



Experimental Fishing Permit No. [REDACTED]

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 [REDACTED] Gear Innovations Manager (Entity Administrator)

EFP Holder Address: [REDACTED]

Entity Administrator Address: [REDACTED]

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, Sub Sea Sonics TR4RT and AR4RT, Ashored Innovations MOBI) in the California Dungeness crab and rock crab fisheries. 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).



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- 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. EFPT2-002

Revision Date: February 23, 2024

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 10 authorized agents and 10 vessels for this EFP, as it deems necessary for research purposes.

a. Authorized Agent Name and Address

1. Marc E. Alley [REDACTED] – Owner/Operator F/V Ronna Lynn
[REDACTED]
2. Khevin R. Mellegers [REDACTED] – Owner/Operator F/V Areona
[REDACTED]
3. Rick Hauschel [REDACTED] – Owner/Operator F/V Polaris
[REDACTED]
4. Holly Fruehling [REDACTED] – Owner/Operator F/V Pacific Legend
[REDACTED]
5. Sean Cross [REDACTED] – Owner/Operator F/V Smeagol
[REDACTED]

b. Authorized Project Vessel

1. F/V Ronna Lynn ([REDACTED])
2. F/V Areona ([REDACTED])
3. F/V Polaris ([REDACTED])
4. F/V Pacific Legend ([REDACTED])
5. F/V Smeagol ([REDACTED])

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. For the purposes of this EFP the terms “Dungeness crab” and “rock crab” are as defined in FGC Section 8275.
4. The authorized agent and any person who assists the authorized agent 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. All authorized agents, vessels, and any person assisting the authorized agents must also hold the appropriate permits governing commercial take of Dungeness or rock crab.
5. 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.
6. All authorized agents shall only participate in one EFP per fishing trip when participating in multiple EFPs.



7. 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

8. Authorized agents may fish for Dungeness crab and rock crab within the same trip if the authorized agent holds valid permits for those species. Unless specifically exempted by this EFP, adherence to all other regulations regarding the take of these species is required.
9. 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, possessed, bought, or sold. ~~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~~ (lateral spines).
10. Pursuant to FGC Section 8282(a), rock crab less than 4 and one-quarter inches measured in a straight line through the body, from edge of shell to edge of shell at the widest part, shall not be taken, possessed, bought or sold.
11. All incidental catch will be returned to the waters immediately to reduce mortality.
12. 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, species of crab specified in the “Notes”, and be transmitted within 24-hours.
13. All authorized agents shall notify the Department’s Law Enforcement Division (LEDMarineNotifications@wildlife.ca.gov) and Marine Region (WhaleSafeFisheries@wildlife.ca.gov) of any landings of Dungeness crab made with EFP fishing gear during a fishery closure due to RAMP. The notification shall include the date, port of landing, number of pounds landed, electronic fish ticket number, and the full name of the receiver.

Allowable Fishing Area and Time of Year

14. Traps may only be placed between the California/Oregon border (42° N. latitude) and Lopez Point (36° 00' N. latitude), and no traps or gear shall be used placed in the water seaward of the 100-fathom line as defined in the Federal regulations and published in Title 50, Code of Federal Regulations Part 660.
15. 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.~~ or fishing with traps with pop-up fishing gear systems as authorized under this EFP. No traps shall be placed into the water 30 days prior to the pre-soak period prescribed in FGC Section 8283 or commercial Dungeness crab season opener, whichever comes first.
16. Dungeness crab may only be taken, possessed, or landed during the open statutory season



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~~and subject to domoic acid and quality take restrictions pursuant to FGC Sections 5523, 8276, and 8276.2. 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. This permit exempts the agent from an early season closure pursuant to Section 132.8, Title 14 CCR, however, take, possession, and landing are prohibited when a season is delayed pursuant to Section 132.8, Title 14 CCR. Take, possession, and landing of Dungeness crab is prohibited when fishing in an area closed pursuant to Section 132.8, Title 14, CCR.~~

17. Possession, take, and landing of rock crab is subject to domoic acid restrictions pursuant to FGC Section 5523.
18. When fishing within any area ~~closed to~~ where take, possession, and landing of commercial Dungeness crab ~~fishing or rock crab is prohibited as defined in 16 or 17,~~ all deployed traps shall be closed and unbaited.
19. 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.
20. 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).
21. Fishing activities shall not occur in any state Marine Protected Areas pursuant to Section 632, Title 14, CCR.

Gear Allowances, Specifications and Marking Requirements

- ~~22. Unless otherwise authorized by the Department, all gear shall be deployed as single traps. Multiple traps shall not be connected by a common groundline.~~
22. All authorized agents must comply with the following requirements with respect to deployment of the authorized pop-up gear fishing systems:
 - a. When fishing single traps, an authorized pop-up fishing gear system shall be connected to each trap. Vessels may connect the trap to a length of line attached to a weight or anchor to provide a larger target for grappling.
 - b. When fishing a string of traps (“trawl”), no more than ten traps shall be connected by a common groundline. An authorized pop-up gear fishing system shall be connected to at least one terminal trap of each trawl.
23. A maximum of ~~20~~ 150 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.~~
- ~~24. 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.~~
24. All traps must comply with the requirements specified in FGC Section 9011 for Dungeness



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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.

25. The EFP holder shall provide the Department access to the gear marking web-based applications (Ropeless Fisher, Ropeless Control, Trap Tracker, Trap Timer, ATLAS, and the rmwHUB) as identified in the EFP application and amendment for data sharing and enforcement purposes.
26. Authorized agents shall not affix buoy tags specified in subsection 132.1(b), Title 14, CCR and FGC Section 8276.5 to Dungeness crab gear deployed under this EFP. Deployed Dungeness crab gear shall include a trap tag as defined in subsection 132.1(a), Title 14, CCR.
27. 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 single trap or at least one terminal end of each trawl shall be indicated by the presence of one or more buoys at the surface, as specified in ~~24 and 25~~ 28 and 29. When testing FioBuoy pop-up units, the location of each single trap or at least one terminal end of each trawl shall be indicated by the presence of one or buoyant spools at the surface, as specified in 30.
28. 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 1.5 inches in height and drawn with a line no less than ~~1/4~~ 0.25 inch thick.
29. 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.
30. When testing FioBuoy pop-up units, one end of the spool body shall be marked exclusively with the operator's commercial fishing license identification number and the Identification Letters "EC". All markings shall be drawn with a line no less than 0.25 inch thick and at least 1.5 inches in height, and larger if available space allows. All markings shall be clearly and distinctly marked, and in a color that contrasts with the spool body; the numbers and letters shall be applied and maintained so that they are visible and legible.
31. Buoy Line Marking Requirements. The authorized agents will test and report on the efficacy and durability of marking lines when requested by the Department.



32. Pursuant to FGC Section 9004, authorized agents shall service their traps at intervals not to exceed 96 hours ~~weather conditions and sea permitting~~. 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. If an authorized agent is unable to comply with these requirements due to hazardous conditions at sea, mechanical breakdown of their vessel, or another circumstances, they must notify the Department as soon as possible via email to the Department's Law Enforcement Division (LEDMarineNotifications@wildlife.ca.gov) and Marine Region (WhaleSafeFisheries@wildlife.ca.gov). Any exemptions will be granted on a case-by-case basis and will be provided in writing.

Other Requirements

33. 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 system must be a satellite or cellular based system designed to monitor location and movement of vessels using global positioning system (GPS) coordinates. The electronic monitoring system must be capable of accurately tracking and recording vessel location at a frequency of at least no less than once per minute without interruption during the entire fishing trip when participating in fishing operations covered under this EFP, including transiting to and from the fishing area. Vessel location data shall be uploaded automatically and made available to the Department or an authorized agent within 24 hours. Authorized agents shall grant the Department access to all data upon request.
34. 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 the Department, authorized agents shall coordinate with the Department and allow for inspections of the traps and associated gear prior to deployment or when gear is being serviced at sea.
35. Authorized agents shall follow the best practices for avoiding whale entanglement described in the attached guide. This includes fishing gear and incident reporting requirements.
36. The permittee shall provide training to Department personnel on any aspect of the permitted project on request.
37. The permittee shall comply with data reporting requirements as described in Attachment A.
38. 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. The observer shall be permitted to collect additional opportunistic biological data.
- ~~39. 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.~~
39. In instances where gear cannot be retrieved via the primary release mechanism, authorized agents may use grappling or back-up release mechanisms to recover the gear as described



in the EFP application and amendment. The permittee will document all unrecovered gear, per the data reporting requirements in Attachment A, including traps, buoys and other equipment. Failure to keep or submit required information may result in revocation or suspension (including non-renewal) of the permit.

40. 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.
41. Prior to commencing at-sea testing, permittee shall ensure all authorized agents have completed the freely available Level 1 entanglement response training provided by the National Marine Fisheries Service, available at <https://west-coast-training.whaledisentangling.org/#/>. Completion emails shall be forwarded to the EFP Coordinator (EFP@wildlife.ca.gov), Department's Law Enforcement Division (LEDMarineNotifications@wildlife.ca.gov) and Marine Region (WhaleSafeFisheries@wildlife.ca.gov).



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”), and whether or not the trap was deployed with weak rope. If multiple traps are deployed on a single line (“trawl”), the number and configuration of traps in the trawl and the location of the first and last traps of the trawl.
 - 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. For non-acoustic releases, the time and date the release mechanism is programmed to allow the marker buoy to surface.
 - f. Which virtual gear marking application(s) were used.
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 or attempted recovery.
 - b. The location the gear was recovered or attempted to be 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 or attempted recovery.
 - e. The location of any unrecovered traps, and whether they were deployed as single traps or part of a trawl. If deployed as part of a trawl, the number of connected 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, EdgeTech TrapTracker, Subsea Sonics TrapTimer, or Ashored ATLAS gear marking applications, the permittee or authorized agent shall make available the location following information for the purpose of avoiding gear conflict:
 - a. The location of deployed single traps.
 - b. The location of the first and last traps in a trawl, an indication that they are part of a trawl, and the orientation of the trawl with respect to each terminal end.
4. Coordination with other EFPs. Permittee shall use all available resources to understand where gear may be set, including review of pending and approved EFP applications identified on the [Fish and Game Commission website](#) and checking gear marking applications.
5. 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.