



Alternative Gear General Conditions for Authorization

In addition to the specific constraints for each Alternative Gear type approved for Conditional Authorization, the Department has compiled the following General Conditions for all Authorized Alternative Gear types pursuant to Section 132.8, Title 14, California Code of Regulations (CCR). The list may be updated occasionally, and the California Commercial Dungeness crab fleet and applicants of approved Alternative Gear will be notified of any change. It should be noted that unless specifically exempted, all other laws and statutes apply governing the commercial fishery.

1. It is unlawful to violate any restriction or fail to comply with any of the requirements imposed by this Conditional Authorization, including but not limited to any restrictions or requirements included as part of any Management Action implemented by the Director via declaration, conditions on the use of the Alternative Gear, and reporting and monitoring requirements pursuant to Section 132.8(j), Title 14, CCR.
2. All buoy tags assigned to a permitted vessel's trap tier for the take of Dungeness crab must be affixed to the inside of each trap. Any remaining buoy tags must be onboard the vessel and available for inspection by law enforcement.
3. Pursuant to FGC 8280.1, the owner of the vessel must have a Dungeness crab vessel permit if taking, possessing, or landing Dungeness crab for commercial purposes.
4. The use of another commercial vessel without a Dungeness crab permit (i.e., a dump boat) to assist in deploying, servicing, or retrieving Alternative Gear is prohibited.
5. All persons conducting activities with the Authorized Alternative Gear must comply with all state and federal fishing laws and regulations, including but not limited to those relating to protected species, electronic monitoring, trap/gear marking, inspections authority, minimum size limits, and seasons or areas closed to fishing that are not otherwise allowed by this Alternative Gear Conditional Authorization.
6. All landings must comply with all requirements in Section 197, Title 14, CCR.
7. Authorized Alternative Gear users are subject to the Fishing Activity Report Requirement pursuant to Section 132.8(g), Title 14, CCR regarding their fishing activities while their gear is placed in any Fishing Zone for the purpose of commercially taking Dungeness crab.
8. Authorized Alternative Gear users must use dual-colored lines of purple and black pursuant to Section 132.8(h) Title 14, CCR.
9. Traps fished are exempt from the 96-hour trap service interval specified in FGC 9004. Authorized Alternative Gear users shall raise, clean, ensure mechanisms are properly functioning, and empty all their traps at intervals not to exceed 14-days (336 hours). The Department may access and use electronic monitoring systems, enforcement portals, or any other pertinent information to determine compliance with the service interval requirement. Electronic monitoring information indicating that Authorized Alternative Gear has not been serviced within the 14-day interval shall be prima facie evidence that gear has not been serviced in violation of this requirement.



10. Fishers utilizing Authorized Alternative Gear shall cooperate with the Department by allowing personnel designated by the Department to board the fishing vessel on any fishing trip or enter a place of business operated by the user, to retrieve, observe, or inspect any logbook, records, data, equipment, procedures, or catch.

Virtual Gear Marking/ Reporting Requirements

11. Vendors are required to report ropeless gear locations and deployment dates and times both to:
 - i. CDFW (including vessel and permit information); and
 - ii. A public-facing portal which can be used by other vessel operators to avoid gear conflicts (vessel and permit information withheld).
12. Vendors are required to submit data via specified application programming interface (API) endpoints or through another integration method explicitly approved by CDFW. Vendors may choose to transmit data to a central hub for distribution to both CDFW and the public portal or submit data separately for each purpose.
13. The following data elements are required for each deployment and each ropeless trap (and each end of the trawl line if there is not a ropeless trap at each end). Items marked with an asterisk (*) are considered confidential and are not required for public-facing data submissions.

Deployments:

Fishery*
Permit Number*
Fisher First and Last Name*
Vessel Name and/or Number*
Deployment Type (Single/Trawl/Line)
Number of Traps in the Set
Data Update Date-time

Ropeless trap and/or terminus trap marking:

Manufacturer*
Model*
Serial Number*
Latitude
Longitude
Location Accuracy (GPS/Estimated)
Deployment Date-time
Surface Date-time (for timed release)
Retrieval Date-time
Status (Deployed/Retrieved/Lost)
Release type (Timed/Acoustic/Other)
Sequence of trap within set (1,2, etc.)
Trap on Set End (Y/N)



Electronic Monitoring

14. All vessels shall have a satellite or cellular based electronic monitoring system designed to monitor the location and movement of vessels using global positioning system (GPS) coordinates installed onboard. The system shall accurately track and record a vessel's location at a frequency of no less than once a minute during an entire fishing trip, including when transiting to and from a fishing area. Vessel location data shall be uploaded automatically and made available to the Department or an authorized agent within 24 hours of request.
15. It is unlawful to tamper with equipment or interrupt data collection or transmission. Every vessel owner/operator shall ensure that their system is functioning normally at all times when the vessel possesses any Dungeness crab onboard, when the vessel possesses any Dungeness crab traps onboard, when the vessel owner/operator has Dungeness crab gear present or placed in any Fishing Zone, or when the vessel is otherwise participating in the California commercial Dungeness crab fishery. Whenever regular data transmission is interrupted, or the vessel owner/operator is notified by the Department that data are otherwise not being received, the vessel shall return to port immediately until regular data transmission resumes. The vessel's owner shall also immediately notify the Department's law enforcement division of the interruption at LEDMarineNotifications@wildlife.ca.gov.

Fishing Activities

16. No other fishing activities may occur while utilizing Authorized Alternative Gear as defined in Section 132.8(a)(2), Title 14, CCR on the same fishing trip. Utilizing Alternative Gear includes possessing, deploying and/or retrieving commercial Dungeness crab traps.
17. All participants using Alternative Gear under this authorization must remove 50% of their total Dungeness crab traps deployed, as calculated from their most recent bi-weekly report, from state waters seven days before the last day of the fishing season as defined in FGC 8276(d).

Entanglement Risk and Suspension of Fishing Operations

18. Authorized Alternative Gear users must suspend fishing operations upon Department direction in response to unforeseen circumstances, as determined by the Department, including elevated entanglement risk or in the event of an entanglement report in the Fishing Zone or involving the Authorized Fishing Gear. The Department will provide notice by contacting the Fleet so that users are notified of the pending suspension of all fishing operations.

Fishing Area

19. Except for purposes of continuous transit, or transit to a designated anchorage pursuant to condition 19 below, no vessel shall enter any Marine Protected Area (MPA)



designated pursuant to Section 632, Title 14, CCR when the owner or operator is using, has placed in the water, or is in possession of any pop-up fishing gear, Authorized Alternative Gear as defined in Section 132.8(a)(2), Title 14, CCR or Dungeness crab traps defined in FGC 9011(a)(2).

For purposes of this section, “continuous transit” is defined as transiting through any MPA on a heading as close as practicable to a direct route, without stopping or delaying, and maintaining speeds greater than three knots at all times during transit. All fishing gear shall be stowed and secured in such a manner that it is rendered unusable, ensuring that traps do not contain bait inside or have bait attached.

Additionally, any vessel transiting through a specific MPA at any time during the Fishing Zone closure while possessing or using Authorized Alternative Gear, any pop-up fishing gear, or any Dungeness crab traps defined in FGC 9011(a)(2), is also prohibited from entering within 1,000 yards of any boundary line for that same MPA except for the purpose of continuous transit as defined above. This transiting only provision for that specific MPA shall apply to such vessel until the statutory season for Dungeness crab is closed pursuant to FGC 8276, or unless otherwise closed pursuant to a Director’s Declaration.

20. Anchorage: Within MPAs, a vessel’s owner or operator that is using, has placed in the water, or is in possession of any pop-up fishing gear, Authorized Alternative Gear as defined in Section 132.8(a)(2), Title 14, CCR or Dungeness crab traps defined in FGC 9011(a)(2) shall only anchor, moor, or dock in the designated anchorage areas defined below. Any vessel anchored within a designated MPA anchorage shall have fishing gear stowed and secured in such a manner that it is rendered unusable, ensuring that traps do not contain bait inside or have bait attached. Vessels transiting through an MPA to a defined MPA anchorage shall adhere to continuous transit requirements defined above.

(A) Point Reyes State Marine Reserve Anchorage: The anchorage area within the Point Reyes State Marine Reserve is bounded by the mean high tide line and straight lines connecting the following points:

38° 01.900'N lat., 122° 56.400'W long.; and

37° 59.400'N lat., 122° 57.800'W long.

(B) Southeast Farallon Island State Marine Reserve Anchorage: The anchorage area within the Southeast Farallon Island State Marine Reserve, excluding the area defined as the Southeast Farallon Island Special Closure in subsection 632(b), is bounded by the mean high tide line and straight lines connecting the following points: 37° 42.250'N lat., 123° 00.170'W long.;

37° 42.250'N lat., 122° 59.500'W long.;

37° 41.000'N lat., 122° 59.500'W long.;

37° 41.000'N lat., 123° 00.200'W long; and



37° 41.759'N lat., 123° 00.200'W long.

(C) Año Nuevo State Marine Reserve and Greyhound Rock State Marine Conservation Area Anchorage: The anchorage area within the Año Nuevo State Marine Reserve and Greyhound Rock State Marine Conservation Area is bounded by the mean high tide line and straight lines connecting the following points:

37° 07.000'N lat., 122° 19.900'W long.;

37° 04.000'N lat., 122° 17.000'W long.; and

37° 04.000'N lat., 122° 15.400'W long.

(D) Morro Bay State Marine Recreational Management Area Anchorage: The anchorage, mooring, or docking areas within the Morro Bay State Marine Recreational Management Area includes the area below mean high tide within Morro Bay east of the Morro Bay entrance breakwater and west of longitude 120° 50.340' W.

Amendments and Deauthorization

21. The Department will review and may amend Alternative Gear General Conditions for Authorization on an annual basis or, at its discretion, in the event of unforeseen circumstances that require immediate changes to ensure enforceability or that the authorized gear does not present an entanglement risk of Actionable Species listed in Section 132.8(a), Title 14, CCR. The Department will notify the applicant and Fleet in the event of an amendment no less than 8-days prior to the amendment(s) taking effect.
22. The Department, at its sole discretion, may deauthorize an Authorized Alternative Gear if that equipment no longer meets the criteria listed in Section 132.8(i)(1)(B), Title 14, CCR. If deauthorization occurs during the Fishing Season, the Fleet will be notified by the Department and will have 8 days to remove Alternative Gear from every Fishing Zone or by the end of the Fishing Season, whichever occurs first.