

Memorandum

Date: March 26, 2024

To: Melissa Miller-Henson
Executive Director
California Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Transmittal of California Department of Fish and Wildlife Recommendation on Experimental Fishing Permit Application for Testing On-Demand Fishing Systems in a Proposed Experimental Fishery for Box and King Crab in Northern California (District 10)**

On February 8, 2024, the California Department of Fish and Wildlife (Department) accepted an experimental fishing permit (EFP) application (tracking ID: #2024-01) for technical review pursuant to subsection 91(d)(1)(B), Title 14, California Code of Regulations (CCR). Subsection 91(d)(2), Title 14, CCR requires the Department to develop and transmit a recommendation to the California Fish and Game Commission (Commission), including any permit special conditions, within 60 days from the date of application acceptance unless a time extension is needed pursuant to subsection 91(d)(3), Title 14, CCR.

Proposed EFP Project

The EFP application requests a Tier 4 (Department facilitated) exploratory fishing EFP with a permit fee reduction for testing on-demand buoy retrieval systems (also known as “pop-up” fishing systems). The purpose of the proposed project is to provide data from the area between Pigeon Point, San Mateo County to the Sonoma/Mendocino County line to evaluate the potential for a commercial fishery for brown box crab, and to evaluate the feasibility of using on-demand buoy retrieval systems in deep water (50-125 fathoms).

Under the proposed project, the applicant and up to four authorized agents, would conduct testing of two Sub Sea Sonics acoustic-release pop-up fishing systems (AR4RT and DAR4RT) and the Guardian Trawl Groundline Sled line management system following a phased approach. The applicant would appropriately configure and test the systems with deep water trawls (i.e., multiple pots connected by a ground line) and lead training workshops for prospective participants and Department law enforcement staff (Phase 1), then work with approved authorized agents to optimize the gear for individual fishing strategies (Phase 2) before exploratory fishing using this gear can begin (Phase 3).

For Phase 3, exploratory fishing, the application proposes an annual quota for each species on up to five authorized vessels. Each fisher would use no more than 10 trawls with up to 15 traps per trawl. Fishing is proposed to occur in the area between Pigeon Point, San Mateo County to the Sonoma/Mendocino County line at depths between 50 to 125 fathoms, excluding any marine protected areas and essential fish habitat closures for bottom contact gear. Fishing is proposed to take place July 1 (following the statutory end of the Dungeness crab fishing season) through December 31 or the opening of the commercial Dungeness crab season in that area, whichever occurs first. Participation in other permitted fisheries is requested during experimental fishing trips. Electronic monitoring of vessel locations is proposed to be used in addition to electronic reporting of the locations and times of trap deployments and retrievals. The applicant would provide project oversight and training while the EFP entity administrator would oversee data collection, analysis, and reporting related to pop-up gear fishing systems testing. Under the proposed project, EFP participants would collect biological and fishery-related data and request support from the Department to provide data sheets, coordinate data collection, and conduct all data entry and analyses. More details on the proposed project are available in the enclosed application.

Department Review and Recommendation

The Department reviewed and considered the information provided in the EFP application. The proposed project proposes to build upon previously approved EFPs for brown box crab and California king crab in Southern California (2019-2023; Sustainable Seas Technology (SST), EFP issued in February 2024) by collecting essential fishery information for brown box crab and king crab in central California to inform future authorization of a commercial fishery.

While the proposed research activities are of interest to the Department, the recommendation is to deny the EFP at this time to allow existing EFPs focused on similar gear and species to be completed and evaluated.

The proposed project currently overlaps with previously approved EFPs. Several EFPs were issued in northern California for the commercial Dungeness crab fishery that are currently testing the same gear as proposed in this application¹. The exploratory fishing EFP issued to SST to collect data on box crab and king crab in Southern California to inform future authorization of a commercial fishery is also testing the same types of pop-up fishing technologies at similar depths as those proposed in this application². Given the similarities, the Department recommends waiting for the results of the testing before expanding into other areas.

The Department's workload managing EFPs is greater than originally anticipated when the program was implemented, requiring significant staff time and resources. Currently,

¹ 2022-03 (Sub Sea Sonics Pop-up Fishing Gear), 2022-04 (Puget Buoy Pop-up Fishing Gear), 2023-02 (National Marine Sanctuary EFP)

² 2023-01 (Sustainable Seas Technology)

four EFPs involving up to 40 participants have been issued to test on-demand and timed-release pop-up fishing systems in California. Enforcement and scientific staff are tasked with monitoring the operations and ensuring compliance, communicating with the participants, receiving and evaluating incoming data, and processing requests for permit amendments, which can include time-consuming eligibility checks for new participants and technical review of proposed changes to permit terms and conditions. Thus far, seven minor and three major amendments have been completed or are currently in review.

Exploratory fishing EFPs require extensive data collection to gather essential fishery information (e.g., biological information, bycatch, fishing behavior and location, catch-per-unit-effort, gear performance) to inform authorization of a new fishery. Those projects also require close coordination, active management of the EFP, and timely data analyses to inform any necessary adjustments to data needs. Tier 4 permits require the Department to assume the workload for these complex tasks.

Next Steps

Pursuant to subsection 91(f), Title 14, CCR, the Department requests the Commission provide public notice of receipt of the recommendation and schedule the application for consideration no sooner than 30 days after public notice is given.

If you have any questions on this item, please contact Dr. Craig Shuman, Marine Regional Manager, at (805) 568-1246 or by email at R7RegionalMgr@wildlife.ca.gov.

Attachments: EFP application (confidential information omitted)
Public notice of Department recommendation

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