



# California Department of Fish and Wildlife Final Assessment of Marine Life Entanglement Risk and Management Recommendation for the Risk Assessment Mitigation Program

Date: November 21, 2024

An initial assessment and a preliminary recommendation were developed by California Department of Fish and Wildlife's (CDFW) Marine Region for consideration by the California Dungeness Crab Fishing Gear Working Group (Working Group) for the Risk Assessment Mitigation Program (RAMP; Section 132.8, Title 14, California Code of Regulations) regarding Management Actions to address marine life entanglement risk in the commercial Dungeness crab fishery as well as Section 29.80, Title 14, California Code of Regulations (Gear Restrictions for Recreational Take of Saltwater Crustaceans). The initial assessment was shared with the Working Group on November 15, 2024, and finalized at the conclusion of the Working Group meeting which was held on November 19, 2024. For a map of the RAMP Fishing Zones, see the [Whale Safe Fisheries webpage](#).

## I. Recommended Management Actions

### Commercial Fishery:

- Season Delay: All Fishing Zones (1, 2, 3, 4, 5, and 6)(continuation for 3-6)
  - Note: Fishing Zones 1 and 2 are expected to be delayed due to quality testing results (Fish and Game Code Section 8276.2) until at least December 16, 2024.

### Recreational Fishery:

- Crab Trap Prohibition: Fishing Zones 3 and 4 (continuation)
  - Note: Fishing Zone 1 (CA/OR border to Reading Rock) is currently delayed/closed due to [elevated domoic acid levels](#).
- Fleet Advisory: All Fishing Zones

Table 1. Fishing Zones and current management status for the California commercial and recreational Dungeness crab fisheries.

<b>Fishing Zone</b>	<b>Commercial Fishery: Current Management Status</b>	<b>Commercial Fishery: Proposed Management Status</b>	<b>Recreational Fishery: Current Management Status</b>	<b>Recreational Fishery: Proposed Management Status</b>
1	Closed	Season Delay	Closed due to Domoic Acid (CA/OR border to Reading Rock)*	Closed due to Domoic Acid (CA/OR border to Reading Rock)*
2	Closed	Season Delay	Fleet Advisory	Fleet Advisory
3	Season Delay	Season Delay	Crab Trap Prohibition; Fleet Advisory	Crab Trap Prohibition; Fleet Advisory
4	Season Delay	Season Delay	Crab Trap Prohibition; Fleet Advisory	Crab Trap Prohibition; Fleet Advisory
5	Season Delay	Season Delay	Fleet Advisory	Fleet Advisory
6	Season Delay	Season Delay	Fleet Advisory	Fleet Advisory

\* Northern portion of Fishing Zone 1 is closed, from CA/OR border to the southern border of the Reading Rock State Marine Reserve (41° 17.6' N latitude). A Fleet Advisory would go into effect once the domoic acid closure is lifted.

## II. Management Recommendation Summary Rationale

**Entanglements:** Numerous humpback whale entanglements have been reported since the close of the 2023-24 fishing season. Table 2 in the [Preliminary Assessment and Available Data document](#) describes confirmed Actionable Species entanglements in 2024 that have been reported by the National Marine Fisheries Service (NMFS) as of Nov. 15, 2024. Humpback whale entanglements in California commercial Dungeness crab fishing gear and Unknown Fishing Gear bring the three-year rolling average Impact Score to 5.40 (subject to revision), which exceeds the trigger as defined in RAMP for the commercial Dungeness crab fishery.

**Marine Life Concentrations:** Based on recent Marine Life Concentration (MLC) surveys in Fishing Zones 1, 3, 4, 5, and 6, humpback whale and blue whale sightings remain high. Cascadia vessel surveys were conducted on Nov. 7-8, 2024, and observed up to 42 humpback whales and up to 10 blue whales in Fishing Zone 1, up to 56 humpback whales in Fishing Zone 3 and 81 humpback

whales in Fishing Zone 4. A NOAA/SWFSC CalCurCEAS Marine Mammal survey conducted from Oct. 24 – Nov. 11, 2024, observed up to 155 humpback whales and 13 blue whales in Fishing Zone 3, 25 humpback whales in Fishing Zone 4, and, 36 humpback whales and 16 blue whales in Fishing Zone 5. Monterey Bay Whale Watch data indicated an average number of humpback whales-per-half-daytrip during the last seven days of 22.6, with a peak of 53 whales observed during a half-day trip on Nov. 6, 2024. CDFW aerial surveys conducted on Nov. 8, 2024, observed elevated numbers of humpback whales in Fishing Zones 3 and 4, above MLC triggers, however data are unavailable.

Marine Region's final recommendation is for the Director to continue the delay for Fishing Zones 3-6 and delay Fishing Zones 1 and 2 for the commercial fishery. In addition, the commercial fishery opener in Fishing Zones 1 and 2 is expected to be further delayed pursuant to Fish and Game Code Section 8672.2 (due to quality testing results) until at least December 16, 2024. The Marine Region also recommends the continued prohibition of recreational crab traps in Fishing Zones 3 and 4 and to continue the Fleet Advisory for all Fishing Zones (1-6) until the next Risk Assessment. These recommendations are a result of the exceedance of Marine Life Concentration data triggers and known migration patterns for humpback whales in all Fishing Zones. The recommendation is also supported by the high number of entanglements that occurred during the current 2024 calendar year and 3-year average Impact Score for the commercial fishery. Additionally, the MBARI krill model forecasts higher than expected zooplankton concentrations between Point Arena and Point Sur (Fishing Zones 3 and 4) which may delay migration out of California waters due to foraging opportunities.

A Fleet Advisory for the recreational fishery in Fishing Zones 1- 6 is recommended based on survey data and known migration patterns of humpback whales. Under a trap prohibition, hoop nets will still be allowed, requiring increased precaution when setting gear to avoid entanglements in vertical lines. It should be noted however that the northern portion of Fishing Zone 1 (CA/OR border to Reading Rock) is currently closed to the recreational fishery due to elevated domoic acid levels. In addition, a trap prohibition was not recommended for Fishing Zone 1 due to limited fishing overlap potential due to the depth ranges of observed whales for the recreational fishery. Recreational effort typically occurs much further inshore, and no whales were observed in those areas.

It is anticipated that the delay and trap prohibition for commercial and recreational fishery would be in place until at least the next Risk Assessment, which is expected to occur on or around December 5, 2024. That assessment will inform a potential statewide commercial fishery opener on or around December 15, 2024, and/or a lifting of the trap restriction for the recreational fishery in Fishing Zones 3 and 4.

For additional details, see the Entanglement and Marine Life Concentration sections of the [Available Data & Preliminary Assessment document](#).

### III. Alternatives Considered but Rejected

- Gear Reduction - given the exceedance of the statewide entanglement Impact Score and elevated risk due to concentrations of humpback whales (Fishing Zones 1, 3 and 4), this was not the recommended Management Action.
- Depth Restriction - given the current exceedance of the statewide entanglement Impact Score and distribution of humpback whales across depths (particularly inshore depth ranges within Fishing Zones 3 and 4), a depth restriction may inadvertently concentrate trap gear, thereby increasing entanglement risk.
- Alternative Gear - can only be authorized after April 1st.