



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (DEPARTMENT)
DECLARATION OF FISHERY MANAGEMENT ACTION MODIFICATION IN THE
COMMERCIAL AND RECREATIONAL DUNGENESS CRAB FISHERY**

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 January 11, 2023, 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 January 9, 2023. 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

At this time, marine life concentration data does not require a management response pursuant to Section 132.8(c). Available data can be found at the [Department's Whale Safe Fisheries website](#).

III

Entanglement triggers for humpback whales have been reached for the total annual Impact Score running three-year average. Pursuant to Section 132.8(c)(1)(C)(1), I must implement a protective management action in the commercial Dungeness crab fishery.

IV

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 actions:

1. Lift the temporary recreational crab trap prohibition in Fishing Zone 3, 4, 5 and 6 and issue a Fleet Advisory. This action will be in effect at 8:01am on January 14, 2023. The current trap prohibition will remain in place until that time.
2. Lift the 50% Gear Reduction (trap reduction) in Fishing Zones 3-6. This action will be in effect at 8:01am on January 15, 2023. The Gear Reduction and requirements as described in the [December 22, 2022, Declaration](#) will remain in place until that time.
3. Continue a Fleet Advisory for the commercial fishery and implement a Fleet Advisory for the recreational fishery in Fishing Zones 3-6. Both fishing fleets should remain vigilant and move or avoid setting gear in areas where whales are transiting or foraging to further minimize risk of entanglement.

This management action is in effect until modified. The next risk assessment is expected to occur in mid-February 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

1/11/23 4:30 PM PST
Date/Time

ATTACHMENT TO DIRECTOR JANUARY 11, 2023 DECLARATION FOR MODIFICATION OF
THE MANAGEMENT ACTIONS IN THE COMMERCIAL AND RECREATIONAL DUNGENESS
CRAB FISHERIES

Information referenced in this Attachment is further described in the Final Assessment of Marine Life Entanglement Risk and Management Recommendation dated January 11, 2023, and the Available Data document dated January 9, 2023, 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 January 11, 2023, the Director will lift the temporary crab trap prohibition and issue a Fleet Advisory in the recreational Dungeness crab fishery in Fishing Zones 3-6 on January 14, 2023 at 8:01a.m. The Director will lift the 50% Gear Reduction (trap reduction) and continue the Fleet Advisory in the commercial fishery January 15, 2023 at 8:01a.m.

Based on available data marine life concentration triggers requiring management action are no longer met and the Department has analyzed all management considerations provided in Section 132.8(d) and considered appropriate management responses pursuant to 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.

Monterey Bay Whale Watch data indicate near average low seasonal abundance of humpback whales. This is further supported by known historic migration patterns and confirmed arrival of humpbacks from California to winter breeding grounds. All previously available data showed a continued decline of humpback whales across all Fishing Zones and based on this trend and historical migration patterns, the Department concludes that 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 the 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 are projected to continue into the extended forecast period and 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.