

## **EXPERIMENTAL FISHING PERMIT SAMPLE APPLICATION PACKET**

*Applicants are responsible for submitting a complete written application packet containing all required elements specified in subsection 91(c)(2), Title 14, California Code of Regulations (CCR).*

*While applications for EFPs will be accepted in any written format, applicants are encouraged, but not required, to use and customize this sample packet to apply for an EFP. Applicants may also include additional information and/or supplementary materials (e.g., maps, diagrams, technical reports, letters of support, project budget and funding, or other supporting documents) with their application for review and consideration.*

*For further information on the EFP application procedures, please refer to Section 91, Title 14, CCR.*

*Applicants can visit [CDFW's EFP Program page](#) for more information on the EFP Program and useful tools and resources.*

**PROJECT TITLE: Deep-set and Night-set buoy gear fishing within California state waters**

**A. CONTACT INFORMATION**

Provide contact information for key participants, including the applicant and, if applicable, the entity administrator and any authorized agent(s). If any key participant does not have a Get Outdoors ID (GO ID) or commercial fishing license (CFL) number, they must provide information for CDFW to create a new customer profile pursuant to subsection 91(c)(2)(A)(1), Title 14, CCR.

**1. Applicant**

Name	Nathan J. Perez
Title and Affiliation	
Mailing Address	██
Email Address	██
Telephone Number	██
████████ CFL Number	██
<b>If no GOID or CFL number:</b>	<b>Please provide the following information.</b>
Residence Address (if different from mailing)	
Date of Birth	
Height	
Eye Color	
Hair Color	
Weight	
Gender	
Personal Identification	A copy of DMV ID, passport, military ID, or other acceptable form of identification as listed in <u>subsection 700.4(c), Title 14, CCR.</u>

**2. Entity Administrator (if applicable)**

Name	
Title and Affiliation	

Mailing Address	
Email Address	
Telephone Number	
GOID or CFL Number	
<b>If no GOID or CFL number:</b>	<b>Please provide the following information.</b>
Residence Address (if different from mailing)	
Date of Birth	
Height	
Eye Color	
Hair Color	
Weight	
Gender	
Personal Identification	A copy of DMV ID, passport, military ID, or other acceptable form of identification as listed in <u>subsection 700.4(c), Title 14, CCR.</u>

**3. Authorized Agent(s) (if applicable)**

Using the table below, complete a separate entry for each authorized agent.

Name	Thomas H. Carson
Title and Affiliation	
Mailing Address	██
Email Address	████████████████████
Telephone Number	██████████
GOID or CFL Number	██████████
<b>If no GOID or CFL number:</b>	<b>Please provide the following information.</b>
Residence Address (if different from mailing)	
Date of Birth	
Height	
Eye Color	
Hair Color	

Weight	
Gender	
Personal Identification	A copy of DMV ID, passport, military ID, or other acceptable form of identification as listed in <u>subsection 700.4(c), Title 14, CCR.</u>

## B. STATEMENT OF PURPOSE

1. Describe the purpose and goals of the proposed project, including how the project meets or is consistent with the policies of [Fish and Game Code \(FGC\) Section 7050](#).

Commercial gears authorized for the take of highly migratory species are limited, especially for the take of swordfish. California state bill SB1017 is further reducing available gear types by sunseting the large-mesh drift gillnet (DGN) fishery, the only commercial gear type currently authorized capable of harvesting large amounts of swordfish. Deep-set buoy gear (DSBG; both standard buoy gear [SBG] and linked buoy gear [LBG]) was recommended to NMFS by the Pacific Fishery Management Council for authorization to harvest west coast swordfish outside of state waters after years of federal exempted fishery permit (EFP) trials. The gear has shown to be successful in catching swordfish with minimal non-target catch, protected species interactions, or lost gear. An additional federal EFP has been issued for testing night-set buoy gear (NSBG), a slightly modified version of DSBG fished at night at shallower depths outside of State waters.

This fishing activity conducted with DSBG and NSBG meets several of the policies under FGC Section 7050, including:

(b)(1) – conserving health and diversity. DSBG has lower non-target catch and bycatch than other commercial gears which target swordfish. This is beneficial to non-target/non-marketable species as interactions are minimal. Since DSBG fishing is actively tended, any catch which is not retained can be released quickly with minimal damage to the animal.

(b)(2) – allow and encourage activities that are sustainable. DSBG selectively targets species which have stable population levels and catches them in a way that is sustainable. Since the gear is actively tended, lost gear is minimal.

(b)(4) – recognize importance of sustainable commercial fishing to the economy. DSBG provides an innovative technique that will be economically viable if allowed to target productive areas in a sustainable manner.

2. Provide a list of proposed activities to be authorized under the EFP and justification for each activity.

Under this EFP, I would like to fish DSBG (both SBG and LBG) and NSBG within state waters in the following areas: 1) Mugu canyon, 2) Point Dume, 3) Palos Verdes, 4) Newport Beach to Dana Point, and around the Channel Islands (maps provided at end of application). These areas are within three miles (inside state waters) of the islands and mainland where the DGN and harpoon fleets have been very productive in years past. The conditions in these limited areas are ideal and have some of the best bottom contour and temperature breaks for fishing swordfish, as they are deep enough to attract swordfish. I believe they have great potential to be productive, while maintaining the same lack of undesired bycatch and interactions with protected species. The federal EFPs (along with the federal commercial fishery, once authorized by NMFS) only permit DSBG/NSBG fishing in federal waters (3-200nm). As stated in #1, above, DSBG has shown to have minimal interactions with protected species, low mortality of non-marketable species (as the gear is actively tended and unmarketable catch is able to be released quickly with minimal interaction and handling).

### **C. STATEMENT OF QUALIFICATIONS**

Statement of qualifications must demonstrate ability of the key participants to perform the following duties and responsibilities.

1. Lead and provide supervisory oversight for all activities of the permit under the authorizations, standard terms, and special conditions.

For the last 7+ years I have worked as crew on and captained a vessel fishing DSBG and NSBG under a federal EFP. I have approximately 460 days of fishing experience with this gear (260 as captain, 200 as crew), no protected species interactions, and no lost gear (out of roughly 2,600 deployed pieces of DSBG/NSBG). Additionally, I have 20 years of commercial fishing experience in different fisheries such as DGN, gillnet, hook and line, lobster, crab, albacore troll, have captained several different vessels, and managed crews of 1-2 people.

---

2. Experience in identification, methods, and protocols specific to the requested species listed under [Section E.2.](#) of this document.

In my 20 years of commercial fishing experience, I have become proficient at identifying different fish species, safely handling both dead and live catch, and practicing safe release procedures for incidental live catch. I have participated in the federal protected species skipper workshop, as required by my federal EFPs.

---

3. Obtain all appropriate authorizations and oversee quality control measures to assure conformance to the specified standards or requirements (e.g., take appropriate measures to ensure, promote, and facilitate compliance).

I currently possess all required California commercial permits, licenses and registrations. I have also already successfully completed the Council EFP application process twice, worked with NMFS to complete all necessary requirements to be issued a federal EFP (commercial fishing vessel safety examination decal issued by the Coast Guard, federal observer program vessel safety inspection, federal protected species skipper workshop/training, pass OGC/OLE sanctions check), have carried a federal observer on my vessel on 182 fishing days, and completed and submitted in a timely fashion all required logbooks, landing receipts, and progress reports to CDFW, NMFS, and PFMC.

---

4. Train all persons operating under the permit.

I have trained at least 8 crew members to safely fish DSBG and NSBG on my vessel, as well as overseeing crew on vessels in other fisheries.

---

5. Coordinate field activities and communicate field findings with CDFW Marine Region.

N/A

---

6. Collect, analyze, and transmit data gathered under the EFP to CDFW marine region.

I have completed state and federal commercial fishing logbooks and landing receipts over the past 20 years of fishing experience, submitted them in a timely manner, assured accurate records, and facilitated necessary observer coverage to allow for observer data to be collected.

## D. PERMIT APPLICATION TYPE

1. Select desired permit tier.

- Tier 1 (For purposes other than exploratory fishing)
- Tier 2 (For purposes other than exploratory fishing with assistance from CDFW)
- Tier 3 (For the purpose of exploratory fishing)
- Tier 4 (For the purpose of exploratory fishing with assistance from CDFW)

2. Has pre-application consultation with CDFW taken place with respect to this proposal? (Required for a Tier 2 EFP, Tier 4 EFP, or permit fee reduction option)

- Yes                       No

If yes, attach a copy of the pre-application consultation summary letter or provide the name and contact information of CDFW staff with whom the applicant consulted:

John Ugoretz [REDACTED] EPM I – Pelagic Fisheries & Ecosystem Program  
Liz Hellmers [REDACTED] Senior ES (specialist)

## E. PROJECT DESCRIPTION

Describe the proposal and any other relevant details, including:

1. A description of the experimental design and research plan, including specific procedures for data collection, storage, processing, and analysis; and a timeline for implementing the project, including, if applicable, when compensation fishing is expected to occur.

I will begin fishing as soon as the EFP has been issued to me if environmental conditions allow. Other specifics of gear configuration, data collection etc. are described in below questions and in figures attached to the end of this application.

2. A list of target species expected to be harvested as samples or for compensation under the EFP, including anticipated amounts (weight or number) and proposed use (e.g., bait, sell, personal use, or other (e.g., research or tag and release)). [Add rows to the table below as needed.](#)

Species Name	Weight or Number	Proposed Use
Swordfish	Up to 250	Sell
Pacific bluefin tuna	Up to 250	Sell
Opah	Up to 100	Sell
Common Thresher	Up to 25	Sell
Misc marketable HMS	Up to 250	Sell

3. A list of species expected to be taken incidental to fishing conducted under the EFP, including anticipated amounts (weight or number), proposed use (e.g., bait, sell, personal use, discard, or other (e.g., research or tag and release)), and a description of any measures that will be used to reduce incidental catch mortality. [Add rows to the table below as needed.](#)

Species Name	Weight or Number	Proposed Use
Bigeye thresher shark	Up to 25	Sell or live release
Blue shark	Up to 25	Live release

4. A description of the mechanisms that will be utilized to ensure that any proposed harvest limit for target and incidentally caught species are not exceeded and are accurately tracked or monitored (e.g., at sea fisheries observers, electronic monitoring, or other reporting method); and, if applicable, a description of the vessel's capacity to accommodate an onboard observer.

There are currently no quotas or harvest limits for the above stocks, except for Pacific bluefin tuna. My proposed EFP activity will not negatively affect any of these stocks, all of which are currently understood to be in healthy condition. Pacific bluefin tuna are managed under an annual quota tracked by CDFW, and I am aware that all bluefin tuna landings are required to be reported within 24 hours. I will complete daily logbooks of all fishing activity and am able to carry an observer when requested. My vessel has 6 bunks, two heads, and only one crew member is necessary to fish DSBG. This allows plenty of room for an observer. My vessel has met all Coast Guard and federal observer program safety requirements and is up to date in these verifications.

5. A description of any potential impacts on existing fisheries, habitats, or possible incidental interactions with threatened, endangered, or protected species (e.g., sea turtles, marine mammals, and birds) that could occur as a result of the project.



Impacts to existing fisheries are not anticipated. My gear is fished within a 5 nm mile radius, is actively tended, and there is minimal gear at the surface. Surface marker buoys will help other vessels avoid the gear and its configuration prevents the gear from fouling propellers or snagging on passing vessels. The US imports over 85% of its swordfish, so additional domestic catch would be beneficial for the markets and would not displace any currently authorized commercial fishing gear allowed for swordfish harvest.

To date I have had no interactions with any threatened, endangered or protected species using this gear. Incidental catch of non-target species has been minimal (a couple of blue sharks released alive in good condition). In thousands of sets conducted by all federal DSBG EFP fishing only a couple of interactions with elephant seals have occurred, all released alive with minimal injury. There was one surface interaction with a sea turtle (released alive with no injury) which resulted in NMFS requiring a modification to the surface configuration of the gear for all EFP holders.

---

6. The type and amount of gear to be used, including gear specifications and design, and, if applicable, a description of any measures and/or devices that will be used to reduce bycatch. If the project involves gear modifications or other gear innovations, the description must include the means by which CDFW staff can locate, retrieve, and inspect the proposed gear.

I intend to use DSBG (both SBG and LBG) and NSBG (both SBG and LBG) in the exact configuration approved by the PFMC and allowed by NMFS under the federal EFPs (Terms and Conditions for SBG [here](#) and LBG [here](#)).

Summary of Federal specifications for DSBG/NSBG configuration:

- 1) Daytime SBG and LBG will be fished between sunrise (local time) and sunset (local time). Night SBG and LBG will be fished between sunset (local time) and sunrise (local time). If both day and night buoy gear fishing occur during the same 24-hour day, gear will be retrieved at the end of fishing with one type and re-deployed at the beginning of the fishing period for the other.
- 2) No fish will be transferred to or from the vessel while at sea. Fish caught by other authorized gears on the same vessel/trip will be kept separate and distinct for reporting on landings receipts.
- 3) A maximum total of 10 pieces or sections combined of SBG and LBG per vessel deployed simultaneously per day (unless CDFW approves more pieces in the future).

- 4) A single piece of SBG will contain no more than a single weighted line with up to three hooks. A single section of LBG will contain no more than three hooks, up to a maximum of 30 hooks total. The gear will 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 or LBG) will contain no more than 30 hooks. A combination of single pieces of SBG and linked sections of LBG will contain a maximum of 30 hooks.
- 5) For daytime fishing, all hooks will be deployed below the mixed layer (>90 m) with a maximum of 3 hooks to target swordfish and other marketable HMS at depths of 250 – 400 m (for SBG, one hook may be placed at greater than 90 m depth, and up to 2 hooks may be placed at depths of 250 – 400 m). 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.
- 6) The surface flotation system will consist of a minimum of three buoys. The surface buoy flotation and strike detection array will 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 >46 lb non-compressible hard ball, a minimum six pound 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. There will be no use of buoy tether attachments (e.g., non-streamlined gear with loops and dangling components).
- 7) Each piece of SBG will be equipped with a flag, radar reflector, and strobe. The buoys and flags will both be marked with the vessel's official number.
- 8) Each piece of SBG will use, at minimum, a single 3.6 kilogram lead weight that minimizes slack in the line and maintains the gear in a vertical orientation. Strike indicator floats will be used to detect 'hook-up' and allow for immediate gear servicing upon a 'strike.' A 'strike' occurs when a fish or other animal has taken the baited hook, and a 'hook-up' is when the fish or other animal is attached to the line via the hook. Line shooters will also be used when deploying LBG. Monofilament mainline size for LBG will be a maximum of 3.2 millimeters with 600-800 lb breaking strength.
- 9) For LBG, the "serviceable link" that connects the LBG sections will have a minimum of 50 foot drop length.
- 10) Each piece of gear will be deployed as quickly as practicable, and the fishing vessel will maintain a distance of no more than 3 nm from any piece of deployed gear.
- 11) The operator of the fishing vessel will actively tend all gear at all times and will maintain the gear within sight (<3 nm from any one piece of gear) of the fishing vessel. The total spatial distribution of all pieces of gear will not exceed a 5 nm footprint, with the closest piece of gear being no more than 3 nm from the vessel.

As listed in the above summarization, the current federal EFPs allow for 10 pieces of DSBG/NSBG to be fished at any one time. This year I will be applying to the PFMC for an EFP which would allow me to test fishing with a larger number of pieces (15-20). I request that should the PFMC approve this new EFP AND I have fished DSBG/NSBG in state waters successfully with no issues that CDFW consider allowing me to fish 15-20 pieces of gear in state waters as well. I am willing to take an observer on all such trips should CDFW require.

---

7. The location and timing of the project. The description must include trip specifications, such as fishing depth, anticipated number of trips, expected trip duration, and estimated number of hauls and average soak time (for fixed gear) or estimated number of tows/sets to be made per day, and estimated duration and speed per tow (for mobile gear). For project vessels listed in [Section F](#) of this document, the description must also identify any fishing activity that is expected to occur on the same trip as the project for purposes other than those provided by the EFP (e.g., fishing before and/or after the EFP activities).

All fishing activity within state waters would be in those areas listed above in B2 (Mugu canyon, Point Dume, Palos Verdes, Newport Beach to Dana Point, and around the Channel Islands - maps of general fishing locations provided at end of application ). Fishing activity within state waters will generally be between 1-3nm offshore, except for at San Clemente Island, where there are deep canyons within 1 nm. All fishing off the northern Channel Islands will be outside of 1 nm. All fishing activity would be outside boundaries of existing marine protected areas. Daytime sets are fished between 300-1000 ft (usually on the deeper end) and will be in waters 1,200 ft or greater in depth, and nighttime sets are fished at 300 ft and will be in waters greater than 500 ft, in accordance with the federal EFP requirements.

I estimate 50-100 fishing days for DSBG and 70 fishing days for NSBG. Depending on fishing location and conditions, trips are rarely longer than 4-8 days. Soak times for each set are around 8 hours or less, with individual pieces of gear being retrieved when something is hooked. They are then usually redeployed, but more than 10 pieces of gear are never in the water at one time. All sets will be actively tended. Fishing with additional gears will likely be minimal and consist only of opportunistic harpoon or hook and line fishing.

Nighttime fishing with NSBG under my federal EFP has only caught Pacific bluefin tuna. I suspect this is because swordfish are shallower than 300 ft at night. I would like to request

CDFW consider allowing me to fish some exploratory NSBG sets shallower (150-200 ft) to see if this results in swordfish catch.

### F. PROJECT VESSELS (IF APPLICABLE)

Provide vessel information. Using the table below, complete a separate entry for each project vessel to be authorized by the EFP. For any vessel that will be used in commercial fishing activity related to the permit, the commercial boat registration number issued pursuant to [FGC Section 7881](#) is required. For any vessel that will not be used in commercial fishing activity related to the permit, the commercial boat registration number issued pursuant to [FGC Section 7881](#) or a copy of the United States Coast Guard Certificate of Documentation is required. If there is no Certificate of Documentation for the vessel, a copy of the vessel’s state registration is required.

Vessel Name	Bear Flag II
Commercial Boat Registration Number	[REDACTED]
Vessel Owner Number	[REDACTED]
Telephone Number	[REDACTED]
Vessel Operator Name	Nathan J Perez, Thomas H Carson

Vessel Name	Bear Flag III
Commercial Boat Registration Number	Not yet completed/registered
Vessel Owner Number	[REDACTED]
Telephone Number	[REDACTED]
Vessel Operator Name	Nathan J Perez, Thomas H Carson

### G. SIGNATURE

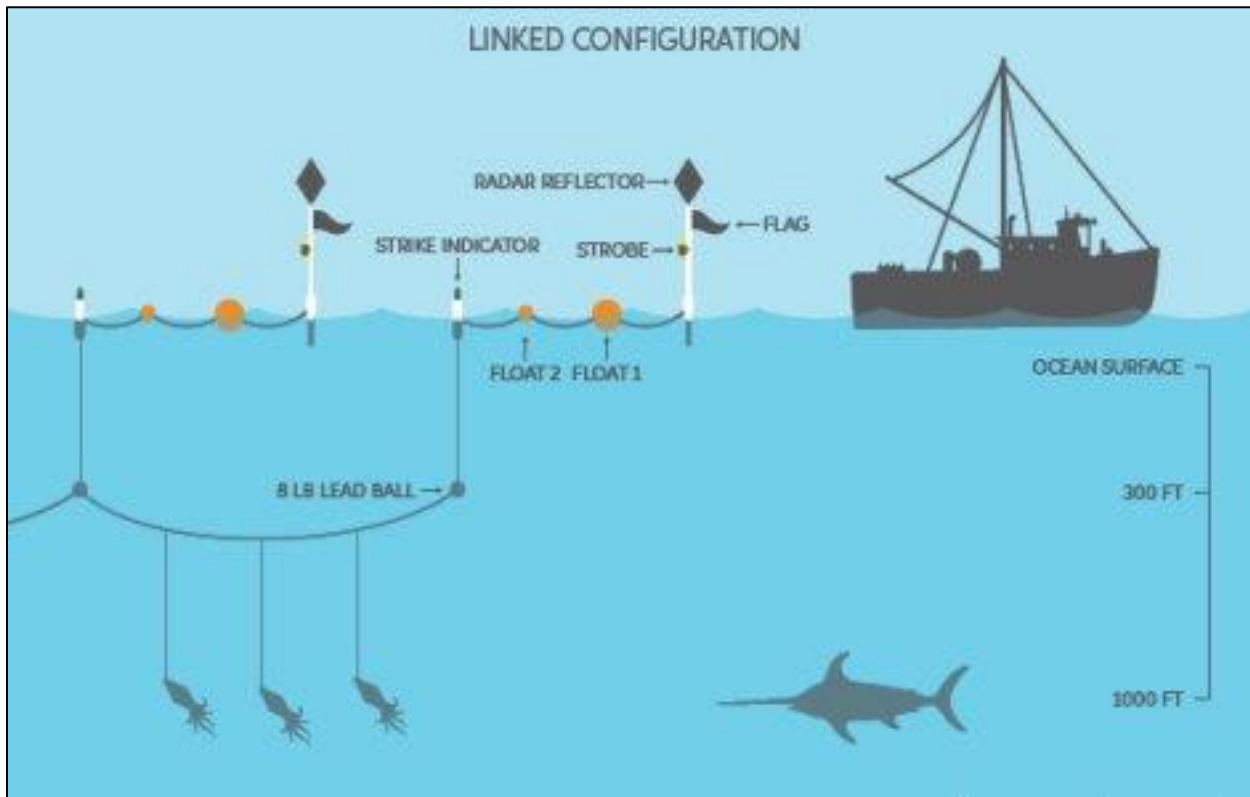
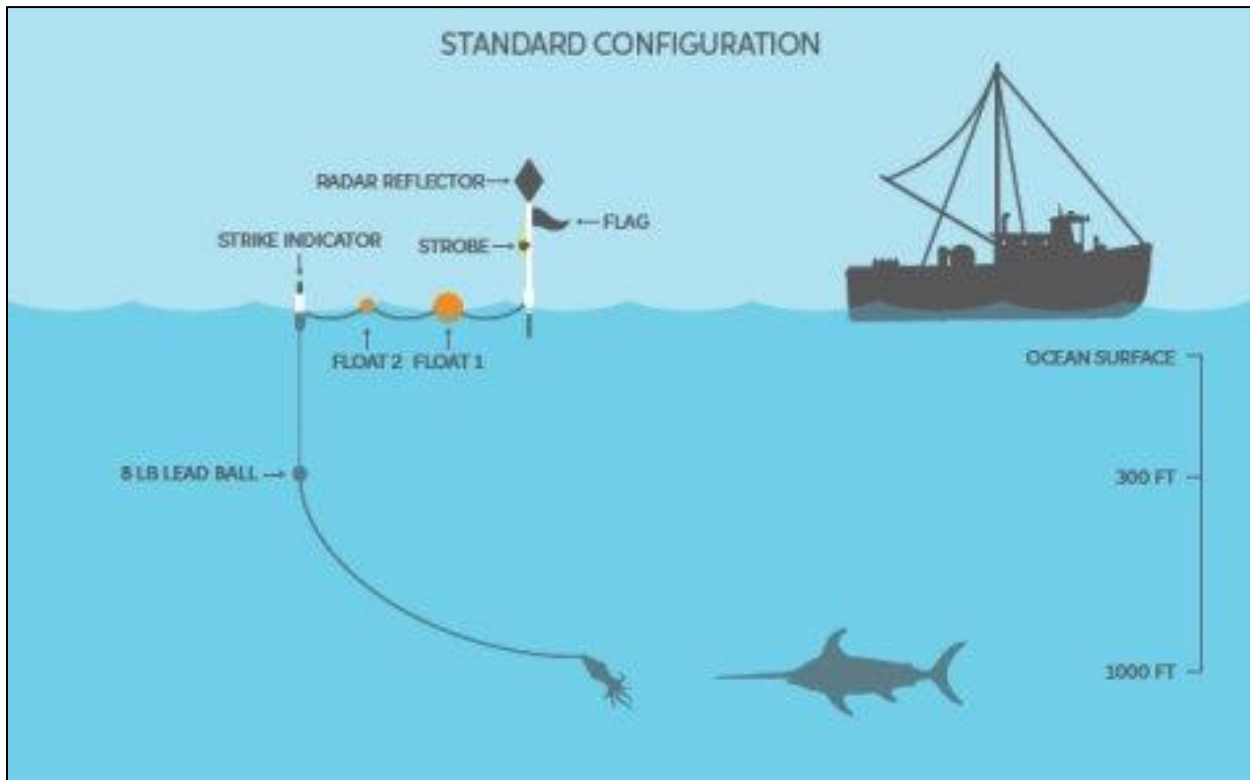
Signature of Applicant

Date

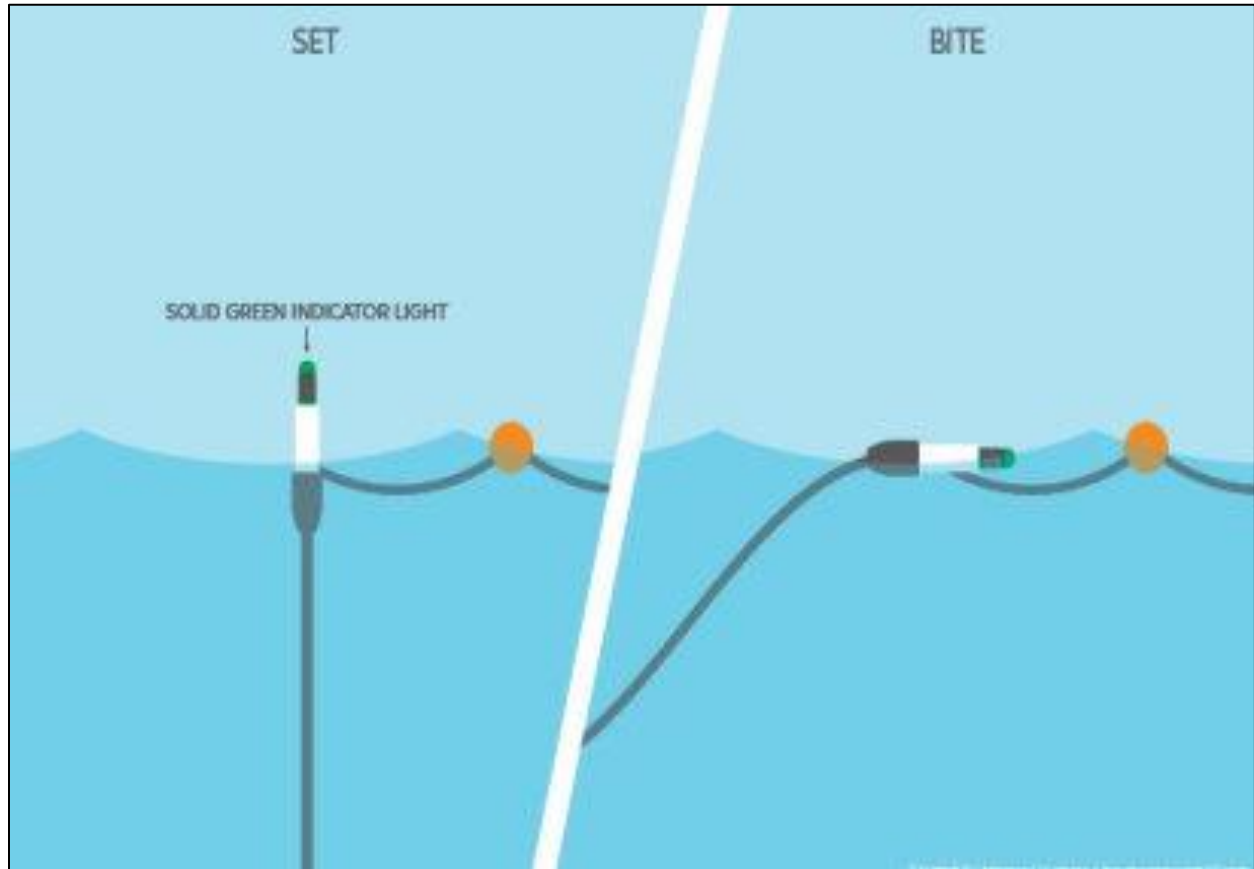
### H. APPLICATION FEE PAYMENT

Please see [CDFW’s EFP Program page](#) for further information.

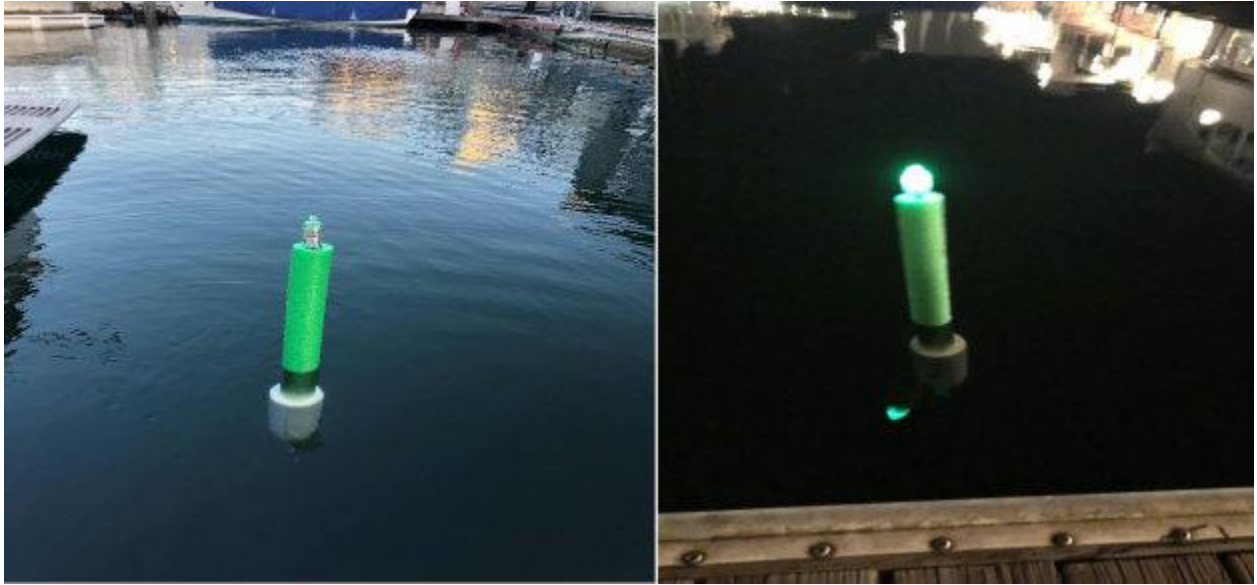
**Deep-set buoy gear configurations:**



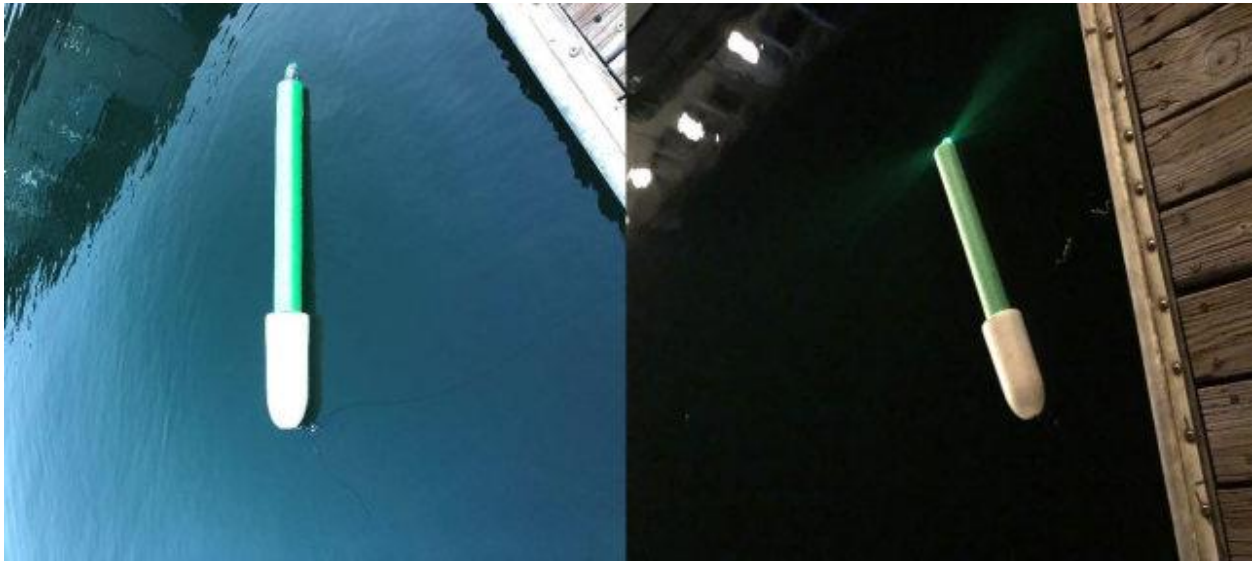
**Night-set buoy gear configuration (*light color has been changed to blue on actual gear at request of Enforcement*):**



**Deployed:**

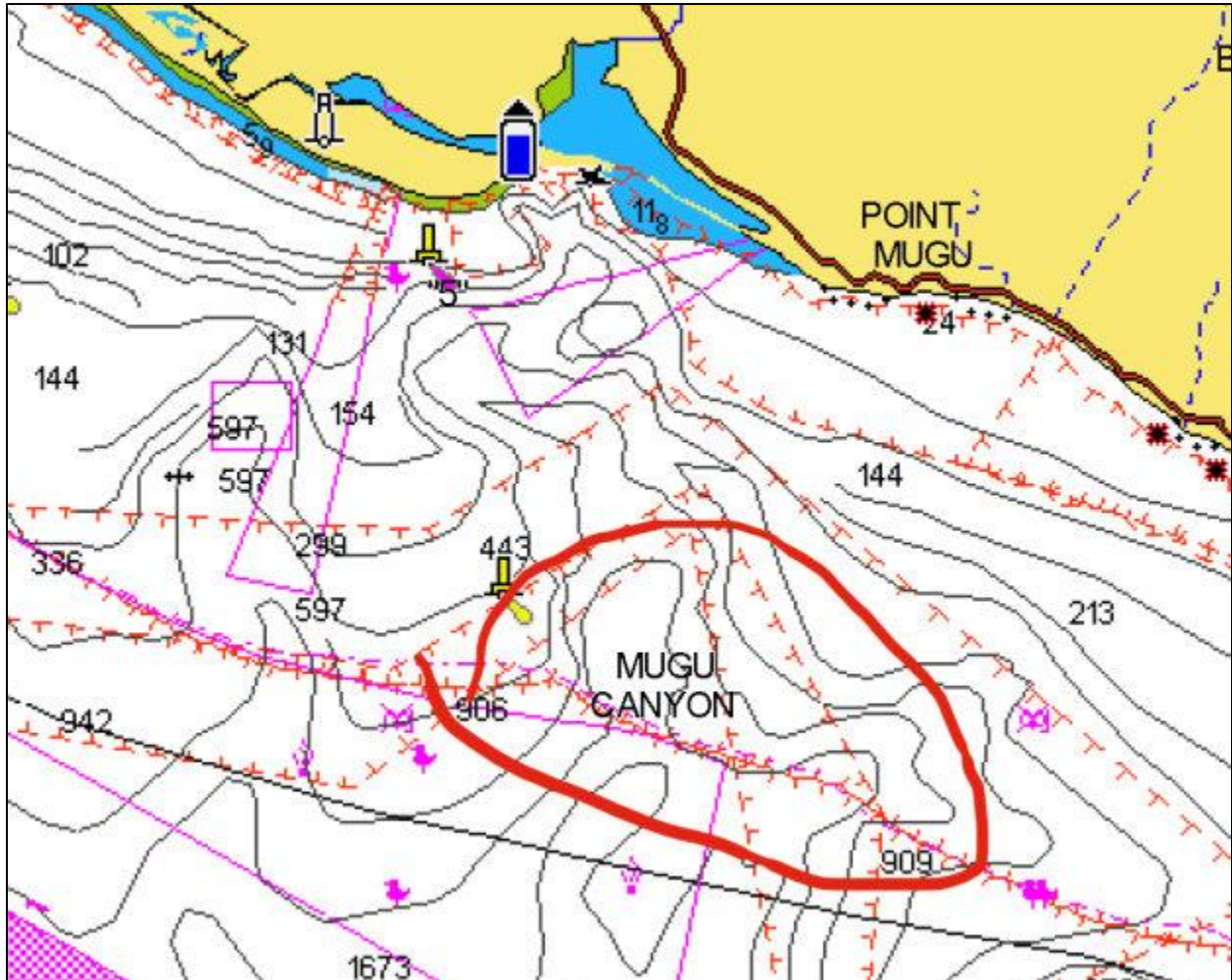


**Strike Indicated:**



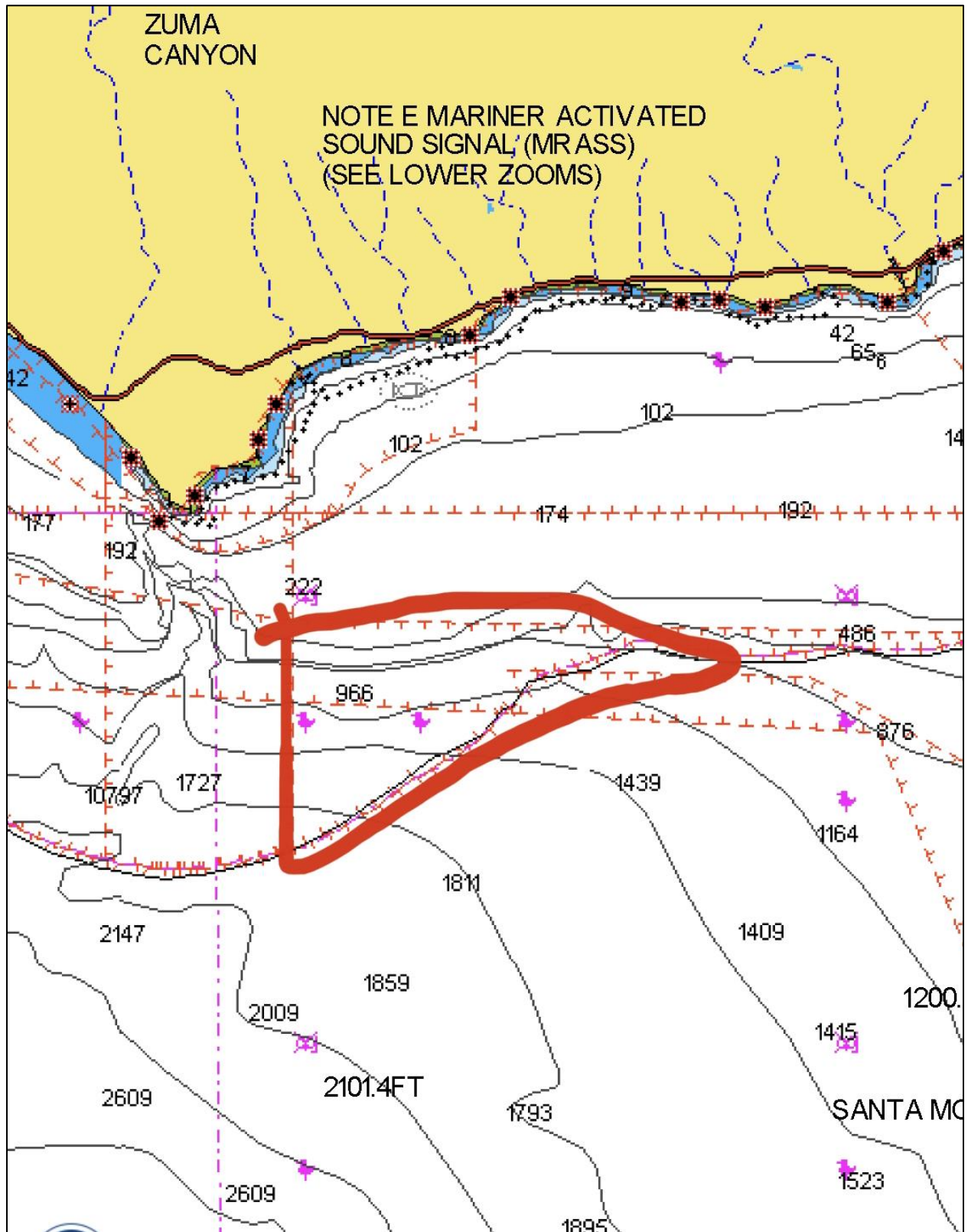
**Areas within mainland state waters (maps are provided to give a general idea of fishing locations. No fishing will occur within any marine protected areas):**

**Mugu canyon**

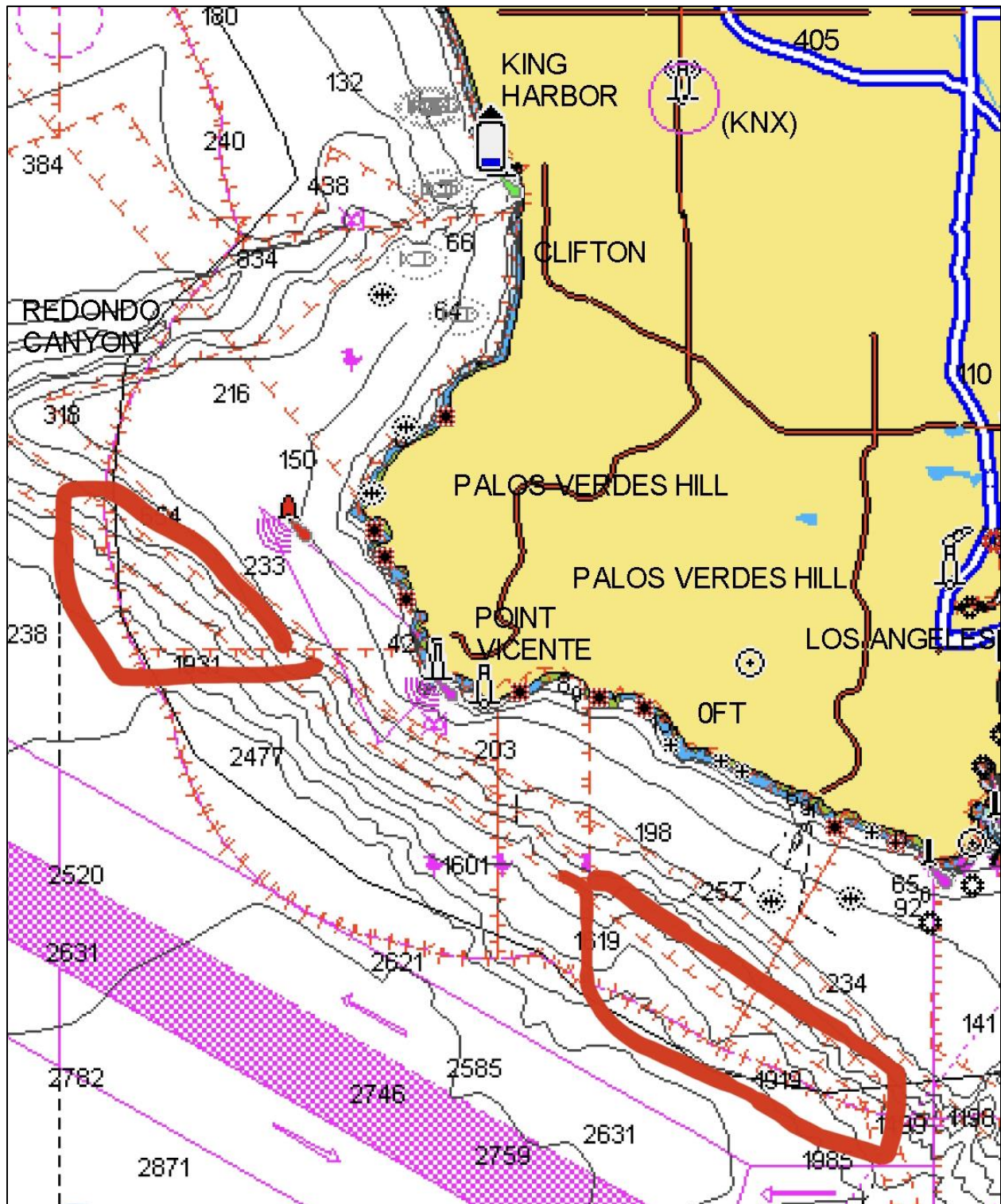




Point Dume



Palos Verdes



Newport to Dana Point

