

## California's commercial dungeness crab fishing season further delayed

December 26, 2023



The California Department of Fish and Wildlife (CDFW) announced the 2023-2024 California commercial Dungeness crab fishing season won't open before New Year's.

The third delay to the commercial season opener is in response to the number of humpback whales that have become entangled in the fishing gear. The decision also comes on the heels of a critically endangered Pacific leatherback sea turtle becoming entangled and drowning in commercial Dungeness crab gear, which CDFW suspects was likely lost during the 2021-2022 fishing season.

Pacific leatherback sea turtles have declined off California by 90% over the last 30 years and death of a single leatherback sea turtle impacts the species chances for recovery. Oceana supports the Department's decision to protect ocean wildlife and is advocating for the authorization of innovative pop-up fishing gear, stricter limits on when conventional crab gear can be used, and stronger measures to prevent lost and abandoned fishing gear.

Dr. Geoff Shester, Oceana's California campaign director and senior scientist, and a member of the California Dungeness Crab Fishing Gear Working Group, issued the following statement:

“The California Department of Fish and Wildlife, with support from fishermen, is doing the right thing to protect endangered whales and sea turtles from entanglement, providing them with safe opportunities to feed and swim off the California coast. The entanglement of the Pacific leatherback turtle is a devastating blow to the declining population off California, and we simply must do more to prevent these entanglements. We are anticipating strong El Niño conditions in the coming months, which are likely to drive humpback whales closer to shore as they follow available prey — like anchovy — into shallower waters. If whales also have to contend with thousands of vertical fishing lines in these more nearshore areas from conventional crab traps it could create the perfect storm for increased entanglements, and we've already seen too many endangered species entangled in fishing gear this year. With predictions that a strong El Niño event could persist through the spring, we are likely to see the crabbing season come to an early close, compressing an already shortened season with the statewide delay. Innovative pop-up fishing gear will be available for testing under experimental fishing permits this spring, and once authorized, could be a way to extend the fishing season into spring months, providing additional fishing opportunities in a way that is also safe for whales and sea turtles.”

The next assessment to determine the risk of whale entanglements and determine whether fishing zones will open on or after New Years Day is scheduled for around December 19.

The continued delay is based on a combination of excessive humpback whale entanglements in California Dungeness crab gear over the last three years and high numbers of recent humpback whale sightings off the Central Coast, according to the Risk Assessment and Mitigation Program criteria. The recreational fishery opened on November 4 with hoop nets, and the recreational crab trap prohibition was lifted for Fishing zone 1—the northern most California waters. Recreational crab traps are still prohibited off Zones 3 and 4, off the Central Coast.

According to the National Marine Fisheries Service (NMFS), roughly 75 percent of reported whale entanglements are fatal as whales can drag the heavy fishing gear for months, hindering their ability to dive and feed. This can result in malnutrition, starvation, infection to damaged flukes or tails and even severed appendages and drowning. According to CDFW, there have been 16 confirmed whale entanglements — including humpback whales and gray whales — reported off California this year, four of which were confirmed in California commercial Dungeness crab gear. This includes a recent sighting of another humpback whale reported entangled on November 11 in Monterey Bay and confirmed to be in California commercial Dungeness crab gear. To date, at least 24 whales have been confirmed entangled off the West Coast in 2023.

The population of humpback whales that breeds in Central American/Southern Mexico — one of two humpback populations that migrates to feed off the California coast — is endangered with extinction under the federal Endangered Species Act. According to NMFS, these humpbacks are being seriously injured or killed at a rate of four times their “Potential Biological Removal,” which is the legal threshold above which

there are population-level impacts that impede recovery of the species in accordance with the U.S. Marine Mammal Protection Act. Humpback whales are also being caught by California commercial Dungeness crab gear in numbers that greatly exceed a three-year average impact score as defined in California's Risk Assessment Mitigation Program for the fishery that triggers necessary management action.

Due to the number of entanglements, NMFS is proposing to upgrade the California commercial Dungeness crab fishery to a Category I fishery— a designation reserved for fisheries that have a frequent likelihood of seriously injuring or killing marine mammals. The federal agency is also considering including the Dungeness crab fishery in the scope of a new “Take Reduction Team” that would develop a plan to swiftly reduce serious injury and death of whales from entanglement as required by the Marine Mammal Protection Act.

Pop-up gear is a successful way to catch crab in a way that is whale and sea turtle safe. The gear stores the rope and buoy with a string of traps connected by a groundline on the seafloor until fishermen are ready to retrieve the gear. This removes the entanglement risk posed by conventional gear where vertical fishing lines lay stagnant in the water for up to four days. Last spring, fishermen were successful in testing hundreds of trials of Sub Sea Sonics pop-up systems under experimental fishing permits. A larger, commercial scale testing is planned for Spring 2024 to enable authorization of the gear as alternative gear by 2025. We commend the fishermen, enforcement officers, gear manufacturers, and fishery managers who are collaborating to pioneer the development of this innovative gear to expand whale-safe fishing opportunities during the spring season.

For more information on Oceana's campaign to prevent entanglements off the U.S. West Coast visit [www.oceana.org/whalesafeoceans](http://www.oceana.org/whalesafeoceans)