



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (DEPARTMENT)  
DECLARATION OF FISHING SEASON DELAY FOR  
THE COMMERCIAL DUNGENESS CRAB FISHERY AND TEMPORARY CRAB TRAP  
PROHIBITION FOR THE RECREATIONAL 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, Sections 132.8 (“Section 132.8”) and Section 29.80(c)(7) (“Section 29.80(c)”), I find and declare that:

I

On October 28, 2022, I evaluated entanglement risk for the commercial Dungeness crab fishery pursuant to Section 132.8(b) and the recreational Dungeness crab fishery pursuant to Section 29.80(c). 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 October 25, 2022. Prior to this risk assessment and management response, Department staff consulted with the California Dungeness Crab Fishing Gear Working Group, reviewed all relevant information provided to my staff, and I consulted with the president of the Fish and Game Commission.

II

On October 18, 2022, a US Coast Guard/Department aerial survey observed three blue whales in Fishing Zone 1. On October 18, staff from the Department’s Marine Region conducted aerial surveys and observed 23 humpback whales in Fishing Zone 2 and 73 humpback whales in Fishing Zone 3. Aerial surveys undertaken by NOAA researchers between October 16-19 observed humpback whale abundances ranging from 27 to 128 whales in Fishing Zone 3. On October 20, 2022, vessel surveys conducted by California Coast Crab Association in collaboration with Cascadia Research, observed 30 humpback whales in Fishing Zone 5. Pursuant to Section 132.8(c)(2)(A)(4)(a), I must implement a protective management action in the commercial crab fishery.

III

NOAA-standardized data from commercial whale-watching trips in Fishing Zone 4 throughout the summer and fall show continued presence of Humpback whales, with the most recent weekly running average of 30.6 humpback whales in Monterey Bay. Pursuant to Section 132.8(c)(2)(A)(4)(a), I must implement a protective management action in the commercial crab fishery.

IV

Numerical triggers for marine life concentrations have been reached in Fishing Zones 1 through 5 for humpback whales. Pursuant to Section 29.80(c), I must implement a protective management action in the recreational Dungeness crab fishery. Section 29.80(c) requires that any temporary prohibition on the use of crab traps extend the general crab trap prohibition outlined in Section 29.80(c)(4).

V

There are no Department approved marine life concentration survey data to inform the risk assessment in Fishing Zone 6. Pursuant to Section 29.80(c)(7)(A)(2) and Section 132.8(d), I must implement a protective management action.

VI

Upon evaluation of the management considerations pursuant to Section 132.8(d), I have determined that the management action listed below protects humpback whales and blue whales based on the best available science. Additional information on the relevant management considerations is provided in the attachment to this declaration.

VII

**THEREFORE**, under the authority granted by Fish and Game Code Sections 8276.1(b) and Sections 132.8 and 29.80(c) of Title 14 of the California Code of Regulations, I am implementing the following management actions:

1. The opening of the commercial Dungeness crab fishery in Fishing Zones 3, 4, 5 and 6 is delayed. Take and possession of commercially caught Dungeness crab is prohibited in the delayed Fishing Zones.
2. The deployment and use of crab traps in any recreational fishery is temporarily prohibited in Fishing Zones 1, 2, 3, 4, 5 and 6.

This management action is in effect until modified. The next risk assessment is expected to occur on or before November 23, 2022.

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

10/28/22 3:30 PM PT

Date/Time

ATTACHMENT TO DIRECTOR OCTOBER 28, 2022 DECLARATION OF FISHERY  
SEASON DELAY IN THE COMMERCIAL DUNGENESS CRAB FISHERY AND  
RECREATIONAL CRAB TRAP RESTRICTION DUE TO RISK OF MARINE LIFE  
ENTANGLEMENT

Information referenced in this Attachment is further described in the Final Assessment of Marine Life Entanglement Risk and Management Recommendation dated October 28, 2022, and the Available Data document dated October 25, 2022, and located at the Department's [Whale Safe Fisheries website](#) which to the Department's knowledge represents the best available science informing this risk assessment.

Based on the management considerations outlined above and the findings contained in the Final Assessment of Marine Life Entanglement and Management Recommendation dated October 28, 2022, the Director will implement a delay of the November 15, 2022, opening of the commercial Dungeness crab season in Fishing Zones 3 through 6, and temporary crab trap prohibition in the recreational Dungeness crab fishery in Fishing Zones 1-6 on November 5, 2022. Use of crab traps in other recreational fisheries is also temporarily prohibited pursuant to Section 29.80(c)(4) of Title 14 of the California Code of Regulations.

Fishing Zones 1, 2, 3, 4 and 5 reached a marine life concentration trigger for management action, while Fishing Zone 6 did not have approved data to inform this risk assessment. The unavailability of approved data triggered a management response and subsequent analysis of the management considerations under Section 132.8(d) and appropriate management response under Section 132.8(e). Those sections anticipate a broader analysis of the factors impacting entanglement risk statewide, including accounting of the annual entanglement Impact Score.

Importantly, aerial and vessel survey data, and Monterey Bay Whale Watch data, showed numerous and often large aggregations of foraging humpback whales and some blue whales that could be at risk of entanglement with recreational and commercial crab traps. The wide distribution of humpback whales across Fishing Zone depths indicates that a depth restriction on fishing activity would be ineffective in reducing entanglement risk. Additionally, given the high volume of traps anticipated to be set during a season opener, it was determined that a trap reduction would not sufficiently reduce entanglement risk. Therefore, a season delay is the most protective management action given existing whale presence. At this time, the only management response available for the recreational fishery is a trap restriction during periods of elevated entanglement risk.