



California Department of Fish and Wildlife

Guidance for Testing Trap Gear Modifications

Prepared by the Invertebrate Management Program, December 2023

The dramatic increase in large whale entanglements off the U.S. West Coast during the 2014-2016 large marine heatwave highlighted the marine life entanglement risks posed by traditional trap gear. Since then, a variety of gear modifications have been identified which could reduce the frequency and/or severity of entanglements. These gear modifications must be tested under realistic fishing conditions prior to widespread adoption or mandatory use.

Preliminary testing in legal fishing gear can be followed by testing under an [Experimental Fishing Permit \(EFP\)](#) approved by the Fish and Game Commission or under a [Scientific Collecting Permit \(SCP\)](#) issued by CDFW. Since research activities under an SCP prohibit retention and sale of any catch, CDFW anticipates testing would more commonly occur under an EFP. Issuance of an EFP allows the holder and any authorized agents to conduct testing in a manner which would not otherwise be allowed under current fishing regulations. Of particular interest for developers and interested users of pop-up gear is the ability to conduct testing without a secondary line, and to conduct testing in fisheries where pop-up gear is explicitly prohibited. An EFP could also allow testing of both modified and innovative gear to occur in times or areas where the relevant fishery is closed.

Individuals or groups who intend to conduct testing are encouraged to contact CDFW Marine Region staff via WhaleSafeFisheries@wildlife.ca.gov to determine whether planned activities are consistent with state regulation or require authorization under an EFP or SCP.

CDFW encourages preliminary testing through incorporating modifications into legal fishing gear. Grip-sleeves, weak links, line cutters, and alternative rope materials can be tested in commercial and recreational fisheries, as their use is not prohibited by existing statute or regulation. However, new or "innovative" gears such as pop-up gear (also called "ropeless gear") can only be tested under certain conditions. Fish and Game Code §9005 requires that each trap, or string of traps, must be marked with a buoy. Many trap fisheries also include marking requirements for surface gear (e.g., operator or commercial fishing license numbers, buoy tags, etc). In some fisheries, pop-up gear could be tested if a secondary line and buoy meeting the regulatory requirements of the relevant fishery are attached. However, pop-up gear is *specifically* prohibited within the commercial finfish (including hagfish) and rock crab trap fisheries, regardless of whether additional, non-pop up gear is attached. Table 1 contains a partial summary of potential fisheries for testing fishing gear modifications, permit requirements, and restrictions on times and areas where gear can be tested.

When conducting testing through incorporation into legal fishing gear, it is the responsibility of the commercial or recreational fishing vessel operator to hold the

required license and/or vessel endorsements for the fishery in which gear is being tested, and to adhere to all relevant fishery regulations. Gear manufacturers and observers must comply with fishing regulations during all onboard activities.

Table 1. Considerations for testing gear modifications and innovations by incorporating into legal fishing gear. Note: this table includes a partial summary of relevant regulations; other restrictions regarding gear, permits, and area fished apply. It is the responsibility of the operator to comply with all applicable regulations.

Fishery	Permit(s) Needed	Scheduled Season	Area Restrictions	Other restrictions
Recreational Dungeness crab	Sport fishing license with validation stamp	First Saturday in November to July 30 (north of Sonoma/Mendocino) or June 30 (south of Sonoma/Mendocino)	Cannot be used in San Francisco Bay, San Pablo Bay, or the bays, sloughs, and estuaries between the Golden Gate and Carquinez Bridge	Limit = 10 individuals (if catch retained)
Recreational Cancer Crab (except Dungeness)	Sport fishing license with validation stamp	Year Round	NA	Limit = 35 individuals (if catch retained)
Commercial Dungeness crab	Dungeness crab vessel permit	Nov 15 - June 30 (south of Sonoma/Mendocino) and Dec 1-July 15 (north of Sonoma/Mendocino)	Cannot be used between the south sand barrier and breakwater in Crescent City harbor	
Commercial Rock Crab	General Trap Permit, Northern or Southern Rock Crab Permit	Year Round	Cannot be used in Districts 9, 19A, 19B, 21 or the front side of Catalina	Pop-up devices cannot be used or possessed
Recreational Spot Prawn	Sport fishing license	Year Round	NA	Limit = 35 individuals (if catch retained)
Commercial Spot Prawn	General Trap Permit, Spot Prawn Trap Vessel Permit	Feb – Oct (South of Point Arguello), Aug – April (North of Point Arguello)	South of Point Conception, can only be fished in waters deeper than 50 fathoms	
Commercial Coonstripe Shrimp	General Trap Permit, Coonstripe Shrimp Vessel Trap Permit	May - Oct	South of Point Conception, can only be fished in waters deeper than 50 fathoms	

Commercial nearshore finfish traps	Nearshore or Deeper Nearshore Finfish Permit with a trap endorsement	May - Jan	Cannot be used in Districts 10, 11, 12; Traps cannot be set within 750 feet of a pier, breakwater, or jetty in Districts 6, 7, 17, 18, 19, 19A, 19B, 20, 20A, 20B, or 21	Pop-up devices cannot be used or possessed
Commercial Hagfish	General Trap Permit	Year Round		Pop-up devices cannot be used or possessed