



November 20, 2019

NOTICE: Preliminary Determination of Significant Entanglement Risk

Pursuant to Fish and Game Code section 8276.1(c), the Director has made a preliminary determination that conducting the California Dungeness Crab fishery with a November 22 start date poses a significant risk of marine life entanglement. The anticipated management response is an additional delay of the opening of the commercial Dungeness crab fishery south of the Mendocino/Sonoma county line) from November 22, 2019, to December 15, 2019.

As required by Fish and Game Code section 8276.1(c)(4), the Director is providing 48 hours' notice to the California Dungeness Crab Fishing Gear Working Group and other stakeholders.

The Director has evaluated the factors outlined in Fish and Game Code section 8276.1(c)(3). The following information supports the preliminary determination of significant risk:

- **Conditions inherent to the fishery, such as safety of life at sea, weather, vessel operations, and other related issues. (Fish & G. Code, § 8276.1(c)(3)(A))**

To maintain an orderly fishery and to provide safety at sea, there will be a pre-soak period of 18 hours pursuant Fish and Game Code Section 8282.

- **The duration of any delays in the normal start of the fishery. (Fish & G. Code, § 8276.1(c)(3)(B))**

The Northern Management Area was delayed due to crab quality. Delay of the northern fishery is expected to increase participation in the southern fishery, thereby increasing the risk of whale entanglement.

- **Indications of anomalous ocean or forage conditions, or both, in the current season. (Fish & G. Code, § 8276.1(c)(3)(C))**

National Marine Fisheries Service vessel-based and aerial surveys have documented extremely low abundance of krill and high levels of anchovy abundance off California waters that is widely dispersed between nearshore and offshore environments. The November 18, 2019 aerial reconnaissance survey by CDFW observed bait fish concentrations in the fishing grounds, which are known to attract whales.

- **Known location of marine life of concern. (FGC 8276.1(c)(3)(D))**

Aerial surveys conducted by NOAA on October 22, 24, 25, 2019, showed Humpback whales, Blue whales, and Leatherback sea turtle presence off the California coast. Humpback whales were in particularly high concentrations off the central coast, Bodega Head to Pt. Pinos. NOAA sea turtle telemetry data indicated at least one animal was still foraging near the Farallon Islands as of November 18, 2019. An additional reconnaissance survey conducted by CDFW on November 18, 2019, showed continued presence of Humpback whales in the fishing grounds.

- **The known location and intensity of fishing effort. (Fish & G. Code, § 8276.1(c)(3)(E))**

The November 22 season opener focuses fishing effort south of the Mendocino/Sonoma county line, where whales currently still present.

- **The number of confirmed marine life entanglements documented in advance of or during the current fishing season. (Fish & G. Code, § 8276.1(c)(3)(F))**

No additional information relevant to this factor is available.

- **Existence and prevalence of factors that may result in significant risk of marine life entanglement. (Fish & G. Code, § 8276.1(c)(3)(G))**

Based on input from leadership, Port Associations, and members of the commercial Dungeness crab fishing fleet, opening south of the Mendocino/Sonoma county line with the current abundance of whales presents an unacceptable level of risk of whale entanglement. This input includes written requests for further delay from ports. The Dungeness Crab Fishing Gear Working Group will be convened in early December to evaluate any new information that may be available to open the fishery prior to December 15.

- **The likelihood of exceeding the potential biological removal level of a marine life species. (Fish & G. Code, § 8276.1(c)(3)(H))**

The proposed action is designed to minimize the likelihood of exceeding the potential biological removal of a marine life species.

- **The socioeconomic impacts of any management response to fishery stakeholders. (Fish & G. Code, § 8276.1(c)(3)(I))**

An additional delay until December 15 will provide additional opportunity for whales to begin their southern migration prior to the start of the commercial fishery. While an additional delay of the season will prevent the fleet from providing crab for the Thanksgiving Holiday, it further reduces the potential for an entanglement that could negatively impact the commercial Dungeness crab season through in-season closures.

Additional information supporting this determination can be found at [CDFW's Whale Safe Fisheries page](#).

The Director will consider any recommendations or new information provided by the California Dungeness Crab Fishing Gear Working Group or any member of the public within the notice period in advance of enacting the proposed management measure.

Please submit any recommendations and information to WhaleSafeFisheries@wildlife.ca.gov by 4:45 p.m, Friday November 22, 2019.