

# California Dungeness Crab Fishing Gear Working Group Charter

Last Updated October 2021

## Background

The Dungeness Crab Fishing Gear Working Group (Working Group) was established in September 2015 by California Department of Fish and Wildlife (CDFW), in partnership with the Ocean Protection Council (OPC) and National Marine Fisheries Service West Coast Region (NMFS WCR), in response to increasing trends in large whale entanglements. This document serves as the Working Group's charter, outlining the group's charge, priorities, and procedures.

Information about the Working Group's activities is available on [their webpage](#). Information about the Working Group and the state of California's efforts to address entanglements can also be found on [CDFW's Whale Safe Fisheries webpage](#).

## Section I. Purpose and Charge

The Working Group serves as an advisory body to the CDFW Director, along with other state and federal partners, to address the risk of Humpback and Blue whale and Leatherback sea turtle entanglements in California Dungeness crab fishing gear. Historically, the Working Group's primary focus was on the commercial sector, however beginning with the 2021-22 fishing season the Working Group will be requested to also advise CDFW on entanglement risk in the recreational sector. The Working Group's purpose is to provide the state of California with management recommendations, explore innovations, and to help develop strategies that support thriving whale and sea turtle populations off California, as well as a thriving and profitable Dungeness crab fishery.

The Working Group's charge is to develop and implement innovative approaches to reducing marine life entanglement risk while supporting a thriving Dungeness crab fishery. Specifically, the Working Group operates within three priority areas which support implementation of the [Risk Assessment and Mitigation Program \(RAMP\) regulations](#) (*Section 132.8, Title 14, CCR*):

- **RAMP Implementation:** When risk is deemed elevated by CDFW based on thresholds defined in the RAMP regulations, the Working Group will provide recommendation(s) regarding the appropriate management action(s) for the CDFW Director's consideration, as described in RAMP.
- **Innovations:** Using Project Teams, members work with researchers and others to increase understanding of marine life entanglements, inform RAMP operations (e.g., risk assessment process, including management considerations and actions), and minimize potential impacts to actionable species and the Dungeness crab fishery. Specifically, the Working Group will:
  - Prioritize RAMP-related ecological and socioeconomic data collection, work to improve data organization and interpretation, inform and make recommendations to the Director regarding forensic entanglement reviews, and lend expertise in the design and testing of gear innovations and other strategies to reduce entanglement risk.

- Where appropriate and expertise/capacity exists, members will actively participate in grant writing and the active solicitation of funding to support innovations priorities and secure data sources, together with other Working Group recommendations.
- Conduct an annual review/assessment of Working Group activities relative to the group's charge.
- **Communications:** Provide peers, interest groups, and/or other outside organizations with information about the Working Group's work, meeting discussion highlights, and recommendations through various means of networking and interaction, in alignment with Working Group communication protocol.
  - Review, discuss, and make recommendations on Working Group and/or Project Team proposals to help advance innovations and other RAMP-related work with the support of OPC, CDFW, Fish and Game Commission, the Legislature, Dungeness Crab Task Force (DCTF), etc.
  - Solicit ideas, strategies, and innovations from peers and outside organizations and experts to inform and advance the Working Group's charge.
  - Communicate with target audiences to share Working Group recommendations, encourage widespread participation of voluntary actions, broadly distribute key messaging and communications products (e.g. Best Practices Guide).

The Working Group will further prioritize related tasks and identify specific timeframes and/or deadlines associated with key deliverables via an annual workplan. Priorities may also be evaluated and updated regularly (e.g., annually) to reflect new information and the Working Group's progress.

## Section II. Composition, Roles and Selection

The Working Group is comprised of the following:

- *Working Group Members* represent a diverse range of interests including commercial and recreational fishermen, industry, environmental, the whale entanglement response network, and relevant agencies. Members bring a range of expertise and perspectives forward to inform RAMP implementation and innovations work and represent interests and viewpoints from the various ports and fishing modes along the coast. Working Group Members are requested to serve a 2–3-year term in an effort to stagger the appointment of new participants.
- *Working Group Advisors* are individuals with additional expertise or perspective beyond Working Group Members (e.g., legislative or agency staff, fishing gear manufacturers/distributors, data analysts). Advisors provide science-based guidance, expertise, and/or information that help inform recommendations by the Working Group, but they are not included in the recommendation-making processes for RAMP management recommendations.
- *Working Group Alternates* can attend meetings that their respective Working Group Member cannot attend and participate on their Member's behalf. Alternates should participate as 'observers' in at least two RAMP discussions before actively participating in recommendation development. Working Group Members are responsible for fully educating their Alternate prior to the meeting they are attending, as the Working Group

will not spend meeting time to provide background on any agenda items. Alternates should be consistent throughout the Member's term. Alternates may be selected to replace the Member should they step down or their term be completed.

- *Agency staff* who work for government agencies (CDFW, NMFS WCR, OPC, and United States Coast Guard (USCG)) may help support the planning and administration of the Working Group. They may provide information or perspectives to help inform the development of Working Group recommendations but are not included in the recommendation-making process for RAMP management recommendations.

#### Agency Roles:

- CDFW is the trustee agency and responsible for managing the state's recreational and commercial Dungeness crab fisheries consistent with the Marine Life Management Act. CDFW provides scientific expertise and is also the convener of the Working Group. CDFW is responsible for performing regular risk assessments in coordination with their agency partners and as outlined by RAMP. CDFW will strive to provide sufficient staffing to support Working Group operations and RAMP implementation, select and ensure adequate orientation of Working Group Members, inform Working Group priorities, compile and make publicly available information for Working Group consideration, and provide strategic support for Working Group and Project Teams when resources allow. CDFW will engage Working Group Members and Advisors to inform meeting planning and agenda setting. CDFW will coordinate and facilitate Working Group meetings, prepare and disseminate meeting agendas and materials in advance of meetings, and document and disseminate key points of discussion, group decisions and next steps. CDFW will work with NMFS WCR, the Fish and Game Commission, and fishery stakeholders to address marine life entanglement risk in other California fixed gear fisheries and for other marine species of interest. CDFW will maintain the Whale Safe Fisheries webpage, which includes updates and outputs from risk assessments including available data packages, CDFW Assessments and Management Recommendations, Working Group recommendations and CDFW Director determinations and declarations.
- NMFS provides advice and strategic support for Working Group and Project Teams through participation as Advisors to the Working Group. NMFS may assist the Working Group with collection, review, and analysis of entanglement data, along with other biological, environmental, and socio-economic data, to better understand the factors that influence entanglement risk. Initiatives regarding specific topics, priorities, and recommendations made by or brought to the Working Group (e.g. Bycatch Reduction Engineering Program (BREP) funding and gear research, fishing effort data collection) may be provided by NMFS and/or NMFS partners. NMFS may help facilitate research and/or idea development to collect missing information and test ideas to reduce entanglement risk, and help identify entities capable of pursuing and accepting funding for potential project ideas. NMFS may help the Working Group provide outreach to the community about the overall issue of whale entanglements in California waters, including progress and priorities of the Working Group. NMFS may also help CDFW consider how to integrate other California fixed gear fisheries and other marine species

of interest into a more comprehensive approach within California to address the entanglement issue.

- OPC provides support for the Working Group and Project Teams in alignment with the [Strategic Plan to Protect California's Coast and Ocean](#) and the Strategy for [Reducing the Risk of Entanglement in California Fishing Gear](#), which guides investment of OPC's allocation of General Fund for whale and sea turtle entanglement. OPC maintains the Working Group's webpage which includes an online record of Working Group products and summaries.
- USCG provides support for CDFW risk assessments and operational support, the Working Group and Project Teams. USCG will continue to provide support for disentanglement efforts.

#### Selection:

The selection of the Working Group Members, Advisors, and Alternates is at the discretion of the CDFW Marine Region Manager. In appointing Working Group Members, the Region Manager may consider professional expertise or experience, diversity of perspectives, geographic location, willingness to express fundamental interests as opposed to fixed positions, ability and willingness to share Working Group updates with peers, willingness to convey the interests of one or more groups and to integrate diverse interests, capacity to work with diverse viewpoints, and ability to work constructively and collaboratively. All Working Group Members must have an active email address and phone number to facilitate timely communication. A list of Working Group Members and Advisors is available on the [Working Group's webpage](#).

### Section III: Operations

#### RAMP Operations and Process

##### *Convening RAMP Management Action Meetings*

CDFW will schedule RAMP management action meetings in accordance with the RAMP regulations, with no more than two meetings per month and approximately 12 per year. To help support the Working Group's management action discussions, CDFW staff will act as a Chair during management action meetings. The role of the Chair is to ensure meeting participants have access to available information, identify areas of agreement, and advance discussions in a timely manner while eliciting broad participation and diverse viewpoints. During the discussion, CDFW perspectives will be provided by non-chair staff. A CDFW senior staff member is required to be present on all management action calls.

Upon the request of CDFW under circumstances of elevated risk, the Working Group will convene via conference call to develop an appropriate management action for the Director's consideration. CDFW will work with Working Group Advisors and other RAMP data contributors to develop and prepare meeting materials, including a compilation of available data, CDFW's initial assessments, and management recommendations. CDFW staff will administer the RAMP discussions, including information sharing, communications, and coordination with Working Group members before and after each discussion. A good-faith effort will be made by CDFW to ensure that RAMP meetings include at least two commercial fishermen or industry representatives (including a minimum of one commercial fisherman from the zone(s) of concern), one recreational/CPFV representative and two representatives from conservation organizations.

### *Management Action Recommendation Development Process*

In the spirit of collaboration and developing recommendation(s) that reflect the Working Group's shared vision, the group will strive towards consensus for all recommendation(s) forwarded to the Director. Recommendation(s) with no opposition will be identified as 'consensus' and likely to be prioritized by the Director in their deliberations, however all recommendation(s), will be captured in the memo submitted to the Director. The memo will not specify which Members support a particular recommendation but will summarize the general composition that provides support. All recommendations will include rationale and supporting data, including its conservation and potential economic impacts and any limitations or tradeoffs to consider for each option. CDFW staff will support drafting Working Group recommendations during the risk assessment call

### *Informal Caucuses*

Informal caucuses of two (2) or more individuals may meet in advance of or during a management action meeting to consider and identify shared areas of interests. The results of caucus discussions may be conveyed at a high-level during the management action meeting and will help inform the recommendation development process. Caucus meetings will be organized and led by individual Working Group member(s) or Advisor(s).

### *Public Participation*

All management recommendation meetings will be closed to the public. The recommendations memo and other related materials will be posted publicly and act as a record of discussions.

## **Project Teams and Innovation Recommendations**

Project Team Leads will advance the administration of the Working Group's innovations activities with support from CDFW (when CDFW resources and priorities allow). This involves developing and maintaining agendas and timelines for deliverables or related materials, as well as planning, designing, and/or carrying out innovations priorities as identified by the Working Group and its Members. Project Team calls will be scheduled as needed to provide focused attention to each topic. Efforts will be made to avoid scheduling Project Team calls during the fishing season (i.e., and not to overlap with RAMP management action meetings). Project Team priorities and associated timing will be discussed during the annual meeting and reflected in the Work Plan. If the Working Group identifies a priority project but is unable to identify a Project Team Lead or the Team fails to advance ideas or innovations work in a timely way, it will be removed from the Work Plan.

- **Data Project Team:** Involved in data review, organization and interpretation, scientific analysis, identification of and suggestions for addressing data gaps, facilitating/informing model development, advise on and support survey design (e.g., aerial, vessel, citizen science), and support development of economic information to better inform management implications for the Dungeness crab fishery and advancing electronic monitoring priorities.
- **Gear Innovations Project Team:** Provide guidance for and, where appropriate, implementation of gear innovation testing to help support RAMP and, potentially, available management measures for consideration.
- **Communications Project Team:** Available to collaborate with CDFW to update the Best Fishing Practices Guide and other outreach materials.

The activities of each Project Team, including the merits of adding/removing Project Teams, will be reviewed by the Working Group during its annual meeting and the annual Work Plan will be updated accordingly. Project Team teams may be dormant due to limited capacity, activity/priorities and time of year.

With the exception of RAMP management action recommendations, Working Group recommendations will aim to reflect the diverse perspectives held by all Members. This includes recommendations relating to advancing research priorities, funding priorities, external communications products, and legislative guidance to decision makers. Drafting and review will be organized within the Working Group prior to recommendations being forwarded to decision makers and posted publicly by OPC and/or CDFW. If a Member cannot support an option or recommendation, an alternative recommendation can be developed for additional consideration. Efforts should be made to reach broad support and to resolve issues and craft recommendations that encompass the diversity of viewpoints.

## Section IV. Procedures

### Meeting Agreements

Working Group Members agree to:

- Participate in each meeting prepared to constructively discuss agenda items. This includes reviewing materials and information distributed in advance of the meeting or conference call, connecting with CDFW to talk through questions or concerns, and soliciting input from constituents between meetings;
- Focus the discussion on strategies and solutions that move the conversation forward and avoid revisiting agreements and/or topics that have been addressed by the group (or agencies) previously;
- Engage in a cross-interest dialogue focused on working with other Working Group Members and Advisors to support constructive discussions focused on interests rather than fixed positions;
- Approach discussions from a place of diversity and inclusion, considering voices and perspectives of each Member's respective constituencies and/or organizations;
- Listen for understanding, acknowledge and seek clarification of others' perspectives and verify assumptions, and openly discuss issues with others who hold diverse views;
- Participate in a problem-solving approach based on respectful and constructive discussion; and
- When necessary, identify any personal/professional conflicts of interest (e.g., financial) related to any subject of discussion and/or recommendation-making.

### Attendance, Scheduling, and Meeting Requirements

Members (or Alternates) and Advisors are expected to serve to their best ability and are expected to attend all full Working Group conference calls and the annual meeting. Failure to attend the annual meeting and/or up to two (2) full Working Group conference calls will result in an evaluation of an individual's ability to serve on the Working Group by the CDFW Marine Region Manager and may be cause for removal.

Some full Working Group calls (via conference line) and in-person meetings (in-person or via conference line) will include a 'listen only' option for interested stakeholders and members of

the public when needed. The Working Group and its Advisors retain the option to hold closed-door sessions to discuss sensitive issues/topics prior to or following public meetings. Attendance of closed-door sessions by individuals other than Working Group Members, Advisors, or Alternates is at the discretion of CDFW.

Attempts will be made to schedule conference calls in advance and in consideration of other priorities (e.g., Fish and Game Commission meetings, Pacific Fishery Management Council meetings, DCTF meetings, other fishing seasons, etc.) to encourage broad participation from the Working Group. However, in the case where Working Group meetings do not have full attendance, broad support will be deemed by the individuals present and recommendations will move forward. CDFW staff will work with Working Group Members to ensure meetings have broad participation, and actions and/or recommendations that are arrived at are inclusive. Recommendations/ideas that do not have broad support (*e.g. represented by a diversity of perspectives and interests*) will still be reflected in summaries and outcome documents.

Between Working Group meetings/calls, email communication will be utilized to gain full support on written products. In the case where a Working Group Member is unable to attend a meeting, it is the responsibility of the Member to contact CDFW staff prior to the meeting to provide input or send their Alternate to attend the meeting in their place. A product will be deemed to be supported by the full Working Group if no member transmits their objection by the established deadline. All Working Group recommendations will be posted on the OPC and/or CDFW webpages, and shared to the Working Group for additional distribution.

## Communication Expectations

To achieve its goals and objectives, the Working Group is committed to transparency and open lines of communication among Agencies, Members and Advisors, and with their peers and the broader interested public. Between or in preparation for meetings, the Working Group may receive materials such as meeting agendas and notes, Project Team updates, entanglement data, project proposals and results, and draft key findings or recommendations memos. The Working Group will work collaboratively to identify how/when information is shared with peers, and will work with the intention to share materials externally through unified communications and messaging. This may include, but is not limited to, developing joint announcements, press releases, blog and social media posts, etc. Working Group Members will act in good faith to communicate with the Working Group their ideas for how to share information, and will extend invitations to have information sharing be a Working Group “product”.

Working Group Members and Advisors are strongly encouraged to keep their peers, interest groups, and/or organizations informed about the Working Group process, discussions, and recommendations through various means of networking and interaction, as appropriate. This communication should align with the Working Group’s communication protocol. In circumstances where there is not a unified Working Group message, Members and Advisors will use their best judgement of how and when to distribute information to their peers.

Under RAMP, the Working Group may make management recommendations to CDFW which could result in adverse impacts to the Dungeness crab fleet. In these instances, CDFW will develop and share official communications to the fleet and other stakeholders regarding the implemented management measures rather than relying on Working Group Members. CDFW

communications will emphasize that while the Working Group makes recommendations, ultimately CDFW decides when and how to implement management measures for the fishery.

Working Group Members and Advisors may provide their perspectives to peers, media, etc. as individuals, but may not speak on behalf of the full Working Group; such communication will not be considered a Working Group product. Any correspondence, reports, or other written documents developed on behalf of the full Working Group that constitutes a “Working Group product” will be shared with the Chair for final approval prior to circulating publicly. Public summaries of full Working Group deliberations and outcomes will be made available on the CDFW website when appropriate. Project Team summaries will not be posted online.

When corresponding via email, please “reply all” to maintain inclusivity and transparency in all Working Group communications. Members and Advisors are expected to abide by these expectations across all forms of communication as described above.

### Travel Reimbursements

Travel reimbursements may be provided to Working Group Members and non-federal Advisors as funds are available. A point of contact will be identified when funds are available. Reimbursement of travel costs, if provided, will be at the discretion of the fiduciary agent and based on State standards.