



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DECLARATION OF FISHERY CLOSURE
FOR 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") and Section 29.80(c)(7) ("Section 29.80(c)"), I find and declare that:

I

On March 30, 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 March 27, 2023. Prior to this risk assessment and management response, Department staff consulted with the Working Group, and reviewed all relevant information provided to my staff.

II

Impact Score Calculation has exceeded a running average of two humpback whale entanglements over a three-year period. Pursuant to Section 132.8(c)(1)(C), I must implement a Fishing Zone closure or other protective management action.

III

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.

IV

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

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 based on the best available science. Additional information on relevant management considerations is provided in the attachment to this declaration.

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 2022-2023 season in Fishing Zones 3, 4, 5, and 6 starting at 12:00PM (noon) on April 15, 2023, requiring all commercial Dungeness crab traps be removed from ocean waters in those Fishing Zones by that date and time. The take and possession of Dungeness crab is therefore prohibited after 12:00PM on April 15, 2023. This closure does not apply to fishing activity with authorized Alternative Gear types as stated below.
2. All Fishing Zones (1-6) remain under a Fleet Advisory.
3. Retrieval operations under the Lost and Abandoned Dungeness Crab Trap Gear Retrieval Program may begin in Fishing Zones 3, 4, 5, and 6 on April 21, 2023, at 6:00AM.
4. 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 Dungeness crab.

This management action is in effect until modified or through the end of the statutory season pursuant to Fish and Game Code Section 8276. The next risk assessment is expected to occur on or around April 15, 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

3/30/23 10:19 AM PST
Date/Time

ATTACHMENT TO DIRECTOR MARCH 30, 2023 DECLARATION OF A 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 Final Assessment of Marine Life Entanglement Risk and Management Recommendation dated March 29, 2023 and the Available Data document dated March 27, 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 March 29, 2023, the Director will continue a Fleet Advisory for Fishing Zones 1-6 and implement a Fishery Closure for the commercial fishery in Fishing Zones 3-6.

Based on historical migration patterns, it is anticipated that humpback whales will begin returning from their winter breeding grounds over the coming weeks. In addition, the three-year running average Impact Score has exceeded two humpbacks whales between 2021 and the present. Based on 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.

Aerial surveys and Monterey Bay Whale Watch data indicate few to no humpback whales within Fishing Zones 3 and 4. Observation data does indicate an aggregation of humpbacks whales outside the Fishing Grounds in Fishing Zone 5. However, at this time, the number of humpback whales does not indicate an elevated risk. As result, risk is considered low at this time but expected to increase over the coming weeks. In anticipation of this, the Director is taking protective action by implementing the Fishery Closure in those Fishing Zones that typically see April arrivals of humpbacks whales. This will further reduce risk of entanglement with commercial Dungeness crab traps in Fishing Zones 3-6. At this time, the only management response available for the recreational fishery is a trap prohibition which is not required at this time because Marine Life Concentration triggers have not been reached under RAMP.