

**Meeting Summary
DCTF Executive Committee
Friday, August 25, 2017**

Meeting Participants

EC Members Present	Geoff Bettencourt, Bill Carvalho, Larry Collins, Mike Cunningham, Brett Fahning
EC Members Absent	Bill Blue, Vince Doyle
Other Meeting Participants	Paige Berube, Ocean Protection Council Ruth Flores, CA Department of Fish and Wildlife Christy Juhasz, CA Department of Fish and Wildlife Sonke Mastrup, CA Department of Fish and Wildlife Maria Melchiorre, CA Department of Fish and Wildlife Cpt. Bob Puccinelli, CA Department of Fish and Wildlife Tom Weseloh, Joint Committee on Fisheries and Aquaculture Rachelle Fisher, DCTF Administrative Team Kelly Sayce, DCTF Administrative Team

Meeting Summary

All "next steps" are in bold below.

1. Welcome, introductions, agenda overview

- The California Dungeness Crab Task Force (DCTF) Administrative Team (Admin Team) introduced and welcomed call participants.
 - The role of the Executive Committee (EC) was clarified. The DCTF is an advisory body that makes recommendations to the state including the Legislature, California Department of Fish and Wildlife (CDFW), and Fish and Game Commission (FGC) to help inform management of the California Dungeness crab fishery. The EC is a subcommittee to the DCTF that helps develop and refine ideas between DCTF meetings to inform DCTF discussions.
- The goal of the call was to discuss the EC call and DCTF's meeting schedule and agendas through the end of the year as well as discuss some topics the EC has identified as a priority including transferability regulations, in-season gear recovery efforts, and whale entanglements. Options will continue to be developed for the DCTF's consideration at the October 16-18, 2017 meeting.
- Meeting ground rules and [guidelines for providing public comment](#) were reviewed, and the Admin Team walked through the agenda. The Admin Team reminded those on the call that public comments are also welcomed via email at info@dungenesscrabtaskforce.com if they are having trouble getting through on the phone line. Emailed comments received during the conference call may be read aloud during the call as time permits, and also included in the meeting summary (which may be paraphrased to improve readability).
- The Admin Team reminded call participants this is a working meeting of the EC. Public comment is welcomed, however will be limited if we are unable to get through the agenda in a timely fashion.

2. Updates on 2017 DCTF and EC's meeting schedules and approach.

- To help EC calls to be more efficient, DCTF and Dungeness crab-related updates will be provided via email on the DCTF public email list (members of the public can sign up for the email list [here](#)).
- The Admin Team provided an overview on the DCTF/EC's schedule through the end of 2017. Topics that have been prioritized for discussion during the October 16-18, 2017 DCTF meeting, and upcoming EC calls, were identified ([here](#)). This includes all Dungeness crab-related regulations in the Fish and Game code, the ongoing functioning of the DCTF, lost fishing gear recovery, whale entanglements, etc.
 - The EC generally supported the timing, topics, and overall approach to the EC calls and DCTF meeting through 2017.
- A DCTF Member requested adding the 96-rule to DCTF meeting agenda in October 2017.
 - The Admin Team asked the EC if the 96-rule was a priority, given the extensive list of things currently on the agenda. It was also noted that the 96-hour rule is in Fish and Game Code 9004 and will not be sunseting in 2019.
 - A couple EC Members had not heard any concerns about the 96-hour rule and didn't believe it was a priority. Another Member explained that fishermen in his port were split on the importance and urgency of addressing the topic.
 - **The Admin Team will work on the timing of each agenda topic for the October DCTF meeting to see if the 96-hour rule can fit in the agenda.** It may be placed at the end of the agenda to allow the opportunity to discuss it if possible, but it will not be high priority if the DCTF does not get to it.

Public Comment

No public comment was received.

3. Discuss and develop proposals for the DCTF's consideration to maintain the structure of the fleet. Discussion will include, but not limited to, transferability, such as length restrictions, documenting vessel length, etc.

- During the June 30, 2017 EC meeting the EC continued discussing how to improve fisheries management in an effort to be responsive to issues facing the industry (e.g. domoic acid, whale entanglements, gear recovery efforts, etc.).
 - Recognizing there are a number of commercial Dungeness crab fishery regulations ([here](#)) that are currently up for review by the Legislature in 2019, the EC agreed it would discuss the topic of transferability prior to the October 2017 DCTF meeting in an attempt to develop options for the DCTF's consideration.
 - On [June 30](#), 2017, the EC identified that length restrictions for permit transfers were confusing and hard to track by CDFW. CDFW confirmed this fact and explained that the issue of boat length is very challenging because the License and Revenue Branch (LRB) cannot verify length of vessels. Confusing things further, fishermen have shared documentation with the LRB as part of the permit transfer process on the same boat that shows different lengths.
- The Admin Team asked the EC to discuss options for how the issues identified in June 2017 might be addressed.
- The EC discussed the need to standardize vessel lengths.

- There was general agreement among EC Members that boat length measurements reported to CDFW have been inconsistent and, in some cases, inaccurate. CDFW does not have a standardized way of defining boat length and, until recently, a licensed surveyor was not required to conduct the measurement. One EC Member stated that many boat measurements are self-reported and/or have not involved a licensed surveyor.
- CDFW asked if restrictions on boat length is needed, given the trap limit program.
 - Some EC Members stated that length restrictions continue to be necessary to maintain the diverse composition of the fleet (i.e., small/large operations). By upholding limitations that promote small boat operations, new entrants are provided more opportunity to participate in the fishery. It was further explained that by putting a 175-trap permit on a larger boat (which is typically fished off a smaller boat), the ability for the traps to be fished more often, in poor weather, etc. would increase. Eliminating length restrictions would change the way the fishery currently operates.
- The EC discussed the need to have a standardized definition of “boat length”.
 - The group discussed the different ways a boat can be measured (e.g., length overall from stern to tip of the bow, waterline measurement, etc.).
 - LRB stated there was value in having a standard measurement for all licensed marine surveyors to use. Although the Fish and Game code states that all permit transfers require “length overall” measurements, it does not give details about what “length overall” means. Additional details would be helpful.
 - CDFW Law Enforcement Division (LED) explained that the Coast Guard defines length overall as the horizontal distance between the forward-most and after-most points on the hull (CFR §170.055(k)(2) [here](#)).
 - **EC Members expressed support for crafting a proposal that the length overall definition in the Fish and Game Code is consistent with the Coast Guard. This proposal will be available for the DCTF’s consideration, and potential recommendation, at the October 2017 DCTF meeting.**
- The group continued discussing the need to ensure all vessel lengths are consistently measured, reported, and updated moving forward.
 - LRB indicated that without requiring all vessels to update their length (moving forward) there will still be different measurements associated with each vessel. This can cause issues when transfers require a standardized measurement. They also stated that without updating all vessel lengths on file to act as a baseline, many vessel lengths will continue to be inaccurate.
 - The EC highlighted that when permits are transferred, a surveyor measures a boat. However, when a fisherman sells the boat and permit there is no need to re-measure. He suggested that vessel lengths only be updated when a permit is transferred.
 - An EC Member recommended requiring everyone who submits permit renewals over the next two years to also submit to a survey conducted by a licensed surveyor that adheres to the new vessel length definition. If a permitholder fails to submit this documentation, the length will revert to original length as documented by CDFW.
 - A couple EC Members expressed concern with requesting permitholders to file new vessel lengths an opportunity would present for some to cheat the system and lengthen their boats before submitting the new paperwork. A Member expressed concern that requiring re-documenting would cause even more interpretation issues by CDFW.
 - Tom Weseloh, Joint Committee on Fisheries and Aquaculture, highlighted that if

there is not agreement to have all permit holders standardize their vessel length with LRB over the next couple years, it will be difficult for LRB to carry out their work successfully. Cheating and rule bending on this issue will continue until this issue is addressed. He suggested requiring all vessels to update their measurements with a standardized definition and report them to CDFW.

- **EC Members will think about options to update vessel lengths on file with LRB. Ideas on that topic should be shared with the Admin Team (info@dungenesscrabtaskforce.com) by Sept 22, 2017 to be discussed during the October 2017 DCTF meeting.**
- Some EC Members highlighted there are no restrictions to vessel length as long as the permit is not transferred off the vessel. They requested a discussion on sponsoring at a future DCTF meeting.
 - **The Admin Team invited options and ideas to address the issue of sponsoring. Any proposal on that topic should be shared with the Admin Team (info@dungenesscrabtaskforce.com) by Sept 22, 2017 to be discussed during the October 2017 DCTF meeting.**

Public Comment

- Zach Rotwein, commercial fisherman, stated he was not interested in restricting vessels sizes. He requested the DCTF recommend the state remove vessel length restrictions.
- Landon Carpenter, commercial fisherman, emailed the following comment immediately following the call: The length overall (LOA) discussion feels like an arduous process that adds little if any benefit to the fishery. The tier program and limited entry of the crab fishery is what fixed the over capitalization. With no length requirement, fishing a 175 permit on a 60' boat is very inefficient for everyone on the boat. A boat owner would likely not do it, and if they did, it would be out of a position of safety. I think it is irresponsible to yield to fleet make-up based on LOA in the face of vessel safety. Obviously a bigger boat can fish those pots better, but considering the size of crew needed to run a larger boat and the much higher overhead associate, it is up for debate if the large boat would actually fish those pots better.

Before limited entry, a new entrant running a smaller boat didn't have to go out in marginal weather just to make boat/permit loan payments. I would hate to see new entrants into the fishery have accidents that could be avoided by having the option to fish a larger and safer boat while still keeping capitalization in check using the tier program. Removing the LOA requirement would reduce department time and resources when transferring permits and while the makeup of the fleet would likely change over time, I believe it would happen slowly and with minimal impact as the permit tier essentially dictates the size of an appropriate vessel. If the primary goal is to keep the exact makeup of the fleet, then I guess a length (LOA or class length as in AK halibut) would make sense. But if the primary goal is to streamline the permit transfer process, avoid the "shenanigans" that have taken place in the past, and create a safer fishery that new entrants can build a business around, then I would vote to do away with the length restrictions.

3. Consider and develop proposals for the DCTF's consideration to allow lost gear recovery options in-season including, but not limited to, a waiver permitting more than six untagged traps onboard a vessel during the season.

- Title 14 regulations (§132.2. [here](#)) state that during the fishing season, no more than six "untagged or derelict traps" are allowed per fishing trip on a commercial Dungeness crab fishing vessel. There have been multiple requests by EC Members, DCTF Memebers, and the public to identify a mechanism to allow fisherman to acquire a waiver to pump stuck gear during the season. LED indicated previously that waivers could not currently be obtained for this purpose absent of a regulatory change.
 - The Admin Team clarified that this topic was not related to the implementation of Senate Bill 1287, which is a post-season gear recovery effort.
 - To help support the group's brainstorm, SeaDoc Society shared the results from a survey with the

EC ([here](#)) that contained a question related to the six in-season trap regulation.

- The Admin Team invited the EC to brainstorm on this topic.
 - Various EC Members stated that, although lost gear in-season was an issue this season due to poor weather, it was rare that a fisherman would need to bring in more than six traps during the season. Generally, the EC did not support drafting a recommendation to change the six trap rule to allow more traps onboard in-season.
 - LED stated they would also prefer the number of in-season untagged or derelict traps on a vessel per fishing trip to stay at six.
 - LED clarified that an in-season waiver could be given for another permitted vessel to pull someone else's gear (14 CCR § 132.2 ([here](#))). However, a situation arose this year where someone needed to contract with a vessel that did not have a commercial Dungeness crab permit to pump gear. Currently, there are no exceptions in the law to make a waiver available that involves a non-permitted (Dungeness crab) vessel.
 - EC Members expressed concerns that waivers can create unforeseen loopholes. However, they stated that a waiver should be allowed if the owner of the stuck gear was onboard the non-permitted vessel, especially the retrieval of in-season stuck gear would help remove stuck or lost gear from the ocean.
 - **The EC expressed support for a proposal to be developed that would allow a waiver for pumping gear in-season. The pump may be onboard a non-permitted vessel, however owner of the traps must be onboard the vessel pumping the gear. This proposal will be available for the DCTF's consideration, and potential recommendation, at the October 2017 DCTF meeting.**

Public Comment

- Jennifer Renzullo, SeaDoc Society, requested clarification on the EC's draft recommendation. Is a waiver only allowed for pumping gear? Or does it include pulled and pumped gear?
 - LED confirmed that a waiver would be needed for both pulled and pumped gear in-season.

4. Review status of whale entanglements in the California Dungeness crab fishery and discuss the progress of the Dungeness Crab Fishing Gear Working Group to implement pilot projects during the 2017-18 fishing season.

- The Admin Team provided an update on the [California Dungeness Crab Fishing Gear Working Group](#) (Working Group) and the status of whale entanglements in California.
 - The Working Group was convened by CDFW, in partnership with California Ocean Protection Council (OPC) and National Marine Fisheries Service (NMFS), to address the issue of large whale entanglements in Dungeness crab fishing gear in 2015.
 - The Working Group has 18 participants, including 10 commercial and recreational fishermen, 3 nongovernmental organizations, 1 whale disentanglement network representative, 2 NMFS representatives, and 2 CDFW representatives. There are also advisors to the Working Group from a variety of disciplines including scientists, gear manufacturers, etc.
 - The Working Group has been proactively and collaboratively addressing the issue of whale entanglements. Efforts to date include:

- Risk Assessment and Mitigation Program (RAMP): Since May, the group has been developing risk assessment and mitigation program. Details about the program are still in development and more information will be shared following the Working Group's September 2017 meeting. The program will be tested (voluntarily) during the 2017-18 fishing season.
 - Pilot projects for 2017-18 Season: Projects include gear modification, whale and forage distribution and abundance, collecting data related to fishing dynamics that will be used to overlay with the whale data to inform the RAMP program, and updating the Best Fishing Practices Guide to circulate in advance of the 2017-18 fishing season.
 - Data related to fishing dynamics: The Working Group is looking for 25 volunteer boats to test solar loggers and eCatch (a smartphone app) to get a sense of gear distribution. Approximately 6-10 individuals have volunteered to-date and the Working Group is looking for EC and DCTF Members and other commercial fishermen to participate and provide feedback on the project. More information is available [here](#).
 - The 2017-18 Best Fishing Practices Guide: The [2016-17 guide](#) will be updated to remind fishermen to remove gear immediately following the season. Print and electronic copies will be available prior to the 2017-18 fishing season. Last year more than 2,250 print copies were circulated as well as electronically to various email lists, web pages, message boards, etc.
- NOAA will be hosting a number of whale disentanglement trainings over the next couple of weeks for commercial and recreational fishermen. **The Admin Team will circulate information about these whale disentanglement trainings on the DCTF's public email list.**
- In October 2016, the DCTF recommended the 2017-18 trap tags be printed double-sided. Permitholders should expect to see these double-sided tags in the mail from LRB by mid-September. The Admin Team will continue to work with NMFS during the upcoming season to learn if the double-sided tags can improve identifying gear in whale entanglement photographs.
- The Working Group will provide more information on their efforts at the October 2017 DCTF meeting. In the meantime, for information about the Working Group visit: <http://www.opc.ca.gov/whale-entanglement-working-group/>
- The Admin Team and Dan Lawson, NMFS, provided an update on the status of whale entanglements in 2017:
 - There have been 29 whale entanglements in 2017 so far. Four of those entanglements were from CA commercial Dungeness crab and one recreational Dungeness crab trap. One of the whales spotted and disentangled in Mexico this year had California Dungeness crab gear on it from November of last year.
 - Efforts are being made by the Working Group to better understand these entanglements including the relative risk of entanglements. The 2017-18 season will be an exploratory phase where concepts of the RAMP and its framework will be tested (voluntarily) to help inform state, federal, and industry efforts to address entanglements.

- Some EC Members felt that predicting the risk of whale entanglements was alarming. It is difficult to predict where whale and their feed will be. When the 2016 warm water blob affected the West Coast, there were direct implications to whale entanglements. Now that the blob is gone, the rate of entanglements has decreased substantially. It could be because of the absence of the blob, or also the results of implementing voluntary recommendations for surface gear setup, as outlined in the 2016-2017 Best Practices Guide.
 - The Admin Team explained that the RAMP will use a framework to assess when an elevated risk of entanglement is present. Presence of whales will not be the only factor to determine risk. A variety of factors will determine if there is an elevated risk including, but not limited to, season delays, presence of whale feed inside fishing areas versus outside fishing areas, etc. If there is an elevated risk, the state will convene a group to discuss the cause of the elevated risk and gather more information to understand the nature of the issue.
 - An EC Member expressed concern about the quality and type of data being considered in the RAMP. He expressed a need for the fleet to agree on the data being included in the framework before moving forward and making any management decisions.
 - **The Admin Team will consider inviting researchers, fishermen, and others involved on the Working Group to the October 2017 DCTF meeting to share information that is helping to inform the RAMP framework.**
- The EC expressed concerns about the number of ship strikes that are responsible for a large number of whale deaths annually.
 - NMFS explained there is work being done at the federal level to address ship strikes and whales.
 - CDFW explained that fisheries are within their purview and ship strikes are not.
- The Admin Team reminded the group that a [notice of intent to sue](#) has been filed by the Center for Biological Diversity targeting the California Dungeness crab fishery. As a result, the state and federal agencies and some members of the industry are looking to be responsive and reduce the risk of whale entanglements. If the Dungeness crab industry decides they do not want to address this issue, they may be faced with a possible shutdown or injunction. The Working Group was created to allow the industry to participate in state and federal conversations to address the issue in a proactive and collaborative manner.
 - Craig Shuman, CDFW, encouraged the EC, DCTF, and greater fleet to consider all Working Group recommendations with an open mind, including how Working Group recommendations may be implemented with limited impacts to California fishing operations. Working Group recommendations are intended to be reasonable changes that can be applied to the Dungeness crab fishery and considered for other fisheries.
 - While EC Members supported industry participating in the Working Group, they stated that in similar processes in the past, fishermen have been at the table but then alternative decisions are made without them. They stated that lawsuits are fear tactics that have been used to shut down fisheries and the fishermen will not allow that to happen in the Dungeness crab fishery.
- The Admin Team highlighted that the goal of this update was to keep the EC and public informed of the state's efforts to address whale entanglements in the Dungeness crab fishery. Support was welcomed to help the Admin Team understand and consider how to thoughtfully keep people informed of the issue.

- **The Admin Team will coordinate a call with port association presidents to share how the Working Group is progressing, data is being used/collected, etc. between now and October 3.**
- **More updates on whale entanglements will be shared during future EC calls and the DCTF meeting to share the outcomes of the Working Group's September meeting.**

Public Comment

No public comment was received.

5. General public comment

- Mike Cunningham, EC Member, requested an update on the status of domoic acid levels and the sampling schedule.
 - CDFW is in the process of reaching out to fishermen to begin domoic acid sampling. The goal is to collect the first round of samples for the California Department of Public Health (CDPH) by late September so results are (hopefully) available for the October 2017 DCTF meeting. In the meantime, results are pending from rock crab samples that were collected in Bodega Bay in August 2017. Samples recently collected at Salt Point and Russian River resulted in non-detectable domoic acid levels or below the threshold levels. CDPH also tested razor clams recently and have generally found low levels, except two samples at Clam Beach that exceeded the threshold.

6. Adjourn.

- The Admin Team summarized the next steps that emerged from the call discussions.
 - **The Admin Team will produce a summary of this conference call and post it on the [DCTF webpage](#) once it has been reviewed for accuracy by the EC.**
 - **The next EC call is scheduled for September 19, 2017 at 10am. The ongoing functioning of the DCTF will be the primary agenda topic discussed.**