



April 15, 2020

## **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 beyond May 15, 2020 poses a significant risk of marine life entanglement. The anticipated management response is closure of the commercial Dungeness crab fishery south of the Mendocino/Sonoma County line (Districts 10, 17 and south) on May 15, 2020.

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, removal of all commercial Dungeness crab fishing gear will be allowed until May 15, 2020, at 11:59pm. Forecasts for strong winds paired with Covid-19 impacts to vessel and onshore operations is anticipated to limit how quickly gear retrieval can safely occur.

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

This factor is not relevant at this time.

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

There are no anomalous ocean or forage conditions indicated at this time.

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

Aerial surveys conducted by CDFW on April 7, 2020, showed Humpback whale presence off the California coast in the Gulf of the Farallones, which overlaps with the fishing grounds. Additional observation data from Monterey Bay and the Farallon Islands indicate an increase in the number of Humpback whales, a signal indicating the start of the spring migration to California waters to forage.

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

Fishing effort, while reduced, is still occurring and overlaps with Humpback whale foraging areas.

- **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))**

There have been no confirmed entanglements in California commercial Dungeness crab gear during the current fishing season.

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

Co-occurrence of migrating Humpback whales and commercial fishing effort presents an unacceptable level of risk of whale entanglement. Based on current observations, historical migration data, and recent historical entanglement data, that risk is anticipated to continue to rise through the end of the commercial Dungeness crab season.

- **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))**

Fishery participation for Districts 10, 17 and south continues to decrease, indicating economic impact will be limited to some extent. However, current estimates of the number of crab pots in Districts 10, 17 and south indicate between 7,700 and 12,000 pots are being fished and a closure will impact those fishery participants who typically fish through the end of the traditional season on June 30. An early commercial fishery closure reduces the potential for an entanglement, while minimizing economic costs to the fleet as a whole.

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](mailto:WhaleSafeFisheries@wildlife.ca.gov) by 5:30 p.m, Friday April 17, 2020.