



## ~California Dungeness Crab Task Force~

<http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>

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### REPORT

TO: Joint Committee on Fisheries and Aquaculture, Mike McGuire, Chair  
California Fish and Game Commission, Peter Silva, President  
California Department of Fish and Wildlife, Charlton Bonham, Director

CC: California Ocean Protection Council, Mark Gold, Executive Director  
California Fish and Game Commission, Melissa Miller-Henson, Executive Director  
California Fish and Game Commission, Susan Ashcraft, Marine Advisor  
California Department of Fish and Wildlife, Craig Shuman, Marine Region Manager  
Pacific States Marine Fisheries Commission, Dave Colpo, Sr. Program Manager  
Joint Committee on Fisheries and Aquaculture, Chris Nielsen, Legislative Director

FROM: California Dungeness Crab Task Force

DATE: December 9, 2021

RE: October 2021 recommendations from the California Dungeness Crab Task Force

APPENDICES: (1) [Dungeness Crab Task Force Background and Operations](#)  
(2) [DCTF Charter - Updated October 2021](#)  
(3) [Trap Limit Program Department Accounting Through the 2018-19 FY](#)  
(4) [April 1, 2021 DCTF Report: March 2021 recommendations from the California Dungeness Crab Task Force](#)  
(5) [December 9, 2020 DCTF Report: October 2020 recommendations from the California Dungeness Crab Task Force as requested by Fish and Game Code 8276.4](#)  
(6) [December 10, 2019 DCTF Report: October 2019 recommendations from the California Dungeness Crab Task Force as directed by Fish and Game Code 8276.4](#)  
(7) [December 20, 2017 DCTF Report: October 2017 recommendations from the California Dungeness Crab Task Force as requested in SB 369 \(Fish and Game Code 8276.4\)](#)  
(8) [January 13, 2017 DCTF Report: Final recommendations from the California Dungeness Crab Task Force as requested in SB 369 \(Fish and Game Code 8276.4\)](#)  
(9) [January 15, 2016: Initial recommendations from the California Dungeness Crab Task Force as requested in SB 369 \(Fish and Game Code 8276.4\)](#)  
(10) [DCTF Membership List, updated November 2021](#)

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This report provides recommendations from the California Dungeness Crab Task Force (DCTF) to the Joint Committee on Fisheries and Aquaculture (the Legislature), the California Department of Fish and Wildlife (CDFW), and the Fish and Game Commission (the Commission). These recommendations are presented to inform Dungeness crab fisheries management, including future legislation and existing regulations. Topics addressed in this report include recommendations for updates to the Dungeness Crab Account, new legislation for gear servicing interval changes, and guidance specific to marine life entanglements and the Risk Assessment and Mitigation Program (RAMP).

The DCTF is grateful for the opportunity to advance this work and work in partnership with the Legislature, CDFW, and the Commission regarding the management of the Dungeness crab fishery. The DCTF's work was completed pursuant to Fish and Game Code (FGC) §8276.4 with financial support as directed by FGC §8276.5. For additional background details and DCTF operations, please see [Appendix 1](#).

**Additional information, including previous reports and meeting summaries with details on the development of the recommendations provided in this report, is available on the DCTF webpage: <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>.**

### **DCTF VOTES AND ANALYSIS**

The DCTF developed the following recommendations during a two-day meeting on October 27-28, 2021. The recommendations represent agreements of DCTF members present at the meeting (as per voting protocols defined in the DCTF Charter ([Appendix 2](#))<sup>1</sup>). However, in some cases, the recommendations are not the *verbatim* language used when the votes were taken. Because of the iterative nature of the conversations at the DCTF meetings, the language of some recommendations has been adjusted to improve clarity. The additional context, together with the voting record, will be included in the meeting summary, which will be posted on the DCTF's webpage when it is available. Explanatory notes are provided below recommendations when necessary.

## **DCTF RECOMMENDATIONS- October 27-28, 2021**

### **The Dungeness Crab Account, FGC §8276.5**

The DCTF discussed and addressed the Dungeness Crab Account (FGC §8276.5) in previous reports and provided an updated recommendation during the October 2021 meeting.

**Recommendation 1:** In accordance with FGC §8276.5, the DCTF recommends the CDFW's Law Enforcement Division provide an annual accounting of the Dungeness Crab Account, preferably during the annual DCTF meeting. The DCTF requests the accounting to clarify how much money is in the account beyond the reserve required by the state of California (i.e., two years of reserve funds) and projections of anticipated future spending and revenue.

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	0	0	0	2

Notes:

Fish and Game Code §8276.5 states: *The department shall annually provide an accounting of all costs associated with the crab trap limit program. 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.*

CDFW last updated the DCTF on the Dungeness Crab Account during the October 2020 when an accounting through the 2018-19 fiscal year was presented by CDFW ([Appendix 3](#)).<sup>2</sup> Up until that point, these annual

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<sup>1</sup> As part of the DCTF's voting procedures, thumbs up and thumbs sideways are *both* counted as affirmative votes in determining whether a recommendation has at least the  $\frac{2}{3}$  affirmative vote required to be forwarded to the Joint Committee on Fisheries and Aquaculture, CDFW, and Commission.

<sup>2</sup> California Department of Fish and Wildlife. 2019. 2019 Dungeness Crab Fishery Updates. Presentation to the California Dungeness Crab Task Force. Santa Rosa, CA. October 2019.

[http://www.opc.ca.gov/webmaster/ftp/project\\_pages/dctf/meeting-5/CDFWData\\_DCTF%20Meeting\\_Oct262015-2.pdf](http://www.opc.ca.gov/webmaster/ftp/project_pages/dctf/meeting-5/CDFWData_DCTF%20Meeting_Oct262015-2.pdf)

reports have been made available on CDFW’s webpage,<sup>3</sup> but no substantive update was provided on the account this year. The DCTF raised questions in 2019, 2017, 2016, and 2015 about the accounting and use of these funds (Appendix 6, 7, 8, and 9). The DCTF continues to need clear information from CDFW to determine whether revenue generated from permit/tag fees is higher than CDFW needs to operate the Dungeness Crab Trap Limit Program, as was the case in these previous years. CDFW informed the DCTF that the state of California requires a 2 year surplus (i.e. \$1.48M) to remain in the account at all times. However, with a \$620,000 surplus<sup>4</sup> following the 2018-19 fiscal year, the DCTF is requesting a more thorough accounting to understand if fees are set too high. If excess funds are being collected beyond the required 2 year surplus, the DCTF requests §132.1 Title 14, CCR be amended to reduce the costs of the program to fishermen (i.e., buoy tags or biennial permits) as outlined in FGC §8276.5. The DCTF appreciates that CDFW must use the Dungeness Crab Account to cover costs to administer and enforce the commercial Dungeness Crab Trap Limit Program and continues to recommend transparency (e.g. annual reporting) around the use of the Dungeness Crab Account as required by FGC §8276.5.

**General Dungeness Crab Fishery Management**

FGC §8276.4 mandates that the DCTF discuss refining commercial Dungeness crab management. The DCTF identified relevant regulatory and legislative needs; Recommendation 2 directly relates to resolving issues the industry has faced in recent years.

**Recommendation 2:** The DCTF recommends and reaffirms their October 2020 recommendation to amend FGC §9004 (the 96-hour gear servicing requirement) to allow a 9-day soak time, weather permitting. This recommendation is in alignment with §29.80 Title 14, CCR for the California recreational Dungeness crab fishery.

The Dungeness crab fishery has tools in place to address expressed concerns related to the potential for increased gear loss including an electronic monitoring mandate<sup>5</sup> and lost-gear recovery program<sup>6</sup> that charges for lost gear. The DCTF will work with CDFW to explore the development of additional programs to provide incentives for reducing gear loss (e.g., rewards for fishermen that lose minimal gear each season).

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	5	0	1	1

Notes:

In the October 2020 report (Appendix 4), the DCTF expressed concerns about FGC §9004, especially later in the season when it is not financially viable to service gear every 96 hours (4 days). The DCTF believes the commercial Dungeness crab fishery should be allowed the same servicing interval (9 days) as the recreational Dungeness crab fishery. The DCTF hears the concerns expressed by some groups about this recommended change. However, there is no evidence that an increased service interval would equate to an increase in marine life entanglement risk or an increase in gear loss or displacement. The DCTF would not recommend a fishing practice they believe would increase gear loss because that gear loss is expensive. The primary cause of gear loss each season is rough weather and boating traffic. Based on this, the DCTF

<sup>3</sup><https://wildlife.ca.gov/Conservation/Marine/Invertebrates/Commercial-Management#29500869-annual-cdfw-accounting-for-trap-limit-program>

<sup>4</sup> The accounting document for the 2018-19 fiscal year identified a \$2.1M surplus. With the state requiring \$1.48M of that surplus to remain in the account at all times, CDFW has shared there was really only an \$620,000 surplus.

<sup>5</sup> §132.8 Title 14, CCR

<sup>6</sup> FGC §9002.5 and §132.7 Title 14, CCR

recommended and informed the development of the lost fishing gear recovery program (FGC §9002.5 and §132.7 Title 14, CCR) from 2014 until its implementation in 2020. Through this program, fishermen are either required to purchase their gear back from the retrieval program or potentially face fines or revocation of permit(s) from CDFW for any lost or displaced gear that is recovered after the season closes. Any fines that are not paid could result in the revocation of permits, which disincentivizes lost gear. The DCTF suggested additional programs to disincentivize gear loss could be developed and recommended CDFW work with the DCTF to develop a program that would provide financial benefits to those with little to no gear loss (e.g., return tags at the end of two years and permit and/or trap tag fees are reduced). Also, in March 2021 ([Appendix 5](#)), the DCTF provided guidance to CDFW on the implementation of §132.2(b) Title 14 CCR to incentivize the removal of unserviced gear from the ocean as soon as possible.

The DCTF also pointed to existing regulations that would help address concerns about lost and displaced gear. The RAMP (§132.8 Title 14, CCR) mandates all commercial Dungeness crab fishermen to have an electronic monitoring device onboard by the 2023-24 fishing season. This device must be “capable of tracking and recording vessel location using GPS coordinates at a frequency of no less than once a minute during fishing operations.” This electronic monitoring requirement will allow fishermen and managers to better monitor gear placement and help to mitigate gear loss or displacement. Since CDFW is already in the process of implementing this electronic monitoring program, there is no need for the DCTF to recommend another to address gear tracking. Additionally, the RAMP also requires mandatory bi-weekly reporting from all permit holders indicating permit number, current Fishing Zone, depth range, and number of traps deployed at the time of reporting. The DCTF believes that this biweekly reporting is another tool that can be used to track gear loss and displacement.

**Marine Life Entanglements in Dungeness Crab Fishing Gear**

The RAMP (§132.8 to Title 14, CCR) was formalized prior to the start of the 2020-21 commercial Dungeness crab fishing season. As the state continues its efforts to implement the RAMP and reduce marine life entanglements, the DCTF has developed Recommendations 3 and 4 to address RAMP implementation.

**Recommendation 3:** The DCTF sees value in reducing the number of unidentified entanglements along the west coast. The DCTF recommends the Dungeness Crab Fishing Gear Working Group<sup>7</sup> consider the cost-benefit of line markings for all fixed-gear fisheries, and provide guidance to the DCTF for further direction and discussion (e.g., location of marking(s) at key point(s) in the line).

Vote of all DCTF Members (ex officio Members abstained; vacant seats not included in tally):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	2	0	3	2

Notes:

The DCTF expressed frustration that the Dungeness crab fishery is penalized under the RAMP for unidentified gear involved in an entanglement. The DCTF is open to exploring tools to increase the number of identifiable sources of entanglements like line-marking for all fixed gear fisheries. The DCTF would appreciate guidance from the Dungeness Crab Fishing Gear Working Group on the ideal locations for line marking based on forensic analysis of entanglements (i.e., top 10-15 fathoms of line). The DCTF recommends the Working Group provide a cost-benefit analysis to understand if line-marking is an efficient, effective tool to improve entanglement identification. When the DCTF revisits this discussion, the simplicity and ease of implementation by the California fixed-gear fleet will need to be considered. The DCTF anticipates following up on this recommendation as it may be something that will require the Legislature’s

<sup>7</sup> <https://www.opc.ca.gov/whale-entanglement-working-group/>

attention in the future.

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**Recommendation 4:** During the 2020-21 fishing season, the California Coast Crab Association (CCCA) piloted industry-led, vessel-based surveys to inform the RAMP. The DCTF believes these surveys provided valuable sources of information on marine life concentrations within RAMP Zones<sup>8</sup> especially when no CDFW-approved surveys were conducted to inform risk assessments. The DCTF sees value in continuing these surveys to generate a useful data stream to inform the RAMP and ensure no RAMP Zone is devoid of data.

The DCTF recommends this industry-led program be confirmed as a CDFW-approved data source for use in the RAMP. The DCTF recommends those involved in piloting the surveys (e.g., CCCA, scientists, fishermen, The Nature Conservancy) develop a program budget to outline funding needs to support the program. The DCTF recommends funding be made available by the OPC and/or the exploration of federal grants to fund these surveys in the short-term. The DCTF recommends the Legislature identify long-term funding to support these data collection efforts into the future.

Vote of all DCTF Members (ex officio Members abstained; vacant seats not included in tally):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	0	0	0	1

Notes:

The commercial Dungeness crab fleet has faced a great deal of economic hardship over the past five years as a result of shortened fishing seasons due to domoic acid delays, marine life entanglement delays and early season closures, low catch volume, and market impacts from COVID-19. As a result, the industry is needing financial support from the state to continue the valuable effort of continuing vessel-based surveys led by the commercial fishing industry to inform the RAMP. During the 2020-21 season, the industry together with scientific experts and The Nature Conservancy piloted the data collection effort through goodwill, in-kind efforts, and a small grant from The Nature Conservancy. The individuals involved in the pilot are available to discuss budget development and have stated that funding will be used to support a project manager, vessel reimbursement, data collection tools (e.g., iPads, positioning devices), and possibly observer coverage. CDFW has indicated that these industry-led, vessel-based surveys must have a robust survey design and will require independent observers on at least a subset of vessels for these surveys to be considered for approval for assessing quantitative triggers within the RAMP framework. Coordination with CDFW will be critical to prioritize data collection in Fishing Zones especially those Zones with limited or no regularly available data. Funding may also support data analysis, however, CDFW has offered to help support that analysis and establishment of a reliable observer pool.

The DCTF stated that vessel-based surveys fill a niche that other data sources do not and can also be used to complement existing monitoring (i.e, data provided by Cascadia Research, The Marine Mammal Center, Scott Benson (NOAA Southwest Fisheries Science Center), Karin Forney (NOAA Southwest Fisheries Science Center), Monterey Bay Whale Watch, etc.). The DCTF believes there is a need to have a combination of data sources regularly available to ensure there are no lapses in data availability in each zone that would lead to a delay or early closure as a result. The DCTF supports ongoing aerial surveys (by CDFW and USCG) and other data collection methods to supplement these fleet-led efforts. The DCTF would appreciate a cost analysis comparing the costs of aerial-based with vessel-based surveys and other data collection methods. The DCTF wants to ensure there is a comprehensive and effective data collection and

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<sup>8</sup> [https://wildlife.ca.gov/Portals/0/Images/marine/WSF/Final\\_RAMP\\_color\\_NoZone7\\_082421.jpg](https://wildlife.ca.gov/Portals/0/Images/marine/WSF/Final_RAMP_color_NoZone7_082421.jpg)

monitoring program to inform the RAMP.

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## **DCTF NEXT STEPS**

The DCTF anticipates meeting again in October 2022 to address high-priority topics related to the management of the Dungeness crab fishery. As dictated by Fish and Game Code §8276.4, the DCTF will deliver a new report no later than January 15, 2022, and every third year thereafter. The DCTF may meet prior to October 2022 should any timely issues arise that would benefit from the DCTF's perspectives. In an effort to ensure that recommendations are shared in a timely fashion and the appropriate entities are able to act on those recommendations while they are relevant, the DCTF anticipates sharing a report following each DCTF meeting, as appropriate. The DCTF looks forward to being responsive to the needs of the Dungeness crab industry and fisheries managers to discuss priority issues including those outlined in this report, and other priorities that may arise.