

**Meeting Summary  
DCTF Executive Committee  
August 29, 2018**

*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 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 Ruth Flores, CA Department of Fish and Wildlife Glen Underwood, CA Department of Fish and Wildlife Tom Weseloh, Joint Committee on Fisheries and Aquaculture  Rachelle Fisher, DCTF Administrative Team Kelly Sayce, DCTF Administrative Team Carolyn Kraft, DCTF Administrative Team Support

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 participants to the DCTF Executive Committee (EC) call. Agenda topics were reviewed, including brainstorming high priority items identified in the DCTF's 2018-19 work plan (96-hour rule and the Central Management Area presoak) and discussing whale entanglements in the Dungeness crab fishery. All meeting outcomes including ideas and options developed by the EC on these topics will be shared with the DCTF at the next in-person meeting.
- 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. The DCTF has directed the EC to begin discussions to address priority topics and help usher DCTF recommendations between DCTF meetings.
- Meeting ground rules and [guidelines for providing public comment](#) were reviewed. For those experiencing technical difficulties on the call, public comments can be submitted via [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com). Emailed comments received during the conference call may be read aloud by the Admin Team as time permits, and will be included in the meeting summary (comments may be paraphrased to improve readability).
  - A public comment was received prior to this call and is posted on the DCTF webpage ([here](#)).

*2. Public comment on non-agenda items.*

- No public comment was received.

3. Updates on issues involving the Dungeness crab fishery, including, but not limited to, the July 2018 Tri-state meeting, current Title 14 surface gear rulemaking, active legislation, the DCTF's 2018-19 meeting schedule, etc.

- Since the June DCTF meeting, the Admin Team has sent a number of emails through the DCTF email list providing updates on the meeting's next steps, the work of the Dungeness Crab Fishing Gear Working Group and their progress piloting/testing the Risk Assessment and Mitigation Program (RAMP), disaster relief, and Senate Bills 1309 and 1310. Call participants were invited to email [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com) if they are not receiving these updates so they can be added to the email list.
- *July 24-25, 2018 Tri-State Dungeness Crab Meeting:* CDFW provided an update on the July 24-25, 2018 Tri-State Dungeness Crab meeting. The primary focus of meeting discussions centered around domoic acid testing and responding to whale entanglements. California representatives in attendance and CDFW shared the perspectives outlined in the DCTF's July 19, 2018 memo ([here](#)) to inform the discussion. A meeting summary is available on the Tri-State website ([here](#)).
- *Surface Gear Regulations:* In June 2018, CDFW noticed a rulemaking process to amend Title 14 code. The rulemaking would: 1) allow any vessel to retrieve traps from a Dungeness crab permitted vessel in-season when the owner is unable; and 2) limit the length of surface lines and number of surface buoys in the commercial Dungeness crab fishery. During the June 2018 DCTF meeting, the DCTF recommended amendments to CDFW's proposed surface gear rulemaking including limiting the addition of trailer buoys from the main buoy to "No more than two trailer buoys" regardless of depth, and specifying that the maximum length of line is to be measured "between the front end of the main buoy to the tail end of the last trailer buoy." CDFW amended the rulemaking package based on that recommendation and began another 15-day public comment period that ended August 29, 2018 at 5pm. The plan is to implement the new regulations before the start of the 2018-2019 season. For more information visit the CDFW website ([here](#)).
- *Active Legislation:* SB 1309, the Fisheries Omnibus Bill of 2018, was amended based on a request from the Assembly Appropriations Committee. There will no longer be a \$150,000 automatic appropriation to the DCTF from the Dungeness Crab Account. Instead, after allocating funding each fiscal year to CDFW from the Dungeness Crab Account to support the commercial Dungeness Crab Trap Limit Program, \$150,000 will be allocated to OPC, if available, to support DCTF activities. SB 1309 was also amended to update CDFW's gear marking mandate for California fixed gear fisheries. SB 1309 passed in the Assembly and returned to the Senate for a concurrence vote to approve the amendments before it is sent to the governor. SB 1310, the Dungeness Crab Bill, is awaiting a vote by the Assembly and if passed will returned to the Senate for a concurrence vote. Once SB 1309 and 1310 reach the Governor, Senator McGuire's office would appreciate DCTF Members and members of the fleet to sending letters of support for both bills.
- *Assembly Bill 2369:* Governor Brown signed AB 2369 on Friday, which will stiffen penalties for MPA violations. For more information on the bill visit: <http://leginfo.legislature.ca.gov/>.
- *2018-19 DCTF Meeting Schedule:* During the June DCTF meeting, there was a discussion about the passage of SB 1310 and its impact on elections and the timing of the October DCTF meeting. OPC and CDFW have been discussing these issues with their legal staff and have concluded that elections cannot be held until after SB 1310 passes. Additionally, since the bill will modify some of the commercial fishing (e.g., south of Half Moon Bay and Crescent City) and recreational fishing seats on the DCTF, legal staff has concluded these seats would be unable to vote until new representatives are elected/appointed. It is unlikely that an election and OPC appointment process would be completed before October. As a result the October 2018 DCTF meeting will be postponed until early 2019. In the meantime, there will be a couple of EC calls scheduled to keep discussions moving forward until elections are complete.
  - **OPC and CDFW continue to work out the logistics and timing of the elections process. The Admin Team will circle back with the DCTF as updates are available. Additionally, the Admin Team is planning on convening a port tour with CDFW and OPC staff in October 2018 to share information about the DCTF, whale entanglements and the Working Group,**

**disaster relief, etc. and to help inform future DCTF conversations.**

- An EC Member inquired about a recent lawsuit referenced in the San Francisco Chronicle ([here](#)) regarding humpback whale habitat designations and its potential impacts on the commercial Dungeness crab fishery.
  - **CDFW responded that they would research the lawsuit and find out more. The Admin Team added that they have a call scheduled with NMFS in the next week and will share any information they learn.**

**Public Comment**

No public comment was received.

*4. Review meeting agenda topics requested by DCTF Members and the public and begin to brainstorm on ideas and potentially identify draft proposals to address high priority topics listed in the DCTF's 2018-19 work plan including, but not limited to, the 96-hour rule, Central Management area presoak, etc.*

- With the approval of the 2018-19 Work Plan ([here](#)) at the June DCTF meeting, a number of priority topics were identified. Two topics of these high priority topics include: reassessing the 96-hour rule and modifying the Central Management Area presoak time. The EC has been directed by the DCTF to brainstorm on these topics and develop options for the DCTF's consideration at the next DCTF meeting.

*96-hour Rule*

- Fish and Game Code Section 9004 states that traps must be serviced every 96 hours (or 4 days). The Admin Team has received feedback from DCTF Members that it is not efficient and, in some cases, impossible to service gear this frequently, especially in spring when it is not cost effective. The Admin Team summarized the options developed to-date:
  - Keep the 96-hour rule as is;
  - Require vessels to land every two weeks (similar to Oregon);
  - Require gear to be serviced a minimum of once a week (7 days) (similar to the California Spiny Lobster fishery);
  - Require gear to be serviced every a minimum of two weeks;
  - Required gear to be serviced a minimum of once a month; or
  - Eliminate all gear servicing requirements.
- EC Members discussed the options at hand.
  - An EC Member asked whether Oregon and Washington regulations have a clause about weather permitting. **The Admin Team responded that they would research the Oregon and Washington regulation.** CDFW and the Admin Team also verified that California's 96-hour rule has a weather permitting clause.
  - An EC Member commented that servicing gear once a week would be best and emphasized the importance of keeping the weather-permitting clause. Another Member agreed.
  - An EC Member expressed support for modifying the 96-hour and suggested the southern representatives provided suggestions on what it should look like since the 96 hour rule only appears to be an issue south of the Mendocino-Sonoma County line.
  - Another EC Member suggested that any changes made to California's Dungeness crab fishery should align with Tri-State and supported requiring gear to be serviced every two weeks. The Member highlighted the balance needed to prevent fishermen from abandoning gear while also allowing fishermen flexibility in fishing, especially for small boats.
  - An EC Member suggested that a servicing makes more sense than a landing requirement from

an enforcement perspective. He suggested that a two servicing requirement should work for most fishermen with the exception of those who supply the live markets. He also acknowledged the potential negative impacts to the live markets.

- Another EC Member thought that requiring gear to be serviced once every week or two would be feasible as long as it was servicing and not a landing requirement. For example, in the spring, some fishermen may not be able to land for two or more weeks despite the fact that they are servicing their gear. He offered to research what other fishermen prefer.
- **The Admin Team will prepare a document of all the options developed to-date to share with the fleet for feedback.** These options will be discussed and considered at the next DCTF meeting.

### *Central Management Area Presoak*

- During the October 2017 DCTF meeting, there was a lengthy conversation about the 18-hour presoak in the Central Management Area (the area south of the Mendocino-Sonoma County line) (Fish and Game code section 8283). The Admin Team summarized the conversation stating that some DCTF Members expressed concerns about safety issues associated with an 18-hour presoak (especially during domoic acid delays) and requested that it be changed to 64 hours to be consistent with the Northern Management Area. Others were not open to changing the Central Management Area presoak due to concerns about being locked in the area longer/impacting their business. Some of those individuals were open to changing the 18-hour presoak if the Central Management Area joined the Tri-State Dungeness Crab Agreement and performed mandatory preseason crab quality testing. Sport fishermen expressed support for modifying the Central Management Area presoak only if the sport fishermen could also be soaking their gear earlier. The Admin Team asked whether EC Members had any clarifications.
  - An EC Member responded that the presoak issue needs to be discussed separately from Tri-State and quality testing. He explained that small boats in the Central Management Area would prefer a longer presoak for safety issues. It would also allow small boats to set their gear and then move gear if there are no crabs in that area. Big boats are allowed to adjust gear before the opener while small boats don't have enough time to do the same. The EC Member added that Tri-State and quality testing are separate issues related to perceptions issues associated with preventing equal access to all fishermen.
    - Various EC Members explained that it was not legal to pull gear during the presoak period.
    - The Admin Team responded that some DCTF Members were not willing to consider modifying the Central Management Area presoak unless Tri-State and/or quality testing was also considered. The Admin Team asked whether opinions had been updated and whether it was possible to discuss the Central Management area presoak as a separate issue related to safety.
  - An EC Member asked for clarification from CDFW on whether gear could be pulled during a presoak period. CDFW confirmed that gear could not be pulled after being set during a presoak because that constitutes take and is illegal until the season opens.
  - Another EC Member stated that Crescent City views the Central Management area presoak and Tri-State connected due to the need for preseason quality testing in the Central Management Area.
  - An EC Member responded that he didn't understand the need to require the Central Management Area to perform preseason testing because the market depends on the Thanksgiving fishery. Testing is already being done by the big markets to verify quality, which the buyers approve or

disapprove. Fishermen and the markets would prefer not to have additional restrictions placed on them by CDFW. Currently, fishermen have a good working relationship with the markets to determine crab quality and ensure crabs are available for Thanksgiving. Additionally, processors often voluntarily process crabs in the area.

- The Admin Team noted that testing in the Central Management Area will be more difficult in the future because there isn't a processor in District 10.
- Another EC Member commented that many buyers would prefer to have some crabs instead of no crabs. Yet, larger processors would also prefer to have some measure of quality assurance because in the past processors have been forced to purchase crab that were not marketable. The EC Member added that in some years crabs have been discarded because they could not survive long enough for the live market due to poor quality. He noted that while Tri-State quality testing is imperfect, it helps work towards providing customers with their holiday crab that is good quality.
  - An EC Member agreed that it would be better to have a consistent protocol to test preseason crabs in the Central Management Area to ensure a more consistent quality product. He noted that there has been a lot of discussion in the past about consistency in the Central Management Area, which is what Tri-State addressed.
- An EC Member suggested a new option where the Central Management Area could develop a mandatory preseason quality testing program with parameters and guidelines that could be different from the Tri-State Agreement and specific to the Central Management Area. He explained that this possibility was discussed at a Tri-State meeting and there seemed to be support. He suggested that the Central Management Area could have a lower pick rate (i.e., 23%) than the rest of California to address the specific marketing needs of that area.
  - **The Admin Team stated that this suggestion will be added to the option list.** The Admin Team further clarified that a resolution does not need to be reached at this time. They reminded the group about finding a balance between addressing safety concerns with concerns from others about being able to make good business decisions.

### Public Comment

- George Castagnola, attorney, asked why there needed to be a requirement to service gear and highlighted the challenge of smaller boats having to travel further distances in shorter periods to service the gear, which results in wasting gas and fishing in unsafe conditions to meet the service requirement. He added that there are challenges with pulling gear in cases of illness since insurance doesn't cover another person to pull the gear on a fishermen's behalf. He asked how anyone will be able to prove if gear has been pulled, it's a major enforcement challenge. He recommended the 96-hour rule should be eliminated.
- Bob, commercial fisherman, Asked for clarification on whether presoak had been mentioned for recreational.
  - The Admin Team responded that recreational would be given a presoak of up to 36 hours. Unless a recommendation was made to change it and the Fish and Game Commission approved the recommendation.

*5. Continue to review and discuss the status of whale entanglements in the California Dungeness crab fishery, efforts by the California Dungeness Crab Fishing Gear Working Group, and updates on litigation and legislation related to this issue.*

- The Admin Team explained that the goal of this agenda topic is to ensure everyone continues to remain informed on topics relating to and potentially impacting the Dungeness crab industry. There continue to be updates provided to the DCTF on the topic of whale entanglements and the Dungeness Crab Fishing

Gear Working Group (Working Group). Most recently during the June 2018 DCTF meeting. In addition, a Working Group meeting highlights document was emailed out in advance of the call and is available online ([here](#)).

- The Admin Team reviewed the number of whale entanglements that occurred this season to-date. They explained that as of July 30, 2018, National Marine Fisheries Service (NMFS) confirmed a total of 26 entanglements and received 32 reports. Of these confirmed reports, 5 were in the commercial California Dungeness crab fishery, and 1 had a tag of undetermined shape with color that was consistent with California or Washington. Reports of entanglements continue to be received by NMFS despite the fact that the season has closed.
- The Working Group piloted the Risk Assessment and Mitigation Program (RAMP) over the course of the 2017-18 Dungeness crab season and reflected on it regularly, most recently during the early August in-person meeting. The Working Group identified areas where the RAMP structure and function could be refined moving forward. Overall, the Working Group would like to see stronger connections between factors to better inform the RAMP's assessments. This and other reflections are linked in the key highlights document ([here](#)).
  - As part of the RAMP the Working Group, state and federal agencies, and advisors to the Working Group tracked four main factors over the course of the season: whale concentration, number of entanglements, fishing effort, and forage/oceanographic conditions.
    - *Whale concentrations*: Based on feedback from the Working Group and whale advisors, potential updates will be made to this factor to consider a more comprehensive suite of available information in an effort to gain a more regional picture of whale behavior and distribution.
    - *Fishing Dynamics*: The Working Group received a presentation by NOAA's Northwest Fisheries Science Center that considered PacFIN and VMS data to try to understand how/if the California Dungeness crab fishery has changed over time. The group expressed interest to continue working with NOAA scientists and other outside experts to inform socioeconomic considerations in the RAMP.
    - *Considering Other Marine Species*: A presentation on blue whale behavior and biology was also provided and the Working Group will consider potential updates to the RAMP to include blue whales, which will be piloted during the 2018-19 fishing season.
- SB 1309 also addresses topics related to whale entanglements. Specifically, the bill responds to the Working Group's (and DCTF's) recommendation that all surface gear from fixed gear fisheries be clearly marked to better assist authorities with identifying the source of whale entanglements. The bill also gives the Working Group and the CDFW Director the authority to take action if there is a high risk of whale entanglements as indicated by the RAMP.
  - If passed, Senate Bill 1309, will formalize the RAMP and would require CDFW to develop Title 14 regulations by November 2020 that would respond to increases in entanglement risk. CDFW would like those regulations to be reflective of the RAMP and the efforts of the Working Group. The Working Group brainstormed on how to ensure the right level of detail was included in a draft RAMP regulatory package to guide its implementation, while also ensuring sufficient flexibility to support unforeseen issues and continued research and development of new tools. The Working Group also refined a list of management measures that could be included in CDFW's rulemaking. The group acknowledged the need to ensure the management measures could continue to be populated over time as new concepts and ideas arise and are tested. In addition to implementing management measures, the Working Group would like the regulations to give the Director the authority to relax those measures once the risk of entanglements has abated.

- The Working Group discussed also discussed gear innovations and initial “hands on” testing of acoustic release/ropeless gear technology that was conducted in Spring 2018 involving a number of Working Group participants. The group discussed how the technology was not “shovel ready” as currently designed and requires additional discussions and improvements specific to design, function, costs, enforcement, and impacts to whales and other marine life. There was some interest expressed to continue exploring this and other gear innovation ideas for consideration to include in the MMT, however it was agreed that these gear innovations would not be available to be implemented for the 2018-19 fishing season (at minimum).
- The next WG meeting is at the end of September. During that time the WG will continue discussing and refining the RAMP for the upcoming season and continue coordinating and prioritizing collaborative research projects. **If anyone is interested in participating in collaborative research and/or testing alternative gear types, please contact the Admin Team and we will help make those connections. The Admin Team will continue to provide updates on the WG’s efforts through the DCTF email list, during EC calls, and DCTF meetings.** There are also plans for continuing to discuss this issue during the DCFT port tour this fall.
- The EC Members discussed the updates provided by the Admin Team and were asked to also provide input on the pilot RAMP.
  - An EC Member responded that he was encouraged to see whale entanglement numbers down from previous seasons, which he attributed to cooler water temperatures and the disappearance of the blob. The Member said that he was informed about the alternate gear types such as pop-up buoys expressed concern about the cost associated with the gear. He asked whether there were any other alternate gear types being considered that seemed promising.
    - The Admin Team responded that the pop-up buoys are not being recommended by the Working Group at this time. A fisherman who tested gear from two different companies had only a 50% success rate and determined the gear was not ready for widespread use by the industry as is. Additionally, there are concerns about the acoustic signal associated with the gear creating excess noise in the water that could negatively impact the whales. Other gear types are being considered and tested (e.g., manila rope). The Working Group continues to be open to new ideas. The Admin Team also highlighted that the Working Group is also monitoring the possibility of a weak El Niño, which could increase the risk of entanglements this season.
- The Admin Team asked for feedback on how to communicate with the fleet as the RAMP is formally implemented and how the industry would like to be informed about updates on this topic. **EC Members and the public are encouraged to please contact the Admin Team directly with suggestions.**

#### Public Comment

No public comment was received.

#### 6. Adjourn

- The Admin Team summarized the next steps that emerged from the call discussion. The following next steps were identified in addition to the next steps listed in the summary:
  - **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.**
    - **Develop an options document related to the 96-hour rule and Central Management Area presoak to be shared with the DCTF and public.**

- **Begin planning the next EC conference call.**