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Fish and Game Commission



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Notice of Receipt of Recommendation and Consideration of Experimental Fishing Permit Major Amendment for Pop-Up Gear Testing in the California Dungeness and Rock Crab Fisheries (Commission Tracking #2023-02)

Notice is hereby given that, pursuant to the provisions of Section 1022 of the Fish and Game Code (F&G Code) and Section 91, Title 14 of the California Code of Regulations (CCR), the California Fish and Game Commission (Commission) has received the California Department of Fish and Wildlife's (Department's) recommendation regarding the experimental fishing permit (EFP) major amendment request from the National Marine Sanctuary Foundation to amend its existing EFP (Commission tracking #2023-02), which was initially approved by the Commission in June 2023. Subsection 91(k)(2), Title 14, CCR allows for an EFP holder to request amendments to the approved EFP; amendments that exceed the allowances authorized in permit conditions constitute a "major amendment" and are subject to the same Department review, public notice, Commission action, and Department issuance procedures as an original EFP application (subsections 91(d)(2) through (g), Title 14, CCR).

The major amendment request for EFP #2023-02 includes several modifications to the currently approved terms and conditions:

1. Increase the number of authorized agents and vessels from 10 to 40;
2. increase the number of traps per trawl from 10 to 50 (or as deemed appropriate by the Department);
3. increase the maximum number of traps per vessel from 150 to align with the amounts allowed pursuant to Fish and Game Code Section 8276.5 (i.e., "permit tier"); and
4. increase the trap service interval from 96 hours (4 days) to 216 hours (9 days).

The Department recommends the Commission approve the EFP amendment request to revise the terms and conditions to:

- Incorporate item 1 above as proposed by the applicant, and
- Incorporate revised versions of items 2, 3 and 4 above as follows:
 - (2) Increase the number of traps per trawl from 10 to 20. While pop-up gear poses lower entanglement risk than traditional crab traps, some risk remains from the vertical lines (when present) and the groundlines which connect each trap. Additionally, longer trawls increase risk of gear conflict and, when trawls are lost,

ghost fishing. Increasing the trawl length to 20 provides an opportunity to test longer-length trawls while limiting these risks.

- (3) Increase the maximum number of traps per vessel from 150 to a tiered structure based on the authorized vessel's assigned trap tier (per Section 132.1, Title 14, CCR), whereby vessels with Tier 7 permits may use up to 160 traps and vessels with Tier 1 permits may use up to 280 traps.
- (4) Increase the trap service interval from 96 hours to 168 hours, with a requirement to notify the Department as soon as possible if extensions are needed based on weather exemptions or undue hardship. This provides flexibility beyond that provided by Fish and Game Code Section 9004 for normal commercial activity and allows authorized agents to exercise their best judgement when determining unsafe weather conditions, while maintaining a gear servicing requirement. Regular gear servicing reduces gear loss and prevents ghost fishing.

These revisions are necessary for research purposes and the conservation and management of marine resources and the environment pursuant to subsection 91(i), Title 14, CCR and are shown in underline and strikethrough on form DFW 1103. The EFP amendment request, Department recommendation (form DFW 1103), 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 amendment request and/or Department recommendation must be received by February 7, 2025 at 12:00 PM and may be emailed to fgc@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 February 13, 2025 meeting.

Please visit www.fgc.ca.gov for additional information.

January 2, 2025

California Fish and Game Commission
Melissa Miller-Henson
Executive Director