



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DECLARATION OF FISHERY SEASON DELAY  
IN THE COMMERCIAL DUNGENESS CRAB FISHERY AND RECREATIONAL CRAB 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 November 17, 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 November 14, 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

Researchers from Oregon State University observed up to 13 blue and fin whales and 46 humpback whales from October 30-31, 2023, in Fishing Zone 1. Vessel surveys conducted by Cascadia Research Collective on October 10, 13, 14, and 16, 2023, observed between 35-68 humpback whales in Fishing Zone 3. Cascadia Research Collective vessel surveys also observed between 31-62 humpback whales in Fishing Zone 4 on November 2 and 6, 2023. Pursuant to Section 132.8(c)(2)(A)(4)(a), I must implement a 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 19.9 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 1, 3 and 4 for humpback and blue 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 is 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 action listed below protects humpback and blue 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(c) of Title 14 of the California Code of Regulations, I am implementing the following management action:

1. The opening of the commercial Dungeness crab fishery in Fishing Zones 1, 2, 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 1, 3 and 4.
3. A Fleet Advisory is issued for the recreational Dungeness crab fishery for Fishing Zones 1-6.

This management action is in effect until modified. The next risk assessment is expected to occur on or around December 7, 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

11/17/23 11:15 am PST  
Date/Time

ATTACHMENT TO DIRECTOR NOVEMBER 17, 2023 DECLARATION OF FISHERY SEASON  
DELAY IN THE COMMERCIAL DUNGENESS CRAB FISHERY AND RECREATIONAL CRAB  
TRAP RESTRICTION 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 November 17, 2023 and the Available Data and Preliminary Assessment document dated November 14, 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.

These recommendations were based on exceeding Marine Life Concentration data triggers and known migration patterns for humpback and blue whales in Fishing Zones 1, 3 and 4. In addition, the current Impact Score for the commercial fishery is 3.64, requiring a protective Management Action.