



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (DEPARTMENT)  
DECLARATION OF GEAR REDUCTION FOR  
THE COMMERCIAL DUNGENESS CRAB FISHERY AND CONTINUATION OF THE  
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, Section 132.8 ("Section 132.8") and Section 29.80(c)(7) ("Section 29.80(c)"), I find and declare that:

I

On December 22, 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 December 16, 2022. Prior to this risk assessment and management response, Department staff consulted with the Working Group and reviewed all relevant data provided to my staff.

II

Aerial surveys undertaken by the NOAA on December 13, 2022, observed 29 humpback whales and small vessel surveys on December 14, 2022, observed 24 humpback whales in Fishing Zone 3. Pursuant to 132.8(c)(2)(A)(4)(a) I must implement a Fishing Zone delay or other protective management action.

III

Numerical triggers for marine life concentrations have been reached in Fishing Zone 3 for humpback whales. Pursuant to Section 29.80(c)(7), 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).

IV

Entanglement triggers for humpback whales have been reached for the current Calendar Year. Pursuant to Section 132.8(c)(1)(C)(1), I must implement a protective management action in the commercial Dungeness crab fishery.

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

V

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

1. Continuation of the temporary recreational crab trap prohibition in Fishing Zone 3, 4, 5 and 6. The deployment and use of crab traps in any recreational fishery is temporarily prohibited in those Fishing Zones due to entanglement risk.
2. Lift the Fishery Closure in Fishing Zones 3-6 and limit the use of crab traps in the commercial fishery to 50% of a permitted vessel's trap tier. Buoy tags issued pursuant to Fish and Game Code 8276.5 shall be reduced consistent with this Declaration and all unused buoy tags shall be onboard the permitted vessel and made available for inspection by the Department upon request, pursuant to Section 132.8 (e)(3) Title 14, CCR. Vessels must have at least one half (50%) of valid buoy tags for the current fishing season onboard and available for inspection by the Department at all times while operating under this Management Action. Vessels placing traps in a Fishing Zone open under a Gear Reduction will be limited to the 50% trap tier reduction even when fishing in other Fishing Zones. Any Dungeness Crab vessel transiting Fishing Zones 3-6, regardless of where fishing occurs, is subject to the 50% reduction and must have at least one half (50%) of the valid buoy tags for the current fishing season onboard and available for inspection by the Department at all times. This action will be in effect beginning December 31, 2022, preceded by 64-hour with a gear setting period that will begin at 8:01am on December 28, 2022.
3. Issue a Fleet Advisory for the commercial fishery in Fishing Zones 3-6. The commercial fishing fleet should remain vigilant and move or avoid setting gear in areas where whales are transiting or foraging to further minimize risk of entanglement, particularly in Zone 3 around Point Reyes and the Farallon Islands. Vessels operating and setting gear in this area should review Available Data document dated December 16, 2022 for specific location information.

This management action is in effect until modified. The next risk assessment is expected to occur on or before January 18, 2023.

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

12/22/22  
1:30 pm PT

Date/Time

ATTACHMENT TO DIRECTOR DECEMBER 22, 2022 DECLARATION OF GEAR REDUCTION  
IN THE COMMERCIAL DUNGENESS CRAB FISHERY AND CONTINUATION OF THE  
RECREATIONAL CRAB TRAP PROHIBITION 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 December 21, 2022, and the Available Data document dated December 16, 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 identified in the Available Data document and contained in the Final Assessment of Marine Life Entanglement and Management Recommendation dated December 21, 2022, the Director will continue the temporary crab trap prohibition in the recreational Dungeness crab fishery in Fishing Zones 3-6. 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. The Director will lift the season delay in Fishing Zones 3-6 for the commercial fishery and implement a Fleet Advisory and 50% Gear Reduction (trap reduction) based on a vessel's permitted trap tier.

Fishing Zone 3 reached a marine life concentration trigger for management action, 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 survey data and small vessel survey data showed numerous, though declining, aggregations of humpback whales that could be at risk of entanglement with recreational and commercial crab traps in Fishing Zone 3. Distribution of humpback whales change based on foraging behavior so a depth restriction on fishing activity would likely be ineffective in reducing entanglement risk as whales migrate to their winter breeding grounds. A trap reduction and Fleet Advisory in the commercial fishery and trap restriction in the recreational fishery will minimize entanglement risk as humpbacks continue to migrate from California waters to winter breeding grounds.

At this time, the only management response available for the recreational fishery is a trap prohibition in Fishing Zones 3 -6 while entanglement risk remains elevated in those areas. The combined trap reduction and trap restriction will provide additional protections until the next risk assessment can evaluate entanglement risk.