



November 1, 2019

NOTICE: Preliminary Determination of Significant Entanglement Risk

Pursuant to Fish and Game Code section 8276.1(c), the Director has made a preliminary determination that conducting the California Dungeness crab fishery with a November 15, 2019 start date in the Central Management Area (south of the Mendocino/Sonoma county line) poses a significant risk of marine life entanglement. The anticipated management response is a delay of the opening of the commercial Dungeness crab fishery in the Central Management Area from November 15, 2019, to November 23, 2019.

As required by Fish and Game Code section 8276.1(c)(4), the Director is providing 48 hours' notice to the California Dungeness Crab Fishing Gear Working Group and other stakeholders.

The Director has evaluated the factors outlined in Fish and Game Code section 8276.1(c)(3). The following information supports the preliminary determination of significant risk:

- **Conditions inherent to the fishery, such as safety of life at sea, weather, vessel operations, and other related issues. (Fish & G. Code, § 8276.1(c)(3)(A))**

To maintain an orderly fishery and to provide safety at sea, there will be a pre-soak period of 18 hours pursuant Fish and Game Code Section 8282.

- **The duration of any delays in the normal start of the fishery. (Fish & G. Code, § 8276.1(c)(3)(B))**

There remains a potential for a domoic acid delay in the mid-portion of the Central Management Area which could concentrate effort into the remaining areas upon opening.

- **Indications of anomalous ocean or forage conditions, or both, in the current season. (Fish & G. Code, § 8276.1(c)(3)(C))**

National Marine Fisheries Service vessel-based and aerial surveys have documented extremely low abundance of krill and high levels of anchovy abundance off California waters that is widely dispersed between nearshore and offshore environments. Additionally, the summer 2019 large marine heatwave event is dissipating, allowing typical upwelling conditions to resume.

- **Known location of marine life of concern. (FGC 8276.1(c)(3)(D))**

Aerial surveys conducted by NOAA on October 22, 24, 25, 2019, showed Humpback whales, Blue whales, and Leatherback sea turtle presence off the California coast. Humpback whales remained in high concentrations in the Central Management Area, Bodega Head to Pt. Pinos.

- **The known location and intensity of fishing effort. (Fish & G. Code, § 8276.1(c)(3)(E))**

The November 15 season opener focuses fishing effort south of the Mendocino/Sonoma county line, where whales and sea turtles are currently still present

- **The number of confirmed marine life entanglements documented in advance of or during the current fishing season. (Fish & G. Code, § 8276.1(c)(3)(F))**

On October 23, 2019, a Humpback whale was confirmed entangled near Eureka California in California commercial Dungeness crab gear that had been lost in a prior season.

- **Existence and prevalence of factors that may result in significant risk of marine life entanglement. (Fish & G. Code, § 8276.1(c)(3)(G))**

Historical whale migration data indicates that Humpback whales typically migrate from California foraging areas during the late fall¹. Humpback whales are anticipated to have begun their southward migration from the Central Management Area waters by November 23.

- **The likelihood of exceeding the potential biological removal level of a marine life species. (Fish & G. Code, § 8276.1(c)(3)(H))**

The proposed action is designed to minimize the likelihood of exceeding the potential biological removal of a marine life species.

- **The socioeconomic impacts of any management response to fishery stakeholders. (Fish & G. Code, § 8276.1(c)(3)(I))**

A season delay of eight days will provide additional opportunity for whales and turtles to begin their southern migration prior to the start of the commercial fishery. An eight-day delay will also preserve the ability for the fleet to provide crab for the Thanksgiving Holiday, an important cultural and economic opportunity for the State of California.

Additional information supporting this determination can be found at [CDFW's Whale Safe Fisheries page](#).

The Director will consider any recommendations or new information provided by the California Dungeness Crab Fishing Gear Working Group or any member of the public within the notice period in advance of enacting the proposed management measure.

Please submit any recommendations and information to WhaleSafeFisheries@wildlife.ca.gov by 5 p.m. on Monday, November 4, 2019.

¹ Calambokidis, et al. 2015. Biologically Important Areas for Selected Cetaceans Within U.S. Waters – West Coast Region. *Aquatic Mammals* 41(1), 39-53.