

Markus Medak  
Shearwater Fishing  
210 Village Run West  
Encinitas, CA 92024  
April 22, 2021

Dr. Kit Dahl  
Pacific Fishery Management Council  
Attn: HMS EFP Application  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220

Dear Dr. Dahl,

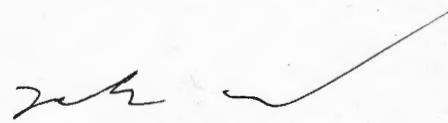
Please find attached our deep-set buoy gear (DSBG) exempted fishery permit (EFP) application. While stated in the application form, we are requesting that should we be approved we be authorized to fish both linked and standard DSBG under the EFP. The expense to outfit the vessel with the appropriate gear (spool, shooter, etc..) is considerable and having the opportunity to evaluate the efficacy while fishing standard DSBG would be advantageous.

Our vessel, the Shearwater, is 40' in length and is a comfortable platform which has accommodations for up to 9 people. Plenty of deck space provides ample opportunity for observers to execute the required sampling in a safe and comfortable space.

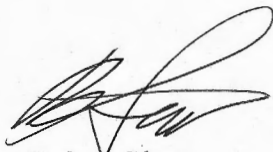
The 3 principle applicants have all fished DSBG over the last several years and are familiar with the gear and its use. Daniel Fuller and his vessel, Audax, was approved for a DSBG EFP in 2018 and has been actively fishing since approval.

Thank you for this consideration.

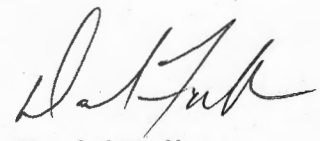
Sincerely,



Markus Medak



Brian Sims



Daniel Fuller

**PACIFIC FISHERY MANAGEMENT COUNCIL**  
**Deep-Set Buoy Gear Exempted Fishing Permit Application Form**

Please refer to the instructions for specifics on filling out your application.

1) Application Date: April 16, 2021

2) Applicant(s)\*:

a) Name: Markus Medak Phone No: 619 517 2757

Email: ShearwaterFishingSD@gmail.com

Address: 210 Village Run West Encinitas, CA 92024

Commercial Fishing Permits Held: CA Lobster, General Commercial, and CPFV

**Commercial Fishing Experience:**

	Years of experience	Gear type / Type of participation (captain, crew, vessel owner, etc.)
DSBG	2	Operated as occasional crew aboard FV Audax During 2019 and 2020
Other swordfish gear		
Other gear type(s)	12/17	CA spiny Lobster Operator, CPFV Owner/Operator for 17 years

b) Name: Brian Sims Phone No: 619 925 9325

Email: gerby117@gmail.com

Address: 4451 Huerfano Ave. San Diego, CA 92117

Commercial Fishing Permits Held: CA Spiny Lobster Crewman, CA general Commercial License, CPFV owner

**Commercial Fishing Experience:**

	Years of Experience	Gear type / Type of participation (captain, crew, vessel owner, etc.)
DSBG	1	Operated as occasional crew aboard FV Audax During 2019
Other swordfish gear	5	Crew aboard Swordfish harpoon Vessel
Other gear type(s)	10	CA Spiny Lobster crewman, CPFV owner/Operator for 25 years

3) Number of vessels\*: 1

a) Vessel Name: Shearwater Registration Number: 1259460

Name of Operator: Markus Medak Or Brian Sims Or Daniel Fuller (see attached)

Commercial Fishing Permits Held: CA Commercial license

b) Vessel Name: \_\_\_\_\_ Registration Number: \_\_\_\_\_

Name of Operator: \_\_\_\_\_

Commercial Fishing Permits Held: \_\_\_\_\_

**\*List information for additional EFP applicants/vessels/participants on a separate page.**

4) Do any of the applicants/vessel operators have current/pending state or federal violations in any commercial fishery?  Yes  No (If yes, follow-up on the nature and status of any violations may be required as part of the application review process.)

5) **Duration:** The EFP will normally be issued for a two-year period from the date of issuance. If you have good reason for receiving an EFP for a longer period, specify the requested number of years and provide justification for the longer duration:

We do not wish to request a term greater than 2 years, or until an active permit scheme is implemented.

6) **Intended DSBG Configuration** (see Attachment A):  Standard  Linked

Describe proposed gear modifications (if any) that differ from the descriptions in Attachment A:

We have no intentions to propose a modified gear configuration at this time. We do wish to fish standard deep-set gear initially, for a period of at least 3 or 4 months, possibly longer, as we generate additional knowledge of the fishery. It does appear there may be some advantages to linked gear, i.e. more hooks at depth, but we would like the option to fish either standard or linked gear.

7) Do you intend to target any species other than swordfish?  Yes  No

(This does not include other species that may caught incidentally when targeting swordfish.)

If you do plan to use the gear to catch other species, list the species and how the fishing method you plan to use would differ (depth, time of day, season, etc.):

We will target only swordfish with standard and linked buoy gear configurations. Most, if not all, non-target catch will be released alive.

**8) Fishing Area and Effort:**

Area	Number of vessels / Vessel names	Estimated fishing effort in number of days or sets
Southern California Bight (Pt. Conception to the U.S.-Mex. Border)	Shearwater	up to 75
Central California (Point Reyes to Point Conception)	Shearwater	up to 30
Northern California (42° N. latitude to Point Reyes)	NA	NA
Oregon (Columbia River to 42° N. latitude)	NA	NA

**Please note that the Council is prioritizing applications to fish outside the Southern California Bight.**

Additional information you think would be helpful in reviewing the application concerning where you plan to fish and the amount of fishing:

The Shearwater is equipped with adequate fuel, navigation equipment, bunk space, and refrigeration, and can fish anywhere within the US EEZ for durations up to 10 days. Our initial interest is in looking outside of what has been, thus far, the traditional fishing areas, specifically southwest of San Diego and west of the channel islands. We also intend to experiment with different baits, including artificial baits which have been utilized in recreational fisheries with varying degrees of success. We will experiment with leader length and design, light configuration, and hook depth to maximize CPUE. This is in addition to collecting high resolution set-by-set data which will be made available to researchers. The Shearwater would also be available to scientist who would like to make special trips with the intent of gather additional data or who have specific side projects in mind.

**9) Data Gaps:** Will your EFP fishing specifically address any of the following data gaps? (See Attachment B for descriptions)

- Active gear tending
- Gear conflicts/number of vessels
- Gear configuration
- Concurrent gear use

Explain what methods you would use, or information you plan to gather, to address the data gaps you checked off above

Actively tending the gear using technology aboard the vessel, Radar, Gyro stabilized binoculars, and plotting of drift speeds. With increasing fishing effort by both buoy gear fishers, as well as recreational, we plan to monitor and report vessel proximity and any interactions, both positive and negative. While we don't plan to change gear configuration in any manner immediately, we will be adjusting leader lengths, bait rigging, light configuration, and possibly hook types (while keeping within required hook size). Opportunities may arise that allow for concurrent gear use and we will evaluate these as they manifest, whether its for groundfish or other pelagics.

**10) Reporting Requirements and Observer Coverage:**

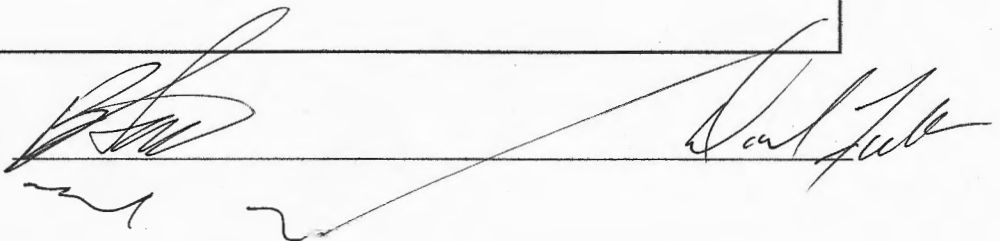
- You must maintain a logbook for reporting catch and other operational information (such as time and location of catch) in a format specified by National Marine Fisheries Service
- Up to 100% observer coverage may be required on your EFP fishing trips
- Data gathered as part of the EFP will be publicly available

I acknowledge the above conditions, and verify that I am willing and able to cover the cost of any level of observer coverage required under permit terms and conditions.

If you are unable to cover the entire cost of the observer coverage requirement, please explain what portion you may be able to cover and identify other sources of funding which may be available to help you cover observer costs.

This is a difficult question to answer at this time. We would need to fish, look at the economic data, including daily operational costs to evaluate at that possibility.

**11) Applicant(s) Signature:**



**Applicants (Continued)**

**2 cont.)**

Name: Daniel Fuller                      Phone No. (858) 349-1614

Email: [capt.d.w.fuller@gmail.com](mailto:capt.d.w.fuller@gmail.com)

Address: 3308 Hopi Pl. San Diego, CA 92117

Commercial fishing Permits Held: General Commercial, deep-set EFP for F/V Audax

Commercial Fishing Experience:

DSBG                      3 years Owner/Operator

SWF Harpoon            5 years crew

Hook and line            8 years Owner/Operator