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DEPARTMENT OF FISH AND WILDLIFE
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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DECLARATION OF CRAB TRAP PROHIBITION IN THE RECREATIONAL DUNGENESS CRAB FISHERY AND DEPTH CONSTRAINT 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 May 2, 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 April 26, 2023. Prior to this risk assessment and management response, Department staff consulted with the Working Group, I considered all relevant information provided to the Department and my designee consulted with the President of the Fish and Game Commission.

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

Oregon State University vessel surveys indicated a total of 27 humpbacks whales within Fishing Zone 1. NOAA-standardized data from commercial whale-watching trips in Fishing Zone 4 show increasing presence of Humpback whales, with the most recent weekly running average of 9.2 and 25 humpbacks sighted on a single trip. Pursuant to Section 29.80(c)(7)(A)(1), I must implement a protective management action in the recreational crab fishery.

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.

V

Section 29.80(c)(7) requires evaluation of the information outlined in California Code of Regulations, Title 14, Sections 132.8 ("Section 132.8"). 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.

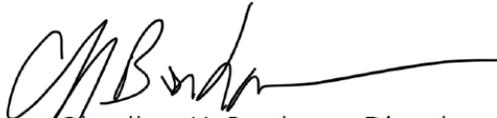
VI

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

1. Effective May 15, 2023, at 12:00pm (noon), the deployment and use of recreational crab traps is prohibited in Fishing Zones 3-6.
2. Effective May 15, 2023, at 12:00pm (noon) in Fishing Zones 1 and 2, a Depth Constraint limiting fishing activity to inside of 30-fathoms is issued for ocean waters for the California commercial Dungeness crab fleet. Traps used in the commercial fishery are thereby prohibited in waters seaward of the 30-fathom contour as defined in Title 50 of the Federal Codes of Regulations, Part 660, Section 660.71. All vessels must carry onboard an electronic monitoring system capable of recording the vessel's location using GPS coordinates at a frequency of no less than once per minute during fishing operations. Electronic monitoring data must be made available to the Department upon request for the duration of the fishing period and 60 days thereafter.
3. All Fishing Zones (1-6) remain under a Fleet Advisory until the close of the season.
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 for the commercial fishery and is in effect until the normal end of the Dungeness crab season as specified in California Code of Regulations, Title 14, Section 29.85(b)(2). The next risk assessment is expected to occur in mid-May 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

5/2/23 11:45 AM DT
Date/Time

ATTACHMENT TO DIRECTOR May 2, 2023, DECLARATION OF A TRAP PROHIBITION IN
THE RECREATIONAL FISHERY AND A DEPTH CONSTRAINT 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 April 28, 2023 and the Available Data document dated April 28, 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 April 28, 2023, the Director will prohibit the use of recreational crab traps in Fishing Zones 3-6, implement a 30-fathom Depth Constraint in Zones 1 and 2, and continue a statewide Fleet Advisory until the close of the season. This decision was informed by 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.

Based on historical migration patterns, it is anticipated that humpback whales will continue 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. Monterey Bay Whale Watch data indicates numerous humpback whales within Fishing Zone 4. Observation data from Oregon State University vessel surveys also indicate several aggregations of humpbacks whales in Fishing Zone 1. Fishing effort by the commercial Dungeness crab fishery in these Zones presents a risk of entanglement as humpbacks return from their winter breeding grounds to forage. In addition, though not confirmed to be commercial Dungeness crab gear, there have been two unidentified gear entanglements that occurred in mid-April in Monterey Bay. Entanglement risk is expected to increase over the coming weeks across the Fishing Grounds. In anticipation of this, the Director is taking protective action by implementing the Depth Constraint in Fishing Zones 1 and 2 and prohibiting the use of recreational crab traps in Fishing Zones 3-6. The commercial Dungeness crab fishery was closed in Fishing Zones 3-6 on April 15, 2023.