

**Meeting Summary
DCTF Executive Committee
Tuesday, October 3, 2017**

Meeting Participants

EC Members Present Geoff Bettencourt, Bill Blue, Bill Carvalho, Larry Collins, Mike Cunningham, Vince Doyle, Brett Fahning

Other Meeting Participants Paige Berube, Ocean Protection Council
Christy Juhasz, CA Department of Fish and Wildlife
Sonke Mastrup, CA Department of Fish and Wildlife
Cpt. Bob Puccinelli, CA Department of Fish and Wildlife
Craig Shuman, 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 and call participation guidelines.

- The California Dungeness Crab Task Force (DCTF) Administrative Team (Admin Team) introduced and welcomed participants to the DCTF Executive Committee (EC) call. Agenda topics that will be discussed include season openers under delayed conditions, presoak periods, and fair start. Ideas and options developed by the EC on these topics will be presented to the DCTF for consideration and review during the October 16-18, 2017 meeting.
- The Admin Team explained the EC is a subcommittee of the DCTF and cannot make decisions on behalf of the DCTF and will report back to the full DCTF with the outcomes of this conference call. During the October 24-25, 2016 DCTF meeting, the EC was directed to address priority topics and forward DCTF recommendations between DCTF meetings.
- Meeting ground rules and guidelines for providing public comment were reviewed.. Public comments are also welcomed via email at info@dungenesscrabtaskforce.com. 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). Public comments are welcomed, however this call is a working meeting of the EC and comments may be limited to successfully review and discuss all agenda topics in a timely fashion.

2. Updates on issues involving the Dungeness crab fishery including, but not limited to, gear recovery program design (per SB 1287), the domoic acid sampling schedule, and the October 16-18, 2017 DCTF meeting.

- CDFW provided an update on domoic acid testing. Samples were taken at a number of ports and results were [posted online](#) for Bodega Bay and Monterey Bay. Since both sites tested below the 30ppm action level, and only one clean test is needed per geographic area, there will be no further testing in Bodega Bay or Monterey Bay. CDFW expects to receive new Dungeness crab samples from northern sites within the next day or two. Once the samples are received and sent

to the California Department of Public Health (CDPH), it will take approximately a week to receive the results. CDFW anticipates results from the northern sites will be available for the October 16-18, 2017 DCTF meeting.

- o **The Admin Team will circulate the domoic acid results through the DCTF public email list as they become available.**
- CDFW provided an update on the [Lost Fishing Gear Recovery Program](#). The timeline for implementing the program has been delayed due to CDFW's efforts to work with the industry and discussions with existing voluntary programs to determine options for implementing the program. UC-Davis's SeaDoc Society also recently shared a survey of the fleet's perspectives regarding implementation of the program that CDFW is reviewing. CDFW is attempting to develop a program within the limitations of the statute while trying to keep the overall costs of the program low. An update on the program will be shared at the October 16-18, 2017 meeting and the DCTF will be solicited for feedback on CDFW's plans for program implementation.
 - o **The Admin Team will share the SeaDoc Society survey results through the DCTF public email list as they become available ([here](#)).**
- The Admin Team walked through the [Draft October 16-18, 2017 Meeting Outline](#) and asked if there was any feedback on the meeting approach and timing for each topic.
 - o A couple EC Members suggested moving the topic regarding the long-term functioning of the DCTF to the first day, while allocating additional time on the second day in case the DCTF is unable to reach a conclusion on that topic on the first day.
 - The Admin Team noted that the discussion about the long-term functioning of the DCTF will begin on day 1 and the vote for the topic is anticipated for day 3. Various EC Members agreed with this approach.
 - o An EC Member suggested maintaining a strict timeline for each agenda topic.
 - o An EC Member asked if there was a document available summarizing all of the sunseting Fish and Game code sections.
 - The [DCTF Topics and Approach through October 2017](#) contains a list of the sunseting Fish and Game code sections. **The Admin Team will also develop a, more concise list of sunseting Fish and Game code sections that will be circulated in advance of the DCTF meeting.** To help ensure the DCTF meeting discussion is productive and manageable, the Fish and Game code will be discussed as topics that may be grouped together. There are no plans to have the DCTF walk through the Fish and Game code line by line.
 - o EC Members generally expressed support for the meeting approach. **Any suggested changes must be made to the Admin Team no later than October 5, 2017. The Admin Team will post the final meeting agenda on the DCTF webpage no later than October 6, 2017.**
- An EC Member noted that the Center for Biological Diversity sued the Dungeness crab fishery today on whale entanglements in Dungeness crab fishing gear. The Admin Team confirmed that a lawsuit had been filed against CDFW. **The Admin Team will share information about the lawsuit on the DCTF public email list, as it is available.**

Public Comment

No public comment was received.

3. Discuss the opening of the Dungeness crab fishery under delayed conditions (e.g., elevated domoic acid levels, crab quality, etc.) and identify mechanisms to ensure more orderly openers. Discussions may include the Director's ability to delay an area after it is deemed "safe" by the California Department of Public Health, presoak periods, fair start clauses, etc.

- The Admin Team explained that in 2019, nearly all Fish and Game code sections related to the California Dungeness crab fishery will sunset. As the legislature looks to reauthorize these codes, the DCTF has an opportunity to suggest improvements, clarifications, and/or adjustments to Dungeness crab fishery regulations.
- The Admin Team asked the EC how they would like the Dungeness crab fishery to operate, especially in light of delays related to domoic acid and other current issues. The EC discussed challenges specific to domoic acid delays and related season openers. The Admin Team reminded call participants that a number of Frequently Asked Questions have been developed for fishermen over the last two years regarding domoic acid, season openers, and interpretations of fair start provisions ([December 20, 2016 FAQs](#), [November 8, 2016 FAQs](#), and [FAQs: Harmful Algal Blooms and California Fisheries](#))
 - EC Members discussed the timing of openers and how quickly the season opened once CDPH deemed an area safe from elevated levels of domoic acid. A couple EC Members believed the CDFW Director should have the ability to delay a the season further, based on industry input, to allow fishermen time to plan accordingly for the season opener rather than opening immediately after receiving the green light from CDPH. They suggested a three-day warning prior to opening the season would be sufficient notice to allow fishermen to prepare.
 - A few EC Members suggested extending the presoak in the Central Management Area from 18-hours to 64-hours to increase safety and flexibility for fishermen.
 - A few EC Members stated that season openers from crab quality and domoic acid should consider risks to whale entanglements. Some EC Members disagreed and believed domoic acid issues, quality delays, and whale entanglements were not related issues.
 - An EC Member expressed concern about how the fishery was opened last year with domoic acid closures bisecting districts. He suggested the EC consider a proposal developed in Humboldt (see [Draft Proposal, Management of Districts 6 and 7 Under Delay Scenario](#)) to prevent these issues in the future. He acknowledged that the proposal only addresses the opener in the Northern Management Area because the individuals who developed it were from that area. There is room for discussion to include the Central Management Area in the proposal.
 - An EC Member stated that untraditional season openers have benefited some fishermen and hindered others. He acknowledged that fishermen's preference for how the season opens depends on if they travel or not.

- One EC Member explained that the proposal catered to large vessels. He explained that any solution to this issue should aim to benefit all types of fishing operations..
- o The Admin Team asked if EC Members prefer areas to be opened as they “clean up”, or if areas should be opened by management area as proposed in the [Draft Proposal, Management of Districts 6 and 7 Under Delay Scenario](#).
 - An EC Member responded that he would prefer to have areas opened as they clean up. Another EC Member stated that opening areas as they clean up will result in many openers, which can be challenging. He suggested the Director be allowed to open by district rather than by management area or smaller area.
 - The Admin Team summarized the options developed to-date regarding season openers under domoic acid conditions:
 - Open by management area once it is deemed clean. After January 15, open areas as they clean up (as described in [Draft Proposal, Management of Districts 6 and 7 Under Delay Scenario](#)).
 - Open by district and apply 30-day fair start protections to each district opener.
 - Open areas as they clean up regardless of size (i.e., may be an area smaller than a district). 30-day fair start protections would apply to each area opener regardless of size.
 - Status quo: Open areas as they clean up regardless of size (i.e., may be an area smaller than a district). 30-day fair start protections would apply only to each district opener, not to smaller area openers.
 - Timing: Allow the Director to delay the opener three days after receiving the green light from CDPH to allow fishermen time to prepare.
 - **The Admin Team will develop a document with a list of options discussed during this call regarding domoic acid season openers to share with the DCTF.** DCTF Members are responsible for sharing all ideas, proposals, etc. with their constituents and can use this document to guide port meeting discussions prior to the DCTF meeting.
- The Admin Team highlighted that the fair start regulations have been a source of confusion for the fleet especially in the face of untraditional season openers (e.g., domoic acid). The EC was asked how the law could be clarified or simplified and to address aspects of the law cause confusion.
 - o An EC Member responded that it’s unclear how to interpret the current law. The Member suggested making FAQs available so that fishermen are aware of how CDFW is going to interpret the law now. Another EC Member agreed and explained that CDFW has not been consistent in their interpretation of the law.
 - o CDFW stated that changes in interpretation of the law have been a result of learning by both CDPH and CDFW over the past two years. CDFW is trying to work with the Office of Environmental Health Hazard Assessment (OEHHA) and CDPH to bring in more predictability to help the fleet make decisions. In addition to being concerned about public

health, CDFW asked the EC if they want the Director to have the ability to fine tune directions of CDPH that help ensure a more orderly fishery

- o An EC Member stated he would support giving the Director the ability to make more judgment calls on the fishery opener so District 7 is not split in Eureka as experienced last year.
- o An EC Member commented that the EC should also consider how the openers impact marketing and processing. He stated that what occurred in Eureka the prior year was confusing and a difficult decision for fishermen to make that resulted in mixed success by fishermen. Ultimately, he believed that opening the district as it cleaned up was ideal for the fishermen in districts 6 and 7, while opening areas as they clean up is an opportunity for the industry and California consumers. He believed that if the opener had been delayed until both districts were clean, peak market opportunities would be lost and additional strain would be put on fishermen. When the entire coast has opened on the same day, there have been limits with the amount of crab fishermen are able to offload. Had districts 6 and 7 opened at the same time, it would have been a disaster for industry and for December consumers.
 - Two years ago when the crabs from the Central Management Area hit the market that year unfavorable press hurt the markets. This year there is no longer a problem marketing crab in California regardless of the timing of the opener.
 - Another EC Member expressed concern that processors are taking advantage of the domoic acid delays to influence price.
 - An EC Member stated there has been good learning over the last two years. When a management area's opener is split due to a domoic acid delay, it works better to have the areas open as they become clean. However, the smaller area openers should receive the same 30-day fair start protections as larger (i.e., district or management area) openers.
 - Another EC Member agreed and supported 30-day fair start protections regardless of the size of the area opener. The same protections should be available for the central and northern management areas.
 - **The Admin Team will review the Fish and Game codes to see if 30-day fair start protections affect both management areas equally.**
- o An EC Member asked for CDFW Law Enforcement Division (LED) whether 30-day fair start protections applied to smaller areas was enforceable.
 - CDFW stated that how the fair start laws are applied depends on what the DCTF wants to recommend, but that all options on the table were enforceable as long as they are well defined and understood.
- o To help support the DCTF's conversation about fair start and season openers under domoic acid conditions, **the Admin Team will develop a "guiding principles" document for opening under delayed conditions.** The EC suggested the document include the following guiding principles for DCTF review and consideration: *all vessels involved in the fishery should be given equal opportunity to participate in the fishery/openers, minimize impacts to ports, safe for the fishery and safe for public health, and ensure the product is broadly available to the markets.* **The DCTF and EC will**

provide additional suggestions on the draft guiding principles.

Public Comment

No public comment was received.

4. Continue to review the status of whale entanglements in the California Dungeness crab fishery under consideration by the California Dungeness Crab Fishing Gear Working Group, including pilot projects planned for the 2017-18 fishing season.

- The Admin Team provided an update including key highlights from the California Dungeness Crab Fishing Gear Working Group's (Working Group) September 2017 meeting.
 - The Working Group made a recommendation that CDFW and Pacific Fisheries Management Council establish standardized gear marking requirements (surface gear) for fixed-gear fisheries and other fisheries known to be involved in whale entanglements. This recommendation is to help reduce the number of whale entanglements reported to National Marine Fisheries Service as "unknown" gear type and help better understand the origins of entanglements (e.g., gear set-up, location, timing, etc.).
 - Since May 2017, the Working Group has been taking steps to proactively identify (i.e., forecast) and be responsive to elevated risk of entanglements. During the September meeting, the group agreed on a draft Risk Assessment and Mitigation Program (RAMP), including role/responsibilities for experts involved (including fishermen and agencies) and tools that will be used. The program will be tested as a pilot during the upcoming season, and will be designed to be flexible and responsive to considering new information, technologies, and approaches to reducing the risk of entanglements.
 - All aspects of the draft 2017-18 RAMP pilot will be voluntary and apply to both recreational and commercial fishing. The pilot will evaluate the RAMP structure and function, including the process for assessing circumstances where entanglement risk is elevated and, as needed, identifying possible management measures (voluntary) for the Director's consideration. "Mock" drills to test ET mobilization will be run in Spring 2018 (no change to fishing practices would occur during "mock" situations). Additionally, the Working Group will consider what legislative support may be suitable/helpful with certain aspects of the RAMP moving beyond the pilot. Findings from the pilot will help to further refine and inform the draft RAMP and the program's working assumptions and guiding principles, as needed. Additional information about the RAMP is available online ([here](#)).
 - The Working Group will continue to support and be involved in collaborative research projects designed to inform the RAMP. These projects include:
 - Developing updated whale/forage models.
 - Pilot testing electronic reporting tools (solar logger, eCatch) to capture fishing dynamic information (volunteer request [here](#)).
 - Aerial surveys, start of the season and in response to information gathering requests (both funding dependent).

- Gear modification testing.
 - o Please contact the Admin Team if you would like more information or would like to participate in these projects and we will put you in touch with the appropriate contacts.
 - o The Working Group will share information about their progress, including the RAMP and associated pilot, with commercial/recreational fishermen, decision makers, broader public, and the Oregon and Washington Working Groups. A number of outreach materials (including more details about the RAMP) will be available in advance of the October 16-18 DCTF meeting ([here](#)). Additionally, the Working Group looks forward to continuing to engage with CDFW, the California Fish and Game Commission, the Legislature, the DCTF, and others to inform Working Group discussions and share Working Group outputs.
 - o In addition to sharing the Working Group's RAMP-related progress and next steps and recommendations related to gear marking and funding, the Working Group is looking to the DCTF to consider:
 - Potential whale/gear interactions and how they relate to changes in season openers, including domoic acid and other delays.
 - How efforts to reduce the risk of whale entanglements could be considered around DCTF funding and long-term priority projects.
 - Supporting the Working Group in reaching out to the fleet to share information about whale entanglements and the Working Group's efforts.
 - o This is an opportunity for DCTF and Working Group to support one another's efforts.
 - o A recommendations/next steps memo, a meeting summary, and other support materials, are available on the Working Group webpage:
<http://www.opc.ca.gov/whale-entanglement-working-group/>.
 - o A presentation will be made at the October 16-18, 2017 DCTF meeting. Working Group scientific advisors and NMFS have been requested to support the conversation along with Working Group participants, two of which are on the DCTF. The Admin team asked what other information would be helpful to share at the DCTF meeting.
- An EC Member suggested limiting the time allocated to the discussion on whale entanglements since there are so many high priority topics to discuss.
 - o The Admin Team explained that they want to be sure the DCTF has the necessary information on this topic and is informed on what the Working Group is doing.
 - o An EC Member stated that from a processing perspective the issue of whale entanglements is linked to the last few weeks of the fishery. Not only are crabs soft during that time, but whale entanglements may be avoided if there were efforts to reduce the amount of gear in the water later in the season.
 - o Another EC Member stated that the whale situation is not going away and that Members need to be proactive. There are a number of options to reduce the number of interactions between whales and gear, including shortening the season and ensuring domoic acid related openers consider the timing of whale migrations.

- o The Admin Team emphasized that this is a priority topic for the industry, and CDFW and NMFS.

Public Comment

- Christian Zajac, commercial fisherman, mentioned a recent article published in 2015 by the National Oceanic and Atmospheric Administration that stated there are few losses of whales due to fishing gear and that whales have a seven percent population growth. While everyone loves whales, fishermen should work with nonprofit organizations to address this issue and reduce whale entanglements. He stressed the importance of using science to inform how the fleet addresses this issue. He expressed concern for how small boat owners may be impacted by measures to reduce whale entanglements since they may be forced to relocate gear in unsafe conditions. He further stated that fishermen should be present when laws are being discussed. He understands that phone conversations are convenient, but it depersonalizes these importance discussions.
 - o **The Admin Team stated that the October 16-18, 2017 meeting will be in-person in Ukiah, CA.**
- Scott Kreps, commercial fisherman, disagrees with shortening the season to avoid whale entanglements since many fishermen rely on the spring fishery to make a living. He also expressed support for the [Draft Proposal, Management of Districts 6 and 7 Under Delay Scenario](#) and was disappointed in the way district 7 was opened the prior season. He further stated that DCTF Members should poll their constituents and report out on the port's position at DCTF meetings rather than individual positions.
 - o The Admin Team thanks Mr. Krepps for his comments clarified that the Working Group has not discussed shortening the season at this time.

5. General Public Comment

- Scott Hockett, commercial fisherman, emailed comment: I was on the call today could not log on for comment part. But Fort Bragg's Marketing Association and the vast majority of the boats support the management proposal out of Eureka! How do we have a representative that does not talk to its constituents? Thank you for your hard work.

6. Adjourn

- The Admin Team summarized the next steps that emerged from the call discussion.
 - o **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.**
 - o **Compile and share the list of ideas, options, and proposals that have been developed into various documents to inform port conversations and the October 16-18 DCTF meeting.**