



**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 December 7, 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 December 4, 2023. Prior to this risk assessment and management response, Department staff reviewed all relevant information and consulted with the Working Group.

II

Vessel surveys conducted by Cascadia Research Collective observed up to 35 humpback whales between November 20 and December 3, 2023, in Fishing Zone 4. Additionally, a leatherback sea turtle was reported entangled in California commercial Dungeness crab fishing gear on November 24, 2023, confirming the presence of leatherback sea turtles in Fishing Zone 3. 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 show continued presence of humpback whales, with the most recent weekly running average of 13.5 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 and leatherback sea turtles, 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 whales and leatherback sea turtles 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 action:

1. The opening of the commercial Dungeness crab fishery in Fishing Zones 1, 2, 3, 4, 5 and 6 is delayed until the next risk assessment on or before December 21, 2023 to inform a potential opener on or around January 1, 2024. Take and possession of commercially caught Dungeness crab is prohibited in the delayed Fishing Zones.
2. Lift the temporary recreational crab trap prohibition in Fishing Zone 1. This action will be in effect at 8:00 am on December 16, 2023. The current trap prohibition will remain in place until that time.
3. The deployment and use of crab traps in any recreational fishery is temporarily prohibited in Fishing Zones 3 and 4.
4. A continuation of the Fleet Advisory 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 December 21, 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

12.7.23 3:30pm  
Date/Time

ATTACHMENT TO DIRECTOR DECEMBER 7, 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 December 7, 2023 and the Available Data and Preliminary Assessment document dated December 4, 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 leatherback sea turtles in Fishing Zones 3 and 4. In addition, the current calendar year Impact Score for the commercial fishery for humpback whales is 3.76, requiring a protective Management Action.