



Experimental Fishing Permit No. [REDACTED]

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: [REDACTED]

Authorized Agent Name: **See Authorized Agents list on Page 3**

Authorized Agent Address: **See Authorized Agents Address list on Page 3**

Vessel Name and ID #: **See Authorized Vessels list on Page 3**

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).
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 \$ _____

Experimental Fishing Permit No. EFPT3-001

Revision Date: _____

LRB Signature: _____ 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.

Key Participants

1. **Authorized Agents and Vessels:** This EFP is valid only for the authorized agents and vessels named below. The Department may allow up to 5 authorized agents and 5 vessels for this EFP, as it deems necessary for research purposes.

- a. **Authorized Agent Names and Addresses**

1. Donald Krebs ([REDACTED]) – Owner/Operator F/V Gold Coast
[REDACTED]

2. Markus Medak [REDACTED] – Owner/Operator F/V Shearwater
[REDACTED]

- a. **Authorized Project Vessels**

1. F/V Finner [REDACTED]
2. F/V Bear Flag III [REDACTED]
3. F/V Gold Coast [REDACTED]
4. F/V Shearwater [REDACTED]

2. **Other Key Participants:** All people not listed in Condition 1 who are present on the vessel must be disclosed to the Department prior to departure from port to conduct EFP activities. Permittees (i.e. EFP holder and authorized agents) shall submit the names and commercial fishing license numbers of participants in their 48-hour pre-trip notice via email to EFP@wildlife.ca.gov, LEDMarineNotifications@wildlife.ca.gov, and Clark.McLennan@wildlife.ca.gov. If there is a change in the key participants present on the vessel prior to departure, but after submission of the 48-hour pre-trip notice, the authorized agent shall send an amended list of names and associated commercial fishing license numbers to the email addresses listed above.

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

3. All parties (as specified in Conditions 1-2, above) operating under the authority of this permit must be informed of and agree to abide by all standard terms and special conditions of this permit. Permittees and any person assisting with activities occurring under the authority of the EFP shall be liable for their violations of the FGC and regulations adopted thereto pertaining to experimental fishing, including violations of permit terms or conditions.
4. All individuals fishing under a state EFP must possess all required state and federal permits.
5. All fishing activity permitted under this EFP will be fished within the terms and conditions consistent with federal DSBG regulations and NSBG EFPs, and as outlined below. If fishing occurs in both state and federal waters in the same set, all fishing of that set must be



conducted under the more restrictive terms and conditions (whether federal or state).

6. At least 48 hours prior to commencing a fishing trip during which EFP activity is expected to be conducted in state waters, 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, Elizabeth.Hellmers@wildlife.ca.gov, and Clark.McLennan@wildlife.ca.gov). Any exceptions to the 48-hour pre-trip notice requirements will be evaluated on a case-by-case basis and will be provided in writing by the Department.
7. 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, Elizabeth.Hellmers@wildlife.ca.gov)
8. Any vessel fishing under this EFP is required to carry a qualified fisheries observer, at the discretion of the Department, and/or a federal observer, at the discretion of the National Marine Fisheries Service (NMFS) West Coast Region (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.
9. Fishing is permitted in state waters outside the boundaries of any Marine Protected Area designated pursuant to Section 632, Title 14, CCR 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; and
 - e. **Newport to Dana Point** –south of 33° 35.372' N. latitude and north of 33° 27.300' N. latitude.
10. All fishing activity under this EFP (including all pieces of gear, i.e., hooks, lines, surface buoys and other attachments) must be at least 750 feet from any public pier, publicly owned pier, wharf, jetty or breakwater.
11. Each vessel listed on this EFP may only tend, retrieve or service gear that has been deployed by that specific vessel. Unless otherwise approved by the Department per Condition 12, each vessel may simultaneously fish a combined total of 10 pieces or sections of standard buoy gear (SBG) and linked buoy gear (LBG). This limitation shall apply during each fishing period (a single day or night).
12. 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 authorize a vessel listed on this EFP to simultaneously fish more than 10 pieces of gear. Written authorization from the Department is required in advance of fishing more than 10 pieces of gear and will specify the total number of pieces of gear authorized. All



pieces of gear must comply with marking requirements in Condition 20. Any area restrictions, observer requirements, or additional conditions will also be specified in the written authorization and shall be followed. Advanced written authorization from the Department is also required for vessels under this EFP to retrieve the gear of another vessel.

13. 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. The gear shall be soaked for no more than eight continuous hours each day. A full set 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, unless otherwise specified in writing by the Department.
14. All hooks must be deployed below the mixed layer (>295 ft; 90 m) to target swordfish and other marketable highly migratory species (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.
15. 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.
16. Each piece of gear shall use only 16/0 or 18/0 circle hooks with no more than 10-degree offset, and only squid or mackerel bait, or artificial baits.
17. 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. For LBG, the “serviceable link” that connects the linked buoy gear sections is required to have a minimum of 50-foot drop length.
18. Each vertical line must use a minimum of an 8-pound (3.6 kg) lead weight 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. For NSBG, 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.
19. 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.
20. On each piece of DSBG or NSBG gear both the hard ball and flag buoy (as specified in Condition 17) shall be marked with the authorized vessel’s Department commercial vessel ID number and “D.” Additionally, the NSBG strike detection buoy (as specified in Condition 18) shall be marked with the authorized vessel’s Department commercial vessel ID number



and “N.” The NSBG strike detection buoy may only be used for NSBG, and is prohibited for use with other gears, including DSBG and harpoon. Numbers and Identification Letters shall be at least one and one-half (1.5) inches in height and drawn with a line no less than 1/4 (0.25) inch thick. All Identification Numbers and Identification Letters on a buoy shall be clearly and distinctly marked, and in a color that contrasts with the buoy; the numbers and letters shall be applied and maintained so that they are visible and legible.

21. 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 22 below) for the purpose of minimizing impacts to any unmarketable species.
22. 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 authorized 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 when fishing off the mainland and 3.5 nm when fishing off the Channel Islands, with the closest piece of gear being no more than 2 nm from the vessel.
23. In the event that any piece(s) of gear are lost and not recovered, notice must be made within 24 hours of loss to Lieutenant Specialist Clark McLennan via email (Clark.McLennan@wildlife.ca.gov). Notice must include the last known global positioning system (GPS) coordinates of the gear and the prevailing direction of current drift.
24. Pursuant to FGC Section 8043(d), no fish shall be transferred to or from the vessels operating under this permit while at sea. 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 identification and reported separately on landing receipts and logbooks (Conditions 26 and 27). Each vessel shall only retain fish caught on gear it has deployed, tended, and retrieved.
25. No groundfish shall be taken or possessed onboard when DSBG or NSBG is used or on board the vessel.
26. For all trips, whether or not an observer is on board, federal DSBG log sheets (or the equivalent) shall be completed immediately with all available information when any of the following first occurs: (1) prior to passengers or crew disembarking from the vessel, (2) at the time of receipt, purchase, or transfer of fish, or (3) at the end of the calendar day (24 hour clock) during fishing activity through the night. Copies of all log sheets must be submitted to Liz Hellmers (Elizabeth.Hellmers@wildlife.ca.gov) within 24 hours of landing. Any logbooks with recorded sets fished under a federal DSBG limited entry permit must also be submitted to NMFS within the legally required timeframe. 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.
27. All landing receipts must have EFPT3-001 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). Landing receipts must be submitted within 24-hours of landing, and comply with all other requirements in Section 197, Title 14, CCR.

28. Unless otherwise specified by the Department, the permittee shall submit the annual and final reports required by subsection 91(I), Title 14, CCR to the EFP Coordinator (EFP@wildlife.ca.gov) no later than 60 days after the permit expiration date.

29. Fishing permitted under this EFP is limited to state waters (as specified in Condition 9, above) during the day between sunrise¹ (local time) and sunset² (local time) for DSBG, and during the night between sunset² (local time) and sunrise¹ (local time) for NSBG. Vessels shall not set DSBG 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. 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. Vessels shall not set NSBG 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), unless permission is granted by the Department in writing (as specified in Condition 15, above).

¹ For the purpose of this section, sunrise is defined as the time at which the upper edge of the sun appears above the horizon or, if the view of the sun is obscured, the local time of sunrise 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.



Instructions for E-Tix: Submitting Experimental Fishing Permit-related Commercial Landing Data

For experimental fishing permit (EFP) purposes, this guidance supplements the required information listed on form DFW 1103 (Special Condition 27) and in Section 197, Title 14, California Code of Regulations (CCR).

Landing data connected with EFP fishing activities must be recorded using an electronic fish ticket, which is a web-based form submitted through the E-Tix application (<https://etix.psmfc.org>). The EFP holder or the authorized agent must possess a commercial fishing license (CFL) and locate a licensed fish business willing to land their catch or they must possess a Fisherman's Retail License to report their commercial fish landings through E-Tix. E-Tix is the only allowed method of submitting landing receipt data to the California Department of Fish and Wildlife (CDFW). The electronic fish ticket shall be completed pursuant to Section 197, Title 14, CCR.

The EFP holder and the authorized agent must provide the fish receiver with accurate information to complete the electronic fish ticket (or dock ticket). In addition to the required information listed in subsection 197(e)(3), Title 14, CCR, the following information must be recorded on the form:

- EFP number (i.e., EFPT3-001)
- Other applicable information, as specified in the permit special conditions (e.g., type of gear used, number of individual fish, condition of the fish, use of the fish, etc.)

Unless otherwise specified, each fish receiver must record and submit landing data for fish taken and possessed during the same fishing trip as the EFP on a single electronic fishing ticket. The permit special conditions may specify that the “Notes” box on the electronic fish ticket (or “note pad” on the dock ticket) be used by the fish receiver to explain which species were retained for the EFP and any other pertinent information for CDFW. Figure 1 provides an example of a completed electronic fish ticket to report EFP landing data.

Figure 1. An example of a completed electronic fish ticket in E-Tix.

Figure 1. An example of a completed electronic fish ticket in E-Tix.