



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 West Coast Region
 1201 NE Lloyd Boulevard, Suite 1100
 PORTLAND, OREGON 97232-1274

150413WCR2015SF00141:CSF

**HIGHLY MIGRATORY SPECIES (HMS) FISHERY
 EXEMPTED FISHING PERMIT (EFP)**

AUTHORITY: Title 50, Code of Federal Regulations Sections 600.745 and 660.718

F/V vessel name vessel number authorized vessel operator

The Regional Administrator of the West Coast Region of the National Marine Fisheries Service (NMFS), acting on behalf of the Secretary of Commerce, hereby permits the fishing vessel named above to fish for Pacific swordfish using standard deep-set buoy gear under the Magnuson-Stevens Fishery Conservation and Management Act, 16 United States Code §§ 1801 et seq. (Magnuson-Stevens Act), and regulations at Subpart K of 50 CFR Part 660 and 50 CFR 600.745. The fishing must be conducted in accordance with the attached terms and conditions applicable to the EFP holder and the fishing vessel fishing under this EFP.

Activities outside the scope of this EFP that are in violation of applicable regulations may be subject to sanctions. This EFP provides exemption only from the regulation prohibiting the use of unauthorized gear to fish for HMS in the U.S. Exclusive Economic Zone off the Pacific coast (50 CFR 660.705). This EFP allows the listed commercial fishing vessel to fish standard deep-set buoy gear to harvest swordfish and other marketable HMS species.

This EFP is valid when signed by the NMFS West Coast Regional Administrator, the authorized representative of the EFP vessel owner, and an authorized representative of the Applicant/Principal Investigator (hereinafter referred to as the "EFP holders"). **This EFP expires 24 hours after notification by the NMFS West Coast Regional Administrator of termination of the EFP or December 31, 2019, whichever is earlier.** It also may be terminated or modified earlier by regulatory action pursuant to 50 CFR Part 660, or by revocation, suspension, or modification pursuant to 15 CFR Part 904 or by the terms and conditions of this EFP. In order to facilitate identification of your activities as exempted fishing, you must carry a copy of this EFP on board all vessels while conducting fishing activities.

 Barry A. Thom
 Regional Administrator, West Coast Region
 National Marine Fisheries Service

 Date Signed

 Signature
 EFP Holder (Authorized Representative of the
 EFP)

 Date Signed

 Signature
 EFP Holder (Authorized Representative of HMS Vessel Owner)

 Date Signed

 Print EFP Holder Name

 Print EFP Holder Name

By signing this document, the EFP holder agrees that the EFP holder, the vessel owner(s), all vessel operators, and crew members of the vessel understand and will comply with the terms and conditions of this EFP.

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Terms and Conditions Applicable to Deep-set Buoy Gear Exempted Fishing Permits (EFPs) for Highly Migratory Species – 2019

A. SCOPE

1. These terms and conditions apply to all fishing activities referenced in the EFP above. The EFP holder is responsible for ensuring that all parties operating under the authority of the holder's EFP (vessel owners, vessel operators, crew members) are educated on these terms and conditions and the need for strict compliance with the EFP.
2. The EFPs exempt the permitted vessels, for limited purposes described in this permit, from the prohibition on unauthorized gear which would otherwise be prohibited by 50 C.F.R. 660.705(a) and (c), provided the vessels use deep-set buoy gear as further specified in these terms and conditions.
3. The EFP holder will be jointly and severally liable for compliance with the terms and conditions of this EFP by each vessel and for all persons aboard the vessel while participating in the EFP project. A representative who has signed the EFP assumes responsibility on matters related to issuance and management of the EFP, including serving as EFP holder.
4. All other provisions of 50 C.F.R. Part 660, Subpart K, and other applicable laws of the states of California, Oregon, and Washington that relate to fishing for, landing, and processing of Pacific swordfish and other marketable highly migratory species (HMS) apply to fishing activities conducted under this EFP.
5. Failure to comply with these terms and conditions will be grounds for revocation, suspension, invalidation, or modification of the EFP with respect to all parties, persons, and vessels conducting activities under the EFPs referenced above.

B. EFFECTIVE DATES

1. These terms and conditions are effective when the NMFS West Coast (WC) Regional Administrator, the EFP holder, and/or the authorized representative of the HMS permit owner sign the EFP. If the NMFS WC Regional Administrator and the EFP holders sign the EFP on different dates, then the EFP is effective upon the last signature date. The EFP will be effective only through December 31, 2019, and may be terminated or modified at an earlier date by NMFS.
2. The EFP may be terminated or modified earlier by regulatory action pursuant to 50 C.F.R. Part 660, Subpart K, by revocation, suspension, or modification pursuant to 15



C.F.R. Part 904 or any successor regulations, or by the terms and conditions of this permit.

C. PERMIT CONDITIONS.

1. The exemption provided by this EFP is valid only for the vessels and operator(s) listed on the EFP. A listed operator must be on board the listed vessel during all EFP fishing trips.

The vessel(s) and operator(s) for which issued permits are:

<u>Vessel Name</u>	<u>Registration #</u>	<u>EFP Name</u>	<u>Second Operator(s)</u>
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2. All EFP fishing trips by the permitted vessel must be conducted in accordance with the permit and associated terms and conditions and are limited to federal waters only.
3. This EFP is not transferrable to another holder, entity, vessel, or vessel owner.
4. A copy of the EFP must be carried on board the vessel while conducting fishing activities under this EFP and whenever fish caught while fishing under the EFP are on board the vessel.
5. The original EFP permits with original EFP holder signatures must be returned to the following address upon expiration, revocation, or suspension:

NMFS West Coast Region (WCR)
National Marine Fisheries Service
Sustainable Fisheries Division
501 West Ocean Blvd. #4200
Long Beach, CA 92841

D. OBSERVER REQUIREMENTS

1. The EFP holder and vessel operator are responsible for ensuring placement of NMFS-trained observers on board participating vessels. Observers are required for 100% of the trips for at least the first 10 days of fishing effort (observed days in 2018 count toward this requirement). For subsequent trips, observer coverage levels will be determined by NMFS and will be at minimum 30% of deep-set buoy gear fishing days in 2019. Observer coverage rates shall be monitored over the fishing year by the EFP holder. Information in the preliminary and final reports for each fishing year shall be the basis for calculating the overall observer coverage rate.
2. The EFP holder and vessel operator must allow observers to collect all data elements on the forms as specified by NMFS WCR.
3. Requirements for observers found at 50 C.F.R. 660.719 apply to fishing under this EFP. This includes a condition that vessels unable to accommodate observers with a sleeping bunk will be limited to day trips when assigned an observer.

E. FISHING RESTRICTIONS

In accordance with 50 C.F.R. 600.10, “Fishing, or to fish” means any activity, other than scientific research conducted by a scientific research vessel, that involves:

- (1) The catching, taking, or harvesting of fish;
 - (2) The attempted catching, taking, or harvesting of fish;
 - (3) Any other activity that can reasonably be expected to result in the catching, taking, or harvesting of fish; or
 - (4) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (1), (2), or (3) of this definition.
1. Fishing is prohibited in waters north of the Washington/Oregon marine border, a line extending seaward off the coast at 46 degrees 15 minutes N. latitude.
 2. Fishing with deep-set buoy gear is limited to federal waters during the day between sunrise (local time) and sunset¹ (local time). All vessels may not set gear prior to sunrise and must initiate haul-back procedures by sunset. All deep-set buoy gear must be removed from the water no later than 3 hours after sunset local time. Deep-set buoy gear may not be modified in any way to fish shallow (hooks at less than 90 meters deep) and may not be fished at night.
 3. No fish may be transferred to or from the vessel operating under this permit while at sea fishing under this EFP. Fish caught by other authorized HMS gears (e.g. harpoon, drift gillnet) on the same vessel must be kept separate and distinct for reporting and landings receipts. Each vessel shall only retain fish caught on gear it has deployed, tended, and retrieved.
 4. This EFP may be used to fish up to 100 days per year per vessel with a maximum of 10 pieces of gear per vessel deployed simultaneously per day.
 5. A single piece of deep-set buoy gear may contain no more than a single weighted line with up to 3 hooks that may be soaked for up to 8 hours each day.
 6. All hooks in the deep-set buoy gear must be deployed below the mixed layer (>90 meters (m)) with a maximum of 3 hooks to target swordfish and other marketable HMS at depths of 250 – 400 m (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, using only squid or mackerel bait, or artificial baits.
 7. 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 >46lb 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

¹ For the purpose of this section, sundown 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.

no more than six feet between adjacent buoys. Use of buoy tether attachments (e.g., non-streamlined gear with loops and dangling components) is prohibited.

8. Each piece of deep-set buoy gear must be equipped with a flag, radar reflector, and strobe. The buoys and flags must both be marked with the vessel's official number.
9. The deep-set buoy gear 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.
10. Deep-set buoy gear must be deployed as quickly as practicable, and the fishing vessel must maintain a distance of no more than 3 nautical miles (nm) from any piece of deployed deep-set buoy gear.
11. The operator of the fishing vessel operating under this EFP must actively tend all gear at all times, and must maintain the gear within sight (<3 nm from any one piece of gear) of the EFP participant's fishing vessel. The total spatial distribution of all pieces of gear is not to exceed a 5 nm footprint, with the closest piece of gear being no more than 3 nm from the vessel.

F. REPORTING REQUIREMENTS

It is unlawful to fail to report catches as required while fishing pursuant to an EFP (50 C.F.R. 600.725(1)). Failure to maintain the required documents may result in a vessel's and/or EFP holder's inability to obtain a future EFP permit.

1. Fishing Activity Reports and Log Sheets

24 hours prior to commencing a fishing trip during which EFP activity is expected to be conducted, notice of vessel name, anticipated fishing dates, and port of departure and expected landing port must be made via email to the NMFS WCR, and if departed or landed to a California port, to the California Department of Fish and Wildlife (CDFW) primary contacts listed below. 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 NMFS WCR primary contact, Chris Fanning, listed below, and if departed or landed to a California port, to CDFW primary contacts listed below.

48 hours advance notice of departure must be made to the observer provider in accordance with guidelines provided by the NMFS WCR Observer Program contact.

For all trips, whether or not an observer is on board, the 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 NMFS WCR Observer Program contact within 7 days of landing.

2. Landings Reports

All fish tickets must have "DSBG EFP" written in the notepad area of the landing receipt to assist reviewing biologists, and allow proper EFP coding into the landings

databases to indicate that the fish were caught under this deep-set buoy gear EFP. The correct gear codes (e.g. CDFW code 83 for Standard Buoy Gear) must be used on the landing receipt. Fish caught by other authorized HMS gears must be kept separate in the vessel hold and reported separately on landing receipts using the correct gear codes (e.g. CDFW code 12 for harpoon, 63 for large mesh Drift Gillnet).

Within 7 days of landing deep-set buoy gear caught fish, a photocopy or image of the fish ticket (state landing receipt) must be sent via email to the NMFS WCR primary contact, Chris Fanning, listed below.

3. Annual Preliminary and Final Reports

The EFP holder must present a preliminary report on the results of the EFP and the data collected (including catch data) to NMFS WCR by May 1, 2019 (for any 2018 EFP fishing activity), and by May 1, 2020 (for any 2019 EFP fishing activity), in advance of the Briefing Book deadline for the June 2019 and 2020 meetings of the Pacific Fishery Management Council (Council).

A final written report on the results of the EFP and the data collected must be presented by the EFP holder to NMFS WCR, the Council, and the Council's HMS Management Team at the September 2020 Council meeting in the year following fishing under the EFP.

The final report must include:

- a. a summary of the work completed, including observer coverage rate and distribution of observer coverage across all participant fishing vessels;
- b. an analysis of the data collected; and
- c. conclusions and/or recommendations.

4. Public Release of Information.

The fishing activities carried out under the EFP are for the purpose of collecting information. The vessel owner, operator, and EFP holder agree to the public release of any and all information submitted to NMFS, CDFW, or Oregon Department of Fish and Wildlife pertaining to activities conducted under the EFP.

G. PROTECTED SPECIES INTERACTIONS

1. All vessel operators shall undergo a safe handling and release workshop conducted by the NMFS WCR Protected Resources Division prior to beginning fishing under the EFP. Participation in a workshop in 2018 fulfills this requirement.
2. For any Endangered Species Act (ESA)-listed species that is entangled or hooked during the deep-set buoy gear fishing under this EFP, the EFP permit holder must report the species and its release condition to the NMFS WCR point of contact for ESA-listed species interactions, Justin Viezbicke, listed below, within 24 hours after every EFP trip.
3. If a single ESA-listed species is subjected to any adverse interaction such as hooking or entanglement while fishing under the EFP, fishing must cease as soon as practicable by all EFP holders operating under the EFP until granted authorization to resume fishing

from NMFS WCR, which in no event will be before NMFS completes a formal ESA section 7 consultation on the continued operation of the EFP.

H. SANCTIONS

Failure of the vessel owner, operator, EFP holder, or any person to comply with the terms and conditions of this permit, a notice issued under 50 C.F.R. Part 660, Subpart K, any other applicable provision of 50 C.F.R. Parts 600 and 660 Subpart K, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq.) (Magnuson-Stevens Act), or any other regulations promulgated thereunder, may be grounds for revocation, suspension, or modification of this EFP as well as civil or criminal penalties under the Magnuson-Stevens Act with respect to all persons and vessels conducting activities under the EFP (50 C.F.R. 600.745(b)(9)).

I. WAIVER

The EFP holder on his/her own behalf, and on behalf of all persons conducting activities authorized by the permit under his/her direction, waives any and all claims against the United States or the State, and its agents and employees, for any liability whatsoever for personal injury or death related to fishing under the EFP.

J. PRIMARY CONTACT INFORMATION

NMFS West Coast Region Observer Program

Name: Charles Villafana
Email: Charles.Villafana@noaa.gov
Phone: 562-980-4033

NMFS West Coast Region

Name: Chris Fanning
Email: Chris.Fanning@noaa.gov
Phone: 562-980-4198

For ESA-listed species interactions:

Name: Justin Viezbicke
Email: Justin.Viezbicke@noaa.gov
Phone: (562) 506-4315

California Department of Fish and Wildlife

Name: CDFW LED Marine Notifications
Email: LEDMarineNotificaions@wildlife.ca.gov

Oregon Department of Fish and Wildlife

Name: Maggie Sommer maggie.sommer@state.or.us

Phone: 541-867-0300, ext. 265

NOAA Office for Law Enforcement:

Name: Greg Busch, Assistant Director, West Coast Enforcement Division

Email: Greg.Busch@noaa.gov

Phone: 206-526-6133

Name: Ho Truong, Assistant Special Agent In-Charge

Email: Ho.Truong@noaa.gov

Phone: 562-980-4050