

STAFF SUMMARY FOR OCTOBER 12-13, 2022

15. EXPERIMENTAL FISHING PERMIT (EFP) APPLICATION**Today's Item**Information Action

Receive, consider, and potentially act on an application submitted by Johnathan Hillstrand, DFW's recommendations, and comments received for an EFP to test the feasibility of capturing king crab and other deepwater crab species using crab pots (traps).

Summary of Previous/Future Actions

- DFW transmitted accepted EFP application to FGC Jul 11, 2022
- Published notice of receipt of EFP application Jul 15, 2022
- DFW transmitted recommendation for EFP application Aug 13, 2022
- Published notice of receipt of DFW recommendation Sep 6, 2022
- **Discuss and consider approving EFP application Oct 12-13, 2022; Kings Beach**

Background

The California Fisheries Innovation Act of 2018 (Chapter 477, Statutes of 2018, primarily codified in California Fish and Game Code Section 1022) gives FGC authority to approve EFPs for commercial or recreational marine fishing activities that would otherwise be prohibited, upon adopting regulations establishing an EFP program. Permits must be for one or more of the following purposes: research, education, limited testing, data collection, compensation fishing, conservation engineering, or exploratory fishing.

An EFP program consistent with the new law was established through regulations adopted by FGC (in Section 91) and which became effective on Apr 1, 2022. The regulations establish an expeditious process for considering and issuing EFPs, including direct application to DFW, public notice, DFW review and recommendation, and FGC receipt and potential approval of the EFP.

EFP Application Overview

On Jun 9, 2022, DFW received an EFP application (Application #2022-02) from Andrew Hillstrand (Entity Administrator) on behalf of Johnathan Hillstrand (Applicant). The Applicant seeks to explore the potential for developing a new commercial fishery for king crab and other deepwater crab species in California to provide new products and new market opportunities.

The Applicant requests the ability to commercially harvest king crab and other deepwater crab species. Sampling with traps measuring 84" x 84" x 32" in size, would occur off the coast of California from Eureka to Pigeon Point (south of San Francisco) in water depths from 600 to 1,800 feet (100 to 300 fathoms). No more than 40 traps would be deployed in the water at any given time. Each trap would be attached to one vertical $\frac{3}{4}$ " line with the top 198 feet (33 fathoms) consisting of a sinking line to prevent floating line at the surface. Traps would be set in a "prospective" string" (i.e., one trap per vertical line spaced approximately 1 mile apart) and soaked for 24 to 36 hours.

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After receiving the application and associated fee, DFW conducted a review within 30 days of receipt to determine whether to accept or reject the application, pursuant to subsection 91(d). On Jul 11, 2022, DFW transmitted the accepted EFP application to FGC via memo (exhibits 1 and 2). FGC provided notice of receipt to interested parties on Jul 15, 2022. DFW concluded its technical review of the application and transmitted its recommendation to FGC on Aug 13, 2022 (exhibits 3 and 4).

DFW recommends that FGC approve a Tier 3 EFP with the special conditions listed on form DFW 1103 (Exhibit 4). If approved, the standard terms and special conditions will ensure marine resources are protected, pursuant to California Fish and Game Code Section 1022, and will allow DFW to adequately enforce the EFP. DFW also recommends approving the permit fee reduction option due to DFW interest in evaluating efficacy and durability of marking buoy lines as a means of reducing entanglement risk in fixed gear fisheries. FGC provided notice of receipt of the DFW recommendation to interested parties on Sep 6, 2022.

At today's meeting, FGC is scheduled to publicly receive the EFP application, discuss the request and special conditions, and consider approving the application.

Significant Public Comments (N/A)

Recommendation

FGC staff: Approve the EFP application with special conditions and a permit fee reduction as recommended by DFW.

DFW: Approve the EFP application with special conditions, as specified on form DFW 1103; approve a permit fee reduction.

Exhibits

1. [DFW memo transmitting EFP application, received Jul 11, 2022](#)
2. [EFP Application #2022-02](#)
3. [DFW memo transmitting recommendation, standard terms, and proposed special conditions, received Aug 31, 2022](#)
4. [Form DFW 1103, including standard terms and proposed special conditions for the Hillstrand EFP](#)

Motion

Moved by _____ and seconded by _____ that the Commission **approves** EFP Application #2022-02 to test the commercial harvest of king crab and other deepwater crab species within California state waters, with a permit fee reduction and with special conditions as reflected in Exhibit 4 and recommended by staff.

OR

Moved by _____ and seconded by _____ that the Commission **does not approve** EFP Application #2022-02 to test the commercial harvest of king crab and other deepwater crab species within California state waters.

Memorandum

Date: July 11, 2022

To: Melissa Miller-Henson
Executive Director
California Fish and Game Commission

From: Craig Shuman, D. Env.
Marine Regional Manager

Subject: **Transmittal of an Experimental Fishing Permit Application for Exploratory Fishing for King and Other Deepwater Crabs in California (Johnathan Hillstrand)**

The California Department of Fish and Wildlife (Department) has determined that the attached Experimental Fishing Permit (EFP) application from Johnathan Hillstrand to explore the potential of developing a new commercial fishery for king and other deepwater crab species in California is complete, and accepts the application for technical review.

A draft Notice of Receipt of Application is also attached, which includes a summary of the proposed project and a list of requested exemptions from the provisions of Fish and Game Code and Title 14 of the California Code of Regulations (CCR). The Fish and Game Commission (Commission), at its discretion, may finalize this document for use to comply with the public notice requirement prescribed in subsection 91(e)(1), Title 14, CCR.

Written comments submitted to the Department within the technical review period will be considered in the development of a recommendation to the Commission, including any proposed permit special conditions. Pursuant to subsection 91(d)(2), Title 14, CCR, the Department will transmit its recommendation to the Commission no later than 60 days from the date of this memo. If additional time is required for technical review, the Department will notify both the Commission and the applicant in writing of the reason for the time extension, pursuant to subsection 91(d)(3), Title 14, CCR.

If you have any questions or need additional information, please contact the EFP Coordinator at EFP@wildlife.ca.gov.

Attachments

ec: California Department of Fish and Wildlife

Eric Kord, Assistant Chief, Law Enforcement Division
Jason Kraus, Lieutenant (Specialist), Law Enforcement Division
Brent Chase, Lieutenant, Law Enforcement Division
Sonke Mastrup, Environmental Program Manager, Marine Region
Joanna Grebel, Senior Environmental Scientist Supervisor, Marine Region

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Tom Mason, Senior Environmental Scientist Supervisor, Marine Region
Christy Juhasz, Environmental Scientist, Marine Region
Steve Rienecke, Environmental Scientist, Marine Region
Marina Som, Environmental Scientist, Marine Region

Experimental Permit Fishing Application for Exploratory Fishing for King Crab and other Deepwater Crab in California (Updated: 8/12/2022)

A. CONTACT INFORMATION

Provide contact information for key participants, including the applicant and, if applicable, the entity administrator and any authorized agent(s). If any key participant does not have a Get Outdoors ID (GO ID) or commercial fishing license (CFL) number, they must provide information for CDFW to create a new customer profile pursuant to subsection 91(c)(2)(A)(1), Title 14, CCR.

1. Applicant

Name	Johnathan Hillstrand
Title and Affiliation	Captain/Owner
Mailing Address	[Mailing address omitted]
Email Address	[Email address omitted]
Telephone Number	[Telephone number omitted]
GOID or CFL Number	[GOID/CFL number omitted]
If no GOID or CFL number:	Please provide the following information.
Residence Address (if different from mailing)	[Residence address omitted]
Date of Birth	[Date of birth omitted]
Height	[Height omitted]
Eye Color	[Eye color omitted]
Hair Color	[Hair color omitted]
Weight	[Weight omitted]
Gender	[Gender omitted]
Personal Identification	A copy of DMV ID, passport, military ID, or other acceptable form of identification as listed in <u>subsection 700.4(c), Title 14, CCR.</u>

2. Entity Administrator

Name	Andrew Hillstrand
Title and Affiliation	Owner/Manager
Mailing Address	[Mailing address omitted]
Email Address	[Email address omitted]
Telephone Number	[Telephone number omitted]
GOID or CFL Number	[GOID/CFL number omitted]
If no GOID or CFL number:	Please provide the following information.
Residence Address (if different from mailing)	[Residence address omitted]
Date of Birth	[Date of birth omitted]
Height	[Height omitted]
Eye Color	[Eye color omitted]
Hair Color	[Hair color omitted]
Weight	[Weight omitted]
Gender	[Gender omitted]
Personal Identification	A copy of DMV ID, passport, military ID, or other acceptable form of identification as listed in <u>subsection 700.4(c), Title 14, CCR.</u>

3. Authorized Agent(s) – NA

B. STATEMENT OF PURPOSE

1. Describe the purpose and goals of the proposed project, including how the project meets or is consistent with the policies of Fish and Game Code (FGC) Section 7050.

The purpose of this project is to explore the potential of a new commercial fishery for king and other deepwater crab species in California. The project would test and evaluate the feasibility and sustainability of exploratory fishing activities to inform future development of a commercial king crab fishery, and is consistent with the following goals of Section 7050 of the FGC:

- Allow and encourage activities and uses of marine living resources that are sustainable.
- Recognize the importance of sustainable commercial fishing to the economy and the culture of California.
- Support and promote scientific research on marine ecosystems to better inform management decisions.

2. Provide a list of proposed project activities that are prohibited under current state fishing laws or regulations (cite the specific section number(s), if known), and the reasons to justify authorization (exemption) of those activities under the EFP.

We propose to apply for an EFP to conduct exploratory fishing activities that are currently prohibited under FGC Section 9011 (proposed fishing gear does not meet the design specifications described in FGC subdivision 9011(a)(2)) or FGC subdivision 9011(b)(2)) and Section 126, Title 14, CCR (proposed take exceeds the 25-lb possession and landing limit for species in the family Lithodidae).

C. STATEMENT OF QUALIFICATIONS

Respond to each of the following statements by providing relevant qualifications to demonstrate the ability of the applicant and, if applicable, other key participants to perform the necessary duties and responsibilities to carry out the proposed project. PLEASE NOTE: If any scientific or technical assistance is requested of CDFW, pre-application consultation is required.

1. Lead and provide supervisory oversight for all activities of the permit under the authorizations, standard terms, and special conditions.

Captain Johnathan Hillstrand will conduct the main fishery operations and oversee all paperwork requirements to satisfy the EFP permit requirements. Andrew Hillstrand will also assist in all paperwork and coordinating with CDFW to provide all paperwork necessary to CDFW and all other State and Federal entities.

2. Experience in identification, methods, and protocols specific to the requested species listed under [Section E.2.](#) of this document.

We have over 40 years of fishing experience identifying crab species and fishing crab as well as other species in the State of Alaska. Areas we have fished range from the Aleutian Islands, Bering Sea, Gulf of Alaska, Bristol Bay, Cook Inlet. Over that time, we have worked

with all enforcement agencies such as the US Coast Guard, NMFS, Alaska State Troopers, Alaska Department of Fish and Game. We have years of experience working with federal Logbooks and relevant observer programs to collect data for the fisheries we participate in.

This experience has also made us very sufficient in identifying species of crab.

We will also have an Observer on the vessel or a CDFW representative if they so choose to identify the targeted species as well as document any other species, if so required.

3. Obtain all appropriate authorizations and oversee quality control measures to assure conformance to the specified standards or requirements (e.g., take appropriate measures to ensure, promote, and facilitate compliance).

If approved for the EFP, we will work with CDFW to make sure all the appropriate licenses, permits, and authorization are obtained, including:

- Commercial fishing license
- General trap permit

4. Train all persons operating under the permit.

Current Crew has numerous years working on our vessel with all duties of measuring sorting and bringing in the legal crab required. We will consult with CDFW before EFP starts to go over all requirements to help crew work in an efficient manner to document crab and all other species.

5. Coordinate field activities and communicate field findings with CDFW Marine Region.

Captain (or Entity Administrator) will use Sat Phone, Cell phone and email communications with CDFW's Marine Region and Law Enforcement Division to coordinate field activities and report field findings as required by CDFW.

6. Collect, analyze, and transmit data gathered under the EFP to CDFW Marine Region.

We have over 40 years of fishing experience fishing crab and other species in the state of Alaska. Areas we have fished range from the Aleutian Islands, Bering Sea, Gulf of Alaska, Bristol Bay, Cook Inlet. Over that time, we have worked with all enforcement agencies such as the US Coast Guard, NMFS, Alaska State Troopers, Alaska Department of Fish and Game. We have years of experience working with federal Logbooks and relevant observer programs to collect data for the fisheries we participate in.

We will use Sat Phone, Cell phone and email communications with CDFW's Marine Region and Law Enforcement Division to fulfill all EFP requirements, including transmittal of fishing and landing data and reports.

D. PERMIT APPLICATION TYPE

1. Select desired permit tier.

- Tier 1 (For purposes other than exploratory fishing)
- Tier 2 (For purposes other than exploratory fishing with assistance from CDFW)
- Tier 3 (For the purpose of exploratory fishing)
- Tier 4 (For the purpose of exploratory fishing with assistance from CDFW)

2. Request [permit fee reduction option](#) consideration.

- Yes No

Buoy line marking research. If approved, this option would support testing buoy line marking by gathering information on efficacy and durability of marking lines for fixed gear fisheries. Line marking is a tool that can aid in identifying entanglements to state and fishery origin and may be used to exclude or eliminate fisheries from confirmed entanglements. Requirements for buoy line marking to be determined and specified by CDFW.

3. Has pre-application consultation with CDFW taken place with respect to this proposal? (Required for a Tier 2 EFP, Tier 4 EFP, or permit fee reduction option)

- Yes No

If yes, attach a copy of the pre-application consultation summary letter or provide the name and contact information of CDFW staff with whom the applicant consulted:

A pre-application consultation meeting occurred on April 25, 2022, with CDFW Marine Region's Marine Invertebrate Management Project staff members, including Tom Mason, Christy Juhasz, Marina Som, Ryan Bartling, Steve Reinecke, Joanna Grebel, Sonke Mastrup [staff contact information omitted].

E. PROJECT DESCRIPTION

Describe the proposal and any other relevant details, including:

1. A description of the experimental design and research plan, including specific procedures for data collection, storage, processing, and analysis; and a timeline for implementing the project, including, if applicable, when compensation fishing is expected to occur.

We are proposing fishing in Northern California from Eureka down to San Francisco to avoid whales and sea turtles. We are willing to work with CDFW's Whale Safe Fisheries Project to reduce the risk of interaction of fishing gear with Whales, Leatherback Sea Turtles or any other species that could be entangled by the proposed fishing gear. We are not opposed to supplement requirements by CDFW to make this EFP possible.

We propose using 40- 7'x7'x32" single pots with ¾ inch line attached to buoys that go to the Ocean floor to explore depths from 100 to 300 fathoms for possible species of King Crab off the California coast.

Pots would be set approximately 1 mile apart in a prospect string and soaked for 24 to 36 hours. Next the pots would be pulled and any species that are discovered will be measured on a large aluminum sorting table. If they are the specified crab the EFP has been granted for and they are the agreed upon size the CDFW has authorized, they will be placed in 1 of 3 large tanks on the vessel with the same temperature water as where they were pulled off the bottom from to minimize dead loss.

We would fish for approximately 1 month total with 3 to 4 trips over a period of 5 days and travel 1 day or the distance needed to reach the processor that will cook and freeze the crab in an industry standard required for resale.

Specific procedures for data collection are described below in Section E.4.

The proposed project would start in January 2023 or Fall (October or November) 2023, depending on the timing of the EFP approval and if all proper permits can be obtained with the State of California.

2. A list of target species expected to be harvested as samples or for compensation under the EFP, including anticipated amounts (weight or number) and proposed use (e.g., bait, sell, personal use, or other (e.g., research or tag and release)). [Add rows to the table below as needed.](#)

Species Name	Weight or Number	Proposed Use
Spiny King Crab	2,500 animals (up to 1,500 lbs)	sell

California King Crab	2,500 animals (up to 3,500 lbs)	sell
Spiky King Crab	2,500 animals (up to 1,500 lbs)	sell
Hair Crab	2,500 animals (up to 1,500 lbs)	sell
Deep Sea Spider	2,500 animals (up to 1,500 lbs)	sell
Flat Legged Spider Crab	2,500 animals (up to 1,500 lbs)	sell

3. A list of species expected to be taken incidental to fishing conducted under the EFP, including anticipated amounts (weight or number), proposed use (e.g., bait, sell, personal use, discard, or other (e.g., research or tag and release)), and a description of any measures that will be used to reduce incidental catch mortality.

Non-target species (finfish or invert) will not be retained (i.e., released at sea).

Measure to reduce incidental catch: As described in Section E.6, each pot would have an escapement webbed-panel that lets out 4-inch or smaller crab and other non-target species so as to not retain them in the first place.

4. A description of the mechanisms that will be utilized to ensure that any proposed harvest limit for target and incidentally caught species are not exceeded and are accurately tracked or monitored (e.g., at sea fisheries observers, electronic monitoring, or other reporting method); and, if applicable, a description of the vessel's capacity to accommodate an onboard observer.

Every pot that is pulled is counted and running totals are kept of targeted species and discards can also be counted and documented on every pot. The pot will then be stacked on deck of vessel and moved to a new location for further research. Catch data will be recorded in a manner and format specified by CDFW.

CDFW can require an observer on board the vessel at all times if they choose, or part of the time. 1 observer or CDFW representative will have a bunk and survival suit as well as be fed until we disembark from the program.

5. A description of any potential impacts on existing fisheries, habitats, or possible incidental interactions with threatened, endangered, or protected species (e.g., sea turtles, marine mammals, and birds) that could occur as a result of the project.

No impacts to birds are anticipated.

In speaking with CDFW, Humpback whales and blue whales are a concern as they transit the proposed project area. We would keep the amount of line at a bare minimum to sit on the bottom and not have excessive amounts to tangle whales. Any impact to habitat would be minimal as we are only using 40 pots and they sit on the bottom and only make a disturbance when they land and are pulled.

CDFW will identify appropriate areas and times to fish to minimize the risk of entanglement with the proposed fishing gear and to avoid crab molting periods.

6. The type and amount of gear to be used, including gear specifications and design, and, if applicable, a description of any measures and/or devices that will be used to reduce bycatch. If the project involves gear modifications or other gear innovations, the description must include the means by which CDFW staff can locate, retrieve, and inspect the proposed gear.

As described in Section E.1, we propose using 40- 7'x7'x 32" single pots with ¾" line with up to 10- 33 fathom shots to fish out to 300 fathoms of depth (as many as are required to reach the depth we are trying to achieve). The top shot of line is a sinking line attached to buoys that go from the surface to the pot on the bottom. The sinking shot is designed to stop floating line at surface to prevent entanglement with marine animals.

The main diver buoy that attaches to the sinking line is a green round buoy (Model A3, 17-inch diameter) and an orange bullet-shaped buoy (Model LD2, 11.5-inch diameter, 24-inch length) is the trailer buoy.

Pots have an 18-inch opening for escapement (opens at least 11" wide) when biodegradable twine (Size No. 30) disintegrates after 30 days in the water, in case pot is lost (destruct device). Each pot has a web escapement panel that is 32" tall and 40" wide in a diamond configuration where each edge of the diamond measures 7" and each diamond measures 9" stretched diagonal length to allow fish and smaller crab to climb or swim out. We would try and avoid any areas where heavy whale activity is happening to lessen the chance of entanglements. When gear is retrieved, it will be stacked on the deck of vessel and set out in a new area to cover new grounds. We will follow any CDFW requirements to achieve best results they are looking for.

7. The location and timing of the project. The description must include trip specifications, such as fishing depth, anticipated number of trips, expected trip duration, and estimated number of hauls and average soak time (for fixed gear) or estimated number of tows/sets to be made per day, and estimated duration and speed per tow (for mobile gear). For project vessels listed in [Section E](#). of this document, the description must also identify any fishing activity that is expected to occur on the same trip as the project for purposes other than those provided by the EFP (e.g., fishing before and/or after the EFP activities).

For the first part of test fishing, the project location would encompass an area from Eureka to San Francisco (charts of the proposed areas are attached). Based on project findings, the proposed exploratory fishing activities may expand into areas farther south of San Francisco. Any proposed expansion of the fishing area or increase in fishing effort and amount of take will require additional review by CDFW and approval by the California Fish and Game Commission.

We will share info with CDFW of the areas along the coast that would allow us to explore but still be able to unload any targeted crab we caught at a processor. Right now, the processor we are looking to use is Southern Cal Seafood in Royal Oaks, California as one possibility.

Trip specifications, such as fishing depth, anticipated number of trips, expected trip duration, and soak time are described in Section E.1.

F. PROJECT VESSELS (IF APPLICABLE)

Provide vessel information. Using the table below, complete a separate entry for each project vessel to be authorized by the EFP. For any vessel that will be used in commercial fishing activity related to the permit, the commercial boat registration number issued pursuant to [FGC Section 7881](#) is required. For any vessel that will not be used in commercial fishing activity related to the permit, the commercial boat registration number issued pursuant to [FGC Section 7881](#) or a copy of the United States Coast Guard (USCG) Certificate of Documentation is required. If there is no Certificate of Documentation for the vessel, a copy of the vessel's state registration is required.

Vessel Name	F/V Time Bandit
Boat Registration Number or Documentation	[Boat registration number or documentation omitted]
Owner Name	Time Bandit LLC
Owner Address	[Owner address omitted]

Owner Telephone Number	[Owner telephone number omitted]
Operator Name	Johnathan Hillstrand
Operator Address	[Operator address omitted]
Operator Telephone Number	[Operator telephone number omitted]

G. SIGNATURE

X DocuSigned by:
Andrew Hillstrand 8/13/2022
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Signature of Applicant Date

H. APPLICATION FEE PAYMENT

Please see [CDFW's EFP Program page](#) for further information.

Memorandum

Date: August 22, 2022

To: Melissa Miller-Henson
Executive Director
California Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Transmittal of California Department of Fish and Wildlife Recommendation on Experimental Fishing Permit Application for Exploratory Fishing for King Crab and other Deepwater Crab in California**

Background

On July 11, 2022, the California Department of Fish and Wildlife (Department) accepted an experimental fishing permit (EFP) application from Andy Hillstrand (Entity Administrator) on behalf of Johnathan Hillstrand (Applicant), F/V Time Bandit, for technical review, pursuant to subsection 91(d)(1)(B), Title 14, California Code of Regulations (CCR). An updated version of the application (signed on August 13, 2022) is attached for public review and comment. Regulations pursuant to subsection 91(d)(2), Title 14, CCR requires the Department to develop and transmit a recommendation to the California Fish and Game Commission (Commission), including any permit special conditions within 60 days from the date of application acceptance unless a time extension is needed pursuant subsection 91(d)(3), Title 14, CCR. The Commission may consider approval of an EFP and set permit special conditions as necessary for research purposes or the conservation and management of marine resources and the environment in accordance with subsections 91(f) and 91(i), Title 14, CCR, respectively.

The Applicant requests an EFP to explore the potential of developing a new commercial fishery for king and other deep-water crab species in California to provide new products and new market opportunities (proposed project). The Applicant requests the ability to commercially harvest King and other deep-water crab species. Sampling with traps measuring 84" x 84" x 32" in size, would occur in water depths from 600 – to 1,800 feet (100 to 300 fathoms) off the coast of California between Eureka to Pigeon Point (south of San Francisco). No more than 40 traps would be deployed in the water at any given time. Each trap will be attached to one vertical ¾" line comprised line with the top 198 feet (33 fathoms) consisting of sinking line to prevent floating line at the surface. Traps would be set in a "prospect string" (i.e., one trap per vertical line spaced approximately 1 mile apart) and soaked for 24 to 36 hours.

Each trap would have a web escapement panel that is 32" tall and 40" wide in a diamond configuration where each edge of the diamond measures 7" and each diamond measures 9" stretched diagonal length to allow fish and smaller crab to climb

or swim out and an 18-inch opening for escapement (opens at least 11" wide) when biodegradable twine (Size No. 30) disintegrates after 30 days in the water, in case pot is lost (destruct device).

For the initial testing, a maximum of four fishing trips is expected within a 1-month period. Any proposed expansion of the fishing area or increase in fishing effort and amount of take will require additional review by Department and approval by the Commission.

Department Recommendation

The Department has reviewed the above referenced application and recommends approving a Tier 3 (exploratory fishing) EFP with special conditions. The Department determines that the following exemptions to the provisions in Fish and Game Code (FGC) and Title 14, CCR, apply:

- FGC Section 9011 (crab traps must meet the design specification for either Dungeness crab described in FGC subdivision 9011(a)(2)) or rock crab described in FGC subdivision 9011(b)(2))
- Section 126, Title 14, CCR, (species in the family Lithodidae (box and king crabs) are subject to a 25-lb possession and landing limit for trap gear) apply to the proposed project

Department staff confirmed that the proposed destruct device complies with the specifications described in Section 180.2, Title 14, CCR; therefore, an exemption to this section is not required.

The Department is concern with potential impacts to sensitive marine habitat and risk of entanglement with marine mammals. Therefore, the Department recommends the special conditions specified on form DFW 1103, which is attached for the Commission's consideration. The proposed special conditions include: (Specific changes to the proposed project are marked with an asterisk and are in ***bold italics***)

- take allowances and landing requirements;
- gear allowances, specifications, and marking requirements;
- restrictions on fishing depth (****fishing is only permitted seaward of 125 fathoms***);
- restrictions on fishing areas (****fishing may only occur between the California/Oregon border located at 42° North latitude and Pigeon Point at 37° 11' North latitude***);
- restrictions on time of year (****fishing may only occur between December 1 and March 31***);
- ****delays or area closures subject to marine life entanglement risk pursuant to Section 132.8, Title 14, CCR, or public health concerns pursuant to FGC Section 5523***; and

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- other requirements necessary for research purposes and the protection and conservation of marine resources and the environment, pursuant to Fish and Game Code Section 1022.

If approved, the proposed special conditions together with the standard terms will ensure and allow the Department to adequately enforce the EFP in accordance with Section 91, Title 14, CCR.

In addition, the Department recommends approval of permit fee reduction option. The Department has interest in buoy line marking research. If approved, this option would support testing buoy line marking by gathering information on efficacy and durability of marking lines for fixed gear fisheries. Line marking is a tool that can aid in identifying entanglements to state and fishery origin and may be used to exclude or eliminate fisheries from confirmed entanglements.

If you have any questions on this item, please contact Dr. Craig Shuman, Marine Regional Manager, at (916) 215-9694 or by email at R7RegionalMgr@wildlife.ca.gov.

Attachments

- Updated EFP Application (confidential information omitted)
- Standard terms and proposed special conditions (DFW 1103)
- Public notice of Department recommendation
- CEQA Overview Memo and Draft Notice of Exemption

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Craig Shuman, D. Env., Regional Manager
Marine Region

Eric Kord, Assistant Chief
Law Enforcement Division

Garrett Wheeler, Attorney
Office of General Counsel

Tom Mason, Acting Env. Program Manager
Marine Region

Joanna Grebel, Senior Environmental Scientist (Supervisor)
Marine Region

Christy Juhasz, Environmental Scientist
Marine Region

Marina Som, Acting EFP Coordinator
Marine Region
EFP@wildlife.ca.gov



Experimental Fishing Permit No.

Revision Date:

MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND CONDITIONS

Pursuant to California Fish and Game Code (FGC) Section 1022 and Section 91, Title 14, California Code of Regulations (CCR), the Experimental Fishing Permit (EFP) holder is authorized to conduct experimental fishing activities according to the requirements of the EFP approved by the Fish and Game Commission (Commission) and issued by the California Department of Fish and Wildlife (Department).

EFP Holder/Entity Administrator Name: **Johnathan Hillstrand (EFP Holder)**

Andrew Hillstrand (Entity Administrator)

EFP Holder/Entity Administrator Address: **[address omitted]**

Authorized Agent Name: **NA**

Authorized Agent Address: **NA**

Vessel Name and ID #: **F/V Time Bandit [vessel ID # omitted]**

Description of authorized activity: Exploratory fishing for king and other deepwater crab species using trap gear for commercial purposes. The exploratory fishing activities may only be conducted under the following conditions:

STANDARD TERMS

These standard terms shall apply to all persons or vessels conducting activities under the EFP.

1. The permit shall be operated only on the vessels named on this form, if applicable. Either the EFP holder or the authorized agent must be aboard the vessel when activities are being conducted under this permit, and both are responsible and accountable for meeting the requirements and limits of this permit.
2. Pursuant to FGC Section 7857(d), the EFP holder or authorized agent shall have a valid copy of the Department issued EFP attached to a signed copy of this form in possession when activities are being conducted under this permit.
3. All persons conducting activities under an EFP must comply with all appropriate state and federal fishing laws and regulations, including but not limited to those relating to protected species, minimum size limits, and seasons or areas closed to fishing that are not otherwise exempted by the permit (see special conditions).
4. The EFP holder and authorized agent shall cooperate with the Department by allowing personnel designated by the Department to board the fishing vessel on any fishing trip (if applicable) or enter a place of business operated by the EFP holder or authorized agent under this permit, to retrieve, observe, or inspect any logbook, records, data, equipment, procedures, or catch throughout the duration of the permit.



MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND CONDITIONS

5. The EFP holder or authorized agent shall provide Department staff with a 24-hour notice prior to every fishing trip. The contact information for Department staff will be provided for this purpose at the time of permit issuance.

SPECIAL CONDITIONS

As set forth in subsection 91(i), Title 14, CCR, special conditions may be placed on this permit for research purposes and the conservation and management of marine resources and the environment (see following page).

As set forth in subsection 91(k), Title 14, CCR, special conditions may be amended or repealed as necessary for research purposes and the conservation and management of marine resources and the environment.

RECEIPT AND ACKNOWLEDGEMENT

The permit is not valid until the EFP holder has certified by their signature below that they have: 1) read and understand the standard terms and special conditions of the permit; 2) unless otherwise specified in special conditions, paid the appropriate fees specified in Section 704, Title 14, CCR; and 3) returned a signed copy of this form to the Department.

I have read, understand and agree to abide by all standard terms and special conditions of this permit.

EFP Holder Signature

Date

Received by License and Revenue Branch (LRB)

Fee \$ _____

Experimental Fishing Permit No. _____

Revision Date _____

By: LRB

Date



Experimental Fishing Permit No.

Revision Date:

Authorization and Special Conditions

List of approved special conditions, names and addresses of any additional authorized agents, and/or names and identification number of any additional authorized vessels.

General

1. The permittee and any person who assists the permittee shall possess a valid commercial fishing license issued pursuant to FGC Section 7850, prior to engaging in any commercial fishing operations authorized by this permit.
2. The permittee and any person who assists the permittee shall possess a valid general trap permit issued pursuant to FGC Section 9001, prior to engaging in any fishing operations authorized by this permit.
3. The permittee shall possess a valid commercial boat registration issued pursuant to FGC Section 7881, for the vessel named above and display the Department Boat Registration numbers in plain sight on each side of the vessel.

Authorized Species, Take Allowances, and Landing Requirements

4. This permit authorizes take of the following species:
 - a. California King Crab (*Paralithodes californienis*): up to 3,500 lbs
 - b. Spiny King Crab (*Paralithodes rathbuni*): up to 1,500 lbs
 - c. Spiky King Crab (*Neolithodes diomedea*): up to 1,500 lbs
 - d. Deep Sea Spider Crab (*Paralomis manningi*): up to 1,500 lbs
 - e. Flat-Legged Spider Crab (*Paralomis verrillii*): up to 1,500 lbs
 - f. Hair Crab (*Paralomis multispina*): up to 1,500 lbs
5. No other species may be retained except as otherwise specified in 4, above. All other species caught in crab traps shall be returned to the water immediately and not used as bait.
6. Landings shall be recorded on an electronic fish ticket (e-Tix) as follows:
 - a. King Crab (*Paralithodes* spp.): species code 804
 - b. Other crab (*Neolithodes diomedea* and *Paralomis* spp.): species code 699
7. All landing receipts must have the state EFP number recorded in the “State Permit #” field, the number of individual crabs recorded under the “# of Fish” field, and species of crab specified in the “Notes”.
8. If any take limits (specified in 4, above) are attained, all fishing activities shall cease.
9. No processing or packaging may take place until crab is weighed, recorded on a landing receipt, and a landing receipt is provided to the permittee by the receiver.



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10. The permittee shall document all fishing activities using a logbook provided by the Department. Any additional information requested by the Department shall be provided by the permittee. Failure to keep or submit required records of fishing activity may result in revocation or suspension (including non-renewal) of the license or permit for the taking of all fish or the particular species for which the records are required.

Allowable Fishing Area and Time of Year

11. Fishing activities shall only occur between December 1 and March 31 to reduce marine life entanglement risk. A maximum number of four fishing trips is allowed. Additional fishing trips may be authorized by the Department for research purposes.
12. Fishing activities shall only occur between the California/Oregon border located at 42° North latitude and Pigeon Point at 37° 11' North latitude.
13. Fishing activities shall only take place seaward of the 125-fathom depth contour along the mainland coast and offshore seamounts. This depth contour is defined by connecting the appropriate set of waypoints adopted in Federal regulations and published in Title 50, Code of Federal Regulations Part 660, sections 660.71 through 660.73.
14. Fishing activities shall not occur in any state Marine Protected Areas pursuant to Section 632, Title 14, CCR.
15. Fishing operations shall abide by all applicable Essential Fish Habitat closures for bottom contact gear as described in Federal Regulations (Title 50, Part 660, Subpart F).
16. Fishing shall be subject to delays or area closures due to marine life entanglement risk pursuant to Section 132.8, Title 14, CCR, or public health concerns pursuant to Fish and Game Code Section 5523.

Gear Allowances, Specifications and Marking Requirements

17. A maximum of 40 traps total may be used in the water or possessed on a vessel at any time. Upon review and determination by the Commission's Marine Resources Committee, the Department may authorize additional traps for research purposes.
18. Traps shall meet the following design specifications:
 - a. Traps shall not be more than 7 feet long and not more than 7 feet wide and not more than 32 inches high, as measured by the greatest distance in each dimension.
 - b. One sidewall of the trap shall have an escapement panel that is 32 inches tall and 40 inches wide in a diamond configuration where each diamond measures at least 7 inches straight across the diagonal.
 - c. Traps shall include at least one destruct device pursuant to Section 180.2, Title 14, CCR, that creates an unobstructed escape opening that is at least 11 inches or greater in the upper half of the trap on any sidewall or on the top of the trap when the device corrodes or fails. This opening shall not be on the floor of the trap. This escape opening shall be closed with a single strand of untreated cotton twine size No. 120 or less.
19. Buoy markings shall comply with requirements specified in Section 180.5, Title 14, CCR. Every buoy shall be marked exclusively with the Identification Letter "K" with at least one buoy



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marked with the operator's commercial fishing license identification number followed by the Identification Letter "K".

- a. Buoys that are 4 inches in diameter or greater shall have Identification Letters marked on four opposing sides; and
- b. Buoys that are smaller than 4 inches in diameter shall have Identification Letters marked on two opposing sides.
- c. The commercial fishing license identification number shall be at least 1.5 inches in height and drawn with a line no less than 0.25 inch thick.
- d. The Identification Letters "K" shall be at least 3 inches in height and drawn with a line no less than 0.25 inch thick.
- e. All Identification Numbers and Identification Letters on a buoy shall be clearly and distinctly marked, and in a color that contrasts with the buoy; the numbers and letters shall be applied and maintained so that they are visible and legible.

20. Buoy Line Marking Requirements. The permittee will test and report on the efficacy and durability of marking lines to the Department. Unless otherwise specified by the Department, buoy lines shall be marked as follow.

- a. Surface Lines: The buoy lines at the surface shall be marked using two solid marks that are each at least 24 inches (61.0 cm) in length and no more than 6 inches (15.2 cm) away from the other mark. One mark shall be black and the other mark shall be white and applied with either dye, paint, electrical tape, duct tape, the use of heat-shrink tubing, or insertion of a colored rope or braided sleeve. Additional methods to mark the line may be authorized by the Department. The buoy line shall be marked in this way in two locations:
 - i. Along the primary trailer line between the main buoy and the trailer buoy; and
 - ii. Top of the main line within the first 2 fathoms (3.7 m) of line extending down the water column from the main buoy.
- b. Body of Main Buoy Line: Additionally, the main line that extends down through the water column shall also be marked with two solid marks that are each at least 12 inches (30.5 cm) in length and no more than 6 inches (15.2 cm) away from the other mark. One mark shall be black and the other mark shall be white and applied with either dye, paint, electrical tape, duct tape, the use of heat-shrink tubing, or insertion of a colored rope or braided sleeve. Additional methods to mark the line may be authorized by the Department. The main line shall be marked in this way in two locations:
 - i. Anywhere between 10 fathoms (18.3 m) and 20 fathoms (36.6 m) from the main buoy; and
 - ii. Anywhere between 20 fathoms (36.6 m) and 30 fathoms (54.9 m) from the main buoy.

21. Pursuant to FGC Section 9004, permittees shall service their traps at intervals no more than 96 hours unless otherwise authorized in writing by the Department. Exceptions may be made for weather or other safety concerns.

22. Ropeless gear shall not be used unless authorized by the Department.



23. Permittee shall move fishing gear if requested by the Department.

Other Requirements

24. No fishing for crabs may take place unless a functioning electronic monitoring system is installed and used as specified by the Department. A solar logger capable of recording vessel location at a frequency of at least once per minute with an active subscription service is required when the vessel is engaged in fishing operations covered under this EFP that includes transiting to and from fishing areas. The permittee shall grant Department access to all data.
25. 24 hours prior to commencing a fishing trip during which EFP activity is expected to be conducted, notice of vessel name, anticipated fishing dates, port of departure, and expected landing port shall be made via email to the Department's Law Enforcement Division (LEDMarineNotifications@wildlife.ca.gov) and Marine Region (WhaleSafeFisheries@wildlife.ca.gov).
26. The permittee shall follow the best practices for avoiding whale entanglement described in the attached guide. This includes fishing gear and incident reporting requirements.
27. The vessel shall be capable of safely carrying an observer when requested by the Department and provide that observer with accommodations equivalent to those provided to the captain and crew for both single and multi-day trips if multi-day trips are conducted.
28. Unless otherwise specified by the Department, the permittee shall submit reports pursuant to subsection 91(l), Title 14, CCR to the EFP Coordinator (EFP@wildlife.ca.gov) no later than 60 days after the permit expiration date.