

FEDERAL ATLANTIC HMS EXEMPTED FISHING REQUIREMENTS AND APPLICATION

Applicant's Name: _____

Address: _____ *Phone Number:* _____

_____ *Fax Number:* _____

City _____ *State* _____ *Zip* _____ *Email Address:* _____

Exempted Fishing Program

1) *Purpose/Goals of the Exempted Fishing Activity, include justification for issuance of the EFP*¹:

2) *When will these activities occur (month(s) and year)?*

3) *Where will these activities occur (lat, long, and/or general area description)?*²

¹ Include additional sheets if more room is needed to describe the activities related to this request for an EFP.

² The issuance of an EFP in no way confers any right to collect/harvest species in waters under state jurisdiction. The appropriate state fish and wildlife agency must be contacted regarding any collection in state waters, as separate state permits may be required for collection/harvest in state waters.

FEDERAL ATLANTIC HMS EXEMPTED FISHING REQUIREMENTS AND APPLICATION

- 4) *Type, size, and amount of collection gear:*

- 5) *Target Species (species name and number to be retained):*

- 6) *Anticipated Non-Target Species (species name and number to be released or kept?):*

- 7) *Are protected species and marine mammal encounters likely? Please describe when, where, and why? In addition, please describe any potential impacts to essential fish habitat.*

- 8) *Authorized Samplers:*

- 9) *Holding Facility (if for display):*

- 10) *If activities are Federally funded, describe type, amount, and source:*

FEDERAL ATLANTIC HMS EXEMPTED FISHING REQUIREMENTS AND APPLICATION

Vessel Information

*Applications will be deemed incomplete if a signature or vessel documentation is not included
If the applicant's name is different from the owner's name, please fill in the appropriate information*

Participating Vessel(s)³:

1. **Vessel Name** _____ **Owner's Name:** _____

Phone Number: _____ **Owner's Address:** _____

Operator's Name: _____

Vessel Documentation Included? Yes ___ **No**⁴ ___ **Vessel ID #:** _____

2. **Vessel Name** _____ **Owner's Name:** _____

Phone Number: _____ **Owner's Address:** _____

Operator's Name: _____

Vessel Documentation Included? Yes ___ **No** ___ **Vessel ID#:** _____

3. **Vessel Name** _____ **Owner's Name:** _____

Phone Number: _____ **Owner's Address:** _____

Operator's Name: _____

Vessel Documentation Included? Yes ___ **No** ___ **Vessel ID#:** _____

Applicant's

Signature: _____ ***Date:*** _____

PAPERWORK REDUCTION ACT NOTICE: Collection of information through an exempted fishing permit program provides essential information for the conservation and management of Atlantic tunas, swordfish, sharks, and billfish. Information on distribution and migratory patterns will be used for stock assessment and in developing international catch sharing agreements. Public reporting burden for this collection of information is estimated to average 40 minutes per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: NMFS, Highly Migratory Species Management Division (F/SF1), 1315 East-West Highway, Silver Spring, MD 20910. Reporting of exempted fishing permit activity is required under the authority of the Atlantic Tunas Convention Act. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. OMB Control #0648-0471 Expires 06/30/2011.

³ Include additional sheets if more than three vessels are needed for the exempted fishing activity or shark research fishery.
⁴ Application will not be deemed complete until all information is provided to NMFS. Please attach documentation (U.S. Coast Guard documentation, state license, or registration, and HMS permit) for each vessel to this application.

FEDERAL ATLANTIC HMS EXEMPTED FISHING REQUIREMENTS AND APPLICATION

Exempted Fishing Program

Regulations governing the issuance of Federal Exempted Fishing Permits (EFPs) for highly migratory species (HMS) are contained in 50 CFR Part 635.32 and 50 CFR Part 600.745. In general, HMS EFPs are issued by the National Marine Fisheries Service (NMFS) to authorize activities otherwise prohibited by the Atlantic HMS regulations; to facilitate the conduct of scientific research; for the purpose of limited testing of fishing gear and methods; for the acquisition of data for species that would otherwise be prohibited for harvesting, for the enhancement of safety at sea; for the purpose of collecting animals for public education or display; or for investigating means of reducing bycatch, economic discards or regulatory discards. HMS has the authority to issue four different types of EFPs; these are described below:

Exempted Fishing Permits (EFPs): Under both the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA), non-scientific activities may be authorized under EFPs. EFPs are necessary to allow research conducted from a commercial or recreational fishing vessel that would otherwise be prohibited by existing regulations.

Display Permit: Display permits are issued for the collection of HMS for the purpose of public display. Generally, display permits are issued to commercial or recreational fishing vessels, capable of keeping fish alive from the time of capture to the point of transfer to an approved aquarium or other facility.

Letter of Acknowledgements (LOAs): Technically, scientific research is exempted from regulation under the Magnuson-Stevens Act, so NMFS does not issue EFPs for bona fide research activities (*i.e.*, research conducted from a research vessel as opposed to a commercial or recreational fishing vessel) involving species regulated or prohibited under Magnuson-Stevens Act Fishery Management Plans (FMPs). In such cases, NMFS issues an LOA to researchers to indicate concurrence by NMFS that the proposed activity meets the definition of research and is therefore exempt from regulation.

Scientific Research Permits (SRPs): ATCA confers regulatory authority over scientific research so that all sources of mortality of species regulated by the International Commission for the Conservation of Atlantic Tunas (ICCAT) can be reported by the Secretary. In cases where tunas, swordfish, and billfishes are being collected, NMFS will issue an EFP if the research/collection occurs in conjunction with regulated commercial or recreational fishing activity or an SRP if the collection of regulated species occurs as part of a research cruise (*e.g.*, NMFS or university research vessel).

Chartering Permit: A 2002 ICCAT recommendation (02-21) states that at the time of a chartering arrangement, the chartering and flag Contracting Parties shall provide specific information concerning the charter to the ICCAT Executive Secretary, including vessel details, target species, duration, and consent of the flag Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity. In order to comply with this recommendation, NMFS requires that vessel owners apply for and obtain a NMFS chartering permit before fishing under a chartering arrangement with a foreign entity. A chartering permit would exempt the vessel from domestic regulations as needed. U.S. vessels fishing under a chartering permit cannot concurrently land fish counted against U.S. quotas, however, prohibited species takes are counted against the Incidental Take Statement from the relevant Biological Opinion. The separate application for a chartering permit is covered under OMB 0678-0327. Please contact HMS Management Division to request a chartering permit application.

Shark Research Fishery

Regulations governing the issuance of a Federal shark research fishery permit are contained in 50 CFR Part 635. NMFS will publish annually in the Federal Register a notice describing, for the following year, the expected research objectives. In general, shark research fishery permits are issued each year to qualified applicants who have submitted a complete application to NMFS and are selected to participate. The shark research fishery would allow NMFS and commercial shark fishermen to conduct cooperative research to collect fishery-dependent data for management of the Atlantic shark fishery. There is a separate application for the shark research fishery

FEDERAL ATLANTIC HMS EXEMPTED FISHING REQUIREMENTS AND APPLICATION

Requirements

Per the HMS regulations, an EFP, SRP, Display Permit or LOA must be on board the harvesting vessel, must be available when animals are landed, and, in the case of capturing animals for display, must be available when the animal is transported from the vessel to the display facility, and must be presented for inspection upon request of an authorized officer.

An application will not be deemed complete until all of the information on the application is submitted to the HMS Management Division in writing. NMFS has 60 days from the date the application is deemed complete to make a determination on issuing the EFP, although the agency may take additional time to analyze the environmental, economic, and social impacts of proposed research if the activity has not been previously analyzed. An incomplete application will not be considered until corrected in writing.

An EFP, SRP, Display Permit or LOA is valid only for the specific authorized vessel(s), samplers, time, area, gear, and species indicated on the permit. Except for the regulatory exemptions specifically referenced on the permit, all HMS regulations at 50 CFR Part 635 shall apply during the conduct of the fishing activity. All private vessels listed on an EFP, SRP, Display Permit or LOA should have a valid HMS recreational or commercial HMS permit.

Once the public display and scientific quota has been reached based on reported landings from interim reports, no additional EFPs, SRPs, or Display Permits will be issued.

The issuance of an EFP, SRP, Display Permit or LOA in no way confers any right to collect/harvest species in waters under state jurisdiction. The appropriate state fish and wildlife agency must be contacted regarding any collection in state waters, as separate state permits may be required for collection/harvest in state waters.

Within 5 days of the completion of a fishing trip for any HMS under an EFP, SRP, LOA or Display Permit, an interim report, supplied by NMFS, must be submitted to the address below. These forms include authorized sampler, date of collection, species, fork length, total length, weight, sex, disposition, tag number, gear used, area caught, depth, water temperature, vessel name, name of vessel master, signature, and date of signature. An annual report of all fishing activities and disposition of all fish collected under the permit must also be submitted to NMFS at the address below upon completion of the authorized activities. Both forms are supplied to permit holders at the time the permit is issued and additional (or electronic) copies can be obtained upon request.

Collection of Shark for Display Purposes

Consistent with the 1999 HMS FMP and if deemed appropriate, NMFS will issue a Display Permit with tags, as well as the interim and annual report forms. Each permit will be valid only for the number of animals and tags specified, and each animal must be tagged immediately to be considered an authorized collection. The animal must be tagged aboard the collection vessel and maintained in the animal during the acclimation holding period.

However, the tag may be removed once the animal is transported to the facility where it will be displayed. Should an animal be deemed unsuitable for public display during the acclimation period, the animal must be released with the tag intact in a manner that ensures the maximum probability of survival that is consistent with local state regulations. The interim report (or annual report if the animal is released after 5 days from the completion of a fishing trip) should be returned indicating that the animal has been released. NMFS may issue replacement tags for such released animals.

NMFS will consider accreditation in the American Zoo and Aquarium Association, or equivalent standards, as meeting the requirement of providing adequate facilities for an animal.

FEDERAL ATLANTIC HMS EXEMPTED FISHING REQUIREMENTS AND APPLICATION

HMS EFP Contact Information

Please submit any EFP applications with all of the required information, interim reports, and annual reports to:

Craig Cockrell
Highly Migratory Species Management Division (F/SF1)
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910
NMFS.HMS.EFPS@noaa.gov

For additional HMS EFP information, contact Craig Cockrell at 301-713-2347 or Jackie Wilson at 240-338-3936. Applications may be faxed to 301-713-1917.

Atlantic Shark Research Fishery Contact Information

For additional information regarding the Atlantic shark research fishery, please contact:

Guý DuBeck
Highly Migratory Species Management Division (F/SF1)
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910
301-713-2347
Guy.DuBeck@noaa.gov

PAPERWORK REDUCTION ACT NOTICE: Collection of information through an exempted fishing permit program provides essential information for the conservation and management of Atlantic tunas, swordfish, sharks, and billfish. Information on distribution and migratory patterns will be used for stock assessment and in developing international catch sharing agreements. Public reporting burden for this collection of information is estimated to average 40 minutes per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: NMFS, Highly Migratory Species Management Division (F/SF1), 1315 East-West Highway, Silver Spring, MD 20910. Reporting of exempted fishing permit activity is required under the authority of the Atlantic Tunas Convention Act. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. OMB Control #0648-0471 Expires 06/30/2011.