

California Dungeness Crab Fishing Gear Working Group Charter

Last Updated October 2023

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.

Current information about the Working Group's activities, risk assessments, and efforts to address entanglements can be found on [CDFW's Whale Safe Fisheries webpage](#). For information prior to June 2020, please visit [OPC's webpage](#).

Section I. Purpose and Charge

The Working Group serves as a voluntary 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. 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 profitable Dungeness crab fishery. After consultation, Working Group recommendations must be considered by CDFW; however, authority to implement management measures as outlined in the Risk Assessment and Mitigation Program (RAMP) rests with the Director of CDFW. In addition, the Working Group may develop additional recommendations for consideration by CDFW, the Fish and Game Commission, OPC, and others based on Working Group priorities.

The Working Group's charge is to help strategize for the future of Dungeness crab fisheries in California utilizing innovative approaches and fishing methods that reduce marine life entanglement risk while supporting fishing opportunities for the commercial and recreational Dungeness crab fisheries. Specifically, the Working Group operates within three priority areas which support implementation of the [Risk Assessment and Mitigation Program regulations](#) (*Section 132.8, Title 14, CCR*):

- **RAMP Implementation:** The Working Group will provide recommendations regarding the appropriate management actions 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, minimize potential impacts to actionable species, and maximize fishing opportunities for the Dungeness crab fishery.
- **Communications:** Provide peers, interest groups, and/or other outside organizations with information about the Working Group's work, meeting discussion highlights, RAMP

materials, and recommendations through various means of networking and interaction, in alignment with Working Group communication protocol.

Section II. Selection, Composition, Roles, and Conduct

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 as outlined in the Member Expectations. The CDFW Marine Region Manager can add or remove seats that comprise the membership of the Working Group based on the needs of CDFW priority areas identified by the Working Group (see Section I). All Working Group Members must be in good standing with CDFW Marine Law Enforcement Division. Members must have an active email address and phone number to facilitate timely communication and be able to participate on virtual meetings. A list of Working Group Members and Advisors will be maintained on the [Whale Safe Fisheries webpage](#).

Working Group Composition

The Working Group is comprised of the following:

- *Working Group Members* represent a diverse range of interests including commercial and recreational fishermen across all major crabbing ports, industry, environmental, and the whale entanglement response network. Members are expected to bring a range of expertise and perspectives forward to inform RAMP implementation and innovations work and represent interests and viewpoints from the interests they represent. In addition to sharing expertise, fishing industry members are generally expected to represent the interests and viewpoints from their port- and may be asked to hold port meetings and gather fleet input in advance of Working Group meetings. Working Group Members are requested to serve a minimum of two years.
- *Working Group Advisors* are individuals with additional expertise or perspective beyond Working Group Members (e.g., legislative staff, scientific experts, etc.). 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.
- *Working Group Alternates* can attend and participate in meetings in place of a Working Group Member. Working Group Members are responsible for briefing their Alternate prior to the meeting they are attending, as the Working Group will not spend meeting time to provide background on any agendized items. Alternates should be consistent throughout the Member's term. Alternates may be selected to replace the Member should they step down.

- *Agency staff* who work for government agencies (CDFW, NMFS, 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.

Agency Roles

- CDFW is the trustee agency responsible for managing the state's recreational and commercial Dungeness crab fisheries consistent with the Marine Life Management Act. CDFW convenes the Working Group and facilitates meetings, provides scientific expertise, and is responsible for performing regular risk assessments 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 also maintain the Whale Safe Fisheries webpage.
- NMFS provides advice and strategic support for Working Group and Project Teams and may assist 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.
- 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.
- USCG provides support for CDFW risk assessments and operational support for the Working Group and Project Teams. USCG will continue to provide support for disentanglement efforts.

Working Group Member Expectations

Representation and Conduct

While serving on the Working Group, each member must represent the viewpoints of their sector, port, or industry, not personal interests, or viewpoint. While individual expertise is valued, if a Working Group member is found to no longer represent the interests of their

respective group, the member may be asked to step down from the Working Group by the Marine Regional Manager.

Communication

The Working Group is committed to transparency and open communication among Agencies, Members and Advisors, and with their peers and the broader interested public. 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. Members shall not however identify or single out other individual members or port perspectives when sharing information outside Working Group meetings. This will help ensure and maintain collaborative relationships within the group.

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 CDFW for final approval prior to circulating publicly and made available 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.

Section III: Operations

RAMP Operations and Process

Convening RAMP Management Action Meetings

All management recommendation meetings will be comprised of Working Group members only. The recommendations memo and other related materials will be posted publicly and act as a record of discussions.

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. CDFW will develop a RAMP calendar and provide this to the Working Group in advance of the first Working Group meeting. CDFW will facilitate the management action meetings and include senior staff members on all management calls.

The Working Group will convene via a virtual platform to develop management action recommendation(s) for the Director’s consideration. 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 Fishing Zone(s) of concern), one recreational/CPFV representative and one representative from conservation organizations.

Management Action Recommendation Development Process

CDFW staff will summarize Working Group recommendations during the management action meeting. The Working Group will strive towards consensus for all recommendations forwarded to the Director. Recommendations with no opposition will be identified as ‘broad support’ and provided to the CDFW Director, and all recommendations will be captured in the memo submitted to the Director. The memo will not specify which Members support a particular recommendation to preserve anonymity of discussions but will summarize the general composition that provides support. All recommendations will include rationale and references to supporting data and may include limitations or tradeoffs to consider for each management option.

Project Teams

Project Team Leads will advance administration of the Working Group’s innovations activities with support from CDFW. 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. 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 peak fishing season and management action meetings. Project Team priorities and associated timing will be discussed during the annual meeting and reflected in a “key priorities” document. If the Working Group identifies a priority project but is unable to identify a Project Team Lead or the Team fails to make progress in a timely way, it will be removed as a key priority.

- **Data Project Team:** Collaboratively with CDFW identify and advance priorities to fill data gaps and/or improve data collection and synthesis to inform the RAMP, Dungeness crab fishery management and other priority topics.
- **Gear Innovations Project Team:** Provide guidance for gear innovation testing to help support RAMP based on priorities identified by the Working Group in consultation with CDFW. The team may also provide updates to the Working Group on other gear innovations work, including experimental fishing permits.
- **Communications Project Team:** Advance collaboratively identified priorities to improve communication within and extending from the Working Group. Collaborate with CDFW to update outreach materials and other communications needs as needed.

The activities of each Project Team, including changes to Project Teams, will be reviewed by the Working Group during its annual meeting and the key priorities document will be updated accordingly. Project teams may also share updates or draft recommendations for consideration by the broader Working Group as needed. Project Teams may be dormant due to limited capacity, activity/priorities and time of year.

Section IV. Procedures

Meeting Agreements

Working Group Members agree to:

- Participate in each meeting prepared to constructively discuss agenda items using a problem-solving approach. This includes reviewing materials and information distributed in advance of meetings, 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 previously addressed by the group (or agencies).
- Avoid fixed positions and approach discussions from a place of diversity and inclusion, considering voices and perspectives of each Member's respective constituencies and/or organizations. Openly discuss issues with others who hold diverse views.
- Refrain from sharing specific meeting discussion details publicly to protect the anonymity of individual Working Groups member and their respective comments. Members shall refrain from attributing discussions to a particular member to foster respectful and open dialogue.

Attendance, Scheduling, and Meeting Requirements

Members (or Alternates) and Advisors are expected to attend all full Working Group meetings and the annual meeting. Failure to attend the annual meeting and/or up to two (2) full Working Group meetings 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.

Attendance of closed-door sessions by individuals other than Working Group Members, Advisors, or Alternates is at the discretion of CDFW. CDFW will announce and introduce these individuals at the start of the meeting to ensure awareness of who is participating.

Meetings will be scheduled in advance and in consideration of other priorities and meetings. However, in the case where Working Group meetings do not have full attendance, 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, 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.