

Exempted Fishing Permit Regulations Proposed Rule

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EFP Regs History

1996 EFP Regs
SFA → Bycatch Reduction

2003 Efforts to Streamline

2007 MSRA

EFP Regs Proposed Rule

Published December 21, 2007

72 FR 72657

90-Day Comment Period
Ends March 20, 2008

Highlights

Exempted Fishing & Application

§ 600.745(b)(1) - Only exempt from those regs specified in the EFP

§ 600.745(b)(2)(v) - Applicant must provide information about any anticipated impacts of the proposed activity on the environment (fisheries, marine mammals, endangered species, and EFH)

Highlights Terms & Conditions

§ 600.745(b)(3)(v)(F) –

Observers

Vessel Monitoring System

electronic log books

call-out/call-in requirements

§ 600.745(b)(3)(v)(G) –

Data reporting requirements for

documentation and compliance and

time frames and formats for submission

to NOAA Fisheries.

Highlights

Acknowledgement & Reporting

§ 600.745(b)(4) – EFP holders must **date and sign** the permit, and **return a copy** to NOAA Fisheries, to acknowledge the terms and conditions of the permit.

§ 600.745(c)(2) – Report all catch (including bycatch) within 6 months of the end of the activity. Periodic reporting during activity as specified in the EFP.

Federal Register Notices

Council meeting notices are **not a substitute** for publishing Federal Register notices for EFP applications, but are instead **supplemental** to that process.

If taking comments on EFP applications at a Council meeting, must **include a statement** to this effect **in the Council meeting notice and meeting agenda**.

Multiple applications for EFPs may be published in the same Federal Register document and may be discussed under a single Council agenda item.

Section 318(f) - Exemption for research projects funded by quota set-asides

Current quota set-aside procedures in the Northeast have been streamlined and will be retained.

These projects, like the Mid-Atlantic Research Set-aside (RSA) program, will be exempted from the requirement to publish a separate Federal Register notice for each EFP application.

Observers

NOAA Fisheries-sanctioned observers or biological technicians, as described in the proposed rule, conducting activities within NOAA Fisheries-approved observer protocols, are exempt from the requirement to obtain an EFP.

Definitions

Compensation fishing – means fishing conducted for the purpose of recovering costs associated with **resource surveys and scientific studies that support the management of a fishery**, or to provide incentive for participation in such studies. It is authorized through an EFP if an exemption is required or through a Letter of Acknowledgement if no exemption is required.

Definitions

Conservation engineering – means the study of fish behavior and the development and testing of new gear technology and fishing techniques to minimize bycatch, promote efficient harvest of target species, and minimize adverse effects on EFH. It is considered to be scientific research if it would otherwise meet the definition of a scientific research activity and is conducted by a scientific research vessel. Otherwise, it is considered to be fishing, and must be conducted under an EFP if the activity would otherwise be prohibited by regulation.

Definitions

Gear testing – means an at-sea activity for the purpose of testing the functionality of fishing gear. During this type of activity, no fish may be retained aboard the vessel. Regional fishery regulations may specify additional requirements that would apply to this activity, such as using designated gear testing areas, testing trawl nets with the codend(s) open, or testing during closed seasons.

Questions?