



Experimental Fishing Permit No.

Revision Date:

MARINE FISHERIES: EXPERIMENTAL FISHING PERMIT TERMS AND CONDITIONS

Pursuant to California Fish and Game Code (FGC) Section 1022 and Section 91, Title 14, California Code of Regulations (CCR), the Experimental Fishing Permit (EFP) holder is authorized to conduct experimental fishing activities according to the requirements of the EFP approved by the Fish and Game Commission (Commission) and issued by the California Department of Fish and Wildlife (Department).

EFP Holder/Entity Administrator Name: Nathan J. Perez

EFP Holder/Entity Administrator Address: [address omitted]

Authorized Agent Name: Thomas H. Carson

Authorized Agent Address: [address omitted]

Vessel Name and ID #: Bear Flag II [vessel ID omitted]

Description of authorized activity: Commercial use of deep-set buoy gear (both standard and linked) and night-set buoy gear (both standard and linked) to target swordfish and other highly migratory species within state waters around the Channel Islands and in limited areas off the mainland.

STANDARD TERMS

These standard terms shall apply to all persons or vessels conducting activities under the EFP.

1. The permit shall be operated only on the vessels named on this form, if applicable. Either the EFP holder or the authorized agent must be aboard the vessel when activities are being conducted under this permit, and both are responsible and accountable for meeting the requirements and limits of this permit.
2. Pursuant to FGC Section 7857(d), the EFP holder or authorized agent shall have a valid copy of the Department issued EFP attached to a signed copy of this form in possession when activities are being conducted under this permit.
3. All persons conducting activities under an EFP must comply with all appropriate state and federal fishing laws and regulations, including but not limited to those relating to protected species, minimum size limits, and seasons or areas closed to fishing that are not otherwise exempted by the permit (see special conditions).



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- 4. The EFP holder and authorized agent shall cooperate with the Department by allowing personnel designated by the Department to board the fishing vessel on any fishing trip (if applicable) or enter a place of business operated by the EFP holder or authorized agent under this permit, to retrieve, observe, or inspect any logbook, records, data, equipment, procedures, or catch throughout the duration of the permit.
- 5. The EFP holder or authorized agent shall provide Department staff with a 24-hour notice prior to every fishing trip. The contact information for Department staff will be provided for this purpose at the time of permit issuance.

SPECIAL CONDITIONS

As set forth in subsection 91(i), Title 14, CCR, special conditions may be placed on this permit for research purposes and the conservation and management of marine resources and the environment (see following page).

As set forth in subsection 91(k), Title 14, CCR, special conditions may be amended or repealed as necessary for research purposes and the conservation and management of marine resources and the environment.

RECEIPT AND ACKNOWLEDGEMENT

The permit is not valid until the EFP holder has certified by their signature below that they have: 1) read and understand the standard terms and special conditions of the permit; 2) unless otherwise specified in special conditions, paid the appropriate fees specified in Section 704, Title 14, CCR; and 3) returned a signed copy of this form to the Department.

I have read, understand and agree to abide by all standard terms and special conditions of this permit.

_____ EFP Holder Signature

_____ Date

Received by License and Revenue Branch (LRB)

Fee \$ _____

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_____ By: LRB

_____ Date



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Authorization and Special Conditions

List of approved special conditions, names and addresses of any additional authorized agents, and/or names and identification number of any additional authorized vessels.

Additional Vessel: Bear Flag III [vessel ID omitted]

Conditions for both Daytime Deep-Set Buoy Gear (DSBG) and Night-Set Buoy Gear (NSBG):

1. Only one vessel/operator shall fish under this EFP at any time.
2. All individuals fishing under a state EFP must possess all required state and federal permits.
3. All fishing activity permitted under this EFP will be fished within the terms and conditions consistent with federal DSBG EFPs, and as outlined below. If a set extends outside of state waters, or if fishing occurs in both state and federal waters on the same trip, all fishing of that set or trip must be conducted under the more restrictive terms and conditions (whether federal or state).
4. 24 hours prior to commencing a fishing trip during which EFP activity is expected to be conducted, notice of vessel name, anticipated fishing dates, port of departure, and expected landing port must be made via email to the Department (LEDMarineNotifications@wildlife.ca.gov) and to the National Marine Fisheries Service (NMFS) West Coast Region (WCR) primary contact as directed under NMFS EFPs.
5. Within 24 hours of port landing and cessation of any EFP fishing trips, notice of vessel name and EFP fishing dates must be made via email to the Department (LEDMarineNotifications@wildlife.ca.gov) and to the NMFS WCR primary contact as directed under NMFS EFPs.
6. Fishing is permitted in state waters outside the boundaries of any marine protected area and deeper than 1,200 ft for DSBG or 500 ft for NSBG as follows:
 - a. **Channel Islands** – 1-3 nautical miles (nm) offshore of the Channel Islands except for around San Clemente Island, where fishing may occur between the shoreline and 3 nm as long as depths are greater than 1,200 ft for DSBG and 500 ft for NSBG;
 - b. **Mugu Canyon** –east of 119° 09' W. longitude and west of 119° 02' W. longitude
 - c. **Point Dume** –east of 118° 47.260' W. longitude and west of 118° 42' W. longitude
 - d. **Palos Verdes** –north of 33° 44.800' N. latitude and south of 33° 48' N. latitude **or** east of 118° 22.500' W. longitude and west of 118° 18' W. longitude
 - e. **Newport to Dana Point** –south of 33° 35.372' N. latitude and north of 33° 27.300' N. latitude
7. This EFP shall be used to fish a maximum total of 10 pieces or sections combined of standard buoy gear (SBG) and linked buoy gear (LBG) deployed simultaneously per fishing period (a day or a night), unless otherwise approved by the Department, as specified in 8, below.



8. If the Department deems the permitted activity to have minimal negative impacts and confirms lack of unacceptable bycatch, gear conflicts, or other concerns through observer records, the Department may grant the permit holder permission to fish more than 10 pieces of gear as specified by the Department and in specified state waters.
9. A single piece of SBG shall contain no more than a single weighted line with up to three hooks. A single section of LBG shall contain no more than three hooks, up to a maximum of 30 hooks total for all gear set. The gear shall be soaked for no more than eight continuous hours each day. A full complement of ten pieces of DSBG (including all vertical lines, whether SBG, LBG, or a combination of the two) shall contain a maximum of 30 hooks total.
10. All hooks must be deployed below the mixed layer (>295 ft; 90 m) to target swordfish and other marketable HMS during both day and night fishing; for SBG, only one hook may be placed shallower than 820 ft, and up to 2 additional hooks may be placed at depths of 820-1,312 ft .
11. If the Department deems the permitted activity to have minimal negative impacts and confirms lack of unacceptable bycatch, gear conflicts, or other concerns through observer records, the Department may grant the permit holder permission to fish NSBG shallower than 295 ft as specified by the Department and in specified state waters.
12. Each set will use only 16/0 or 18/0 circle hooks with no more than 10-degree offset, using only squid or mackerel bait, or artificial baits.
13. The surface flotation system will consist of a minimum of three buoys. The surface buoy flotation and strike detection array must be a streamlined inline configuration, with no loops or hanging material, and no more than 6 feet between adjacent buoys, to reduce entanglement potential. The surface buoy flotation and strike detection array will consist of a >40-pound flotation non-compressible hard ball, a minimum six-pound flotation inline-float, and a sub-surface inline-float, all connected in-line with a minimum of 3/8 inch diameter line, and no more than six feet between adjacent buoys. Use of buoy tether attachments (e.g., non-streamlined gear with loops, nooks, and dangling components) will be prohibited.
14. For LBG, the “serviceable link” that connects the linked buoy gear sections is required to have a minimum of 50-foot drop length.
15. Each vertical line must use a minimum of an 8-pound (3.6 kg) lead weights to minimize slack in the line and maintain the gear in a vertical orientation. Strike indicator floats will be used to detect ‘hook-up’ and allow for the immediate gear servicing upon a ‘strike.’ A ‘strike’ is when a fish or other animal has taken the baited hook, and a ‘hook-up’ is when the fish or animal is attached to the line via the hook. Line shooters must also be used when deploying LBG. Monofilament mainline size for LBG shall be limited to a maximum of 3.2 millimeters with 600-800 pounds breaking strength.
16. Each piece of DSBG or NSBG must be equipped with a flag, radar reflector, a strobe and a trailing buoy marked with “CDFW EFP”. Both the flags and buoys must be marked with the vessel’s official number.
17. All gear must be deployed as quickly as practicable and the vessel must be proximal to the



gear at all times (<2 nm) to meet “active tending” requirements (as set forth in condition 18 below) for the purpose of minimizing impacts to any non-target species.

18. The operator of the fishing vessel must actively tend all gear at all times and must maintain the gear within sight (<2 nm from any one piece of gear) of the EFP participant’s fishing vessel. Due to the proximity to shore, the total spatial distribution of all pieces of gear is not to exceed a 3 nm diameter footprint, with the farthest piece of gear being no more than 2 nm from the vessel, which is more restrictive than the federal requirement of 3 nm from any one piece of gear and a 5 nm footprint.
19. Any vessel fishing under this EFP is required to carry a qualified fisheries observer, at the discretion of the Department, as well as a federal observer, at the discretion of the NMFS WCR Observer Program contact. 48 hours advanced notice of departure must be made to the observer provider in accordance with guidelines provided by the NMFS WCR Observer Program contact.
20. No fish shall be transferred to or from the vessel operating under this permit. Fish caught outside of state waters or by other authorized HMS gears (e.g., harpoon, drift gillnet) on the same vessel must be distinctly marked for reporting on landing receipts and logbooks. Each vessel shall only retain fish caught on gear it has deployed, tended, and retrieved.
21. No groundfish shall be taken or possessed onboard when DSBG or NSBG is used or on board the vessel.
22. For all trips, whether or not an observer is on board, federal DSBG log sheets must be filled out within or during the current calendar day for all fishing days, and copies of all log sheets must be submitted to the specified Department and NMFS WCR Observer Program contacts within 24 hours of landing. Logbooks must indicate which sets occurred in state waters (partially or completely), which fish (number or pounds) were caught in state waters and must match corresponding landing receipts.
23. All landing receipts must have the state EFP permit number recorded in the “State Permit #” field, “DSBG EFP” or “NSBG EFP” written in the notepad area of the landing receipt, and indicate if fishing occurred in state waters. The correct gear codes (e.g., CDFW code 83 for SBG, 84 for LBG, 99 for all NSBG) must be used on the landing receipt. Fish caught in state waters must be reported separately on landing receipts (separate row) than fish caught in federal waters. All fish caught by other authorized HMS gears must be kept separate in the vessel hold, marked to identify gear type, and reported separately on landing receipts using the correct gear codes (e.g., CDFW code 1 for hand-held hook and line, 12 for harpoon, 63 for large-mesh drift gillnet).



Additional Conditions for DSBG (both SBG and LBG):

24. Fishing permitted under this EFP is limited to state waters (as specified in 6, above) during the day between sunrise¹ (local time) and sunset (local time). All vessels shall not set gear prior to sunrise and must initiate haul-back procedures by sunset. All DSBG (SBG and LBG) must be removed from the water no later than three hours after sunset local time. All DSBG (SBG and LBG) shall not be modified in any way to fish shallow (hooks at less than 90 m deep) and shall not be fished at night.

Additional Conditions for NSBG (both SBG and LBG):

25. Fishing permitted under this EFP is limited to state waters (as specified in 6, above) during the night between sunset² (local time) and sunrise (local time). All vessels shall not set gear prior to sunset and must initiate haul-back procedures by sunrise. All NSBG (SBG and LBG) must be removed from the water no later than three hours after sunrise local time. All NSBG (SBG and LBG) shall not be modified in any way to fish shallow (hooks at less than 90 m deep).

26. The strike detection buoy will have an extender at least 2 feet above the water with a light on top to aid in active tending of the gear. Also attached to the main floatation buoy is a flag and light or radar reflector.

¹ For the purpose of this section, sunset is defined as the time at which the upper edge of the sun disappears below the horizon or, if the view of the sun is obscured, the local time of sunset calculated from tables developed by the U.S. Naval Observatory or other authoritative source approved by the Regional Administrator, West Coast Region.

² For the purpose of this section, sunset is defined as the time at which the upper edge of the sun disappears below the horizon or, if the view of the sun is obscured, the local time of sunset calculated from tables developed by the U.S. Naval Observatory or other authoritative source approved by the Regional Administrator, West Coast Region.