

**BERING SEA AND GULF OF ALASKA
POLLOCK FISHERY
EXEMPTED FISHING PERMIT
AUTHORITY: 50 CFR 600.745(b) AND 50 CFR 679.6
MODIFIED PERMIT 2019-03**

The Administrator, Alaska Region, (Regional Administrator), National Marine Fisheries Service (NMFS), acting on behalf of the Secretary of Commerce, hereby authorizes designated pollock catcher vessels (CVs) using pelagic trawl gear and tender vessels transporting pollock catch in the Bering Sea (BS) and Gulf of Alaska (GOA) to evaluate the efficacy of electronic monitoring (EM) systems in lieu of observers for at-sea monitoring of vessels for compliance with fishery management regulations. The exempted fishing permit (EFP) describes exemptions to regulations and other requirements that are necessary to facilitate the project.

The permit holders and the owners and operators of the participating vessels and shoreside processors must comply with the EFP terms, and unless otherwise provided in this permit, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and 50 CFR parts 600 and 679. An authorized designated representative for each catcher vessel, tender vessel, or processor participating in experimental fishing under this EFP must complete and sign a copy of the vessel information form contained in Appendix A or processor information form contained in Appendix B, as applicable, of this EFP. The official list of vessels and processors that may participate in this EFP will be maintained separately by NMFS during the EFP.

This permit (modified permit 2019-03) is valid and effective when signed by the Regional Administrator and all participating permit holders. This permit is valid through December 31, 2022. If experimental fishing concludes before the expiration date, the permit holders may terminate the permit prior to the expiration date by notifying Josh Keaton (907) 586-7519, NMFS Alaska Regional Office. This permit may be revoked, modified, or suspended under the permit's terms, by the Regional Administrator, or by regulatory action under 50 CFR part 679, 50 CFR 600.745, or 15 CFR part 904.

James W. Balsiger, Ph.D.
Administrator,
Alaska Region, NMFS

Date Signed

**BERING SEA AND GULF OF ALASKA
POLLOCK FISHERY
MODIFIED EXEMPTED FISHING PERMIT 2019-03
PERMIT HOLDER SIGNATURE PAGE**

Ruth Christiansen

Permit Holder Signature

Ruth Christiansen

Permit Holder Printed Name

United Catcher Boats

Permit Holder Company/Affiliation

12-30-20

Date Signed

Charlotte Levy

Permit Holder Signature

Charlotte Levy

Permit Holder Printed Name

Aleutians East Borough

Permit Holder Company/Affiliation

12-30-20

Date Signed

Julie Bonney

Permit Holder Signature

Julie Bonney

Permit Holder Printed Name

Alaska Groundfish Data Bank, Inc.

Permit Holder Company/Affiliation

12-30-20

Date Signed

**BERING SEA AND GULF OF ALASKA
POLLOCK FISHERY
MODIFIED EXEMPTED FISHING PERMIT 2019-03
TERMS AND CONDITIONS**

AUTHORITY: 50 CFR 600.745(b) AND 50 CFR 679.6

**ELECTRONIC MONITORING IN THE BERING SEA AND GULF OF ALASKA POLLOCK
FISHERIES FOR CATCHER VESSELS USING PELAGIC TRAWL GEAR**

A. Permit Holders and Collaborators

1. Permit Holders – The following individuals and the companies they represent are co-applicants for this EFP and are considered co-permit holders. For purposes of this permit, the permit holders, in addition to having other responsibilities described in this permit, manage the daily operations of a vessel or group of vessels and are the main points of contact for the processing plants, vessels, and NMFS. The permit holders are also responsible for ensuring that the designated representatives (see Section B of this permit) understand and comply with the provisions of this EFP. Permit holders are authorized to receive data for EFP trips from shoreside observers and vessels, shoreside processors, and tenders (e.g. eLandings and tLandings reports) participating in this EFP for which they are a point of contact. Permit holders are also responsible for compiling and analyzing all EFP data collected according to the provisions of this permit and presenting a summary of those data to NMFS. Each permit holder must act as the main point of contact between the permit holder, the vessel and crew, the participating processors, and NMFS. The participating vessels and processors listed below constitute an initial list of vessels and processors that will participate in this EFP. The official list of vessels and processors that may participate in this EFP will be maintained separately by NMFS during the EFP.

a. Ruth Christiansen
United Catcher Boats
4005 20th Avenue West, Suite 116
Seattle, WA 98199
Office: (206) 282-2599
Cell: (206) 293-1683
rchristiansen@ucba.org

Catcher Vessels:

- Primary point of contact for: *Aldebaran, American Beauty, American Eagle, Arctic Explorer, Auriga, Aurora, Bering Rose, Bristol Explorer, Commodore, Destination, Golden Dawn, Lisa Melinda, Miss Berdie, Nordic Star, Northern Patriot, Pacific Ram, Pacific Viking, Patricia L, Pegasus, Predator, Progress, Raven, Royal American, Sea Dawn, Sea Wolf, Seeker, Sovereignty, Starlite, Starfish, Storm Petrel and Western Dawn.*
- Secondary point of contact for: *Alaska Dawn, Alaskan, Arctic Ram, Arctic Wind, Bay Islander, Cape Kiwanda, Caravelle, , Collier Brothers, Evie Grace, Excalibur II, Gold Rush, Half Moon Bay, Hickory Wind, Leslie Lee, Marathon, Michelle Renee, Miss Sarah, Pacific Star, Sea Mac, Sunset Bay, and Walter N*

Processors:

- Primary point of contact for: *Trident (Akutan), Icicle (Dutch Harbor), Peter Pan (King Cove), Alyeska (Dutch Harbor) and UniSea (Dutch Harbor)*

- Secondary point of contact for: Trident (Kodiak), North Pacific Seafoods (NPS; Kodiak), OBI (Kodiak) and International Seafoods of Alaska (ISA; Kodiak).

b. Julie Bonney
Alaska Groundfish Data Bank, Inc.
P.O. Box 788
Kodiak, AK 99615
Office: (907) 486-3033
Cell: (907)-250-4706
jbonney@gci.net

Catcher Vessels:

- Primary point of contact for: Alaska Dawn, Alaskan, Arctic Ram, Arctic Wind, Bay Islander, Cape Kiwanda, Caravelle, Collier Brothers, Evie Grace, Excalibur II, Gold Rush, Half Moon Bay, Hickory Wind, Leslie Lee, Marathon, Michelle Renee, Miss Sarah, Pacific Star, Sea Mac, Sunset Bay, and Walter N
- Secondary point of contact for: Aldebaran, American Beauty, American Eagle, Arctic Explorer, Auriga, Aurora, Bering Rose, Bristol Explorer, Commodore, Destination, Golden Dawn, Lisa Melinda, Miss Berdie, Nordic Star, Northern Patriot, Pacific Ram, Pacific Viking, Patricia L, Pegasus, Predator, Progress, Raven, Royal American, Sea Dawn, Sea Wolf, Seeker, Sovereignty, Starlite, Starfish, Storm Petrel and Western Dawn.

Processors:

- Primary point of contact for: Trident (Kodiak), North Pacific Seafoods (NPS; Kodiak), OBI (Kodiak) and International Seafoods of Alaska (ISA; Kodiak).
- Secondary point of contact for: Trident (Akutan), Icicle (Dutch Harbor), Peter Pan (King Cove), Alyeska (Dutch Harbor) and UniSea (Dutch Harbor)

c. Charlotte Levy
Aleutians East Borough
3380 C Street, Suite 205
Anchorage, AK 99503
Office: (907) 274-7566
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clevy@aeboro.org

Catcher Vessels: Alaskan Lady, Cape St. Elias, Celtic, Courtney Noral, Decision, Equinox, Heather Margene, Just in Case, Karen Evich, Lady Joanne, Lady Lee Dawn, Marauder, Miss Courtney Kim, Ocean Storm, Primus, Shawna Rae, Temptation, Tern

Processors:

- Primary point of contact for: Trident (Sand Point) and Silver Bay (False Pass)
- Secondary point of contact for: Peter Pan (King Cove)

Tenders:

- Primary point of contact for: Bering Hunter, Cape Denbigh, Gayla Maureen, Perseverance, Entrance Point, Four Daughters, Last Frontier, Tuxedni, Bulldog, Dolphin, Royal Viking, Billikin, Southern Wind, Barbara J, Farwest Leader, Arcturus, Aldebaran, Columbia, Dominator, Golden Dawn, Gladiator, Northern Patriot, Pacific Viking, Sovereignty, Viking Explorer, Constellation, Karin Lynn, Time Bandit, Katie Lynn, SBS Provider, Westward Wind, Pacific Star, Rondy's, Titan Explorer, Handler, American Lady, Debbie Sue, Sea

Venture, Kona Kai, Polar Sea, Incentive, Kodiak, Eleinor J, Tugidak, Valiant, Sea Warrior, Seabrooke, Diligence, Pacific Sounder, Ocean Invictus, Nordic Lady, Camai, Oracle, Denali, Nushagak Spirit, Lady Helen, Mako, Sea Pride, Rogue, Stormbird, Kaia, Sea Diamond, Lady Alaska, Melanie, Icy Bay

2. Collaborators - The following individuals and the companies they represent are co-applicants for this EFP and are considered collaborators. A collaborator, in addition to having other responsibilities described in this permit, assists with communication to a vessel, or group of vessels, or processors.

- a. Kiley Thompson
Peninsula Fishermen's Coalition
Box 116
Sand Point, AK 99661
907-952-6890
thompsonsdp@aol.com

B. Requirements for Designated Representatives. Each permit holder must designate a representative for each participating vessel and processor for which the permit holder is a point of contact.

1. Designated Representatives for Catcher Vessels (CVs): CVs directed fishing for pollock using pelagic trawl gear in the Bering Sea (BS) and Gulf of Alaska (GOA), provided the vessel operator or owner has completed the following:
 - a. provided to NMFS a completed and signed Vessel Data Sheet (Appendix A)
 - b. provided their intent to fish under this EFP to the permit holders so their CV name(s) can be submitted to NMFS by October 15, 2020 to fish under this EFP in 2021 and October 15, 2021 to fish under this EFP in 2022 in the GOA. Intent to fish under this EFP can be submitted to NMFS by December 15, 2020 to fish under this EFP in 2021 and December 15, 2021 to fish under this EFP in 2022 in the BS. GOA and BS CVs participating in the EFP in 2020 include those submitted by the permit holders to NMFS as of November 6, 2019.
 - c. has signed a Vessel Monitoring Plan (VMP) specific to the vessel as defined in Section F.4 of this document.
2. Designated Representatives for Tender Vessels: Vessels that receive pollock from designated CVs west of 157 W Longitude in the GOA, provided the vessel operator/owner has completed the following:
 - a. provided to NMFS a completed and signed Vessel Data Sheet (Appendix A)
 - b. has a signed Vessel Monitoring Plan (VMP) specific to the tender vessel as defined in Section F.4 of this document.
3. Designated Representatives for Processors: Shoreside processors that receive pollock from designated CVs or designated tender vessels, provided that the plant manager has completed the following:
 - a. provided to NMFS a completed and signed Processor Data Sheet (Appendix B).

C. Timing of Fishing under the EFP. Fishing under the terms of this permit is authorized from the date of its issuance through December 31, 2022, or until exempted fishing is concluded, whichever is earlier.

D. Exempted Fishing Areas. Exempted fishing under this permit is restricted to the BS and GOA NMFS management areas.

E. Additional Requirements for the Permit Holders.

1. Reporting to Council and EM committee:

a. The permit holders will provide written and oral reports as requested by the North Pacific Fishery Management Council (NPFMC), Trawl EM Committee, or NMFS Alaska Region including but not limited to, the interim reports in February 2021 and 2022 and a final report in February 2023. These reports will address the four objectives of the EFP (EFP 2019-03 Application page 16) and will focus on evaluation of the “Metrics for Success of EM as a Compliance Monitoring Tool” (EFP 2019-03 Application pages 16-18; Table 1) with data and information from the 2019 Pilot Phase forming a foundation for comparison. These reports will be used to inform future Council analyses in consideration of implementing EM aboard pollock CVs using pelagic trawl gear in the BS and GOA as a compliance monitoring tool in these fisheries. Any EFP analysis and report writing are the responsibility of the EFP permit holders.

2. Performance Metrics:

a. The permit holders will work with NMFS to develop performance metrics to meet the intent of the current GOA pollock trip limit, BS and GOA MRA limits, and avoidance of PSC while still meeting the EFP goal of minimizing at-sea discards (maximized retention).

b. The permit holders will enforce the performance metrics against designated catcher vessels. Should a vessel operator violate the performance metric, the permit holder who is the primary point of contact for that vessel, in consultation with NMFS, will determine the appropriate remedy, which could include the vessel’s removal from EFP fishing.

c. In the event that the permit holder who is the primary point of contact for that vessel, in consultation with NMFS, chooses to remove a vessel from participation in the EFP, the permit holder will immediately notify the vessel owner/operator and NMFS.

3. Observer Coverage: Responsibilities associated with the at-sea collection of PSC catch data and biological samples normally taken by at-sea observers will be completed by observers stationed at the shoreside plant. Additional observers will be required to be stationed at processors to accomplish this work. The observer sampling protocols and priorities for shoreside observers will be identified by the Observer Program. The permit holder must ensure compliance with the following:

a. Procure certified observer services from a permitted observer provider described at 50 CFR 679.52 for deployment to shoreside processing plants under this EFP. Observers deployed under requirements of this permit are certified observers consistent with requirements at 50 CFR 679.53. Regulations at 50 CFR 679.7(g) are applicable for the protection of observers deployed under this permit.

b. Number of observers. Ensure an adequate number of observers are stationed at shoreside processing plants receiving deliveries from participating EFP vessels and tenders to complete sampling EFP duties as determined by the Observer Program. Hence, an adequate number of observers must be stationed at each participating plant such that:

- i. AFA processors taking deliveries for more than 12 consecutive hours must provide two observers¹.
 - ii. In order to complete standard data collections in GOA plants, the permit holders will work with NMFS to ensure adequate observer resources to accomplish these sampling goals².
 - 1. All shoreside deliveries from EFP vessels in the GOA will be randomly monitored by an observer as specified in the sample design (i.e. 30% of deliveries monitored).
 - 2. The time required for an observer to complete EFP duties should not regularly exceed 12 hours per day.
 - 3. In consultation with the permit holders, NMFS will determine if additional observers are necessary based on the workload to complete additional EFP duties.
 - iii. Due to the ongoing COVID-19 pandemic, observers assigned to plants for the purpose of this EFP will also be required to assist vessel observers monitor their offloads and collect required data when the vessel observers are not allowed access to the plant.
4. EM Provider Services:
- a. Procure EM provider services to install and maintain EM systems on participating vessels.
 - b. Vessel Monitoring Plan: Ensure that EM Service providers work with each participating vessel to create a Vessel Monitoring Plan (VMP) using the template developed in consultation with NMFS.
 - i. VMPs must include: vessel owner/operator responsibilities, documentation of the location and purpose of all installed EM camera system components, data drive handling requirements, catch handling requirements, vessel owner/operator actions for system malfunctions, and a description of discard locations.
 - ii. The VMP must be signed and dated by the vessel owner/operator and the EM provider prior to the start of EFP fishing in each calendar year.
 - iii. Each signed VMP must be submitted to the third party video reviewer and NMFS prior to the start of EFP fishing in each calendar year.
 - iv. NMFS, the third party video reviewer, and the EM Provider may request that changes be made to the VMP. Updated VMPs must be signed and resubmitted to the third party video reviewer and NMFS.
 - v. Ensure stern view camera and horizon view camera together provide complete and unobstructed views of the third wire, as applicable.
 - vi. The EM review protocols must include the methods for the video reviewers to record any potential seabird and marine mammal interactions.
 - c. Vessel Feedback: Ensure that the EM service providers communicate with the EM Video Reviewers and the vessel operator via email or phone regarding any EM equipment issues or

¹ Under existing monitoring requirements, the observer from the delivering vessel assists with data collection because each delivery requires two observers to complete standard data collections from AFA deliveries as per 50 CFR 679.51(b)(2)(i), and the observer assigned to the delivering vessel at 50 CFR 679.51(a)(1)(C). Under the EFP there are no vessel observers to complete data collection in the plants so additional (third or fourth) plant observers are required to collect additional EM EFP data.

² The observer assigned to the delivering vessel at 50 CFR 679.51(a)(1)(A) conducted sampling during the delivery (in the processing plant). Since vessel observers are not assigned under this EFP, observers must be assigned to shoreside processors to meet salmon and other monitoring objectives.

- modifications identified during video review to improve data quality.
- i. If two separate entities are being used, the EM Video Reviewers will use a Service Provider Feedback Form to communicate any system malfunctions or data anomalies that are noted during the data review to the EM service provider.
 - ii. The EM service provider will determine if the issue has already been reported by the vessel and resolved, or if it has not, the service provider will follow up directly with the vessel to ensure any previously unreported issues are resolved.
- d. Ensure EM service providers comply with all applicable provisions of this permit.
5. EM Video Review Services:
- a. Procure EM video review services and ensure EM video reviewer complies with all applicable provisions of this permit.
 - i. The Pacific States Marine Fisheries Commission (PSMFC) will serve as the EM video reviewer for EM video generated by the BS-GOA shoreside CVs (UCB/AGDB/AWTA project).
 - ii. Saltwater, Inc. will review EM video generated by the WGOA catcher and tender vessel (AEB/Peninsula Fishermen Coalition project).
 - b. Video Review Protocols:
 - i. Ensure that EM video reviewers work with NMFS to develop EM Data Handling and Review Protocols and submit documentation describing these protocols to NMFS prior to the start of video review in each calendar year.
 - ii. Work with NMFS to address any changes needed to the data handling and review protocols during the project.
 - iii. Video review protocols should include:
 1. Methods to determine the integrity and quality of the EM video
 2. Methods to identify the species and quantify the amount of all discarded catch
 3. Methods to compare logbook information to estimates of discard from video
 4. QA/QC procedures for video review and data handling to ensure high quality data and consistency among video reviewers.
 - c. Vessel Feedback: Ensure that the EM video reviews provide information to the EM Service Providers and feedback directly to the vessel operator/designated contact via email.
 - i. For those vessels delivering to shoreside processors, this feedback communication will occur after each data drive is reviewed. For those vessels delivering to tenders, this will occur after every trip.
 - ii. The data reviewer will use a Service Provider Feedback Form to communicate any system malfunctions or data anomalies that are noted during the data review to the EM service provider.
 - iii. After each data drive is reviewed, the data reviewer will email a Drive Report document to the vessel operator/designated contact as well as to the EFP applicant and permit holders based on the contact lists for vessel responsibility.
 - iv. The Drive Report provides the vessel with information on the video data quality and the vessel's adherence to the program requirements for logbook submission, species retention requirements, and malfunction reporting requirements.
 - d. Data Management:
 - i. Permit holder must ensure that the video and summary information collected under the proposed EFP will be treated akin to observer data such that video is reviewed and data are stored to maintain its confidentiality.
 - ii. Permit holder must ensure that the EM video data collected under the EFP is retained by the EM video reviewer for 18 months after the close of the pollock fishery for that

- year and be made available to NMFS upon request.
 - iii. All reviewer data reports that compare discard estimates generated by video that are reviewed from each EM trip and the logbook data for compliance monitoring purposes will be submitted directly to NMFS. EM video reviewers and the permit holders will be provided the fish ticket landings data generated from EFP deliveries to enable video reviewers to track deliveries and connect landing information with the EFP video and logbook data.
- e. **Summary Reports.** In addition to this regular transmittal of trip-level discard information, summary reports will be generated by the permit holders providing information on industry self-reported data (via logbooks) and review of EM data to verify compliance with record keeping and reporting regulations, including those for salmon.
 - i. The summary reports will include EM metadata (number of drives, trips, and hauls), reports of discard from both the vessel logbook and EM discard data, and discard information (i.e., number of discard events over and under 1,000 lbs.) and summaries of any equipment issues, malfunctions or data quality issues.
 - ii. These summary reports will serve as audit reports of the catch and discard information recorded on a vessel's discard report and corresponding fish ticket. The reports will be produced twice a year and provided to the Trawl EM Committee, the Council, and NMFS as appropriate.

F. Additional Requirements for Participating Designated Vessels.

1. A copy of this EFP must be kept on board the vessel and made available to an EM technician or NMFS representative upon request.
2. **Fishing Gear.** A vessel operator must not deploy or fish with any gear other than pelagic trawl gear at any time during an EFP trip.
3. **Electronic Monitoring (EM) Systems Requirements.**
 - a. **EM System Requirements.** A vessel operator must have operational EM Systems installed on participating vessels to record species retention and discard data.
 - i. These systems are comprised of the main recording computer, cameras, and an assortment of sensors for gathering information about fishing practices.
 - ii. The data from these systems must be recorded and encrypted on hard drives in the system.
 - iii. The EM data captured must consist of trip/haul start/end date, time, location; and discard date/time/location/weight and, when possible, species (when possible).
 - iv. Upon request, and pursuant to § 679.5(a)(5), the vessel operator must make available the EM system and data to NMFS and authorized officers.
 - v. EM camera systems must be placed at key locations aboard a vessel to ensure all catch (including handling and discard) can be seen within camera view from the time the catch reaches the vessel until it is put into the vessel's hold, transported to a tender vessel, returned to the water, or offloaded to a shoreside processing facility.
 - b. Vessel operators must ensure video recording is initiated prior to deploying fishing gear on an EFP trip or prior to transfer of EFP catch onto the vessel. Video must be recorded for the remainder of the EFP trip until all catch is offloaded at a participating EFP processing plant or tender.
4. **Vessel Monitoring Plans.**
 - a. Participating vessels will work with the EM provider to create a Vessel Monitoring Plan

- (VMP) using the template developed in consultation with NMFS.
- b. VMPs must include vessel owner/operator responsibilities, document the location and purpose of all installed EM camera system components, data drive handling requirements, catch handling requirements, vessel owner/operator actions for system malfunctions, and describe discard locations.
 - c. The VMP must be signed and dated by the vessel owner/operator and the EM provider prior to the start of EFP fishing in each calendar year.
 - d. Each signed VMP must be submitted to the third party video reviewer and NMFS prior to the start of EFP fishing in each calendar year.
 - e. NMFS, the third party video reviewer, and the EM Provider may request that changes be made to the VMP. Updated VMPs must be signed and resubmitted to the third party video reviewer and NMFS.
 - f. Vessels must comply with all provisions of their VMP when EFP fishing and a copy of the VMP must be kept aboard the vessel during all EFP trips.
5. Catcher and Tender Vessel Operators Reporting Requirements.
- a. Logbooks:
 - i. Catcher vessel operators participating in the EFP are required to complete a trawl catcher vessel daily fishing logbook or NMFS-approved electronic logbook during each EFP trip.
 - ii. The catcher vessel operator must record all required vessel logbook information as identified in § 679.5(c), in addition to the following:
 1. any EM system concerns or malfunctions,
 2. estimated amount of discards by species, the unit of measurement (pound/mt), and the reason for discard,
 3. document any marine mammals incidentally caught
 4. Cod end capacity
 - iii. Catcher vessel operators must submit a copy of the logbook with recorded at-sea discards to processing plant personnel or tender operator so that the plant personnel or tender operator can enter discard data into eLandings or tLandings.
 - iv. Tender vessel operators are required to complete the tender logbook as outlined in the VMP.
 - v. All vessel operators must submit copies of their logbooks with the corresponding hard drive to the video reviewer. If a vessel operator is using a NMFS approved electronic logbook, the vessel operator must print corresponding logbook pages for the EFP trip and submit paper copies with the hard drive.
 - b. tLandings Landing Reports: Tender vessels are required to report each EFP trip using tLandings and to transfer tLandings USB drive to the processing plant at the time of offload.
 - i. Each EFP landing report must be designated in tLandings as a Trawl EM EFP trip by reporting Management Program = OA and the Management Program Modifier = TEM
 - ii. Using the catcher vessel's logbook, record the species and amount of any at-sea discards that occurred on the catcher vessels's trip in the tLandings landing report.
6. Catch Handling for Catcher Vessels.
- a. Species Retention. All catch, including all groundfish and non-groundfish species, must be retained and delivered except:
 - i. Any incidentally caught marine mammals.

1. Procedures for incidentally caught marine mammals can be found in Section F.6.e of this document.
 2. All incidental mortality and injury of marine mammals in the course of commercial fishing operations must be reported to the NMFS Office of Protected Resources (50 CFR § 229.6).
- ii. Small amounts of pollock or other species removed from the deck and fishing gear during cleaning or other similar vessel operations. These discards must be recorded in the vessel logbook.
 - iii. Jellyfish. Vessel operator must document that jellyfish were discarded in the vessel logbook. No weight estimate is necessary.
 - iv. Large individual marine organisms, including large individual rays or skates. Vessel operator must document the species group and estimated weight in the vessel logbook.
 - v. Sharks except for Pacific spiny dogfish (*Squalus suckleyi*). Vessel operator must document the species, estimated weight, and length in the vessel logbook; and
 - vi. Discard of catch resulting from an unforeseen and reasonably unforeseeable event that is beyond the control of the vessel operator or crew, provided that the estimated weight of all discarded species, the tow number, and reason for discarding are recorded in the logbook. Such an event may include:
 1. Emergency situation involving compromised vessel safety and stability;
 2. Opening of a blow-out panel because the catch is otherwise too large to bring up the vessel's stern ramp;
 3. Net bleeds/venting of an overfull codend; and
 4. Discards due to mechanical failure.
- b. Prohibited Species Catch. Prohibited species catch includes: salmon, halibut, crab, herring and any groundfish species NMFS prohibits retention of for management purposes. Under the EFP:
- i. All prohibited species catch must be retained by the vessel and delivered to a participating shoreside processing plant.
 - ii. The PSC species will be enumerated and reported by processing plant personnel via eLandings and by plant observer(s).
 - iii. Prohibited species may not be sold. All PSC must be donated or discarded. Discarding includes processing for meal.
 - iv. If PSC is placed back on the vessel to be discarded at sea, all PSC must be discarded prior to any fishing activity.
- c. Prohibited Species Donation (PSD) Program. Participation in the PSD Program provides an exception to the discard regulation that will allow for the maximum retention of halibut and salmon PSC without any additional permits. SeaShare is currently the only authorized participating distributor in the PSD Program.
- i. All participating catcher vessels and processors must be listed on the PSD Program (§ 679.26) permit³.
- d. Maximum Retainable Amounts (MRAs) and Pollock Trip Limits.
- i. Catch of all species must be retained by participating vessels, except as provided in Section F.6.a of this document.
 - ii. CVs must comply with provisions identified by the permit holder to establish performance metrics to meet the intent of the current pollock trip limit in the GOA and MRA limits in the BS and GOA.

³ <https://www.fisheries.noaa.gov/permit/alaska-prohibited-species-donation-program-application>

- iii. Owners and operators of vessels participating in EFP fishing must follow all performance metrics deemed necessary by the permit holders, in consultation with NMFS.
 - e. Marine Mammals.
 - i. All incidentally caught marine mammals must be discarded, provided they are documented in the vessel logbook and reported to the NMFS Office of Protected Resources.
 - ii. In addition to documenting incidental takes in the vessel logbook, the permit holders, and as necessary designated representatives, and vessel crew participating in this EFP, will work with NMFS to develop a reporting process for any incidental takes of marine mammals by participating EFP vessels.
 - f. Seabirds.
 - i. Vessels are required to complete a Threatened and Endangered Bird Species Encounter Reporting Form (USFWS) when an encounter occurs for short-tailed albatross, spectacled eider, Steller's eider or other ESA-listed species while participating in the EFP.
 - g. Owners and operators of vessels participating in EFP fishing must follow any additional catch handling protocol adjustments deemed necessary by the permit holders, in consultation with NMFS.
- 7. Catch Handling for Tender Vessels.
 - a. Catch Handling:
 - i. All EFP catch transferred onto a tender vessel must be retained and delivered to a participating EFP shoreside processor. Designated EFP tender vessels receiving EFP catch are prohibited from discarding EFP catch.
 - ii. Designated EFP tenders that receive EFP catch *cannot* also accept non-EFP catch during the same trip, until all EFP catch has been offloaded to a shoreside processor.
 - iii. Designated EFP tenders that receive EFP catch cannot receive catch from more than one NMFS reporting area during the same EFP trip.
 - iv. Designated EFP tenders must completely offload EFP catch at a single processing plant (no partial offloads).
 - v. Owners and operators of designated tender vessels participating in EFP fishing must follow any additional catch handling protocol adjustments deemed necessary by the permit holders, in consultation with NMFS.
 - b. Prohibited Species Catch. Prohibited species catch includes: salmon, halibut, crab, herring and any groundfish NMFS prohibits retention of for management purposes.
 - i. All Prohibited Species Catch must be retained by the vessel and delivered to a participating shoreside processing plant.
 - ii. Prohibited species may not be sold. All PSC must be donated or discarded. Discarding includes processing for meal.

G. Additional Area-specific Requirements for Participating Designated Vessels

- 1. Bering Sea
 - a. All pelagic pollock fishing under all seasons by participating vessels will be considered EFP fishing (i.e., vessels will not need to notify NMFS that they are beginning/ending an EFP trip).
 - b. Participating BS pollock CVs are exempted from the 100% requirement for at-sea observer coverage (full coverage category) (See Section N of this permit). For any non-pollock directed fishing trips (e.g., Pacific cod), these BS vessels are subject to observer coverage

requirements specified at 50 CFR 679.51(a).

2. Gulf of Alaska

- a. ODDS (Observer Deploy and Declare System):
 - i. CVs are required to log each trip in ODDS in compliance with regulations at § 679.51(a)(1) and select either: non-EFP; EFP tender delivery; or EFP non-tender delivery.
 - ii. Only federally managed pollock trips in the GOA when the vessel is using pelagic trawl gear may be logged as EFP trips.
 - iii. Once a catcher vessel begins an EFP trip in the ODDS system it must deliver to either a participating EFP shoreside processor or an EFP tender.
 - iv. Vessels are required to close each trip in ODDS and enter the fish ticket number in ODDS.
- b. EFP catch must be delivered to a participating EFP shoreside processor and completely offload at a single processing plant (no partial offloads).
- c. Participating tender vessels and CVs delivering shoreside are required to communicate with participating processors and provide timely offload schedule information for all EFP trips.
- d. EFP trips will not be selected for observer coverage and all landings are subject to the observer fee (per regulations at 679.55(f)) and observer fees will continue to be assessed the fee during EFP fishing.

H. Requirements for Participating Processors. In addition to other applicable requirements, owners and operators of a processing plant participating in the EFP must comply with the following provisions:

1. A copy of this EFP must be kept at the shoreside processing plant and made available to an EM technician, observer, or NMFS representative upon request.
2. Catch Handling.
 - a. Bering Sea: Managers of processing plants participating in the EFP must follow regulations at § 679.21(f) and any EFP catch handling protocol adjustments deemed necessary by the permit holders. Permit holders will consult with NMFS prior to changing catch handling protocols.
 - i. AFA plants with existing CMCPs should include information below (b. viii) in their CMCPs in order to address all needs of the EFP. CMCPs that do not meet these requirements should be updated accordingly.
 - b. Gulf of Alaska: Managers of processing plants participating in the EFP must:
 - i. Keep catch from a vessel participating in the EFP separate from other deliveries until all catch has been sorted and weighed from the delivery.
 - ii. Allow observers free and unobstructed access to all catch, including PSC.
 - iii. At the time of an EFP offload, PSC must be removed from the flow of fish during the delivery and made available for sampling by an observer at the processing plant.
 - iv. Retain any PSC that is sorted from an EFP offload after the initial time of delivery (i.e., afterscale). This PSC must be labeled to accurately identify the offload, and made available to observers.
 - v. Refrain from discarding or processing PSC under the PSD Program until the PSC has been enumerated and identified by the observer and the observer's collection of any scientific data or biological samples from the catch has been completed.
 - vi. Comply with any EFP catch handling protocol adjustments deemed necessary by the permit holders, in consultation with NMFS.
 - vii. Maintain a flow of fish at a rate that allows observers to identify and enumerate PSC,

- and complete other sampling duties as defined by the Observer Program.
- viii. Submit to the PIs a catch handling plan (document) that includes the following information:
1. Name and contact information of the designated EFP plant liaison(s).
 2. Description of how and when the observers should contact the designated liaison.
 3. Description of the delivery point where catch will be offloaded from the EFP vessel and a description of the flow of fish into and through the plant, including where catch and PSC are sorted and stored. Attach plant diagram(s) as appropriate.
 4. The location of the designated observation area from which the observers can see the sorting of catch from the offload. Attach diagram(s) as appropriate.
 5. Description of the area where the observers can remove unsorted catch from the flow of fish as outlined in the EFP sampling plan.
 6. A description of how PSC removed from the offload after the designated observation area (i.e., afterscale) will be provided to the observers for inclusion in their data.
 7. Emergency procedures and contact information for plant personnel in case of emergencies such as an earthquake or tsunami.
3. Prohibited Species Donation (PSD) Program. Participation in the PSD Program provides an exception to the discard regulation that will allow for the maximum retention of halibut and salmon PSC without any additional permits. SeaShare is currently the only authorized participating distributor in the PSD Program.
- a. All participating catcher vessels and shoreside processors must be listed on the Prohibited Species Donation Program (§ 679.26) permit⁴.
4. eLandings Reporting: Timeliness and accuracy of data is extremely important for the success of this EFP.
- a. All catch, including groundfish, non-groundfish, and PSC, that is delivered by a vessel participating in the EFP must be sorted, weighed and reported in eLandings within 72 hours of completion of offload.
 - b. Any discarded catch reported in the vessel logbook must be reported by processing plant as discard at sea (disposition code 98) in eLandings.
 - c. Identification of EFP trips in eLandings:
 - i. Bering Sea landings: For each EFP landing report the following must be entered into eLandings: Management Program = AFA. Management ID = AFA coop number (e.g. 105). Management Program Modifier = TEM (“Trawl EM”).
 - ii. Gulf of Alaska landings: For each EFP landing report the following must be entered into eLandings: Management Program = OA. Management Program Modifier = TEM (“Trawl EM”).
 - d. When requested, provide copies of fish tickets from eLandings and the tLandings Tender Log Report to shoreside observers.
5. Observer Conditions and Sampling, Bering Sea: A manager of a shoreside processor participating in the EFP is required to comply with the requirements specified at § 679.51(e)(2).

⁴ <https://www.fisheries.noaa.gov/permit/alaska-prohibited-species-donation-program-application>

6. Observer Conditions and Sampling, Gulf of Alaska: A manager of a shoreside processor participating in the EFP is required to comply with the following requirements:
- a. Safe conditions. Maintain safe conditions at the shoreside processing facility for the protection of observers by adhering to all applicable rules, regulations, or statutes pertaining to safe operation and maintenance of the processing facility.
 - i. Plant facilities that require observers to work in areas that are not sheltered present unique challenges during winter months. At plants where these conditions occur, observer staffing must be adequate to allow for observers to provide breaks for one another. In addition, an area inside the facilities must be provided for the observer to access during these breaks. Both the permit holders and plant personnel must be aware of these challenges and respond appropriately in order to accomplish sampling goals outlined by the AFSC sampling plan and prevent data loss.
 - b. Communication with observer and/or shoreside observer coordinator.
 - i. In cooperation with the permit holders and observer provider company, ensure each observer has communication equipment to facilitate communication of confidential catch information with plant personnel. The plant operator must ensure that observers are able to communicate easily with plant staff as needed.
 1. Confidential information including but not limited to offload schedules, observer assignments, data collections, or other observer data should not be shared with observers through their personal accounts or devices (email, phone, laptop, etc.).
 - ii. Provide observers with the daily offload schedule, and specify which deliveries are from participating EFP trips (including tender offloads). Schedules for the daily offloads should be provided to the observers for the upcoming day to allow observers to make an initial sampling plan.
 - iii. Notify observers when an EFP trip or a tender with EM catch is leaving the fishing grounds to deliver catch shoreside such that the observers can update sampling plans as necessary.
 - iv. Notify observers 1 hour prior to the start of an EFP offload and with any subsequent changes to the offload schedule (after the one hour notification).
 - c. Plant liaison. Designate a plant liaison for each processor. The plant liaison is responsible for:
 - i. Orienting new observers to the plant and providing observers with a copy of the EFP catch handling plan;
 - ii. Assisting in the resolution of observer concerns; and
 - iii. Informing NMFS if changes to EFP catch handling.
 - d. Facilitate transmission of observer data:
 - i. Observer use of equipment: Allowing observers to use the shoreside processor's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observers.
 - ii. Communication equipment: Make a computer available for use by the observer. This computer must be connected to a communication device that provides a point-to-point connection to the NMFS host computer.
 - iii. NMFS-supplied software: Ensure that the computer available to observers has an install of the most recent release of NMFS data entry software.
 - iv. Functional and operational equipment: Ensure that the communications equipment used by observers to enter and transmit data is functional and operational. "Functional" means that all the tasks and components of the NMFS-supplied software and any data transmissions to NMFS can be executed effectively by the communications equipment.
 - e. Access. Allow observers free and unobstructed access to the shoreside processor's holding

- bins, processing areas, freezer spaces, weight scales, warehouses, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.
- f. Observation area. Designate an observation area that is a location where an observer may monitor the flow of fish during a delivery and complete EFP sampling duties. The observation area must meet the following standards:
 - i. Access to the observation area. The observation area must be freely accessible to the observer.
 - ii. Monitoring the flow of fish. From the observation area, an individual must have an unobstructed view or otherwise be able to monitor the entire flow of fish between the delivery point and a location where all sorting has taken place and each species has been weighed.
 - iii. The observation area must allow an observer to monitor PSC sorting and PSC storage throughout the duration of the offload to ensure accurate PSC accounting.
 - g. Document access. Allow observers to inspect and copy the shoreside processor's landing reports, any other logbooks or document required by regulations; printouts or tallies of scale weights; scale calibration records; bin sensor readouts; and production records.
 - h. Assistance. Provide all other reasonable assistance to enable the observer to carry out his or her duties, including, but not limited to:
 - i. Assisting the observer in moving and weighing totes of fish.
 - ii. Providing a secure place to store sampling gear.
7. Facilitate Submission of EM Data: provide support, handling, and shipping of EM data drives as instructed by the permit holders.

I. Sale of Groundfish. EFP participants will be allowed to sell all catch retained in compliance with the EFP, regulations, and the law except:

1. Any prohibited species as defined in § 679.2
2. Forage fish (listed in Table 2c to 50 CFR Part 679)
3. Groundfish species that are prohibited from retention established through a fishery management action under the authority of § 679.20(d)(2).

J. Administration of the Activities under Exempted Fishing. Management of the EFP fieldwork will be the responsibility of the permit holders and their designated representatives. A permit holder or a designated representative must immediately notify the NMFS Alaska Regional Office by contacting Josh Keaton (907-586-7519) and the owner of any vessel fishing under this permit if there are indications from a vessel operator, project field managers, or other sources that the vessel is not meeting EFP requirements or if there is a departure from the EFP terms and conditions.

K. Sanctions. Failure of the permit holders, collaborators, designated representatives, vessel crew, or the owners or operators of vessels fishing under this EFP to comply with the terms and conditions of this permit, non-exempted provisions of 50 CFR parts 600 and 679, the Magnuson-Stevens Act, or any other applicable regulations, may be cause for revocation, suspension, or modification of this permit as well as civil or criminal penalties under the Magnuson-Stevens Act.

L. Exemptions from Federal Regulations. All participants must comply with the applicable requirements of 50 CFR part 679 regulations with the exception of the exemptions listed below. These exemptions apply only during the effective period of the EFP and while on an EFP trip.

1. Discard Requirements. Exemptions from regulations that require discard of species at-sea will enable participating CVs to maximize retention of all species caught (i.e., minimize discards to the greatest extent practicable). This EFP does not authorize additional PSC. Participants are exempted from the following:
 - The regulation at § 679.7(a)(16), which prohibit any person from exceeding the MRA amounts established under 679.20(e).
 - The regulation at § 679.7(b)(2)(i) and (ii), which prohibits a CV from retaining more than 300,000 lbs. of unprocessed pollock on board a CV during any trip and landing more than 300,000 lbs. of unprocessed pollock harvested in any GOA reporting area in any one day.
 - The regulation at § 679.20(d)(1)(iii)(B), which states a vessel may not retain incidental species in an amount that exceeds the MRA when directed fishing for that species is prohibited.
 - That part of the regulations at § 679.21(a)(2)(ii) and § 679.21(a)(3), which require a vessel operator engaged in directed fishing for groundfish, in the GOA or BSAI to discard all PSC at sea with a minimum of injury. (Note: It is important to reiterate that salmon must be retained and counted by an observer at the point of delivery and halibut must be retained in compliance with the PSD Program.)
2. At-sea Observer Coverage. An exemption from at-sea observer coverage and notification requirements for BS pollock CVs is necessary to fully test the use of EM as a compliance monitoring tool for ensuring that no salmon are discarded at sea. Participants are exempted from the following:
 - The regulations at § 679.51(a)(2)(i)(C)(1) and § 679.51(a)(2)(ii), which require a CV directed fishing for pollock in the BS to carry an observer at all times.
 - The regulation at § 679.7(k)(8)(iv)(A), which prohibits a catcher vessel operator participating in BS pollock fishing from handling, sorting or discarding catch unless an observer has been notified.

The regulations at § 679.21(f)(15)(ii)(B)(2) and § 679.21(f)(15)(ii)(B)(4), which require operators of CVs participating in the BS pollock fishery and delivering to shoreside processors to notify an observer 15 minutes prior to handling, sorting or discarding catch before delivery to a shoreside processor.

APPENDIX A—VESSEL DATA SHEET
MODIFIED EXEMPTED FISHING PERMIT: 2019-03
PERMITTED VESSEL

Name of managing company:

Vessel Name:

Federal Permit Number:

Owner Name:

Owner Address:

Phone:

Email:

Name, phone number, and email of designated representative:

Signature(s) of Designated Representative(s):

Signature

Date signed

The signature(s) above confirm this information, but do not constitute a final commitment to participate in the test operation.

APPENDIX B— PROCESSOR DATA SHEET
MODIFIED EXEMPTED FISHING PERMIT: 2019-03
PERMITTED PROCESSOR

Name of managing company:

Processor Name:

Federal Permit Number:

Plant Manager Name:

Plant Address:

Phone:

Email:

Name, phone number, and email of designated representative:

(Optional) List of EFP designated catcher vessels and tender vessels associated with the processor (Name and ADFG #)

Signature(s) of Designated Representative(s):

Signature

Date signed

The signature(s) above confirm this information, but do not constitute a final commitment to participate in the test operation.