

## Staff Summary for April 16-17, 2025

**26. Experimental Fishing Permit (EFP) Major Amendment Request****Today's Item**Information ☐Action ☒

Reconsideration and possible action on a major amendment request for an EFP (Commission tracking #2023-02) approved to test pop-up fishing systems in the California Dungeness crab fishery.

**Summary of Previous/Future Actions**

- |   |                          |
|---|--------------------------|
| • Approved EFP application #2023-02   | June 14-15, 2023         |
| • Department informed the Commission about an EFP major amendment request       | February 6, 2024         |
| • Approved EFP major amendment  | April 17-18, 2024        |
| • Department informed the Commission about a second EFP major amendment request | October 22, 2024         |
| • Published notice of EFP major amendment request                               | October 24, 2024         |
| • Department transmitted recommendation for the request                         | January 2, 2025          |
| • Published notice of receipt of Department recommendation                      | January 2, 2025          |
| • Approved EFP major amendment request  | February 12-13, 2025     |
| • <b>Today reconsider and potentially act on major amendment request</b>        | <b>April 16-17, 2025</b> |

**Background**

The Commission and Department jointly administer the EFP Program, authorized by the California Fisheries Innovation Act of 2018 (California Fish and Game Code Section 1022) and implemented through Section 91, Title 14. The program fosters innovation in California's marine fisheries by allowing limited, short-term exemptions from state fishing laws to test new management approaches or conduct research. Learn more about the program at <https://wildlife.ca.gov/Conservation/Marine/EFP> and <https://fgc.ca.gov/EFP>.

**Commission Decision at its February 2025 Meeting**

Last year, the Department accepted a major amendment request for the National Marine Sanctuary Foundation's EFP (Commission tracking #2023-02) to support testing on-demand pop-up gear systems in the California Dungeness crab fishery; the Department conducted a technical review and transmitted a recommendation to the Commission.

At its February 2025 meeting, the Commission considered the EFP amendment request and Department recommendations (see Exhibit 1 for detailed information). During the meeting, the foundation requested that the Commission approve the conditions recommended by the Department, with the addition of a higher number of traps per trawl string. The additional request was intended to create consistency with another EFP major amendment (Subsea Sonics; Commission tracking #2022-03) that the Commission approved in December 2024; in that instance, the Commission increased the maximum number of traps to 50 per trawl string.

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The National Marine Sanctuary Foundation asserted that similar or consistent conditions would allow equitable opportunities across EFPs supporting gear trials in the Dungeness crab fishery. Ultimately, the Commission approved amendments to the EFP consistent with the recommendation of the Department and Commission staff, which included 20 traps per trawl string (see Table 1).

**Table 1. Requested Amendments to EFP Conditions and Commission-Approved Amendments (National Marine Sanctuary Foundation; Commission Tracking #2022-03)**

Condition Type	EFP Holder Request	Commission-Approved Amendments
<b>Maximum Number of Authorized Agents and Vessels</b>	Increase from 10 to 40	Increased to 40
<b>Maximum Number of Traps per Trawl String</b>	Increase from 10 to 50 (or as deemed appropriate by Department)	Increased to 20
<b>Per-Vessel Trap Limit</b>	Increase from 150 to vessel permit trap tier	Increased from 150 to vessel permit trap tier
<b>Trap Service Maximum Interval</b>	Increase from 96 hours (4 days) to 216 hours (9 days)	Increased to 168 hours (7 days), with exemptions for weather or undue hardship (notification required)

### ***Update***

Following the Commission's February 2025 approval, the National Marine Sanctuary Foundation paid the amendment fees to ensure the EFP activities would continue, and the Department issued the amended EFP with the approved EFP terms and conditions.

At the request of a commissioner to allow further consideration of equity issues related to the foundation's requested amendment relative to Subsea Sonic's approved EFP amendment, the Commission President added this item to today's agenda. Considering the requested amendments requires the Commission to reconsider its February decision on the EFP major amendment request and then deliberate further on the item. Any new decision by the Commission would need to respect the EFP holder's rights under the already-issued, amended EFP.

### ***Today's Meeting***

Today provides an opportunity to reconsider the EFP major amendment as approved by the Commission in February. If the Commission chooses to approve any condition different from the previously-approved conditions, the Department would need to prepare a modified

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amended EFP for execution; it is unclear whether additional fees would need to be paid by the EFP holder as in the case of a new major amendment request.

### Significant Public Comments

The National Marine Sanctuary Foundation expresses appreciation for the Commission's February approval of its major amendment request supporting pop-up gear testing in the California Dungeness crab fishery and, specifically, the provisions allowing for increased participation by fishermen (i.e., authorized agents and vessels) and a longer trap service interval. The foundation requests that the Commission reconsider its decision related to the number of traps per string and to increase the number of traps permitted per string with the increased overall trap limit, consistent with the original amendment request. The foundation emphasizes that the adjustment is important to help ensure equitable fishing opportunities across all EFPs involved in pop-up gear trials in the Dungeness crab fishery, and to enable the success of the project, which is supported by state investments to advance testing and development of multiple gear types from various manufacturers. Acknowledging concerns about the potential for increased entanglement risk associated with longer trap trawls, the foundation has asked participating fishermen to voluntarily follow a best-practice approach by using non-buoyant groundline between traps, to minimize line exposure in the water column and reduce the likelihood of entanglement. (Exhibit 2)

### Recommendation

**Commission staff:** Staff supports the National Marine Sanctuary Foundation request to reconsider its EFP amendment to include the number of traps per trawl string that aligns with the condition approved for a related EFP in December 2024 (up to 50 traps, with a second pop-up system required for trawl strings of more than 20 traps). The alignment would promote equity across similar EFPs, and help maintain participation in this EFP, which tests a variety of pop-up gear types from different manufacturers to inform anticipated gear authorizations.

Staff recommends all other terms previously recommended by the Department and staff, and approved in February, remain the same. Staff recognizes the foundation's effort to reduce entanglement risk from lines between traps by asking EFP participants to use non-buoyant groundline; staff recommends this be voluntary only.

### Exhibits

1. [Staff summary for the February 12-13 Commission meeting, Agenda Item 24 \(for background purposes only\)](#)
2. [Letter from Greg Wells, Gear Innovations Manager, National Marine Sanctuary Foundation, received April 3, 2025](#)

### Motion

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission approves reconsidering the major amendment request for the EFP (Commission tracking ID #2023-02) approved in February 2025.

**AND** (next page)

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Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission approves the major amendment request for the EFP (Commission tracking ID #2023-02) with the same conditions approved in February 2025, except to also *increase the number of traps per trawl to up to 50, with a second pop-up system required for trawl strings of more than 20 traps.*

Staff Summary for February 12-13, 2025  
*(For background purposes only)*

## 24. Experimental Fishing Permit (EFP) Major Amendment Request

### Today's Item

Information ☐

Action ☒

Receive, consider, and potentially act on a major amendment request for an EFP (Commission tracking #2023-02) approved to test pop-up fishing systems in the California Dungeness crab fishery.

### Summary of Previous/Future Actions

- |   |                             |
|---|-----------------------------|
| • Approved EFP application #2023-02   | June 14-15, 2023            |
| • Department informed the Commission about an EFP major amendment request       | February 6, 2024            |
| • Approved EFP major amendment  | April 17-18, 2024           |
| • Department informed the Commission about a second EFP major amendment request | October 22, 2024            |
| • Published notice of EFP major amendment request                               | October 24, 2024            |
| • Department transmitted recommendation for the request                         | January 2, 2025             |
| • Published notice of receipt of Department recommendation                      | January 2, 2025             |
| • <b>Today discuss and consider approving EFP major amendment request</b>       | <b>February 12-13, 2025</b> |

### Background

The Commission and Department jointly administer the EFP Program, authorized by the California Fisheries Innovation Act of 2018 (California Fish and Game Code Section 1022) and implemented through Section 91, Title 14. The program fosters innovation in California's marine fisheries by allowing limited, short-term exemptions from state fishing laws to test new management approaches or conduct research. Learn more about the program, at <https://wildlife.ca.gov/Conservation/Marine/EFP> and <https://fgc.ca.gov/EFP>.

### Approved EFP Application

At its June 2023 meeting, the Commission approved EFP application #2023-02 from the National Marine Sanctuary Foundation to test on-demand pop-up gear systems in the California Dungeness crab fishery.

EFP holders can request amendments (administrative updates, minor, or major) per subsection 91(k)(2). The Department approves administrative updates and minor amendments. Major amendments (affecting species, location, gear, or participants) require Commission approval and are subject to the same review and approval process as new applications.

Staff Summary for February 12-13, 2025  
*(For background purposes only)*

### **EFP Major Amendment Request Overview**

The EFP holder is requesting a second major amendment within one year (Exhibit 1). The Commission approved the first amendment in April 2024, modifying the season (allowing Dungeness crab retention during RAMP closures), authorized agents and vessels, gear (marking, number of pop-up systems and traps) and location, and adding rock crab.

In October 2024 the Department notified the Commission of the second major amendment request under consideration today; the Department's recommendations (exhibits 2-3) were published January 2.

Today, the Department will present the requested amendments, its recommendations, and rationale for the recommendations (Table 1), and proposed special conditions (Exhibit 3) for Commission consideration.

**Table 1: Requested amendments to EFP and Department recommendations**

<b>Condition Type</b>	<b>EFP Holder Request</b>	<b>Department Recommendation</b>	<b>Rationale</b>
<b>Authorized Agents and Vessels</b>	Increase from 10 to 40	Supports request	
<b>Traps per Trawl</b>	Increase from 10 to 50  (or as deemed appropriate by Department)	Increase to 20	Longer trawls increase entanglement risk (including groundlines between traps), gear conflict, and ghost fishing risk from lost gear.  20 traps balances testing longer lengths with risk mitigation.
<b>Per-Vessel Trap Limit</b>	Increase from 150 to vessel permit trap tier	Supports request	
<b>Trap Service Interval</b>	Increase from 96 hours (4 days) to 216 hours (9 days)	Increase to 168 hours (7 days), with exemptions for weather or undue hardship (notification required)	Provides flexibility beyond F&G Code Section 9004 for normal commercial activity, and allows agents to use judgement on unsafe weather while maintaining a gear servicing requirement. Regular servicing reduces gear loss and ghost fishing.

### **Significant Public Comments**

The EFP holder indicates that it appreciates the Department's recommendation to increase the number of authorized agents, and asks for the Commission to support its request to ensure equitable fishing opportunities across all EFPs trialing pop-up gear (Exhibit 5).

## Staff Summary for February 12-13, 2025

*(For background purposes only)***Recommendation**

**Commission staff:** Approve the EFP major amendment request with proposed special conditions, as recommended by the Department.

**Department:** Approve National Marine Sanctuary Foundation's EFP (Commission tracking ID #2023-02) major amendment request with proposed special conditions as specified on form DFW 1103 (Exhibit 3).

**Exhibits**

1. Major amendment request, transmitted to Commission on October 22, 2024
2. Department recommendation memo, received January 2, 2025
3. Draft form DFW 1103, including standard terms and proposed amended special conditions for major amendment
4. Department presentation
5. Letter from Greg Wells, Gear Innovations Manager, National Marine Sanctuary Foundation and EFP holder, received January 30, 2025

**Motion**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission approves the major amendment request for the EFP (Commission tracking ID #2023-02) with special conditions as recommended by the Department.

**OR**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission approves the major amendment request for the EFP (Commission tracking ID #2023-02) with special conditions as recommended by the Department, except as follows: \_\_\_\_\_.

**From:** Greg Wells <[gwells@marinesanctuary.org](mailto:gwells@marinesanctuary.org)>

**Sent:** Thursday, April 3, 2025 04:27 PM

**To:** FGC <[FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov)>

**Subject:** Experimental Fishing Permit (2023-02) Comments

Dear California Fish and Game Commission,

Please accept the attached comments regarding the National Marine Sanctuary Foundation's EFP major amendment, which will be considered at the April 16-17 meeting.

Thank you,

Greg

**Greg Wells**

*Gear Innovations Manager*



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**[MarineSanctuary.org](https://MarineSanctuary.org)**





April 3, 2025

Erika Zavaleta, President  
California Fish and Game Commission  
715 P Street, 16th floor  
Sacramento, CA 95814

Re: Experimental Fishing Permit (EFP #2023-02) Major Amendment Request

Dear President Zavaleta and Commission members:

Thank you for your consideration of the National Marine Sanctuary Foundation's Experimental Fishing Permit major amendment request in support of pop-up gear testing efforts in the California Dungeness crab fishery.

We appreciate the Commission's approval of the amendment at its February 12-13, 2025 meeting, particularly the provisions allowing increased participation by fishermen and an extension of the trap service interval. These changes will support our continued collaboration with the fishing community and broaden engagement in testing and improving innovative pop-up gear.

We respectfully request that the Commission reconsider its decision regarding gear allowances under our permit. Specifically, we are requesting an increase in both the number of traps permitted per string and the overall trap limit, consistent with our original amendment request. These adjustments are important to help ensure equitable fishing opportunities across all EFPs involved in pop-up gear trials in the Dungeness crab fishery and to enable the success of our project, which is supported by investments from the state to advance the testing and development of multiple gear types from a range of manufacturers.

We understand and acknowledge concerns about the potential for increased entanglement risk with longer trap trawls. To reduce this risk, we are asking participating fishermen to follow a best-practice approach by using non-buoyant groundline between traps to minimize line exposure in the water column and reduce the likelihood of entanglement.

Thank you again for considering this request and for your continued support to advance gear innovation in the California Dungeness crab fishery.

Sincerely,



Greg Wells  
Gear Innovations Manager  
National Marine Sanctuary Foundation