

Meeting Summary - DCTF Executive Committee

July 25, 2024

Meeting Participants

EC Members Present	Geoff Bettencourt, Bill Blue, Mike Cunningham, Nick Krieger, Dick Ogg, Zach Rotwein, Vito Pomelia (alternate for Randy Smith), Troy Wakefield
EC Members Absent	None
Other Meeting Participants	Joanna Grebel, CA Department of Fish and Wildlife Elizabeth Brauer, CA Department of Fish and Wildlife Allison Mitchel, CA Department of Fish and Wildlife Christy Juhasz, CA Department of Fish and Wildlife Asst. Chief Eric Kord, CA Department of Fish and Wildlife Captain Brent Chase, CA Department of Fish and Wildlife Lt. Specialist Tiffany Wolvek, CA Department of Fish and Wildlife Rachelle Fisher, DCTF Administrative Team Kelly Sayce, DCTF Administrative Team Priya Shukla, 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 for more information.

2. Public comments on non-agenda items.

- David Bitts, commercial fisherman and a member of the Humboldt Fishermen's Marketing Association, shared that hearings are being held for cases previously thought to be settled. These cases will be directed to the California Fish and Game Commission to determine if, in some cases, permits should be suspended. By providing this comment, he was intending to raise awareness, but was unsure if the DCTF was the appropriate group to do anything about this issue. He encouraged anyone interested in learning more to reach out to him directly.

3. *Updates on the Dungeness crab fishery, including, but not limited to, the Risk Assessment Mitigation Program (RAMP), replacement buoy tags, Ocean Protection Council grant execution, information requested at the June 2024 Executive Committee meeting about commissions, etc.*

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

- *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 and resulted in over 4,000 public comment submissions. CDFW will issue a new rulemaking package in the coming months in accordance with the Office of Administrative Law and regulatory processes. Those who have already submitted a public comment will not need to re-submit the same comment. The implementation timeline for line marking will not change with the fleet being required to mark lines by the 2028-2029 season. CDFW stated that if the regulations become active during the middle of the 2024-2025 season, the fleet will not need to be compliant with the buoy marking requirement until the start of the 2025-2026 season.
- *Replacement Buoy Tags*: In response to quality concerns about the 2023-2025 buoy tags, CDFW will replace buoy tags for the 2024-2025 season. CDFW will issue a notice through a variety of channels including, but not limited to email, US Postal Service, the DCTF listserv, and CDFW website. Replacement buoy tags are anticipated to be circulated at the end of September or early October. Permitholders are advised not to apply for between season replacement tags. These one-time replacement buoy tags will be single-year tags for the 2024-2025 season and comes at no cost to the fleet. Please direct questions about replacement tags to the CDFW License and Revenue Branch, LRBCOMM@wildlife.ca.gov or (916) 928-5822.
- *Ocean Protection Council Grant*: The Ocean Protection Council (OPC) [approved a \\$1.8 million dollar funding package for reducing whale/sea turtle entanglement](#). The funding has been split into four different categories: 1) \$200,000 for developing a ropeless fishing management portal, 2) \$1 million for purchasing manufactured line to support line marking requirements for the commercial Dungeness crab fishery, 3) \$200,000 for improving large whale entanglement response, and 4) \$450,000 for strengthening and expanding a ropeless fishing gear library.
- *Dungeness Crab Commission*: During the June 2024 EC meeting, Members requested informational materials from previous discussions around the exploration of establishing a Dungeness crab commission ([available on the DCTF webpage](#)). The DCTF discussed the establishment of a Dungeness crab commission from 2017-2019 as a replacement for the DCTF that would require a tax on the fleet to support the commission. The primary purpose of a Dungeness crab commission established through the Department of Food and Agriculture (CDFA) similar to the California Sea Urchin Commission and Salmon Council would be for marketing. A [tree diagram](#) was used to clarify that councils and commissions are marketing bodies that could also advise on fisheries management, serve as a conduit to the fleet, identify research priorities, and conduct public relations. However, there are restrictions on how a council or commission could engage in litigation.

EC Members discussed the updates:

- *Risk Assessment Mitigation Program (RAMP)*: An EC Member confirmed that no portions of RAMP 2.0 will go into effect until after the second public comment period has elapsed.
- *Replacement Buoy Tags*: An EC Member asked how replacement buoy tags will be funded. CDFW shared that an additional funding source outside the Dungeness crab account was identified and will be used for the replacement buoy tags.
- *Dungeness crab commission*: An EC Member shared that the DCTF already spent a lot of time discussing and exploring the idea of a commission and ultimately decided not to pursue it due to the inability to engage in legal issues on behalf of the fleet.

Public Comment

- No public comment was received on this agenda item.

4. Discuss regulatory changes to allow commercial fishermen to retrieve lost fishing gear in-season and postseason to address entanglement concerns.

Joanna Grebel, CDFW, shared draft proposed regulatory changes around in-season and postseason gear recovery (§ 132.2, Title 14, CCR). These proposed changes are reflective of the recently adopted [emergency gear retrieval regulations](#) that allows the fleet to retrieve an unlimited number of traps as soon as the Director closes the fishery. The regulation changes also include increased reporting requirements for retrieving lost gear. CDFW is not considering increasing the current allowable lost/derelict traps allowed on a vessel during the season of six traps. The public comment period for these draft regulations will align with the upcoming fall DCTF meeting. EC Members asked clarifying questions.

- An EC Member thanked CDFW for the update and requested further insight into the updated reporting requirements. CDFW clarified that the in-season and postseason trap retrieval program is different from the [Lost Gear Recovery Program](#) and therefore each program has separate paperwork. Only those individuals retrieving lost gear as part of the Lost Gear Recovery Program will receive financial reimbursements and the in-port coordinators of those programs will provide CDFW with the appropriate paperwork for reimbursement.
- Another EC Member asked for clarification on how lost/derelict gear can be retrieved from a closed area when depth restrictions are imposed since they must be transported through open areas where the season is still open. CDFW's Law Enforcement Division (LED) shared that the proposed regulations refer to closed fishing zones (zone), rather than depth restrictions such that when an entire zone is closed, unlimited traps may be retrieved from that zone. When the individual moves from a closed zone to an open zone, they will be restricted to the allowable in-season allotment (six traps per trip). The EC Member followed up asking about an individual's ability to pull gear from a closed zone and transit through an open zone when they are pulling another person's gear with a waiver, especially if they were not fishing that day. LED shared that the terms of a waiver are on a case-by-case basis.
- An EC Member stated their distaste for the term "derelict gear" and would rather use "unattended gear". LED recommends identifying if retrieved gear was reasonably derelict or abandoned in their reporting.

Public Comment

- No public comment was received on this agenda item.

5. Discuss and consider priority topics for the DCTF's future agendas, including, but not limited to:

5a. Explore options for utilizing the surplus funds in the Dungeness crab account

Context: The [latest accounting summary \(FY 2021-22\)](#) of the Dungeness crab account showed a \$1 million surplus.¹ [During the June 2024 meeting](#), EC Members expressed interest and discussed options for how to use the excess funds.

Discussion:

- An EC Member [provided a proposal](#) suggesting the DCTF recommend to the California legislature that the Dungeness crab account surplus be used to as a grant to fund tools to enhance fishing opportunities for the Dungeness crab fleet (e.g., data collection, lost gear retrieval, research, reduce buoy tag fees). The proposal suggests the DCTF appoint a subcommittee to determine how funding is allocated.
- Multiple EC Members vocalized support for returning the surplus funds back to the fleet. The Admin Team asked what the process would be to allocate the funds and various suggestions were shared including, reducing licensing or buoy tag fees, proportional payments to the fleet based on their trap tier, etc. The Admin team shared that assuming there were 170,000 buoy tags purchased each year by the fleet, each individual would receive roughly \$5.88 per tag, essentially resulting in a single bi-annual

¹ 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).

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set of free buoy tags. One Member felt this amount was nominal and the surplus could have a great impact if used differently. An EC Member questioned whether the fleet could receive a free set of trap tags every 3-5 years. The Admin team shared that it was unclear since spending on the account slowed during the COVID-19 pandemic and it is unclear how much excess funds remain in the account from year to year. There should be more insight when the next accounting report is shared.

- Various EC Members supported using the surplus funds to benefit the fleet. Suggestions included gear retrieval efforts, legal action, moving to an annual trap tag, and monthly vessel monitoring subscriptions. One EC Member expressed disinterest in using the funds for an experimental fishing permit (EFP) because they believe that the gear innovators should fund the effort since they will benefit financially from gear that is approved. The Admin team informed the EC that the surplus can only be used for legal purposes if it is given back to the fleet first.
- CDFW thanked the EC for the thoughtful suggestions and the proposal. They stated that CDFW has a running list of funding ideas and requests from the fleet that is similar to the ones shared today. They shared that the surplus could also be used to support the fleet's transition to line-marking.
- CDFW and the Admin team both reiterated the need for the DCTF's recommendation around the surplus funds to be simple and specific so the legislature can be responsive. It may be necessary to allocate the funding to an organization (e.g., Pacific States Marine Fisheries Commission and/or OPC) to help administer the funds.

Public Comment:

- George Bradshaw, commercial fisherman, would like to explore the possibility of reducing the biennial buoy tag and permit fees to prevent a surplus from occurring in the future. Reducing the fees was the initial goal of the program if a surplus ever occurred and feels that the fleet is being over-taxed.

Conclusion: The EC agreed to move this topic forward to the full DCTF to continue discussing. The Admin team will develop a summary of the options discussed today for DCTF Members to support their conversations with their ports.

5b. Options to modify the regulations or fleetwide practices associated with the 64-hour commercial presoak period so gear is pulled at a time of day that promotes safe fishing practices.

Context: [During the June 2024 meeting](#), EC Members discussed changing the presoak period so that gear would be pulled at 8am instead of 12am. Options were discussed to extend the presoak to 72 hours in alignment with the Oregon fishery, or shorten it.

Discussion:

- Multiple EC Members agreed that presoak should not be changed. EC Members explained that the current presoak duration and fishery start time is safer for the fishery than a 72-hour period. They explained that the California Dungeness crab fishery is different from Oregon and Washington because California was mostly made up of small boats. Maintaining the current 64-hour presoak would make the fishery safer, allow smaller boats more opportunities, and support live markets. The midnight opener allows the small California vessels to land their catch before the market is flooded with crab from the other states in the first 24-48 hours of the season.
- An EC member vocalized support for maintaining a midnight opener.
- Another EC Member vocalized their distaste for the midnight start, but understands why others prefer it. They countered that in northern ports, sometimes fishermen cannot set gear for days after the season

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opener due to weather. They don't believe the presoak length will matter if folks are restricted by weather conditions.

- Another EC member agreed that the start time has been increasingly variable in recent years. They explained that no matter the boat size, the season start will be exhausting and challenging. They stated that presoak duration is not a topic the DCTF should pursue.

Public Comment:

- No public comment was received on this agenda item.

Conclusion: The EC agreed that this topic is not a priority for the Fall DCTF meeting.

During this agenda item, EC Members highlighted the importance of discussing the 96-hour gear servicing rule. The Admin Team reminded the EC that the 96-hour gear servicing rule will be discussed at the upcoming fall DCTF meeting.

6. Reminder of priority topics for future EC discussions and the fall 2024 DCTF meeting.

- The next EC meeting is anticipated to take place in September while the DCTF Meeting is slated for October 2024.
- The EC reviewed the list of topics either identified by the EC or requested by the public to be added to future EC and DCTF agendas.
 - Topics to discuss at the September EC meeting include: Commercial fishing license numbers on buoy markings, transiting a closed area with Dungeness crab onboard, and Dungeness crab commission.
 - Topics to discuss at the October DCTF meeting include: Funding for line marking, 96-hour gear servicing requirement, Dungeness crab account surplus, updated RAMP regulations, and the proposed regulatory changes to in-season and postseason gear recovery.

7. 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.
 - Schedule a September 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 and proposed regulatory changes, replacement buoy tags, etc.
 - 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 September 2024. More details will be shared on the [DCTF webpage](#) and through the [DCTF email list](#).