



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DECLARATION OF STATEWIDE FISHERY CLOSURE
IN THE COMMERCIAL DUNGENESS CRAB FISHERY
DUE TO RISK OF MARINE LIFE ENTANGLEMENT**

Pursuant to Fish and Game Code Section 8276.1(b) and California Code of Regulations, Title 14, Section 132.8 ("Section 132.8"), I find and declare that:

I

On April 6, 2022, I evaluated entanglement risk for the commercial Dungeness crab fishery pursuant to Section 132.8(b). I provided the California Dungeness Crab Fishing Gear Working Group (Working Group) and the Whale Safe Fisheries email listserv with notice of the risk assessment and all non-confidential data under consideration on April 4, 2022. Prior to this risk assessment and management response, I considered relevant information provided to my staff. The Working Group met on April 5, 2022 to discuss the risk assessment.

II

On March 25, 2022, in response to confirmed entanglements of Humpback whales in Fishing Zones 3 and 4, I implemented a fishery closure in Fishing Zones 3, 4, 5, and 6. Those Fishing Zones will close to commercial fishing activity starting at 12:00PM (noon) on April 8, 2022.

III

Two additional Humpback whale entanglements have since been confirmed by the National Marine Fisheries Service (NMFS). On March 30, 2022, a Humpback whale was confirmed entangled in California commercial Dungeness crab gear in Fishing Zone 3 (originally reported on March 28, 2022). On March 30, 2022, a Humpback whale was confirmed entangled in Unknown Fishing Gear in Fishing Zone 4 (originally reported on March 21, 2022). The National Marine Fisheries Service (NMFS) has confirmed that these entanglements represent distinct entanglements from those previously confirmed.

IV

The current Impact Score Calculation for the 2021-2022 commercial Dungeness crab Fishing Season is 3.01. Pursuant to Section 132.8(c)(1)(B)(1), I must close the remainder of the Fishing Season statewide.

V

Pursuant to Fish & Game Code Section 9002.5(b)(1)(A)(ii) and implementing regulations in Section 132.7 of Title 14 of the California Code of Regulations, I may authorize retrieval operations under the Lost or Abandoned Dungeness Crab Trap Gear Retrieval Program when take of crab is restricted pursuant to Section 132.8.

VI

Pursuant to Section 132.8(e)(5), I must allow use of any authorized Alternative Gear during a closure on April 1 or later.

VII

THEREFORE, under the authority granted by Fish and Game Code Section 8276.1(b) and Section 132.8 of Title 14 of the California Code of Regulations, I am implementing the following management action:

1. Fishery Closure for commercial Dungeness crab for the remainder of the 2021-2022 season in Fishing Zones 1 and 2 starting at 12:00PM (noon) on April 20, 2022. All Dungeness crab traps must be removed from ocean waters in those Fishing Zones by then, and the take and possession of Dungeness crab is therefore prohibited after 12:00PM on April 20, 2022. This closure does not apply to fishing activity with authorized Alternative Gear types as stated below.
2. Retrieval operations under the Lost or Abandoned Dungeness Crab Trap Gear Retrieval Program may begin in Fishing Zones 1 and 2 on April 27, 2022, at 12:00PM.
3. Authorized Alternative Gear may be used in all closed Fishing Zones. Currently there are no authorized Alternative Gear types. If an Alternative Gear type is authorized before the statutory season closure dates, it may be used for take of commercial Dungeness crab.
4. The Fishery Closure and associated management actions for Fishing Zones 3, 4, 5, and 6 as implemented by my March 25, 2022, declaration remain in place.

Additional information on the Actionable Species entanglements are provided in the attachment to this declaration.

Updates and material regarding future entanglement risk evaluations in the commercial Dungeness crab fishery will be made available on the [Department's Whale Safe Fisheries web page](#).



Charlton H. Bonham, Director

4/6/22 7:48 AM PT

Date/Time

ATTACHMENT TO DIRECTOR APRIL 6, 2022 DECLARATION OF FISHERY CLOSURE IN
THE COMMERCIAL DUNGENESS CRAB FISHERY DUE TO RISK OF MARINE LIFE
ENTANGLEMENT

Information referenced in this Attachment is further described in the Data Summary Compilation dated April 4, 2022, and located at the Department's [Whale Safe Fisheries website](#), which to the Department's knowledge represents the best available science informing the management considerations in Section 132.8(d).

Information Supporting Trigger for Management Action Under Section 132.8(c)

Confirmed Entanglements For 2021-2022 Fishing Season by date reported, and associated Impact Score:

- January 27, 2022 – Confirmed entanglement in Unknown Fishing Gear.
- March 11, 2022 – Confirmed entanglement in California commercial Dungeness crab gear.
- March 19, 2022 – Confirmed entanglement in California commercial Dungeness crab gear.
- March 21, 2022 – Confirmed entanglement in Unknown Fishing Gear.
- March 28, 2022 – Confirmed entanglement in California commercial Dungeness crab gear.

Impact Score Calculation for 2021-2022 Fishing Season: 3.01

Chosen Management Action and Rationale

Based on the management trigger outlined above, the Director will implement a Fishery Closure in Fishing Zones 1 and 2. Any Authorized Alternative Gear will be allowed to be used in the closed Fishing Zones.

Pursuant to Section 132.8(c)(1)(B)(1), an Impact Score of three or more in a single Fishing Season requires the Director to close the remainder of the Fishing Season statewide. The Director's March 25, 2022 declaration implemented a closure for Fishing Zones 3-6; a closure of Fishing Zones 1 and 2 is necessary to complete the statewide fishery closure required by Section 132.8.