



California Department of Fish and Wildlife Preliminary Assessment and Management Recommendation for the Risk Assessment Mitigation Program

Date: January 9, 2023

This preliminary assessment and management recommendation has been developed by California Department of Fish and Wildlife (CDFW) Marine Region staff for consideration by the California Dungeness Crab Fishing Gear Working Group for the Risk Assessment Mitigation Program (RAMP; Section 132.8, Title 14, California Code of Regulations) regarding Management Actions to address marine life entanglement risk in the commercial and recreational Dungeness crab fishery. CDFW will prepare a Final Assessment and Management Recommendation after review of the Working Group Recommendation and other relevant data.

A. Confirmed Entanglements and Marine Life Concentrations Triggers for Management Action, RAMP subsection (c)

Entanglements:

In-season Confirmed Entanglement impact score is currently zero. The Impact Score for the calendar year 2022 was 4.53 for humpback whales (subject to revision). The Impact Score for calendar year 2021 was 1.89 for humpback whales. As a result, the current running 3-year average Impact Score is 2.14 for humpback whales for the start of 2023.

Marine Life Concentrations:

Fishing Zones 1, 2, 3, 5 & 6

- No new data are currently available

Fishing Zone 4

- Monterey Bay Whale Watch data did not exceed triggers

For additional details, see the Available Data document prepared for this Risk Assessment.

B. Recommended Management Actions from options identified in subsection (e)

Recreational Fishery:

- **Lift the trap prohibition in Fishing Zones 3, 4, 5 and 6 and issue a Fleet Advisory**

The recreational Dungeness crab fishery is currently open in all Fishing Zones (statewide) although use of traps has been temporarily prohibited in Fishing Zones 3-6. CDFW Marine Region's preliminary recommendation is to lift the trap prohibition for Fishing Zones 3, 4, 5 and 6. Marine Life Concentrations for humpback whales in Zone 4 are near seasonal lows, which is a strong indication that most humpback whales have migrated to their southern breeding grounds from California waters. Based on previously available data, known historic migration patterns and supported by the totality of Management Considerations entanglement risk is therefore low for Fishing Zones 3-6. The recommendation is that the recreational trap restriction be lifted on January 16, 2023, at 8:01am in Fishing Zones 3-6 and a Fleet Advisory issued.

Commercial Fishery:

- **Lift the 50% Gear Reduction (trap reduction) for Fishing Zone 3, 4, 5 and 6 and continue the Fleet Advisory**

The commercial Dungeness crab fishery is currently open in all Fishing Zones (statewide). The preliminary recommendation is to lift the 50% Gear Reduction for Fishing Zones 3, 4, 5 and 6. Marine Life Concentrations for humpback whales in Zone 4 are near seasonal lows, which is a strong indication that most humpback whales have migrated to their southern breeding grounds from California waters. Based on previously available data, known historic migration patterns and supported by the totality of Management Considerations entanglement risk is therefore low for Fishing Zones 3-6. The recommendation is that the 50% Gear Reduction be lifted on January 16, 2023, at 8:01am in Fishing Zones 3-6 and a Fleet Advisory issued.

Management Recommendation Summary Rationale:

During the previous risk assessment, aggregations of humpback whales remained in Fishing Zones 3 and 4, particularly in waters west and south of Point Reyes (Gulf of the Farallones). Due to a series of severe storms impacting California in early 2023, no aerial or vessel-based surveys could be safely conducted to evaluate the Marine Life Concentrations under RAMP for those Fishing Zones. Monterey Bay Whale Watch weekly average observations declined however from 4.5 humpback whales in mid-December to 2.4 humpback whales as of this risk assessment. All previously available data showed a continued decline of humpback whales across all Fishing Zones and based on this trend and historical migration patterns, CDFW anticipates risk of entanglement has abated sufficiently to allow the lifting of the trap restrictions for the recreational and commercial trap fisheries. In addition, given the totality of Management Considerations and previously restricted fishing effort for the commercial and recreational fisheries entanglement risk is anticipated to be low for Fishing Zones 3-6. Of note, ocean conditions due to severe storms impacting California

during the past two weeks will likely affect vessel operations and the potential to set additional traps for the near term for both the commercial and recreational fisheries. This will further reduce entanglement risk from additional vertical lines within Fishing Zones 3-6.

Therefore, staff's preliminary recommendation is to lift the existing recreational trap prohibition and commercial gear reduction in Zones 3-6. However, to further minimize risk of entanglement a Fleet Advisory for the commercial fishery in Fishing Zones 3-6 should be continued and implemented for the recreational fishery. Statewide, both the commercial and recreational 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. This is especially important given the current entanglement Impact Score for the commercial fishery.

The next risk assessment is expected to occur in mid-February 2023 by the CDFW Director.

C. Alternative Management Actions considered from options identified in subsection (e)

Alternatives Considered but Rejected

- Fishery Closure – based on available data and historic migration patterns this management action is not required.
- Depth restriction – no data are available to inform implementation of a depth restriction.
- Alternative Gear - can only be authorized after April 1st.

