#). The 2021-22 season is the second season where reporting is required and is instrumental in informing the RAMP risk assessments. CDFW explained that they are still receiving late and incomplete reports. Reports are required to be submitted biweekly and folks may start receiving letters if they continue to miss or send late reports. CDFW is also working on a new database to improve communications around biweekly reporting and send out reminders to permitholders.
  - An EC member asked when they are allowed to stop submitting biweekly reports. CDFW responded that permitholders can stop submitting reports once the gear is completely out of the water and they are finished fishing for the season.
- **2022 DCTF Election Status:** The Ocean Protection Council (OPC) and CDFW are carrying out DCTF commercial fishing elections as described in [Fish and Game Code Section 8276.4](#). CDFW explained that 10 of the 17 commercial fishing seats are up for election this year. There have been 12 nominees confirmed to-date, but there are still vacant seats in the following port complexes: Fort Bragg, San Francisco, and Half Moon Bay. The call for nominations will be opened again for the month of May. The nomination form will be circulated through the DCTF email list and is on the [DCTF Website](#). If these seats remain vacant, they will remain vacant for the next 3 years and vacancies on the DCTF makes it difficult to achieve quorums for meetings. CDFW urged folks to get the word out and welcomed self-nominations. They also reminded meeting participants that current DCTF Members must be re-nominated and re-elected through this process to remain on the DCTF.
  - An EC member indicated that they were not aware there were vacant seats in certain ports. CDFW offered to connect with the EC member about it.
- **Risk Assessment and Mitigation Program (RAMP):** CDFW provided the following updates:
  - Ten risk assessments were completed to assess marine life entanglement risk throughout the 2021-22 fishing season. CDFW completed 12 aerial surveys and other data sources were used throughout the season to inform the risk assessments. As of April 20, 2022 the commercial Dungeness crab fishery was closed throughout California. And as of April 24, 2022 the use of crab traps for recreational fishing was restricted. CDFW is planning aerial surveys following these closures to check for lost gear and track whale migrations. There will be a Dungeness Crab Fishing Gear Working Group (Working Group) meeting on May 16, 2022 to close out the 2021-22 season and CDFW is also looking to convene the annual Working Group meeting this summer.
    - Another EC member asked for details about CDFW's most recent aerial survey. CDFW responded that it was April 7, 2022 and CDFW did not see any humpback whales. The EC member expressed concern that the Northern Management Area was closed despite CDFW not seeing any Humpback whales in their survey, explaining that the closure was unjustified and costing the fleet millions of dollars. He suggested the RAMP treat the

Monterey Bay area differently than the rest of the coast. CDFW meeting participants responded that the closure was based on the three confirmed whale entanglements in commercial Dungeness crab gear that occurred during the fishing season. The incidental take permit (ITP) required by the National Marine Fisheries Service (NMFS) is for the Dungeness crab fishery that is managed statewide so CDFW is unable to separate the impacts of entanglements from one zone affecting other zones. CDFW is working with NMFS to understand the commonalities between entanglements because whale concentrations were low in the areas where the entanglements occurred. There are refinements and improvements that may be able to be made as CDFW is considering updates to the RAMP and refinements in how the Director can take action, but it won't be solved today.

- An EC Member asked how the three entanglements during the 2021-22 season will affect the 2022-23 season opener. CDFW explained that the three entanglements will factor into the 3-year running average impact score and it will be up to the discretion of the Director to determine how to open the fishery. CDFW anticipates the Director will be more risk averse, especially in the Central Management Area, so action levels are not exceeded.
- An EC member asked if the whales entangled in the 2021-22 season were entangled in Monterey Bay. CDFW responded that two of the three entangled Humpback whales were not entangled in Monterey Bay. One was entangled just off the San Mateo coast and the other was entangled off the Farallon Islands. CDFW is still trying to understand the problem of how whales get entangled and how to address these issues.
- An EC Member voiced concerns that there are no realistic pathways to have fishing alongside whales and CDFW has not approved the use of any alternative gear types even though it has been discussed for over five years. They requested that CDFW allow the use of alternative gear during the spring of the 2022-23 fishing season. CDFW responded that so far, alternative gear requests have not aligned with CDFW requirements. CDFW mentioned that the [Experimental Fishing Program](#) has been in place since April 1, 2022 and is available as an option to test gear that could be considered by CDFW in the RAMP program. The Working Group and the National Marine Sanctuaries Foundation are also working on finding alternative gear solutions. There are also meetings in the works to bring together fishermen and alternative gear innovators to find solutions and work to get something authorized by CDFW.
- Following the closure of the commercial Dungeness crab fishery, the [Trap Gear Retrieval Program](#) is currently underway and allows for retrieval of lost or abandoned commercial Dungeness crab fishing gear. Last year there were around 250 traps removed from the ocean and CDFW will look to the same target for this year. There will be a report with statistics on trap gear removal for this season available at the end of 2022. This year, there are five active permits for the program that will retrieve commercial Dungeness crab fishing gear in Monterey, Half Moon Bay, San Francisco, Trinidad and Crescent City.
  - A Member expressed concern about the reporting timelines for the gear retrieval program and stated that the DCTF should discuss recommendations to address issues like these in the gear retrieval program.
- CDFW is planning to follow up on the pilot industry-led vessel surveys for the 2022-23 season to inform the RAMP, especially in zones 1 and 5 where less data is available. The Nature Conservancy (TNC) may provide some funding for the surveys and CDFW can provide some data and staff support.

#### Public Comment

- No public comment was received on this agenda item.

4. *Begin learning about and providing feedback to support the California Department of Public Health's mandate (Health and Safety Code Article 15 Eviscerated Crab) to develop tools that would allow implementation of evisceration options in future commercial Dungeness crab fishing seasons.*

- The DCTF made a [recommendation in October 2019](#) that the Legislature give the California Department of Public Health (CDPH), the Office of Environmental Health Hazard Assessment (OEHHA), and CDFW (the agencies) the authority to implement evisceration options in California in response to elevated domoic acid levels in Dungeness crab. [Senate Bill \(SB\) 80](#) was developed in response to this recommendation. As required by SB 80, CDPH joined this EC meeting to provide an update on their efforts to respond to the mandate.
- CDPH gave a short presentation on SB 80 and existing regulations related to evisceration orders. They explained that domoic acid levels are monitored for Dungeness crab by CDPH with support from CDFW. When crab viscera exceeds the federally adopted domoic acid action level, OEHHA, in consultation with CDPH, would recommend to CDFW to delay the opening or close the Dungeness crab fishery. SB 80 requires CDPH to issue an order authorizing evisceration in areas where viscera (not meat) exceed action levels. The law mandates CDPH to consult with DCTF to develop criteria for the manufacture, sale, delivery, holding, or offering of Dungeness or rock crab that is subject to Article 15 Section 111224.5 of the Health and Safety Code. To that end, CDPH also requested guidance on how to best communicate with DCTF about implementing SB 80. The DCTF and members of the public are invited to follow up directly with CDPH via email at: [SeafoodReporting@cdph.ca.gov](mailto:SeafoodReporting@cdph.ca.gov).
  - Two EC Members asked if eviscerated products could be transferred and processed out of state. They said a lot of markets have out of state plants and that they would like to add this to the next DCTF agenda. CDPH responded Senate Bill 80 requires that commercial Dungeness crabs have to be landed and processed by a processor approved and registered by CDPH. CDPH only has authorization to register processors within California.
    - The Admin Team responded that DCTF could make a recommendation for a legislative change to allow eviscerated Dungeness crab to be processed in other states, but more research is needed to understand how to effectively frame the recommendation. There are currently no federally approved plans and the Hazard Analysis Critical Control Point (HACCP) plan must be approved by CDPH.
  - An EC member asked for clarification: following two consecutive tests where the viscera were below action levels would an evisceration order be required.
    - CDPH responded by explaining that if the viscera fails and the meat passes, then CDPH shall issue an evisceration order. If the viscera is below action levels following the two tests, the fishery will open without an evisceration order in place, provided there are no other barriers (e.g., RAMP delays, etc.).
    - A couple EC Members explained that they would like more time for the domoic acid to clear the crab before an evisceration order would be implemented because it would negatively impact live markets. The Admin Team reminded folks that the DCTF recommended the state wait until Feb 1st before allowing fishing under an evisceration order. Once regulations are in place, CDPH must issue an evisceration order when the viscera is above, but the meat is below the action level, while the decision to open or delay a fishing area will be up to the CDFW Director. CDFW said they are still drafting regulations and there will be opportunities for input. It should not be assumed that certain areas would be opened under evisceration orders and they will take the DCTF's recommendation under advisement.
- The EC would appreciate the opportunity for the DCTF to continue working with CDPH to consult on the implementation of SB 80. They requested CDPH work through Strategic Earth to share questions as they are developing these plans and any other information that could be circulated to the EC and DCTF. The Admin Team said they would follow up with CDPH about how they can continue to engage around evisceration and next steps.

## Public Comment

- No public comment was received on this agenda item.

### *5. Discuss capacity goals of the commercial Dungeness Crab fishery for the next 5 years and brainstorm options to help the industry reach those goals.*

- In October 2019, the DCTF requested the EC discuss a buy-out. During their [April 2020 meeting](#), the EC had a robust discussion and stated that before exploring a buyout there needed to be discussion about the goals of the fishery more broadly. The ensuing discussion focused around the following questions:
  - What is the problem to be solved?
  - What are the capacity goals for the commercial Dungeness crab fishery? And why?
  - What are the strategies and tools to achieve stated capacity goals?
- *What is the problem to be solved?*
  - All EC Members spoke about the need to reduce the concentrations of gear and vertical lines to avoid entanglements and impacts from wind. The only time reducing the number of vessels or permits came into the conversation was referencing the need to reduce vertical lines. A couple EC Members also stated that the number of people in the fishery is fine at this point in time. One Member expressed concern that reducing the number of people in the fishery would hinder the Dungeness crab fishermen's political voice.
  - In addition to reducing marine life entanglements, EC Members generally agreed that the problems to be addressed are: ensuring the longevity and economic viability of the fleet, reduce overcrowding in fishing grounds that is expected to result from future ocean initiatives (e.g., 30x30, wind), increase profitability of the fleet, and maintain a strong political voice of the commercial fleet.
- *What are the capacity goals for the commercial Dungeness crab fishery? And why?*
  - One EC Member explained that if the industry explored a buyout and purchased the 30 permits that are currently for sale (approximately \$4M), it would only reduce approximately 5% of the gear in the water. They said a significant reduction in gear (around 20%) would be needed to make a meaningful difference in reducing vertical lines.
- *What are the strategies and tools to achieve stated capacity goals?*
  - Many EC Members stated the DCTF should focus on strategies that reduce vertical lines and employ alternative gear.
    - One Member explained that reducing or prohibiting fishing in the Monterey Bay area would help address the engagement issue.
  - Members also identified other tools including: buyout program, the Oregon Model, focusing on the Monterey Area, reducing gear allowances during certain portions of the year, etc.
    - An EC member shared that Oregon has implemented different management rules for spring time fishing that appear to be effective: reducing the amount of gear by 20% by May 1st, prohibiting fishing outside 40 fathoms, and requiring the purchase of inexpensive spring buoy tags to allow individuals to fish during that season. They suggested the DCTF could think about this model in their exploration to reduce marine life entanglements.
    - Various EC Members agreed that there is no money available for a buyout and expressed concern about the inability of a buyout to address the issue of reducing vertical lines. One Member explained that it would cost the industry 5-10 cents per pound over 10 years to cover the cost of a buyout that would remove 20% of the gear, which doesn't seem palatable to most fishermen. A Member stated that large producers would need to be a part of the buyout and there are fewer large producers fishing in the area

where entanglements appear to be occurring. Another Member stated that the state and federal government should make funds available to help support a buyout. One Member explained that a buyout could focus solely on those who fish in Monterey Bay. EC Members generally agreed that a buyout did not appear to be attainable at this point in time.

- Many EC Members generally did not support a buyout program, stacking permits, or focusing solely on reducing fishing opportunities in the Monterey Bay area.
- In response to these questions, the Admin Team suggested that the DCTF/EC focus their energies on how the fishery can operate in a way that reduces marine life entanglements with a focus on alternative gear and vertical line reduction strategies. EC Members generally agreed that discussing a buyout was less of a priority than addressing marine life entanglement issues. The EC will pause discussions on a buyout until new information is presented and the DCTF's goals are more in alignment with those of a buyout program. An EC Member requested that all DCTF Members revisit these questions with their constituencies and bring the responses to the next DCTF meeting.

#### Public Comment

- George Bradshaw, DCTF Member and Commercial fisherman, said it is unclear if reducing lines at certain times of year was going to help reduce whale entanglements but that testing of alternative gear is needed. He said that flexibility in management and zonal management was also needed instead of a one size fits all approach of closing the whole coast when whales are only spotted in certain zones.

*6. Confirm priority topics for future EC discussions and potentially, the fall 2022 DCTF meeting, including, but not limited to, predictable commercial Dungeness crab fishery opening dates, alternative gear set-up (e.g., stringing traps, pop-up, hoop nets), line-marking, the lost fishing gear recovery program, law enforcement funding from the Dungeness crab account proportional to the season length, and conflicts with halibut trawling.*

- There have been a number of requests for the DCTF to address particular topics including: Predictable commercial Dungeness crab fishery opening dates, alternative gear set-up (e.g., stringing traps, pop-up, hoop nets), line-marking, the lost fishing gear recovery program, law enforcement funding from the Dungeness crab account proportional to the season length, conflicts with halibut trawling, evisceration orders, and revisiting the sort box. There are anticipated to be two more EC meetings in the summer and one DCTF in October 2022. The EC discussed and prioritized topics for upcoming EC and DCTF meetings:
  - Overall EC Members indicated that a predictable season opener was a top priority, along with alternative gear and solutions to address RAMP and reduce whale entanglements.
    - Various Members explained that predictable season opening dates would allow for the fleet to better plan for their business and life (e.g., acquire crew, support family, etc.).
    - RAMP was brought up as a priority topic by several EC Members with an interest in discussing regional/zonal management, increasing the number of takes in the incidental take permit in alignment with increasing whale populations, and line-marking to address the number of unknown entanglements in RAMP. One EC member stated that the differences between the Northern Management Area and Monterey Bay needs to be acknowledged and be included in RAMP discussions.
  - Various Members suggested a discussion to figure out which alternative gear types may be feasible for the fishery (e.g., long-lining gear, pop-up gear, hoop nets). Some EC Members said that reducing the number of vertical lines in the water would not be enough and that they needed to brainstorm these alternative gear options with constituents.
    - CDFW shared that there have been challenges getting folks to test gear and the newly available Experimental Fishing Permit (EFP) could be an avenue to revisit alternative gear testing. CDFW encouraged meeting participants to work with the current and future programs to test alternative gear. One EC member explained that it is difficult to test alternative gear during the season when trying to earn their living. They suggested

CDFW identify more testing opportunities in the offseason. One EC member stated that alternative gear testing opportunities should be made available to every fisherman and that an EFP should not be approved until a body that represents the entire fleet is engaged in testing. CDFW clarified that EFPs are approved by the California Fish and Game Commission (FGC) and there is an opportunity for the public to weigh in before the FGC approves an EFP.

- One EC Member expressed concern that testing has been underway for many years and there are still no alternative gear types approved by CDFW on the RAMP. They pointed to the CDFW settlement with the Center for Biological Diversity which points to the use of alternative gear in the spring. They urged the DCTF to release a strong statement for CDFW to approve alternative gear types that would be allowed in spring 2023. They further explained that these regularly delayed openers and early fishery closures are putting the fishery in crisis and authorizing the use of alternative gear is important to addressing this issue.
- Multiple EC Members indicated that alternative gear should only be employed when the risk of entanglement is high and high concentrations of whales are in the area.
  - There was support from EC Members to discuss updates to the Lost Gear Recovery Program and explore recommendations that would allow the programs to pull in recreational gear also.
  - One EC member brought up the [Sort Box FAQ](#) saying that it created as many questions as it answered and that it is too vague.
  - Two EC Members indicated that they would like the DCTF to discuss interactions between Dungeness crab fishing and halibut trawling. One EC member explained that this issue is tied to the entanglement issue because lost Dungeness crab gear resulting from halibut trawling can entangle whales. They suggested Dungeness crab fisherman need more than 6 weeks where their gear is in the water without the risk of it getting run over from halibut trawling.
  - The Admin Team reminded EC Members that they requested CDPH follow up with the DCTF on evisceration orders (see above agenda item).
- The Admin Team acknowledged that priorities may shift or be added to the list and that it will be important to check in at a future EC meeting.

#### Public Comment

- John Beardon, commercial fisherman, said he is currently working with a company to implement experimental Dungeness crab fishing gear and things should be ready by 2023. He said he would also like the DCTF to discuss removing vessel length restrictions from permits.
- Jennifer Humberstone, The Nature Conservancy (TNC), shared that TNC has debriefed on the Gear Retrieval Program with a number of program participants. They have heard and captured suggestions for minor regulatory adjustments to the program and will coordinate with the Admin Team on how to advance the Trap Gear Retrieval Program discussion during future meetings.
- The EC confirmed the following topics (listed in order of general priority) for the next EC meeting and the October 2022 DCTF meeting:
  - Predictable California Dungeness crab season opening dates
  - RAMP, including RAMP 2.0 (which includes zonal management, line marking, etc.), identification and testing of alternative gear, and working with CDFW to approve the use of alternative gear by spring 2023
  - Lost fishing gear recovery program amendments that would address marked, unmarked, and

recreational gear, update reporting requirements, etc.

- Sort Box
- Conflicts with halibut trawling
- Evisceration orders
- Other topics including modifying law enforcement funding from the Dungeness Crab Account to be proportional to season length, and removal of vessel restrictions from permits are lower priority for 2022 DCTF/EC discussions.

## 7. Adjourn

- The Admin Team summarized the next steps that emerged from the call discussion:
  - **The Admin Team will:**
    - **Circulate the DCTF election nomination form via the public listserv**
    - **Produce a summary of this conference call and post it on the DCTF webpage once it has been reviewed for accuracy by the EC**
    - **Schedule and develop an agenda for the next EC meeting and circulate it in accordance with the Bagley-Keene Open Meetings Act**
    - **Follow up with CDPH about how they can continue to engage with the EC and DCTF around evisceration**
    - **Follow up with the Working Group and those working on alternative gear testing to identify opportunities for collaboration and cross-pollination of efforts**
  - **CDFW will:**
    - **Continue to engage with folks and answer any questions about DCTF elections**
  - **CDPH will:**
    - **Continue to engage with the DCTF/EC as they work to implement SB 80 (i.e., develop HACCP plans). Will work with the DCTF Admin Team to circle back with the DCTF**
  - **TNC will:**
    - **Coordinate with the Admin Team to bring in information on potential updates to the Trap Gear Retrieval Program**