

## Meeting Summary - DCTF Executive Committee June 13, 2024

### *Meeting Participants*

EC Members Present	Mike Cunningham, Nick Krieger, Dick Ogg, John Roley (alternate for Zach Rotwein), Vito Pomelia (alternate for Randy Smith), Troy Wakefield
EC Members Absent	Geoff Bettencourt, Bill Blue
Other Meeting Participants	Ryan Bartling, CA Department of Fish and Wildlife Captain Brent Chase, CA Department of Fish and Wildlife Mike Esgro, Ocean Protection Council Joanna Grebel, CA Department of Fish and Wildlife Christy Juhasz, CA Department of Fish and Wildlife Asst. Chief. Eric Kord, CA Department of Fish and Wildlife Officer Tiffany Wolvek, CA Department of Fish and Wildlife  Rachelle Fisher, DCTF Administrative Team Kelly Sayce, DCTF Administrative Team Scarlett Schroeder, DCTF Administrative Team Support

### **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. 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 which is anticipated for October 2024.
- [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 call recording 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 the Dungeness crab fishery, including, but not limited to, the Risk Assessment Mitigation Program (RAMP), Tri-State Dungeness Crab Committee, replacement buoy tags, etc.*

CDFW Provided updates on a variety of topics related to the Dungeness crab fishery.

- *Season Update:* The latest stats for the 2023-24 Dungeness crab commercial fishing season show approximately 14 million pounds of Dungeness crab landed statewide and \$49 million in ex-vessel value thus far. These figures also include landings by Experimental Fishing Permit (EFP) holders.
- *Risk Assessment Mitigation Program (RAMP):* The California Department of Fish and Wildlife (CDFW) wrapped up the [public comment period on the proposed RAMP regulations](#) (§ 132.8 to Title 14 CCR). The public comment period was open from April 4 through May 21, 2024, resulting in over 4,000 public comment submissions. CDFW will share the next steps after they have finished reviewing the public comments.
- *Tri-State Dungeness Crab Committee:* The Tri-State Dungeness Crab Committee met in May 2024 in Santa Rosa. The group is composed of commercial fishermen, industry, and fishery managers from California, Oregon, and Washington. The committee discussed crab quality testing protocols, navigating the Take Reduction Team (TRT), line marking schemes, gear recovery programs, fleet capacity, and gear reductions. A meeting summary is available on the [Pacific States Marine Fisheries Commission website](#).
- *Replacement Buoy Tags:* The California Department of Fish and Wildlife (CDFW) is continuing to respond to the quality concerns about the 2023-25 buoy tags and exploring the feasibility of replacing buoy tags for the 2024-2025 season. CDFW will share more information as it is available through an industry notice and the DCTF listserv. If you have questions about your replacement tags, please reach out to the License and Revenue Branch [LRBCOMM@wildlife.ca.gov](mailto:LRBCOMM@wildlife.ca.gov) or (916) 928-5822.

EC Members discussed the updates:

- *Risk Assessment Mitigation Program (RAMP):* An EC Member shared that certain members of the fleet want to know when line marking regulations will be announced since they are preparing their gear for the upcoming season. They also shared that line manufacturers have been reluctant to produce the purple and black color scheme line until the RAMP regulations are completed. CDFW shared that the purple and black color scheme is set in stone, but the details around how to mark the line (e.g., where on the line and how much of it) are still not yet completed. They hope to provide additional information in the coming weeks.
- *Replacement Buoy Tags:* EC Members asked if the fleet should request “between season” replacement tags and flagged that some fishermen have not tracked their lost tags because they assumed CDFW would be replacing all the tags for the 2024-25 fishing season. CDFW intends to reissue buoy tags for the entire fleet for the 2024-25 season and commercial fishermen are advised to wait to purchase replacement tags. CDFW will circle back with more information and guidance after touching base with the License and Revenue branch.

Public Comment

- No public comment was received on this agenda item.

*4. Confirm priority topics for 2024 DCTF and Executive Committee meetings, including but not limited to, the RAMP, Tri-state Dungeness crab quality testing, buoy markings, in-season allowances for lost gear recovery, season start times, issues with fair start, transiting a closed area with crab onboard, available Dungeness crab account funds to support fishery priorities, etc.*

The role of the EC is to help refine the numerous topics being brought to the DCTF by prioritizing agenda items, and reporting back to the full DCTF with any guidance and/or proposals developed.

The EC reviewed and discussed the topics shared with the Administrative Team to determine which topics were the highest priority for the DCTF to explore for the Fall 2024 meeting. EC Members discussed the urgency of the issue and the scale at which the topic affects the broader fleet:

**Topic:** Six Trap Rule

**Context:** §132.2, Title 14 CCR states that “No more than six (6) derelict commercial Dungeness crab traps may be retrieved per fishing trip.” Some fishermen would like to see this changed so that lost gear that poses a risk to whale and sea turtle entanglement could be retrieved at any time regardless of the amount.

**Discussion:**

- CDFW agrees that this is a high-priority topic. They are currently working on developing a rule-making packet with introductory language that was shared at a recent Whale Working Group meeting. In addition, to a legitimate interest in DCTF’s perspective on this regulation, CDFW must consult with the DCTF before amending this regulation. Complementing this discussion, an [emergency regulation was proposed in February 2024](#) that would allow the retrieval of unlimited numbers of traps after the season closes.
- CDFW’s Law Enforcement Division’s (LED) largest concern is if commercial fishermen were allowed to collect unlimited numbers of lost/derelict gear in-season, it could be more difficult to enforce the Dungeness crab commercial trap limit program. For example, fishermen could fish extra gear and claim they are retrieving lost gear in-season. LED explained that it would be helpful to define what “lost” or “derelict” means. EC Members shared their definitions of lost/derelict gear include:
  - A single trap with no others nearby
  - A single trap (or two) that has been located outside a depth contour when depth restrictions are in place
  - A rosebud (i.e., many traps tangled together)
- EC Members discussed rosebuds and explained that while they don’t often occur, they can be a hazard for whales. Therefore, they should be removed as soon as possible and requested a more expeditious communication channel (e.g., text) to allow the fleet to get it removed from the ocean. Asking CDFW for a waiver to retrieve the rosebud is too time-consuming given the urgency of removal.
- An EC Member stated that in the spirit of incentivizing lost gear retrieval and keeping the ocean clean, fishermen should be able to keep the crabs in the gear they retrieve.
- LED reminded fishermen that if they see a lot of lost or derelict gear in-season, to report the gear to CDFW and apply for waivers, which typically have a fast turnaround time.
- An EC Member has concerns about increasing the limit of six lost or derelict traps per trip during the season due to opportunities for fishermen to fish more gear than they are allowed. They stated that if they find more than six traps, they’ll mark the locations and retrieve the derelict traps when they service their gear.

**Conclusion:** High priority. Will be discussed at an EC meeting in 2024. The Admin Team will work with CDFW on timing.

**Topic:** 64-hour presoak/start time

**Context:** Request to change the presoak period to 72 hours to 1) be in alignment with Oregon; 2) begin crab season at 8am instead of midnight.

**Discussion:**

- An EC Member shared a preference for an extended 72-hour presoak, but would be open to a shorter presoak (e.g., 56 hours) so fishermen are pulling gear at more reasonable time than midnight. Multiple EC Members supported extending the presoak to 72 hours to allow for better conditions for smaller vessels and safer fishing conditions (i.e., crew will not be sleep deprived as they are currently when pulling gear at midnight).
- Another EC Member shared that they don't mind starting the season at midnight, however, they have not yet had a discussion with their port around the topic.
- An EC Member suggested changing the presoak back to 18 hours.
- An EC Member shared that their port has a lot of small boutique grocery stores and farmers markets so they prefer to be able to land and deliver in the mornings. In their port specifically, they took a vote and wanted to keep the opener at midnight. Another EC Member stated that the presoak is meant to be a safety set and does not understand why folks with larger boats wouldn't help barge folks with smaller boats.
- CDFW shared that they would be open to a discussion around shortening the presoak to start during daylight hours. However, they expressed concerns about extending the presoak time because they are trying to minimize the amount of time gear spends in the water to reduce the risk of whale entanglements.

**Conclusion:** Medium priority. This topic affects the whole fleet, but it is not urgent. It is anticipated to be discussed at an EC meeting in 2024.

**Topic:** Transiting a closed area with crab onboard

**Context:** Commercial Dungeness crab fishermen cannot transit a closed area when crab is onboard. For example, if a fisherman has been fishing in the Northern Management Area and wishes to return to Bodega Bay to land their crab while the Central Management Area is closed, they are unable to do so.

**Discussion:**

- Multiple EC Members stated that not allowing vessels to transit closed areas with crab onboard can be a hardship in ports like Crescent City and Bodega Bay. They explained that since fishermen are now required to have electronic monitoring devices on their vessels, LED should not be concerned about folks fishing in those closed areas.
- As closures become more frequent in the central management zone due to whale presence and domoic acid concentrations, this topic is a statewide issue.
- CDFW discussed possible solutions to address enforcement concerns including ensuring

the electronic monitoring program is sufficiently robust, providing a transportation corridor unsuitable to fishing for crab, and requiring minimum speed requirements to ensure folks are crossing the closed zone and not fishing in it. However, complications arise when fishermen have boat troubles and/or break down inside a closed area. CDFW added that there are already provisions in statute allowing transit of a closed area during a domoic acid closure. The conversation could begin by reexamining current regulations and adjusting to be more robust across a variety of situations and circumstances.

**Conclusion:** Medium priority. This topic affects the whole fleet, but it is not urgent. It is anticipated to be discussed at an EC meeting in 2024.

**Topic:** *Surplus funds in the Dungeness crab account*

**Context:** CDFW is required to provide an annual accounting of the Dungeness crab trap limit program. [In March 2024, the latest accounting summary \(FY 2021-22\) showed that the Dungeness crab account has roughly a \\$1 million surplus.<sup>1</sup> EC Members would like to explore options for how to use the excess funds.](#)

**Discussion:**

- EC Members discussed options for using the excess Dungeness crab account funds including supporting lost gear retrieval efforts, funding vessel surveys for RAMP, giving funds back to the fleet, etc.
- EC Members supported prioritizing and identifying ways to reduce the surplus in the Dungeness crab account. This topic has been discussed at previous DCTF meetings and should be revisited.
- There was support for a discussion around switching to annual buoy tags to reduce the potential for fishermen to cheat when they are only allowed to fish a portion of their gear. They suggested annual tags would be more cost-effective than replacement tags.
- The Admin Team explained that the law is very prescriptive on how the funds in the account may be used. Fish and Game code §8276.5 states that “The department shall use excess funds collected to reduce the cost of the crab trap limit permit fee or tag fee in subsequent years of the program.” It also states that the funds may only be used for “administering and enforcing the [Dungeness crab trap limit] program” and supporting the administration and facilitation of the DCTF through 2029. Any other uses of those funds would require a legislative amendment.
- An EC Member requested more consistent yearly accounting of the Dungeness crab account. CDFW shared their intent to begin the 2023 fiscal year summary in July 2024, explaining that delayed reporting by a fiscal year ensures accurate accounting of the prior year’s numbers. CDFW intends to produce summary reports more regularly moving forward.

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<sup>1</sup> The surplus in the summary document is ~\$2.5M, but the Department of Finance requires the account to maintain a minimum reserve sufficient to cover two fiscal years of Department expenditures (i.e., \$1.4M).

**Conclusion:** Medium priority. This topic affects the whole fleet, but it is not urgent. It is anticipated to be discussed at an EC meeting in 2024.

**Topic:** *Dungeness Crab Commission*

**Context:** An EC Member shared that in their port, they instituted a port-wide percent tax per pound of crab landed and have raised over \$20,000. The funding can be used to support the port's priorities. They believe this small tax on landings could have benefits fleetwide.

**Discussion:**

- An EC Member shared that this kind of funding could allow the commercial Dungeness crab fishery to better defend themselves against the whale entanglement issues and other threats to the fleet. The EC Member cited the lobster industry as a prime example of a fishery defending themselves using this method.
- EC Members shared that the fleet has discussed forming a Dungeness crab commission, similar to the Sea Urchin Commission, for many years and are beginning to show interest again.
- One EC Member stated that a single cent tax per pound of crab would net roughly \$140,000/year for the Dungeness crab fishery.
- The Admin team reminded the EC that in 2019, the Department of Agriculture gave a [presentation to the DCTF](#) about the options for forming a council or commission under the Department of Food and Agriculture. The Admin team reminded the EC that a council or commission formed under the Department of Food and Agriculture could not sue the state of California or influence the price of Dungeness crab. Its main purpose is for marketing. EC Members requested the Admin Team recirculate the information from the Department of Food and Agriculture.
- This topic was identified as a medium priority since it affects the whole fleet but is not urgent.

**Conclusion:** Medium priority. This topic affects the entire fleet and is not urgent. It is anticipated to be discussed at an EC meeting in 2024.

**Topic:** *Buoy Marking*

**Context:** Dungeness crab main buoys must be marked with a Fishing License number of the person fishing the gear (e.g., the boat captain) rather than the permit number associated with the vessel. This has caused issues for fishermen who have a crew and rely on different captains to fish their permit(s).

**Discussion:**

- The current requirements for buoy marking affect those who hire captains to run their Dungeness crab permitted vessels. This causes problems if multiple people are operating a single vessel and begs the question of who should own and maintain the buoys that are associated with the permit's traps if the operator's fishing license number is required. Vessel owners typically own and maintain the gear their vessel uses, so logically it would

make sense to have the vessel identification number or Dungeness crab permit number associated with the gear.

- An EC Member shared it would be expensive and difficult to replace all buoys if one of their operators fell sick mid-season and a different fishing license was needed on the buoy.
- CDFW stated that the current statute ([Fish and Game Code §9006](#)), has been in place since the late 1990s and would require a legislative change. LED cautioned that changing the language would result in violations by the operator, falling on the permit holder regardless of whether they were the ones that set/service the gear. The current regulations often protect the permit holder from the actions of their operator.

**Conclusion:** Medium priority. This topic affects a small portion of the fleet, but the EC considered it relatively urgent. It will be discussed at an EC meeting in 2024 as time allows.

**Topic:** *Funding for Line Marking*

**Context:** The DCTF made a recommendation in Fall 2023 requesting funding to support the fleet's transition to line marking.

**Discussion:**

- Multiple EC Members shared their support for revisiting this recommendation to reiterate to managers and the state of California that they should be prioritizing funding for the fleet.
- The Admin team shared that the DCTF has made this recommendation at previous DCTF meetings and it would be beneficial for CDFW, NMFS, and the legislature to know that the DCTF is still requesting support.

**Conclusion:** High priority. This topic affects the entire fleet and is urgent. The EC will not discuss it further. It will be added directly to the DCTF meeting Fall 2024 agenda.

Public Comment

- No public comment was received on this agenda item.

5. *Adjourn*

- The Admin Team summarized the next steps that emerged from the call discussion.
- 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.
  - Share information and materials with the DCTF from previous conversations with the Department of Agriculture regarding options for the Dungeness crab fleet to form a council or commission.
  - Schedule a July DCTF Executive Committee meeting and circulate an agenda in accordance with the Bagley-Keene Open Meetings Act.

- CDFW will:
  - Continue to engage with folks and answer questions about RAMP, line marking funding opportunities, gear marking requirements, replacement buoy tags, waivers for in-season gear retrieval, and expanding fishing opportunities when the risk of whale entanglements is elevated.
  - Circle back with more information and guidance on buoy tag replacement submission timelines after touching base with the License and Revenue branch.

The next EC meeting is anticipated for July 2024. More details will be shared on the [DCTF webpage](#) and through the [DCTF email list](#).