



**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 20, 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 15, 2023. Prior to this risk assessment and management response, Department staff reviewed all relevant information and consulted with the Working Group.

II

NOAA aerial observers reported 24 humpback whales in Fishing Zone 3 on December 9-10, 2023. Vessel surveys conducted on December 9-14, 2023, by Cascadia Research Collective and The Marine Mammal Center also observed aggregations of humpback whales, up to 58 individuals, 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 8 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 is no Department approved Marine Life Concentration survey data to inform the risk assessment in Fishing Zones 5 and 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 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. Lift the Fishery Closure in Fishing Zones 1 and 2. This action will be in effect beginning at 12:01am on January 5, 2024. Pursuant to Fish and Game Code section 8283, the opening of Fishing Zones 1 and 2 will be preceded by a 64-hour gear setting period that will begin at 8:01am on January 2, 2024.
2. Issue a Fleet Advisory for the commercial Dungeness crab fishery in Fishing Zones 1 and 2.
3. Continue the delay of the season opener of the commercial Dungeness crab fishery in Fishing Zones 3, 4, 5 and 6 until the next risk assessment on or before January 11, 2024, to inform a potential opener on or around January 18, 2024. Take and possession of commercially caught Dungeness crab is prohibited in the delayed Fishing Zones.
4. The deployment and use of crab traps in any recreational fishery is temporarily prohibited in Fishing Zones 3 and 4.

5. 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 around January 11, 2024.

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

12/20/23 11am PST

Date/Time

ATTACHMENT TO DIRECTOR DECEMBER 20, 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 December 20, 2023, and the Available Data and Preliminary Assessment document dated December 15, 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 whales in Fishing Zones 3 and 4. In addition, the current calendar year Impact Score for the commercial fishery for humpback whales is 3.76 (excluding the 12/17/23 entanglement; update pending based on additional information from NMFS), requiring a protective Management Action.