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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

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### **CALIFORNIA FISH AND GAME COMMISSION** **NOTICE OF RECEIPT OF 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 March 10, 2023 the California Department of Fish and Wildlife (Department) transmitted an experimental fishing permit (EFP) application to the California Fish and Game Commission (Commission). Greg Wells submitted the application on behalf of the National Marine Sanctuary Foundation (Foundation) to test fishing gear innovations in the California Dungeness crab fishery.

The purpose of the EFP is to support a collaborative research project testing fishing gear innovations aimed at mitigating the risk of marine life entanglements while providing increased fishing opportunities. The application requests a Tier 2 EFP (one of four tiers of permits based on purpose and Department facilitation) to test the commercial use of several pop-up fishing systems in the California Dungeness crab fishery, with Department facilitation, to inform alternative gear under the Department's Risk Assessment Mitigation Program (RAMP) (proposed project). The proposed project would allow up to five permitted vessels to test different pop-up fishing systems to assess performance, feasibility, and compatibility in the California Dungeness crab fishery during closure periods triggered by RAMP. The pop-up fishing systems would be comprised of a pop-up device (e.g., Desert Star ARC-1XD, EdgeTech 5112, Fiomarine Fiobuoy, Guardian Ropeless System) attached or mounted onto a single trap. The vertical line (rope) and buoy are stored with the trap at depth until release is activated via an acoustic command or a pre-determined interval has elapsed.

The proposed project is divided into two stages:

- In Stage 1, the Foundation will provide participants with instruction and hands-on training on testing procedures, data collection, and gear operation (dockside and at-sea). Participants/participating vessels must complete a minimum of 10 successful practice deployments/retrievals per system type using a backup system (e.g., reserve buoy or an attached backup line and a surface marker buoy).
- In Stage 2, each participating vessel will test up to three different pop-up fishing systems without a backup system.

The proposed fishing activities would occur off the coast of California between the Sonoma/Mendocino County line (38° 46.125' N. latitude) and Lopez Point (37° 11' N. latitude), in depths ranging from 30 to 300 feet. Vessels will test one pop-up fishing system type at a time. No more than 50 pop-up devices and 50 traps to be deployed at any given time. The

soak time for the pop-up fishing systems will range between 1 to 4 days. All vessels will be equipped with a Pelagic Data Systems device to track vessel location and movement throughout the duration of the proposed project (up to four years). The proposed project activities are expected to largely occur from April to October with catch retained only during the open commercial season as defined by Section 132.8, Title 14, CCR.

The application also requests exemptions from the following state fishing laws or regulations:

- FGC Section 9005 (surface buoy marking requirement)
- FGC Section 8276.5 and subsection 132.1(b), Title 14, CCR (trap tag requirement)
- FGC Section 8276, subdivision (d) (requirement for removing commercial Dungeness crab gear from state waters at close of season)
- Subsection 132.8(c), Title 14, CCR (RAMP management measures)

During its technical evaluation, the Department will determine if other exemptions may be necessary pursuant to FGC subdivision 1022(a)(4).

Pursuant to subsection 91(d)(2), Title 14, CCR, the Department will provide a recommendation to the Commission, including any proposed special conditions. As soon as the Department's recommendation is available, but not less than 30 days before the hearing on this application, a notice will be published on the Commission's website at <https://fgc.ca.gov/EFP> and sent to interested individuals providing information on the opportunity for public comment. Written comments and information on matters addressed in this notice and relevant to the Department's technical review of the accepted application may be submitted to Marina Som, Acting EFP Coordinator, at [EFP@wildlife.ca.gov](mailto:EFP@wildlife.ca.gov).

Please visit [www.fgc.ca.gov](http://www.fgc.ca.gov) for additional information.

March 20, 2023

Fish and Game Commission

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