

California Department of Fish and Wildlife

Guidance for Testing Trap Fishing Gear Modifications

March 2021



NOTE: Individuals or groups who intend to conduct testing are encouraged to contact CDFW Marine Region staff (Ryan.Bartling@wildlife.ca.gov, Morgan.Ivens-Duran@wildlife.ca.gov) to ensure planned activities are consistent with state regulation. CDFW also encourages all individuals to contact WhaleSafeFisheries@wildlife.ca.gov prior to initiating testing to ensure CDFW Law Enforcement Division is aware of planned activities.

Increased numbers of whale entanglements off the U.S. West Coast in recent years, compared to historical levels, have highlighted the need for trap gear modifications that reduce the risk and severity of marine life entanglements. According to information provided by the National Marine Fisheries Service, over half of confirmed entanglements cannot be attributed to a specific fishery, but when the fishery of origin is known, the majority involve Dungeness crab gear. A variety of potential gear modifications have been identified for the commercial Dungeness crab fishery, and other trap fisheries have expressed interest in testing other modifications.

The California Dungeness Crab Fishing Gear Working Group has established [guidelines for developing fishing gear innovations and modifications](#). Prior to widespread adoption, or mandatory use, of any fishing gear modifications, additional testing and refinement must be conducted. CDFW encourages testing through incorporating modifications into legal fishing gear, which can be done in both recreational and commercial fisheries. Grip-sleeves, weak links, line cutters, and alternative rope materials could be tested in several fisheries, as their use is not prohibited by existing statute or regulation.

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 commercial finfish (including Hagfish) 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. Testing may also be conducted under a Scientific Collecting Permit (SCP) issued by CDFW. Research activities under an SCP prohibit retention and sale of any catch. [View more information about SCPs](#). The Fish and Game Commission is currently reviewing and updating Experimental Fishing Permit (EFP) regulations. Once this rulemaking process is complete, interested parties may apply to conduct testing under an EFP from the Fish and Game Commission. [View more information regarding Fish and Game Commission rulemakings](#).

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 fishery regulations. Gear manufacturers and observers must comply with fishing regulations during all onboard activities. If the gear conforms to current regulatory requirements of the relevant fishery, no additional authorizations should be required.

Table 1. Potential fisheries for testing gear modifications and innovations. 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	
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