

California Dungeness Crab Fishing Gear Working Group (Working Group) Management Recommendation Form to inform the Risk Assessment and Mitigation Program for the California Department of Fish and Wildlife

Working Group Discussion Date: December 14, 2021

Anticipated Director's Determination Date: December 15, 2021

Submitted to the California Department of Fish and Wildlife Director for the Risk Assessment Mitigation Program Section 132.8 Title 14, California Code of Regulations to assess marine life entanglement risk in the Commercial Dungeness Crab Fishery.

The Working Group considered Available Data provided by CDFW and scientific advisors, as well as an initial CDFW assessment and the preliminary Management Action recommendation. The Available Data, initial and final versions of CDFW's assessment as well as this recommendation will be made available on the [Whale Safe Fisheries webpage](#) upon completion of the risk assessment process.

Working Group Recommendations

The Working Group discussed three recommendations during their meeting, only one of which received broad support. All three recommendations are presented below in order of highest to lowest support, rather than their chronological order during the discussion.

Recommendation 1

The Working Group recommends CDFW lift the depth restriction for the commercial fishery in Fishing Zone 4 at the same time as Fishing Zone 3 opens for the commercial fishery. The Working Group relied upon the rationale provided in [CDFW's December 13, 2021 Initial Assessment](#), particularly with regards to alleviating gear crowding. This recommendation received broad support from WG members, including both fishing and environmental representatives.

Recommendation 2

The Working Group discussed postponing the commercial season opener for Fishing Zone 3 until January 1, 2022. The recreational trap prohibition would be lifted at the same time. This proposal received mixed support from Working Group members, with similar numbers of members expressing support and opposition and two members remaining neutral. Working Group members who supported the recommendation pointed to the [December 13, 2021 Available Data document](#), and that some of the recent marine life concentration surveys indicate humpback whale abundances still exceed the RAMP triggers and thus pose continued entanglement risk. Members also pointed to the presence of juvenile humpback whales, which may overwinter off California rather than departing to the breeding grounds. Humpback whales have also been observed foraging on fish, rather than krill. While foraging opportunities and humpback whale presence is currently broadly distributed across a range of depths, if the distribution of fish shifts whales could follow their prey into typical fishing grounds,

resulting in elevated risk. Lastly, members noted that recent surveys have documented humpback whales in areas which typically have high effort once the season opens.

During the meeting, there was extensive discussion regarding the interplay between market conditions and entanglement risk. Some members pointed out that the proposed delay would also support a safe and orderly fishery opener and help address concerns regarding limited crew availability and processor capacity. However, multiple Working Group members pointed to the importance of having the Director's decisions under RAMP be based on available data and focused on reducing marine life entanglement risk, and that such concerns are outside the scope of the RAMP regulations.

Recommendation 3

The Working Group contemplated a recommendation to lift the prohibition on recreational use of traps in Fishing Zone 3 as soon as feasible, based on the analysis provided in [CDFW's December 13, 2021 Initial Assessment](#). However, this proposal received limited support, given uncertainty around when the commercial fishery will open in this Fishing Zone. Working Group members noted the need for consistency amongst both sectors regarding when entanglement risk has declined sufficiently to allow use of trap gear, and that the recreational trap prohibition should remain in place until conditions indicate the commercial fishery could open. In the absence of a set opening date for the commercial fishery in Fishing Zone 3, a majority of Working Group members decided against advancing a separate recommendation regarding the recreational fishery.

Other Working Group Requests

The Working Group expressed appreciation for the efforts by their Advisors and CDFW to collect additional marine life concentrations data during the short time between the December 9, 2021 assessment and their December 14, 2021 meeting. However, the Working Group also noted the high amount of uncertainty regarding allowable commercial activity within Fishing Zones 3 and 4. The Working Group requested CDFW schedule a follow up discussion regarding establishing date-certain milestones under RAMP, similar to the approach taken with regards to crab quality testing. While this might reduce fishing opportunity in some instances, the additional notice and predictability for the fleet could outweigh the cost.