



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DECLARATION OF FISHERY SEASON CLOSURE AND DEPTH CONSTRAINT  
IN THE COMMERCIAL DUNGENESS CRAB FISHERY AND CRAB TRAP PROHIBITION IN THE  
RECREATIONAL 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 March 28, 2024, 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 March 25, 2024. 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

Department aerial surveys documented a total of 14 humpback whales within Fishing Zone 4. Vessel surveys by The Marine Mammal Center and Cascadia Research Collective documented 47 humpback whales in Fishing Zone 4. 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 nine humpback whales per half-day trip and a peak of 34 humpback whales sighted on a single trip. Pursuant to Section 132.8(c)(2)(B)(a), I must implement a Fishing Zone closure or other protective management action in the commercial Dungeness crab fishery.

III

The current Impact Score for humpback whales exceeds a running average of two over a three-year period for the commercial Dungeness crab fishery. Pursuant to Section 132.8(c)(1)(C)(1), I must implement a protective management action in the commercial Dungeness crab fishery.

IV

Numerical Marine Life Concentration triggers have been reached in Fishing Zone 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).

V

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.

VI

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.

VII

**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. Effective April 8, 2024 at 6:00pm, the deployment and use of crab traps in any recreational fishery is prohibited in Fishing Zones 3, 4, and 5.
2. Effective April 8, 2024 at 6:00pm, closure of the commercial Dungeness crab fishery for the remainder of the 2023-24 season in Fishing Zones 3, 4, 5, and 6. All commercial Dungeness crab traps must be removed from ocean waters in those Fishing Zones by that date and time. The take and possession of Dungeness crab from closed waters is prohibited after 6:00pm on April 8, 2024 pursuant to Fish and Game Code 8276.1(d). This closure does not apply when using authorized Alternative Gear, as stated below.
3. Effective April 8, 2024 at 6:00pm, a Depth Constraint limiting commercial fishing activity to inside (shallower than) 30-fathoms within Fishing Zones 1 and 2. In the commercial fishery, traps shall not be used or placed in the water seaward of the 30-fathom contour as defined in Title 50 of the Federal Codes of Regulations, Part 660, Section 660.71.

4. Retrieval operations under the Lost or Abandoned Dungeness Crab Trap Gear Retrieval Program, as defined in Section 132.7 of Title 14 of the California Code of Regulations, may begin in Fishing Zones 3, 4, 5, and 6 at 6:00am on April 15, 2024.
5. Pursuant to Section 132.2(a)(2)(E) of Title 14 of the California Code of Regulations, beginning at 6:00am on April 15, 2024, permitted Dungeness crab vessels may retrieve an unlimited number of commercial Dungeness crab traps from Fishing Zones 3, 4, 5 and 6 which are lost, damaged, abandoned, or otherwise derelict. All crustaceans and finfish must be immediately returned to the water and not retained when retrieving lost, abandoned, or derelict Dungeness crab traps pursuant to this declaration. The Department requests that individuals retrieving gear pursuant to Section 132.2(a)(2)(E) report their activities to [WhaleSafeFisheries@wildlife.ca.gov](mailto:WhaleSafeFisheries@wildlife.ca.gov). The Department also requests individuals to submit a [CalTIP notification](#) if they observe large amounts of gear from a given permit holder within any of these Fishing Zones. Individuals possessing or retrieving traps from Zones 3, 4, 5, or 6 pursuant to Section 132.2(a)(2)(E) are prohibited from possessing crab. Any vessel operating or transiting in an open Fishing Zone may not possess more than six traps belonging to another vessel, pursuant to Section 132.2(a)(2)(A).
6. 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 date, it may be used for take of Dungeness crab.
7. All Fishing Zones (1-6) remain under a Fleet Advisory until the close of the season.

This management action is in effect until modified. The next risk assessment is expected to occur in mid-April 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

3/28/24 3:45 PM PT

Date/Time

ATTACHMENT TO DIRECTOR MARCH 28, 2024 DECLARATION OF FISHERY SEASON  
CLOSURE AND DEPTH CONSTRAINT IN THE COMMERCIAL DUNGENESS CRAB FISHERY  
AND CRAB TRAP PROHIBITION IN THE RECREATIONAL 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 March 28, 2024 and the Available Data and Preliminary Assessment document dated March 25, 2024 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 triggers for humpback whales in Fishing Zone 4. In addition, the current three-year rolling average Impact Score in the commercial Dungeness crab fishery for humpback whales is 3.39, requiring a protective Management Action in Fishing Zones 1, 2, 3, 5 and 6.