



Frequently Asked Questions (FAQ) related to Alternative Gear Authorization

APPLICATION PROCESS QUESTIONS 1
GEAR USE QUESTIONS 4

APPLICATION PROCESS QUESTIONS

1. What is “Alternative Gear”?

Alternative Gear refers to fishing gear designed to reduce the risk of whale entanglement in the California commercial Dungeness crab fishery. Alternative Gear is also defined in Title 14, Section 132.8(a) as “gear modifications and other gear innovations, including but not limited to ropeless gear, as authorized by the Department”. Examples are “on demand” or “ropeless” gear systems that do not have a persistent vertical line.

2. Who can submit an application for Alternative Gear Authorization?

Any individual, company, or organization may apply, including permit holders, manufacturers or researchers who have developed gear that meets authorization requirements.

3. Where can I submit a request for Alternative Gear Authorization?

Applicants must submit a written request to the Department at Whalesafefisheries@wildlife.ca.gov which includes all of the information outlined in Title 14, Section 132.8(i). Applicants can use this [suggested template](#) for submission. Please contact us if you wish to have a Microsoft Word version of the template which allows for additional space for submission.

4. What criteria are evaluated for authorization?

Authorized Alternative Gear must be:

- a. Detectable – Can be located by the Department, enforcement, and other fishermen (visually, virtually, or with approved technology).
- b. Retrievable – Includes reliable recovery methods with gear loss rates not exceeding 10%.
- c. Identifiable – Can be identified by the Department at the surface and underwater.
- d. Beneficial – Demonstrates reduced risk or severity of entanglement.
- e. Enforceable – Can be reasonably found, retrieved, and redeployed by enforcement.

For additional information on the criteria please review Title 14, Section 132.8(i).



5. How can I conduct testing to ensure my gear meets the testing criteria?

One pathway for testing is the Experimental Fishing Permit (EFP) program. More information about the EFP program is available on [CDFW's EFP webpage](#), as well as the [Fish and Game Commission webpage](#). Regulations and testing opportunities vary by fishery, please contact [Whale Safe Fisheries](#) for more details and what information CDFW can use to evaluate this criteria.

6. What happens after the authorization request is submitted?

The authorization process has two phases:

1. Application Review (up to 60 days)
 - a. Department reviews your application for completeness.
 - b. You may be contacted for additional information or to address questions raised during the review of your application.
 - c. At end of the 60 days, you will receive either:
 - i. Application Completion Notification - your application meets the requirements and your application has been approved
or
 - ii. Application Declined Notification – with an explanation of how your request doesn't meet the requirements or what additional information is needed for reevaluation by CDFW.
2. Conditional Authorization (up to 60 days)
 - a. Department drafts the Conditional Authorization specific to each Alternative Gear, in consultation with Law Enforcement and our Office of General Counsel.
 - b. Applicants may be contacted to clarify potential issues before authorization or review draft conditions.

If the Department approves the Alternative Gear, final authorization will then be posted on the Whale Safe Fisheries webpage and shared with interested parties upon request.

7. What is Conditional Authorization?

A Conditional Authorization is a set of specific conditions for gear use issued by the Department once the Alternative Gear Authorization is complete. It details the conditions required for how the approved Alternative Gear must be used. Each Authorized Alternative Gear has a unique Conditional Authorization. Users must also reference and follow the General Alternative Gear Conditions that apply to ALL types of Alternative Gear.

8. What are General Alternative Gear Conditions?

In addition to the specific constraints for each Alternative Gear type approved for Conditional Authorization, the Department has compiled a list of General Conditions for all Authorized Alternative Gear types. Alternative Gear users must



adhere to the General Conditions *and* the gear specific Conditional Authorization when utilizing Alternative Gear.

9. Are there limits on how Alternative Gear can be used?

Yes. Authorizations can be constrained by:

- a. Fishing Zone restriction
- b. Depth restrictions
- c. Maximum number of traps
- d. Pre-deployment notification requirements
- e. Other conditions needed to ensure compliance.

10. Where do I find the requirements for what must be included in a request?

The requirements for what information needs to be in an Alternative Gear Authorization request are outlined in regulation under [Title 14, CCR § 132.8\(i\)](#). You can also find a suggested application template on the [Whale Safe Fisheries webpage](#). Please contact Whale Safe Fisheries if you wish to have a Microsoft Word version of the template which allows for additional space for submission.

11. Do I have to schedule a pre-consultation meeting before submitting my request?

No, a pre-consultation is optional. However, it is encouraged because it helps identify missing information or issues that CDFW may need additional time to evaluate during the review process. This can prevent delays later in the review process.

12. How long does the review process take?

For more details see question six above, but the Department goal is to review requests within 60 days. Final Conditional Authorization then occurs within 60 if approved.

13. What happens if my request is declined?

You may revise your request to address the reasons for the decline and resubmit.

14. Is my gear automatically authorized for use once the Conditional Authorization is posted?

No. Conditional Authorization adds your gear to the list of approved gear types and sets the conditions for its use. Like all other Management Actions under RAMP, the Director must first issue a Declaration authorizing its use during an early season closure beginning April 1 or later. This must be done annually following an early season closure.

15. How long is my gear authorized?



Authorized Alternative Gear can be used after a Director Declaration until the close of the statutory California commercial Dungeness crab season. Renewals are not necessary, as approved gear types are able to be authorized for use via a Director Declaration in subsequent fishing seasons.

16. Can Conditional Authorization be removed or changed later?

Yes. The Department may deauthorize gear if an unforeseen issue arises, as outlined in [Title 14, CCR §132.8\(i\)](#).

17. Where can I find more information about authorized gear or past authorizations?

Completed Conditional Authorizations, General Alternative Gear Conditions, and gear requirements are posted on the Department's [Whale Safe Fisheries website](#). These documents outline the approved gear types, conditions of use, and any restrictions.

18. Where can I find the final authorization?

Once approved, Conditional Authorizations are shared with the applicant and posted on the Department's [Whale Safe Fisheries website](#).

GEAR USE QUESTIONS

19. Can I modify or redesign any of the approved Alternative Gear for my own use?

No. Any deviations from the gear type listed in the Conditional Authorization are not approved and may be subject to enforcement action by CDFW.

20. Can I use Alternative Gear in any fishery?

No. Pursuant to Title 14, CCR §132.8(i) Alternative Gear can only be used in the California commercial Dungeness crab fishery.

21. Can I use a “dump boat” to deploy, service, or retrieve Alternative Gear?

No, as stated in the General Alternative Gear Conditions, 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.

22. Do I need to follow both the Conditional Authorization and the General Alternative Gear Conditions?

Yes. Alternative Gear users must reference both the General and Conditional Authorization which can be found on the [Whale Safe Fisheries webpage](#). Participants that do not adhere to the conditions may be subject to enforcement action by CDFW.



23. Can I simultaneously fish using Alternative Gear in a closed Fishing Zone under RAMP while fishing in another open Fishing Zone utilizing traditional gear in the commercial Dungeness crab fishery?

No, you cannot deploy traditional gear in an open Fishing Zone while Alternative Gear is deployed in a closed Fishing Zone. All buoy tags assigned to a permitted vessel's trap tier for the take of Dungeness crab will be affixed to the inside of each trap. Any remaining buoy tags will be onboard the vessel and available for inspection by law enforcement.

24. Can I transit Fishing Zones to land catch in a closed Fishing Zone?

No, all crab taken in a Fishing Zone using Alternative Gear must also be landed in a Fishing Zone that is closed except for the use of Alternative Gear.

25. How do I avoid fishing gear conflicts and know where other gear is?

Alternative Gear vendors are required to report ropeless gear locations and deployment dates and times to both CDFW and a public facing portal. The Earthranger "ER Buoy" app allows the public to see gear locations, however, to maintain privacy, the app only displays fishing gear within 5 nautical miles of the user. The app is available in the Apple Store and Google Play store.