



# California Department of Fish and Wildlife Preliminary Assessment and Management Recommendation for the Risk Assessment Mitigation Program

Date: March 27, 2023

This preliminary assessment and management recommendation has been developed by California Department of Fish and Wildlife (CDFW) Marine Region staff 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 and recreational Dungeness crab fishery. CDFW will prepare a Final Assessment and Management Recommendation after review of the Working Group Recommendation and other relevant data.

## A. Confirmed Entanglements and Marine Life Concentrations Triggers for Management Action, RAMP subsection (c)

### Entanglements:

As of March 24, 2023, no entanglements have been reported to CDFW by NOAA for the 2022-23 season. Therefore, the in-season Confirmed Entanglement Impact Score is currently zero. The Impact Score for calendar year 2021 is 1.89 for humpback whales. The total Impact Score for the calendar year 2022 is 5.28 for humpback whales, which includes a recently reported entanglement from 2022 off Mexico that belonged to the California commercial Dungeness crab fishery. The current running 3-year average Impact Score is 2.39 for humpback whales for the years 2021-2023, which exceeds the triggers in Section 132.8(c)(1)(C)(1). Note: Entanglement data are subject to revision based on review and verification by NOAA.

### Marine Life Concentrations:

CDFW aerial surveys for Fishing Zones 3, 4 and 5 did not observe humpback whales, blue whales, or leatherback sea turtles. Monterey Bay Whale Watch data documented one humpback during the most recent seven-day trip period in Fishing Zone 4.

For additional details, see the Available Data document prepared for this Risk Assessment.

## B. Recommended Management Action from options identified in subsection (e)

### Recreational Fishery:

- **Continue Fleet Advisory for Fishing Zones 1-6**

### Commercial Fishery:

- **Continue Fleet Advisory for Fishing Zones 1-6 until Fishery Closure**
- **50% Gear Reduction (trap reduction) for Fishing Zones 3, 4, 5 & 6 effective April 13, 2023 at 12:00pm (noon)**

### Management Recommendation Summary Rationale:

Repeated storm events over the last few weeks have impacted CDFW's ability to collect and consider real-time survey data regarding presence of Actionable Species on the Fishing Grounds. In such instances, it is necessary to consider historical migration patterns and as a result CDFW anticipates large aggregations of humpback whales will be returning to California waters in the coming weeks. Specifically, migrating humpbacks may return to key foraging areas in Monterey Bay (Fishing Zone 4) and the Gulf of the Farallones (Fishing Zone 3) in early to mid-April. Allowing the commercial Dungeness crab fishery to remain open with no restrictions in Fishing Zones 3-6 creates entanglement risk as humpback whales transit and forage across those Fishing Zones.

However, based on the currently available Marine Life Concentration data, entanglement risk remains low at this time. Therefore, CDFW Marine Region staff's preliminary recommendation is to implement a 50% Gear Reduction (trap reduction) for Fishing Zones 3-6 effective April 13, 2023. This recommendation is informed by historical migration patterns and exceedance of the running three-year average entanglement Impact Score for humpback whales which requires CDFW to implement precautionary management actions to avoid additional entanglements. Effective April 13, 2023 at 12:00pm (noon), any commercial Dungeness Crab vessel fishing in or transiting Fishing Zones 3-6, regardless of fishing location, would be subject to the 50% reduction and must have at least half of their valid buoy tags for the current fishing season onboard and available for inspection by CDFW at all times. All permitted vessels must comply by that date and consistent with the Director's declaration all unused buoy tags shall be onboard the permitted vessel and made available for inspection by the department upon request, pursuant to Section 132.8 (e)(3) Title 14, CCR.

The recommendation is to also continue the Fleet Advisory for both the recreational and commercial fishery in all Fishing Zones until Fishing Zone closures/Trap prohibitions are in effect. Both the commercial and recreational fleets should be prepared to modify fishing operations to minimize risk of entanglement. Currently, the recreational crab fishery is not subject to any additional management actions because Marine Life

Concentration triggers have not been reached. If Marine Life Concentration triggers are reached during a future risk assessment, the Director may implement a trap prohibition for the recreational fishery either by Fishing Zone or statewide. CDFW reminds all fisherman to use best fishing practices to minimize risk of entanglement as whales begin to arrive in Fishing Zones that remain open to fishing. Staff have received anecdotal reports that strong winter storms may have increased the likelihood of silted in pots and the potential for lost gear which makes it essential that both fleets work proactively to help reduce risk of entanglement by removing gear from the Fishing Grounds.

### Alternatives Considered but Rejected

- Depth restriction – based on available data and historic migration patterns this management action will not sufficiently minimize risk of entanglement because humpback whales forage across all depth ranges and could concentrate trap gear thereby increasing risk.
- Fishery Closure – based on available data this is not currently the recommended Management Action but based on historical migration patterns CDFW anticipates this action will likely be required in the coming weeks.
- Alternative Gear - can be authorized after April 1<sup>st</sup>, but no gear currently is authorized for the commerical Dungeness crab fishery.

