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*Wildlife Heritage and Conservation
Since 1870*

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CALIFORNIA FISH AND GAME COMMISSION 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 February 2, 2023 the California Department of Fish and Wildlife (Department) transmitted to the California Fish and Game Commission (Commission) a recommendation regarding an Experimental Fishing Permit (EFP) application from Dylan Diefendorf (applicant), Puget Buoy, to test the commercial use of Puget Buoy 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 April 19-20, 2023 meeting in Fresno/Bakersfield area (location TBD).

EFP Project Description

The application requests a Tier 1 EFP to test the use of Puget Buoy pop-up gear in the commercial Dungeness crab fishery to collect information to inform future alternative gear certification under the Risk Assessment Mitigation Program (RAMP). A timed-release ropeless fishing system, the Puget Buoy doubles as a float and a rope coiling device to reduce the number of vertical lines and avoid potential risk of marine life entanglement. When deployed, the device remains submerged with a crab trap on the ocean floor until a resurfacing time is reached. The resurfacing time is pre-set using the Puget Buoy App. The proposed project would test up to 125 Puget Buoy units on up to four commercial Dungeness crab vessels during the fishing season. Each vessel would deploy between 25 and 50 Puget Buoy units and all traps will be serviced at least once every 96 hours. Fishing would occur off the coast of California between the California/Oregon border (42° N. latitude) and Pigeon Point (37° 10' N. latitude). The proposed project is anticipated to span a total of 17 weeks. Testing would occur throughout the Dungeness crab season. 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 December 8, 2022. The Department has completed its evaluation of the application and recommends approval of a Tier 1 permit with special conditions as outlined on form DFW 1103. The proposed special conditions include the following: (specific changes to the proposed project and their associated justifications are marked with an asterisk* and are in ***bold italics***):

- General requirements for valid commercial licenses, permits, and vessel registration
- Authorized agents and vessels that may participate in the proposed project
- Authorized species, take, and landing requirements (****for management and enforcement purposes, authorized agents must record EFP number and catch information on landing receipts and notify the Department of any landings made under the EFP***)
- Allowable fishing area and time of year (****for purposes of research and the protection and conservation of the environment, no traps or gear shall be used seaward of the 100-fathom line as defined in the Federal regulations and published in Title 50, Code of Federal Regulations Part 660 and fishing activities shall not occur in any state Marine Protected Areas pursuant to Section 632, Title 14, CCR***)
- Gear allowances, specifications, and marking requirements (****for identification of EFP gear and enforcement purposes, every buoy shall be marked exclusively with the Identification Letters "EA" with at least one buoy marked with the operator's commercial fishing license identification number followed by the Identification Letters "EA"***)
- Vessel monitoring and tracking requirements (****for data collection and enforcement purposes, no testing or fishing for crab may take place under the EFP unless a functioning electronic monitoring system that is capable of recording the vessel's geographic location at a frequency of at least once per minute is installed and used***)
- ****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

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.

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>.

Written comments on the EFP application and/or Department recommendation must be received by noon on April 14, 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 April 19-20, 2023 meeting.

February 15, 2023

California Fish and Game Commission

Melissa Miller-Henson
Executive Director