

Meeting Summary - DCTF Executive Committee September 5, 2024

Meeting Participants

EC Members Present	Geoff Bettencourt, Mike Cunningham, Nick Krieger, Dick Ogg, Vito Pomelia (alternate for Randy Smith), Troy Wakefield
EC Members Absent	Bill Blue, Zach Rotwein
Other Meeting Participants	Ryan Bartling, CA Department of Fish and Wildlife Elizebeth Brauer, CA Department of Fish and Wildlife Katie Cieri, 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 Captain Brent Chase, CA Department of Fish and Wildlife Rachelle Fisher, DCTF Administrative Team Kelly Sayce, DCTF Administrative Team Scarlett Schroeder, DCTF Administrative Team

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.

- 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), replacement buoy tags, Ocean Protection Council grant execution, information requested at the June 2024 Executive Committee meeting about commissions, etc.

CDFW Provided updates on various 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). Based on feedback received, CDFW has been updating the proposed regulations to go to public notice again in late 2024. Those who have already submitted a public comment will not need to re-submit the same comment.
- *Replacement Buoy Tags*: CDFW is anticipating mailing replacement buoy tags by the end of September or early October to registered permit holders. Members of the fleet should not apply for the typical “between seasons” replacement tags. If you have direct questions about replacement tags, contact the CDFW License and Revenue Branch, LRBCOMM@wildlife.ca.gov or (916) 928-5822.
- *Upcoming Public Comment Period, Proposed Changes to Sec. 132.2, Title 14, CCR, Gear Retrieval* - To expand retrieval of lost or abandoned gear, the California Department of Fish and Wildlife (CDFW) adopted an emergency regulation in Spring 2024 allowing Dungeness crab vessels to retrieve an unlimited number of derelict traps after an early season closure when declared by the Director. CDFW is working to make that regulation permanent and to add a new reporting requirement that will allow CDFW to measure the success of gear retrieval efforts. The proposed regulations will go to public comment in September and will be discussed at the October DCTF meeting.
- *96-hour gear servicing rule* - CDFW understands that the DCTF and broader Dungeness crab fleet would like the 96-hour gear servicing interval to be extended. This regulation has been in place since 1984, and its origins are unclear. CDFW has concerns about extending the gear servicing interval due to the belief that leaving gear for longer periods of time unattended could result in higher risk of whale entanglements. They look forward to discussing this in more detail at the October DCTF meeting and will continue discussing the topic at CDFW to determine how they can try to meet the fleet where they are.

EC Members discussed the updates:

- *96-hour gear servicing rule*: EC Members explained that it is expensive to service gear especially when crab is sparse. Members asked CDFW to consider the economic and financial burden to the fleet to frequently service gear when fishing slows in the spring. The Admin team highlighted that other fisheries (i.e., California spiny lobster and federal trap fisheries) have longer servicing intervals, but do not have exemptions for weather. Fisheries managers will consider economic issues with a regulatory change like this, but it must be paired with other considerations (e.g., environmental). Another EC Member shared there is no evidence of a correlation between a shorter gear servicing intervals and a lower risk of entanglement. CDFW shared that this issue has also come up under the Experimental Fishing Permit program and they will speak more about it at the upcoming DCTF meeting.

Public Comment

- Geoff Shester, Oceana, said that he heard the fleet's interest in extending the 96-hour gear servicing interval. Oceana and a few other organizations are open to revisiting the conversation if the DCTF would also address the prevention and retrieval of lost gear. Their primary concern and rationale regarding a longer service interval is lost gear.

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

<p>4a. Modifications to surface buoy marking regulations to simplify buoy marking when multiple individuals use the same vessel.</p>
<p>Context: All commercial Dungeness crab surface buoys must be marked with the vessel operator's commercial fishing license number (CFL#). When a vessel has more than one operator or changes operators during the season, the buoys associated with the vessel must be replaced and re-marked. Updating regulations so that the buoys are marked with the vessel owner's license number would decrease costs and help with smoother transitions in vessel operators due to staff turnover, injury, etc. This change would require amendments to the Fish and Game Code (legislative).</p>
<p>Discussion:</p>

4a. Modifications to surface buoy marking regulations to simplify buoy marking when multiple individuals use the same vessel.

- An EC Member questioned how widespread this issue is for the fleet and whether it was necessary to address at this time. Some vessels are owned by companies while others are owned by individuals or multiple individuals.
- EC Members discussed the legal and enforcement implications of changing buoy markings from the vessel operator's license to the Dungeness crab permit number. CDFW's Law Enforcement Division (LED) shared that if buoy marking were to be updated in this way, the responsibility for tickets and enforcement violations would be associated with a permit rather than the vessel operator. Vessel operators would need to have written permission to pull gear associated with the permit. This change could transfer more liability to the vessel owner.
- An EC Member shared that fishermen may service others' gear with a written waiver/letter. He inquired whether this kind of written permission could be granted to vessel operators, thereby releasing liability to vessel owners if there is a violation. He also asked if buoy marking does not change, if a vessel owner could use their own CFL# and grant permission to their operator to service their gear via waiver letter. The EC Member explained that their port is not interested in changing their buoys and suggested alternative approaches that would allow buoys to be fished by anyone fishing the permitted vessel but with a different CFL#. LED explained that the legality of these questions depends on how the law is written. Currently, an individual may only service another person's gear with a waiver approved by CDFW.
- A couple of EC Members suggested CDFW create a standardized form/legal contract for permit holders to use when someone is fishing their gear under their permit so the permit holder would not be liable for the actions of their operator. LED stated that liability and other responsibilities should be a private agreement between the permit holder and the operator before allowing access to their permit and vessel. It would be inappropriate for CDFW to engage in these sorts of private agreements and potential legal disputes.
- An EC Member explained that in Washington, buoy markings associated with a permitted Dungeness crab vessel are registered with the state for tracking purposes. This system puts the responsibility for violations on the vessel operator, who is simply "borrowing" the buoys from the vessel. The process seems very streamlined and could be an alternative to the way buoys are marked in California.

Public Comment:

- No public comment was received on this agenda item.

Conclusion: The EC agreed this topic is not a priority for the October 2024 DCTF meeting as there are other, higher priorities. They will revisit this discussion at a future Executive Committee meeting.

4b. What managers need to allow commercial Dungeness crab fishermen to transit a closed area when crab is onboard.

Context: A vessel may not transit a closed area (e.g., management zones) while in possession of Dungeness crab. This regulation makes it burdensome for those fishing on the edge of a management zone (e.g., Bodega Bay) or the state (e.g., Crescent City) who wish to land in their homeport.

Discussion:

- Some EC Members expressed that this regulation has become increasingly troublesome as management zone closures have increased in frequency. Since all vessels are required to have electronic monitoring (EM) with high ping rates, the state will be able to track active vessels in the fleet effectively and will know if someone is fishing in a closed management zone. CDFW confirmed that while the intention for the requirement that all EM units transmit a high ping rate to CDFW was to help

4b. What managers need to allow commercial Dungeness crab fishermen to transit a closed area when crab is onboard.

managers distinguish fleet activities to ultimately determine if folks were fishing, in practice, it has been more challenging. CDFW is open to continuing this conversation but needs more guidance on defining fishing activity using an EM system. For example, regulatory language may need to specify speed and duration of the vessel in a closed area and also consider emergency mechanical issues of a vessel. Without specific regulatory language, it will be impossible to enforce this transiting provision in closed management zones.

- An EC Member emphasized that fishing has a very specific pattern that is obviously detectable on their EM device. Additionally, when salmon fishing, vessels used to call into the US Coast Guard to report when they were transiting through a closed management zone. They suggested applying the salmon regulations to the Dungeness crab fishery. The Admin Team reminded the Executive Committee that while they may be able to clearly interpret vessel patterns from EM data, there must be simple and specific regulatory language adopted that would allow a judge, or someone not well-versed in fishing, to be able to determine whether or not someone has been fishing.
- An EC Member asked if the pressure sensor included in the Archipelago EM gear kits would be mandated in RAMP 2.0. CDFW confirmed that the hydraulic sensor would not be a requirement under RAMP 2.0, however, the fleet should not discard them since the state is interested in testing the utility of the sensors. They discussed that there may be issues of malfunctioning sensors, fishermen bypassing the units, etc. They invited the fleet to test the sensors and provide feedback to CDFW. The EC Member shared that the Washington Department of Fish and Wildlife uses EM and hydraulic sensors to determine if a vessel is fishing.
- The DCTF has made recommendations on this topic before with the rationale that EM would provide sufficient proof of the absence of fishing when transiting a closed management zone. Instead of relying on EM as the tool to allow transiting a closed area with crab onboard, other tools could be used, including but not limited to transportation corridors.

Public Comment:

- No public comment was received on this agenda item.

Conclusion: The Executive Committee agreed that this issue is high priority and should be discussed at the upcoming October 2024 DCTF Meeting.

4c. Revisit interest in establishing a Dungeness crab commission including how such a body will help the Dungeness crab fishery meet their needs.

Context: The EC discussed whether Dungeness crab landings should be taxed to support the establishment and management of a Council or Commission through the Department of Food & Agriculture. This body could help create a pathway to raise money for the fleet and fund topics of interest (e.g., research, etc.).

Discussion:

- The Admin Team shared that 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 or 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

4c. Revisit interest in establishing a Dungeness crab commission including how such a body will help the Dungeness crab fishery meet their needs.

how a council or commission could engage in litigation.

- An EC Member shared that they instituted a port-wide percent tax per pound of crab landed and have raised over \$20,000 to support the port's priorities. They believe a Dungeness crab Commission could help the industry by funding programs aimed at gear retrieval, updated research to inform regulations that affect the Dungeness crab fleet, etc.
- CDFW shared that if a commission is a priority for the fleet, they should connect with National Marine Fisheries Service (NMFS) to ensure that funding from the commission could be used to support updated stock assessments or other NMFS data collection efforts. Additionally, if a commission is formed, would the DCTF be needed?
 - An EC Member stated that PCFFA and CCCA are funded by donations, so a council or a commission could provide stable funding and marketing that could benefit the fleet. The Admin team explained that the DCTF's role is to advise the state directly on Dungeness crab fishery management and the role of a commission would be different.

Public Comment:

- No public comment was received on this agenda item.

Conclusion: The Executive Committee agreed to pause continued discussions of creating a Dungeness crab commission until a future Executive Committee meeting as there are other, higher priorities.

5. Confirmed priority topics for the fall 2024 DCTF meeting and future EC discussions.

- The next EC meeting is anticipated to take place in Spring 2025 and the DCTF Meeting is slated for October 29-30, 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 future EC meetings include: modifications to surface buoys, Dungeness crab Commission, and standardizing Experimental Fishing Permit methods and procedures.
 - Topics to discuss at the October 2024 DCTF meeting include: Funding for line marking, 96-hour gear servicing requirement, Dungeness crab account surplus, RAMP and marine life entanglements, the proposed regulatory changes to in-season and postseason gear recovery, and transiting a closed area with Dungeness crab on board.

6. 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 the DCTF 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 Spring 2025. More details will be shared on the [DCTF webpage](#) and through the [DCTF email list](#).