



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: **National Marine Sanctuary Foundation (EFP Holder)**

Greg Wells, Gear Innovations Manager (Entity Administrator)

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

Authorized Agent Name: **See authorized agent list on Page 3**

Authorized Agent Address: **See authorized agent list on Page 3**

Vessel Name and ID #: **See authorized vessel list on Page 3**

Description of authorized activity:

Test and commercial use of several pop-up fishing systems (i.e., Desert Star ARC-1XD, EdgeTech 5112, Fiomarine Fiobuoy, Guardian Ropeless System) in the California Dungeness crab fishery. The experimental fishing activities may only be conducted under the following conditions:

STANDARD TERMS

These standard terms shall apply to all persons or vessels conducting authorized 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).



MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND 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.

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.

Authorized Agents and Vessels

1. This EFP is valid only for the authorized agents and vessels named below. The Department may allow up to a maximum of five authorized agents and five vessels for this EFP, as it deems necessary for research purposes.
 - a. Authorized Agent Name and Address
 1. Marc Alley [address omitted]
 2. Khevin Mellegers [address omitted]
 - b. Authorized Project Vessel
 3. F/V Ronna Lynn [vessel ID omitted]
 4. F/V Areona [vessel ID omitted]
2. All parties (as specified in 1, above) operating under the authority of this permit must be informed of and agree to abide by all standard terms and special conditions of this permit.

General

3. The authorized agent and any person who assists the authorized agent shall possess a valid commercial fishing license issued pursuant to FGC Sections 7850 and 8280.1 prior to engaging in any commercial fishing operations authorized by this permit.
4. The authorized agent 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 pursuant to FGC Section 7880.
5. All authorized agents shall only participate in one EFP per fishing trip when participating in multiple EFPs.
6. No other EFP or commercial fishing activities shall take place on the same trip as this EFP, unless specifically authorized by this EFP.

Authorized Species, Take, and Landing Requirements

7. Authorized agents may retain, possess, and land Dungeness crab when the commercial season is open in that Fishing Zone. Pursuant to FGC Section 8278, only male Dungeness crabs may be taken. No Dungeness crab less than 6 and one-quarter inches in breadth may be taken. Except that not more than one percent in number of any load or lot of Dungeness crab may be less than six and one quarter inches in breadth but not less than five and three quarters inches in breadth. Dungeness crab shall be measured by the shortest distances through the body from the edge of shell to edge of shell directly from front of points, lateral spines.
8. All incidental catch will be returned to the waters immediately to reduce mortality.



MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND CONDITIONS

9. 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”.

Allowable Fishing Area and Time of Year

10. Traps may only be placed between the Sonoma/Mendocino County line (38° 46.125' N. latitude) and Lopez Point (36° 00' N. latitude), and 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.
11. Authorized agents shall be exempted from the requirement to remove all Dungeness crab traps from state waters by 11:59 pm on the last day of the fishing season, as defined in FGC Section 8276(d), when operating under this EFP because fishing activities may occur at any time during the calendar year.
12. Dungeness crab may only be taken, possessed, or landed during the open season as specified in FGC Sections 8276 and Section 8276.1(d) and Section 132.8, Title 14, CCR. Take, possession, and landing of Dungeness crab is subject to domoic acid take restrictions specified in FGC Section 5523. Take, possession, and landing of Dungeness crab is prohibited when fishing in an area closed pursuant to Section 132.8, Title 14, CCR.
13. When fishing within any area closed to commercial Dungeness crab fishing, all deployed traps shall be unbaited. In addition, side panels shall be removed to allow unrestricted access of any harvested species.
14. The authorized agents must suspend fishing operations or move fishing gear per Department direction in response to circumstances including elevated entanglement risk or in the event of entanglement report in the fishing or testing location. The Department will provide notice by contacting each authorized agent via the phone and/or email address provided on the EFP application.
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 activities shall not occur in any state Marine Protected Areas pursuant to Section 632, Title 14, CCR.

Gear Allowances, Specifications and Marking Requirements

17. Unless otherwise authorized by the Department, all gear shall be deployed as single traps. Multiple traps shall not be connected by a common groundline.
18. A maximum of 20 traps per vessel may be used, possessed, or deployed per trip. Such traps are in addition to the tiered allocations specified in FGC Section 8276.5 and Section 132.1, Title 14, CCR. This limitation shall not apply to lost or abandoned gear recovered pursuant to Sections 132.2 and 132.7, Title 14, CCR.
19. The cumulative number of traps deployed by all vessels operating under the authority of this permit shall not exceed 50 traps at any given time.
20. All traps must comply with the requirements specified in FGC Section 9011 for Dungeness crab or rock crab. All traps used or deployed must have at least one destruct device pursuant to FGC Section 9003 and Section 180.2, Title 14, CCR.



MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND CONDITIONS

DFW 1103 (NEW 04/06/21) Page 5 of 7

21. The EFP holder shall provide the Department access to the gear marking web-based applications (Ropeless Fisher, Ropeless Control, Trap Tracker, and the rmwHUB) as identified in the EFP application for data sharing and enforcement purposes.
22. Authorized agents shall not affix buoy tags specified in subsection 132.1(b), Title 14, CCR and FGC Section 8276.5 to gear deployed under this EFP. Deployed gear shall include a trap tag as defined in subsection 132.1(a), Title 14, CCR.
23. For the interval between gear deployment and activation of the pop-up mechanism, authorized agents shall be exempted from the requirements to mark each trap with a buoy as defined pursuant to FGC Section 9005 and Sections 132.6(a) and 180.5, Title 14, CCR. Following release of the pop-up mechanism as identified in the EFP application, the location of each trap shall be indicated by the presence of one or more buoys at the surface, as specified in 24 and 25.
24. The main buoy and any trailer buoys shall be marked with the operator's commercial fishing license identification number. All identification numbers shall be at least one and one-half (1.5) inches in height and drawn with a line no less than 1/4 (0.25) inch thick.
25. Buoy markings shall comply with requirements specified in Section 180.5, Title 14, CCR. Every buoy shall be marked exclusively with the Identification Letters "EC" with at least one buoy marked with the operator's commercial fishing license identification number followed by the Identification Letters "EC".
 - a. Buoys that are 4 inches in diameter or greater shall have Identification Letters marked on four opposing sides.
 - 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 "EC" 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.
26. Buoy Line Marking Requirements. The authorized agents will test and report on the efficacy and durability of marking lines when requested by the Department.
27. Pursuant to FGC Section 9004, authorized agents shall service their traps at intervals not to exceed 96 hours, weather conditions at sea permitting, unless otherwise authorized in writing by the Department. Additionally, when using gear where a Galvanic Time Release (GTR) device serves as the primary release mechanism, authorized agents must service their traps within two hours of the selected release interval.

Other Requirements

28. No testing or fishing for crab may take place unless a functioning electronic monitoring system is installed and used as specified by the Department. The electronic monitoring device must be capable of recording vessel location at a frequency of at least once per minute with an active subscription service when the vessel is engaged in fishing operations covered under this EFP, including transiting to and from fishing areas. Authorized agents shall grant the Department access to all data upon request.



MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND CONDITIONS

DFW 1103 (NEW 04/06/21) Page 6 of 7

29. At least 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). Upon request from Department, authorized agents shall coordinate with Department and allow for inspections of the traps and associated gear prior to deployment or when gear is being serviced at sea.
30. Authorized agents shall follow the best practices for avoiding whale entanglement described in the attached guide. This includes fishing gear and incident reporting requirements.
31. The permittee shall provide training to Department personnel on any aspect of the permitted project on request.
32. The permittee shall comply with data reporting requirements as described in Attachment A.
33. 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.
34. The permittee shall adhere to the gear recovery plan as described in the EFP application. The permittee will further document all lost gear, including traps, buoys and other equipment and submit to the Department at least annually. Failure to keep or submit required information may result in revocation or suspension (including non-renewal) of the permit.
35. 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.



Attachment A: Data Reporting Requirements

1. Deployment Data. Permittee or authorized agent shall provide to the Department as soon as practical, but no more than 12 hours after deployment, the following data for each crab trap deployed. Data shall be provided via email to LEDMarineNotifications@wildlife.ca.gov and WhaleSafeFisheries@wildlife.ca.gov.
 - a. The latitude and longitude of each trap, given to the highest precision allowed by onboard instrumentation (“location”).
 - b. The name and vessel ID of the vessel the trap was deployed from.
 - c. The experimental fishing permit number the trap is deployed under.
 - d. The time and date of deployment.
 - e. The time and date the release mechanism is programmed to allow the marker buoy to surface.
2. Recovery Data. Permittee or authorized agent shall provide to the Department as soon as practical, but no more than 12 hours after recovery or attempted recovery, the following data for each crab trap deployed. Data shall be provided via email to LEDMarineNotifications@wildlife.ca.gov and WhaleSafeFisheries@wildlife.ca.gov.
 - a. The time and date of recovery.
 - b. The location the gear was recovered.
 - c. The distance between the location where the gear was deployed and recovered.
 - d. The time elapsed between the programmed release time and recovery.
 - e. The location of any unrecovered traps.
 - f. Documentation of any pop-up system malfunctions (e.g., early release or unresponsive to release signal).
3. Gear Location Marking. The permittee or authorized agent shall make fishing locations publicly available to other fishers and the public subject to direction of the Department. Communication of fishing location may include notification to local harbor districts and to the Department web pages, and/or other publicly accessible web pages. Via the Desert Star Ropeless Fisher and EdgeTech TrapTracker gear marking applications, the permittee or authorized agent shall make available the location of deployed traps for the purpose of avoiding gear conflict.
4. In addition to the requirements of subsection 91(l), Title 14, CCR, annual and final reports shall include:
 - a. A table or other database containing deployment and recovery data (requirements 1 and 2 of this attachment) for each trip conducted under the authority of this permit.
 - b. A summary of landing data including the number of each crab species landed at each port by each vessel.
 - c. The number of trips conducted by each vessel participating in the EFP, the total number of trap deployments, and the number of unsuccessful recoveries.
 - d. A summary of the efforts taken to recover lost gear, and the outcome of those efforts.



BEST PRACTICES GUIDE FOR MINIMIZING MARINE LIFE ENTANGLEMENT

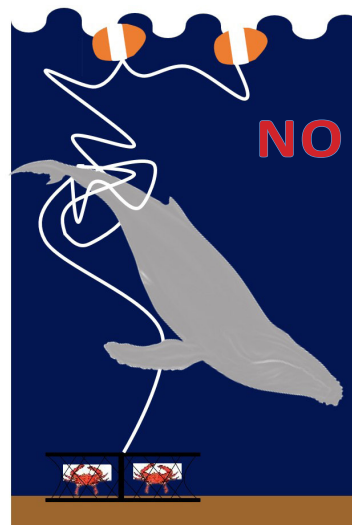
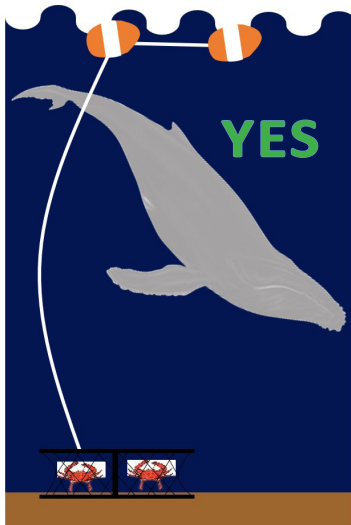
Last updated September 2021



Whale and sea turtle entanglements are a concern for fishermen, the public, California Department of Fish and Wildlife (CDFW), Ocean Protection Council and the National Marine Fisheries Service (NMFS). CDFW developed this guide in collaboration with the California Dungeness Crab Fishing Gear Working Group as part of a proactive and comprehensive approach to addressing entanglements in Dungeness crab gear. Taking these important steps will help maintain the fleet's access to this valuable resource.

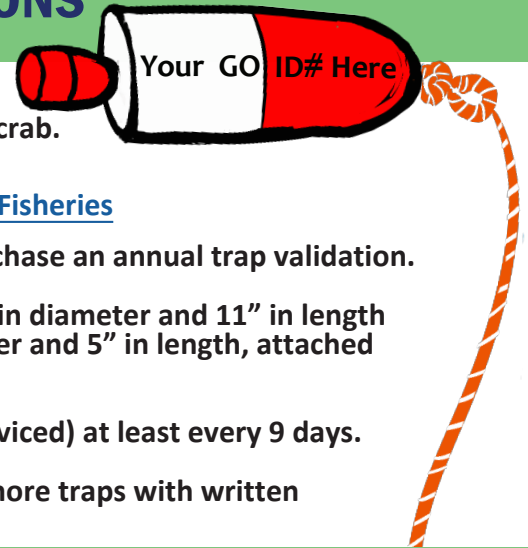
BEST PRACTICES

- **ADJUST** trap line length when changing set location across depths by maintaining optimal scope.
- **MINIMIZE** knots, leads and scope when compensating for tides, currents, and weather.
- **ELIMINATE** excess lines floating at the surface. Floating line should only be used between the main buoy and the trailer.
- **REDUCE** slack surface line.
- **KEEP** vertical lines taut.
- **AVOID** setting gear in the vicinity of whales and sea turtles.
- **COMMUNICATE** locations of high whale activity to other fishing boats.
- **REMOVE** fishing gear prior to the end of the season.
- **PROMPTLY** remove gear not being actively fished.
- **MARK** gear consistent with regulations.
- **MAINTAIN** gear to ensure lines and buoys are in good working condition so they do not break and get lost.
- **RETRIEVE** lost or abandoned commercial Dungeness crab traps as authorized in Title 14, CCR Section 132.2 and 132.7.



**KEEP LINE
BETWEEN
POT AND
MAIN BUOY
TAUT
AND
VERTICAL**

NEW RECREATIONAL REGULATIONS



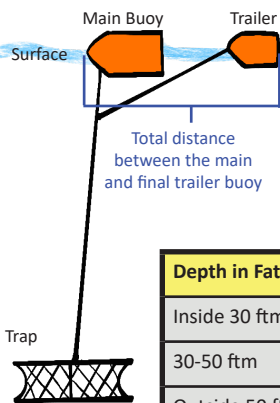
Attention Sport Crab Fishermen



- The season opening and closing date may be modified due to entanglement risk for Dungeness crab. Season Updates provided at: wildlife.ca.gov/Conservation/Marine/Whale-Safe-Fisheries
- Any person who uses crab traps is required to purchase an annual trap validation.
- All traps must have a main buoy that is at least 5" in diameter and 11" in length attached to a red marker buoy that is 3" in diameter and 5" in length, attached to main buoy with 3' of line or less.
- All traps must be raised, cleaned and emptied (serviced) at least every 9 days.
- 10 trap limit and fishermen may service up to 10 more traps with written permission from the operator of the traps.

COMMERCIAL BUOY SETUPS

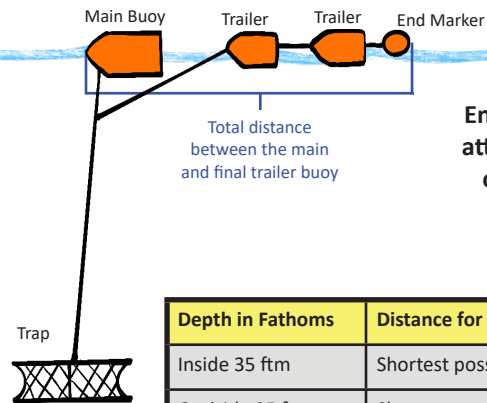
Best Practices (Recommended)



Minimize # of buoys-
No more than 1 trailer buoy inside 30 fathoms.

Depth in Fathoms	Distance for Buoy Setup
Inside 30 ftm	Shortest possible - 3 ftm Max (18 ft)
30-50 ftm	Shortest possible - 4 ftm Max (24 ft)
Outside 50 ftm	Shortest possible - 5 ftm Max (30 ft)

Regulation



End Marker Buoy attached to 3 feet of line or less.

Depth in Fathoms	Distance for Buoy Setup
Inside 35 ftm	Shortest possible - 4 ftm Max (24 ft)
Outside 35 ftm	Shortest possible - 6 ftm Max (36 ft)

IMMEDIATELY REPORT ENTANGLEMENTS

- **CALL NMFS RESPONSE HOTLINE: 1-877-SOS-WHALE**
- **HAIL THE COAST GUARD: CHANNEL 16**
- **NOTE** date, time, location and take a photo
- **STAND BY** for responders
- **MAINTAIN A DISTANCE OF 100 YARDS** for the safety of you and the whale
- **DO NOT ATTEMPT TO DISENTANGLE:** Removing the easily accessible lines at the surface leaves others attached to the whale and may make it impossible to detect or remove them
- **RESPOND** promptly if contacted by NMFS or CDFW

If you have suggestions for reducing entanglements in fishing gear, contact Dan Lawson at the NMFS Protected Resources Division: Dan.Lawson@noaa.gov or Ryan Bartling at CDFW: Ryan.Bartling@wildlife.ca.gov For other related inquiries or questions about this Best Practices Guide: WhaleSafeFisheries@wildlife.ca.gov More information at: wildlife.ca.gov/Conservation/Marine/Whale-Safe-Fisheries



NMFS MMHSRP
PERMIT #18786-03
PHOTO CREDIT
JODI FREDIANI