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Fish and Game Commission



*Wildlife Heritage and Conservation
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NOTICE OF RECEIPT OF RECOMMENDATION AND CONSIDERATION OF EXPERIMENTAL FISHING PERMIT APPLICATION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 1022 of the Fish and Game Code (FGC) and Section 91, Title 14 of the California Code of Regulations (CCR), on December 20, 2022, the California Department of Fish and Wildlife's (Department) transmitted to the California Fish and Game Commission (Commission) a recommendation regarding an Experimental Fishing Permit (EFP) application from Bart Chadwick (applicant) to test the commercial use of Sub Sea Sonics timed and acoustic release pop-up gear in the California Dungeness crab fishery to reduce the number of vertical lines and avoid potential risk of marine life entanglement. Consistent with subsections 91(e)(2) and (91)(f), Title 14 CCR the Commission has scheduled the EFP application for consideration at its February 8-9, 2022 meeting at the California Natural Resources Headquarters Building in Sacramento.

EFP Project Description

The application requests a Tier 2 EFP to test the commercial use of Sub Sea Sonics timed and acoustic release pop-up gear systems in conjunction with Longsoaker Fishing System Guardian line management system in the Dungeness crab fishery to collect information to inform future alternative gear certification under the Department's Risk Assessment Mitigation Program (RAMP) (proposed project). The proposed project would occur in commercial Dungeness crab fishing zones off the coast of California, in water depths up to 250 feet. The proposed project would include between 3 to 10 participating fishers (authorized agents pursuant to subsection 91(b), Title 14, CCR). Each authorized agent would test up to 50 units of the proposed systems. The applicant requests the option to allow authorized agents to fish single traps or string up to 20 traps per line. The pop-up gear systems would be tracked and monitored using a virtual gear marking application (e.g., Trap Timer) and a Pelagic Data System solar logger.

The proposed project is anticipated span a total of four years. Testing would occur year-round; however, Dungeness crab (target species) would be retained/sold during the statutory open season only. Rock crab is proposed to be taken incidentally pursuant to current fishing rules and regulations.

Department Recommendation

Pursuant to subsection 91(d)(2), Title 14, CCR, the EFP application was accepted by the Department for technical review on November 4, 2022. The Department has completed its evaluation of the application and recommends approval of a Tier 2 permit with special

conditions as outlined on form DFW 1103. The proposed special conditions (specific changes to the proposed project are marked with an asterisk * and are in ***bold italics***) include:

- General requirements for valid commercial licenses, permits, and vessel registration
- Maximum number of authorized agents and vessels that may participate in the proposed project
- Authorized species, take, and landing requirements (****authorized agents must record and notify the Department of any landings made with EFP fishing gear for management and enforcement purposes***)
- Allowable fishing area and time of year (****fishing activities shall only occur between the California /Oregon border (42° N. latitude) and Point Conception (37° 11' N. latitude) and no traps or gear shall be used seaward of the 100 fathoms line as defined in the Federal regulations and published in Title 50, Code of Federal Regulations Part 660 for purposes of research and the protection and conservation of the environment***)
- Gear allowances, specifications, and marking requirements (****authorized agents may fish single traps or string up to 5 traps per line for research and management purposes***)
- Vessel monitoring and tracking requirements
- ****Buoy line marking requirements when requested by the Department for research and enforcement purposes***
- ****Best practices for avoiding whale entanglement for conservation and management purposes***
- ****Data sharing requirements for research, management, and enforcement purposes***
- Lost gear recovery plan and reporting requirements
- Other requirements necessary for research purposes and the protection and conservation of marine resources and the environment in accordance with applicable laws and regulations

Any fishing activity conducted outside of the scope of the proposed project would be prohibited.

If approved, the proposed special conditions together with the standard terms of the EFP will ensure and allow the Department to adequately enforce the permit in accordance with FGC Section 1022 and Section 91, Title 14, CCR.

In addition, the Department recommends approval of a permit fee reduction pursuant to subsection 91(m)(3), Title 14, CCR. If approved, this option would allow for testing of the proposed pop-up gear systems to address questions regarding performance and enforceability that previously identified by the Department as part of its process for authorizing of alternative gear under RAMP pursuant to subsection 132.8(h), Title 14, CCR.

The application, Department recommendation, and other information in the records before the Commission are posted on the Commission's website at <https://fgc.ca.gov/EFP>.

Notice of Receipt of Recommendation

January 6, 2023

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Written comments on the EFP application and/or Department recommendation must be received by 12:00 PM on February 3, 2023 and may be emailed to fcg@fgc.ca.gov or mailed to California Fish and Game Commission, Attn: EFP, P.O. Box 944209, Sacramento, California, 94244-2090. Oral comments will be accepted at the Commission's February 8-9, 2023 meeting.

January 6, 2023

California Fish and Game Commission

Melissa Miller-Henson

Executive Director