

Commissioners
Samantha Murray, President
Del Mar
Erika Zavaleta, Vice President
Santa Cruz
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Vacant, Member

STATE OF CALIFORNIA
Gavin Newsom, Governor

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

CALIFORNIA FISH AND GAME COMMISSION NOTICE OF RECEIPT OF APPLICATION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 1022 of the Fish and Game Code (FGC) and Section 91, Title 14 of the California Code of Regulations (CCR), on May 16, 2022 the California Fish and Game Commission (Commission) received an application for an Experimental Fishing Permit (EFP) from Nathan Perez to test the use of deep-set buoy gear (DSBG) and night-set buoy gear (NSBG) configurations to harvest swordfish, Pacific bluefin tuna, opah, common thresher shark, and other highly migratory species (HMS) in specific areas within California state waters. To date, DSBG and NSBG fishing trials have occurred only in federal waters (3-200 nautical miles) off California under federal exempted fishing permits (federal EFPs) issued by the National Marine Fisheries Services (NMFS) under the Magnuson-Stevens Act (50 CFR 600.745).

The application seeks approval for a Tier 3 (exploratory fishing) EFP. The proposed project would extend testing of these gears into state waters around the Channel Islands and southern California (off Ventura, Los Angeles, and Orange counties). All fishing activity would occur outside of existing marine protected areas.

The application proposes DSBG and NSBG configurations and operations consistent with the terms and conditions of the federal EFPs, with select exceptions (listed below). During the day, DSBG would be deployed at 300 to 1,000 feet (ft) below the ocean surface in depths of 1,200 ft or greater. At night, NSBG would be deployed at 300 ft below the ocean surface in depths greater than 500 ft. Fishing trips are expected to range from four to eight days in length (depending on the fishing location and condition); the estimated total number of fishing days are between 50 and 100 days for DSBG and 70 days for NSBG.

The application requests special consideration for the following deviations from the current terms and conditions of the federal EFPs:

- To allow NSBG to be modified to fish between 150 and 200 ft to target swordfish. Currently, fishing gear must be deployed below 300 ft to target swordfish and other marketable HMS.
- Contingent on the approval by NMFS, to allow for an increase in the amount of fishing gear (up to 20 pieces of gear per boat, either configuration or combined) that could be deployed at any one time. Currently, no more than 10 pieces of gear are allowed to be deployed simultaneously per boat.

The proposed project will require the following exemptions from FGC:

- FGC Section 8603, which prohibits the use or operation of any net, trap, line, spear, or appliance, other than in connection with angling, to take fish, except as specially authorized for by law.
- FGC Section 9025.5, which prohibits the use of troll lines or handlines having more than two hooks attached to each line.
- FGC Section 9028, which prohibits fishing lines over 900 ft in length unless they are part of DSBG authorized under federal law.

Pursuant to subsection 91(d), Title 14, CCR, the California Department of Fish and Wildlife (Department) accepted the application for technical review pursuant to subsection 91(d)(2), Title 14, CCR. Written comments and information on matters addressed in this notice and relevant to the Department's technical review of the accepted application may be submitted to Marina Som, Acting EFP Coordinator, at EFP@wildlife.ca.gov.

As soon as the Department's recommendation is available, but not less than 30 days before the hearing on this application, a notice will be published on the Commission's website at <https://fgc.ca.gov/EFP> and sent to interested individuals providing information on the opportunity for public comment. Please visit www.fgc.ca.gov for additional information.

May 20, 2022

Fish and Game Commission

Melissa Miller-Henson
Executive Director