

October 30, 2019

Dungeness Crab Task Force Whale Working Group-

It is the final days of October, and as we all know for the Central Coast Dungeness crab season is set to begin in a two weeks time. This is traditionally an exciting time of year as we switch gears from salmon and sablefish into crab season. Crab season has always signaled that the fun and excitement of the holidays were at hand, adding a layer of festivities to the labor of preparation. This changed some recently with the new stress brought on by domoic acid. Mid-November excitement was dampened, having the pallor of testing and the new question of the safety of our crab being raised.

This year a new weight is carried around our shoulders with the issues surrounding whale entanglement and the restrictions we face as a result of the lawsuit by CBD. This weight is carried most heavily by the fishermen in the southern Dungeness crab fishery, as whales are heading south on their migration through our fishing grounds before and into the opening of our season. We face greater uncertainty than ever, and after the abrupt close of the 2018-2019 season we have been told that our season will be cut short again no matter what and that our season will be closed abruptly if even **one** whale is entangled in crab gear in our district.

For many reasons it seems that the highest potential for a problem with whales and fishing gear of any type is located on the Central Coast in these early days of the season. Whale activity patterns, a higher general population of people using the waters for various fishing activity and also to the higher number of eyes on the water whale watching and looking for perceived problems all contribute to the uncertainty for our fishing season. We have been told that if **one** whale is seen entangled we will be taken off of the water, and it feels like everyone is gunning for our season to be closed early— even our fellow fishermen with boats from out of our area.

At the last Dungeness Crab Task Force Whale Working Group meeting all participants decided to support recommending to the Director that the season open as usual on November 15 with no changes or restrictions. This is unfortunate for a few critical reasons. This recommendation was made with no knowledge of whale activity north of Bodega Bay. Now we have an idea about what whales are still moving south, but there is still vast uncertainty for where the whales will be come November 15. We now have information that there are still whales that are moving south, yet rumor has it that the recommendation still seems to be that we should open on November 15.

This recommendation is to be made despite the fact that we have no protections against boats from other areas coming down, adding their gear to our waters and increasing the chance of entanglement then leaving to go fish somewhere else. As the only area of California that is open for the last two weeks of November there is a strong incentive for boats to come here and put their gear in these waters while they wait for the northern crab grounds to open. Increasing the gear in the water increases the chance of an entanglement and the likelihood that our districts will be closed indefinitely.

Under the traditional model this staggered November/December opening can extend until the crab in northern districts matures enough to reach acceptable quality standards. If there is a delayed opening,

there is protection offered for the boats that stay in the closed districts and any boat that leaves cannot come back and fish in that area for 30 days. Not so if a boat moves into the southern district and the district closes due to an entanglement. The very boat that moves into the area and whose gear is responsible for closing the season can pack up their pots, head north and start fishing again, leaving the resident boats out of luck and out of income. Reports to this point indicate that the crab in the northern districts is going to reach meat quality standards so that the season will be opening on time. This is wonderful news for the entire fleet, but it means that barring elevated domoic acid results the northern fleet will not have any concerns about coming south to fish as they will not be locked out for quality reasons.

In the current era with unpredictable restrictions and changes for the commercial Dungeness crab fleet it is unfair and unwise to proceed the way that we seem pointed towards. This season is not like the seasons of the past, it is not even a season of domoic acid concerns where we can feel like if we get opened we will stay opened. Now the timing on our opening is critical. Opening when we are not sure the status of the whales is shortsighted and foolhardy.

In addition to the concerns regarding whales and potential entanglements due to extra gear in our waters is the question of whether we will be closed until 2020-2021 if we are closed because of an early entanglement. We know nothing of the plan for reopening the season if it is closed due to an entanglement, and it seems probable that if an entanglement does occur all the southern districts will remain closed until the beginning of the 2020-2021 season.

For the big boats this closing may represent a hassle, but for the smaller boats this closure has the potential to eliminate our entire income, closing our businesses and forcing hardship that we will be hard pressed to absorb. Many of the boats here in the southern crab range are day boats – small boats with smaller permits. We do not have boats that can carry all of our gear to grab and go the way the bigger boats can. We do not have boats that can safely travel the coast north during the winter months to continue fishing and supporting our families. For many of us we do not have the resources left to weather this storm, as they were drained by the domoic acid disaster and have not yet rebounded. A closure for many of us will be devastating.

As we each consider the next steps for our fishery and the position we want to present we need to keep in mind the families that are being affected now by the decisions that are being made. We need to think of the children whose families could end up without an income if the season is closed due to an entanglement. We as a fleet need to do everything we can do to make sure our season is not cut short by short sighted actions. The wisest course for us to take is to ensure that we do not force a disproportionate burden on the small boats of the Central Coast by allowing a drastic increase in the amount of gear in the water without restrictions.

We know that we have had entanglements before the season has even begun, and a whale was euthanized on the North Coast that had been entangled in crab gear. Those who would like to see us forced out of fishing will now be far less understanding should a problem arise during the season, and their position is already being cemented against us. Why we would want to encourage them is beyond

comprehension. Waiting to open our season is being thoughtful and protective of ourselves and our season.

We understand this is not a popular view throughout the fleet. It tends against the very nature of commercial fishermen to be told where and when we can do something, but we have a responsibility to think strategically for the good of our way of life.

Thank you for reading and considering our comments. Safe travels and full pots to all –

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