



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
**DECLARATION OF FISHERY SEASON DELAY IN THE COMMERCIAL DUNGENESS CRAB**  
**FISHERY AND RECREATIONAL TRAP PROHIBITION 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 October 27, 2023, I evaluated entanglement risk for the commercial and recreational Dungeness crab fisheries pursuant to Sections 132.8 and 29.80(c). 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 October 23, 2023. Prior to this risk assessment and management response, Department staff reviewed all relevant information and consulted with the Working Group and I consulted with the president of the Fish and Game Commission.

II

Between October 4-6, 2023, aerial surveys undertaken by NOAA researchers observed 73 humpback whales in Fishing Zone 3 and 30 humpback whales in Fishing Zone 4. Cascadia Research surveyors observed a minimum of 35 and maximum of 89 humpback whales in Fishing Zone 3 during vessel surveys conducted on October 5, 10, 13, 14, and 16, 2023. Pursuant to Section 132.8(c)(2)(A)(4)(a), I must implement a Fishing Zone delay or other protective Management Action in the commercial Dungeness crab fishery.

III

NOAA-standardized data from commercial whale-watching trips in Fishing Zone 4 throughout the summer and fall show continued presence of humpback whales, with the most recent weekly running average of 16.2 humpback whales in Monterey Bay. Pursuant to Section 132.8(c)(2)(A)(4)(a), I must implement a protective Management Action in the commercial Dungeness crab fishery.

IV

Impact Score Calculation 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.

V

Numerical triggers for Marine Life Concentrations have been reached in Fishing Zones 3 and 4 for humpback whales, as described in Part II. Pursuant to Section 29.80(c), 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).

VI

There are no Department approved Marine Life Concentration survey data to inform the risk assessment in Fishing Zone 6. Pursuant to Section 29.80(c)(7)(A)(2) and Section 132.8(d), I must implement a protective Management Action.

VII

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

VIII

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

1. The opening of the commercial Dungeness crab fishery in Fishing Zones 3, 4, 5 and 6 is delayed. Take and possession of commercially caught Dungeness crab is prohibited in the delayed Fishing Zones.
2. The deployment and use of crab traps in any recreational fishery is temporarily prohibited in Fishing Zones 3 and 4.
3. A Fleet Advisory is issued for the recreational Dungeness crab fishery for Fishing Zones 1-6.

These Management Actions are in effect until modified. The next risk assessment is expected to occur on or before November 17, 2023.

Updates and material regarding future entanglement risk evaluations in the commercial and recreational Dungeness crab fisheries will be made available on the [Department's Whale Safe Fisheries web page](#).



Charlton H. Bonham, Director

Charlton H. Bonham, Director

10.27.23 8:15 AM PST  
Date/Time

Date/Time

ATTACHMENT TO DIRECTOR OCTOBER 27, 2023, DECLARATION OF FISHERY SEASON  
DELAY IN THE COMMERCIAL DUNGENESS CRAB FISHERY AND 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 October 27, 2023 and the Available Data and Preliminary Assessment document dated October 23, 2023, located on the Department's [Whale Safe Fisheries website](#), which to the Department's knowledge represents the best available science informing this risk assessment.

These recommendations were based exceeding Marine Life Concentration data triggers and known migration patterns for humpback whales in Fishing Zones 3 and 4. In addition, the current Impact Score for the commercial fishery is 3.39, requiring Management Action.