



## Update: California Department of Fish and Wildlife Incidental Take Permit Application for the California commercial Dungeness crab fishery

*December 1, 2021*

### Incidental Take Permit

The California Department of Fish and Wildlife (CDFW) is seeking an Incidental Take Permit (ITP) for listed marine species under Section 10 of the federal Endangered Species Act (ESA). “Take” is broadly defined to include activities which “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect” a listed species. Entanglements in trap gear, such as that used in the Dungeness crab fishery, constitute take under the ESA. Take of listed species is generally prohibited but can be authorized under certain circumstances. An ITP, if approved, would allow a limited amount of take by the commercial Dungeness crab fishery.

### What is a Conservation Plan?

As part of the application for an ITP, CDFW must prepare a Conservation Plan (CP) which describes the anticipated impact of the requested take levels, how CDFW will minimize those impacts, and alternatives which CDFW considered but ultimately rejected during development of the CP.

### What is the current status of the draft CP and ITP application?

CDFW released an updated draft CP for public comment on December 1, 2021 which includes a broad array of changes from the initial draft submitted to National Marine Fisheries Service (NMFS) for preliminary review on May 15, 2020. The current draft reflects initial feedback from NMFS as well as industry representatives, conservation organizations, and other stakeholders. This draft reflects the general framework of the approved Risk Assessment and Mitigation Program (RAMP) regulations (Section 132.8, Title 14, CCR) adopted in November 2020, but does include elements that will require amendments to RAMP. It also includes best available science published since May 2020 (e.g. updated humpback and blue whale abundance estimates by Calambokidis and Barlow 2020).

### How is the CP organized?

The CP is divided into eight chapters. Chapters 1-3 include background information on trends in whale and sea turtle entanglements, the regulatory framework underlying the CP, boundaries of the plan and permit area, traditional operations of the commercial Dungeness crab fishery, oceanographic and ecological dynamics of the California Current System, and relevant biology for each Covered Species and their prey. Chapter 4 quantifies take of each Covered Species and provides CDFW’s requested take levels, the impacts of that take relative to federal standards, what impact the fishery will have on designated critical habitat for each Covered Species, and a discussion of cumulative

effects and impacts from other human activities. Chapters 5-7 describe the Conservation Program (including the biological goals and objectives and a description for how each program element will function), how CDFW will identify and implement changes to the CP throughout the permit term, and the state and partner resources (funding and personnel) needed to implement the CP. Chapter 8 reviews alternatives considered for inclusion in the Conservation Program.

### What are some of the activities discussed in the draft CP?

- Establishing and overseeing an entanglement detection network
- Conducting risk assessments, and implementing appropriate management actions under RAMP
- Implementing the Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Program
- Implementing electronic vessel position monitoring for the commercial Dungeness crab fishery by the 2024-25 fishing season
- Convening a triennial entanglement forensic review workshop
- Supporting on-the-water entanglement response efforts
- Providing oversight of gear innovation testing and considering applications for authorization of gear innovations as Alternative Gear

### How do I provide input on the draft CP?

CDFW will accept comments through close of business (5:00pm PST) on Monday January 17, 2022. Comments should be submitted in writing to [WhaleSafeFisheries@wildlife.ca.gov](mailto:WhaleSafeFisheries@wildlife.ca.gov). CDFW will consider all comments prior to finalizing the CP and submitting an ITP application to NMFS in spring 2022. CDFW will also hold a virtual public meeting at 10am on January 7, 2021 to provide an overview of the CP and answer questions.

### Will there be other opportunities for public review and comment?

Yes. Issuance of an ITP is a federal decision, and as such requires a public process under both the ESA and the National Environmental Policy Act (NEPA). NMFS will release CDFW's draft CP and a draft Environmental Impact Statement for a 60-day public comment period. The NEPA document and/or CP will then be modified as appropriate prior to a final decision from NMFS on permit issuance. CDFW will also release an environmental review under the California Environmental Quality Act for public comments on the environmental impact of the CP.

### How can I get additional updates on the ITP application process?

To stay informed about the ITP application process, please sign up at CDFW's Whale Safe Fisheries listserv. Visit [CDFW's Whale Safe Fisheries webpage](#) to complete the Constant Contact sign-up form.