

**PACIFIC COAST GROUND FISH FISHERY  
EXEMPTED FISHING PERMIT (EFP)  
AUTHORITY: Title 50, Code of Federal Regulations  
Sections 600.745 and 660.406, and Part 660**

**Test the Use of Electronic Monitoring in the Mothership and Shorebased IFQ Sectors of  
the Pacific Whiting Fishery**

Permit Number: EM-38

Vessel Name	USCG Documentation Number	Pacific Coast Groundfish Limited Entry Permit Number
ARCTIC FURY	996920	GF0675

The above vessel participates in (check all that apply):

- Pacific whiting midwater trawl shorebased IFQ
- Non-whiting midwater trawl shorebased IFQ
- Bottom trawl shorebased IFQ
- Mothership sector

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) provisions (16 U.S.C. §§ 1801, *et seq.*), 50 § C.F.R. 600.745, and 50 C.F.R. § 660.30 (subpart C), the above named vessel is exempt from the regulations specified below while participating in the “Utilizing Electronic Monitoring (EM) Systems in Lieu of Human Observers in the At-sea and Shoreside Hake West Coast Whiting Fishery” study. Note: Excerpts of some regulations cited in this EFP are provided in Appendix A.

The purpose of the study is to test the use of electronic monitoring, EM (video cameras, associated sensors, and vessel logbooks), in place of human observers to monitor compliance in the Pacific Coast Groundfish Trawl Rationalization Program. Vessels operating under an EM EFP are exempt from the requirement to carry an observer on each trip, provided that they carry an operational EM system, retain all catch (with few exceptions), and follow the scientific protocol and terms and conditions of this permit. The EM data will be used to monitor compliance with retention requirements and to validate logbooks used to debit discards from individual fishing quotas (IFQ) and bycatch quotas (IBQ).



## **EXEMPTIONS**

1. The requirement to carry an observer on all trips in the groundfish IFQ fishery (50 C.F.R. § 660.140 (h)(1)(i)(A) and § 660.150(b)(2) and (j)(1)(i)(B)). As a condition of this permit, the vessel must carry an observer if requested by the West Coast Groundfish Observer Program (WCGOP) and follow the requirements of § 660.216. Catch monitor coverage of shorebased vessels is still required.
2. The prohibition on retaining prohibited and protected species (§§ 660.12 (a)(1), 660.112 (a)(2)(i), and 660.140(g)(1)). The exemption applies only to salmon and incidentally caught marine mammals, seabirds, sea turtles, other ESA-listed fish, and Dungeness crab caught seaward of Washington or Oregon.
3. The landing limits for non-IFQ trip limit species (§ 660, Subpart D, Table 1). If not sorting at sea, all catch of non-IFQ trip limit species may be retained until landing. All catch in excess of landing limits must be disposed of in such a way as to not enter the commercial market.
4. The minimum size limit for lingcod (§ 660.60(h)(5)(ii)(B)(2)):
  - a. The minimum size limit for lingcod North of 42° N. lat., with the head removed, is 18 inches (46 cm), which corresponds to 22 inches (56 cm) total length for whole fish.
  - b. The minimum size limit for lingcod South of 42° N. lat., with the head removed, is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.
  - c. Undersized lingcod may be retained until landing but must be disposed of in such a way as to not enter the commercial market.
5. The following prohibitions only as they relate to the above exemptions: § 660.12(a)(5), (e)(5), and (e)(8), and § 660.112(a)(4)(ii), (b)(1)(xiii)-(xiv), and (d)(12)-(13).

Exemptions are valid provided the vessel complies with the terms and conditions of the permit as described in the following sections. The vessel must comply with all other regulations, including requirements to have IFQ to cover catch of any IFQ species. This permit is effective when signed by both the Regional Administrator and the authorized representative of the vessel owner (hereinafter referred to as the “EFP holder”) and on the later of the two signature dates. It expires 24 hours after actual notice to the EFP holder by the Regional Administrator of termination of the EFP, or when any of the conditions listed at A.2 are met, or at 11:59 p.m. PST on December 31, 2018, whichever is earlier. It also may be terminated or modified earlier by regulatory action pursuant to 50 C.F.R. Part 660, or by revocation, suspension, or modification pursuant to 15 C.F.R. Part 904, or successor regulations, or by the terms and conditions of this permit.

**A copy of this EFP and the terms and conditions must be carried on board the vessel while on an EFP trip and when fish caught while fishing under the EFP are onboard the vessel.**

For 

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

3/20/2018  
Date Signed

Signature  
EFP Holder (Authorized Representative of Vessel Owner)

Date Signed

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 intent and the terms and conditions of this permit.

Vessel Owner's Name/Address:

**ARCTIC FURY LLC  
4005 20TH AVE WEST STE 207  
SEATTLE, WA 98199**

## TERMS AND CONDITIONS

The exemptions are valid provided the above listed vessel complies with the following conditions and requirements.

### **A. SCOPE**

1. This EFP is effective while the permitted vessel is fishing on an “EFP trip,” defined as any trip taken under one of the following declarations:
  - a. Limited entry midwater trawl, non-whiting shorebased IFQ (§ 660.13(d)(5)(iv)(A)(3));
  - b. Limited entry bottom trawl, shorebased IFQ, not including demersal trawl (§ 660.13(d)(5)(iv)(A)(7));
  - c. Limited entry midwater trawl, Pacific whiting shorebased IFQ (§ 660.13(d)(5)(iv)(A)(4)); or,
  - d. Limited entry midwater trawl, Pacific whiting mothership sector (§ 660.13(d)(5)(iv)(A)(6)).
  
2. Participating vessels must meet the following eligibility criteria:
  - a. Participant owns the vessel proposed to be used or has written permission of the owner;
  - b. Participant has a valid trawl Pacific Coast Groundfish limited entry permit and a valid vessel account set up to receive quota pounds under the IFQ program;
  - c. The participant has prior experience fishing in the IFQ program;
  - d. The vessel is able to accommodate the EM system, including providing sufficient, uninterrupted electrical power;
  - e. The vessel has a current and valid U.S. Coast Guard Vessel Safety Check decal;
  - f. The participant has not had a violation of fishing regulations in the last 3 years in which the participant was fined more than \$1,000 for a criminal penalty or \$5,000 for a civil penalty;
  - g. The participant has never had a violation for falsification of observer, logbook, or fish ticket data;
  - h. The vessel has had no unobserved fishing trips or fishing days since the inception of the IFQ program;
  - i. The participant is willing and able to follow the terms and conditions of the EFP, including the associated individual VMP; and,
  - j. The participant has procured EM services from a qualified service provider, which, for purposes of this EFP, is one that has previously provided EM services in a federal fishery or EM project in the West Coast or North Pacific.
  
3. The Regional Administrator may terminate this permit by any of the following:
  - a. At the request of the EFP holder, in which case the original EFP must be returned in person or by mail to the NMFS West Coast Region Permits Office;
  - b. The Regional Administrator determines it is necessary to issue amended EFPs containing additional or revised terms and conditions, in which case this EFP will cease to be effective upon NMFS’s receipt of an amended permit signed by the

- EFP holder, or seven calendar days after the NMFS mailing date of the amended permit, whichever occurs first;
- c. The Pacific whiting mothership or shorebased IFQ sector is closed for any reason, including a bycatch limit, commercial harvest guideline, or species harvest guideline, in which case this EFP is no longer effective concurrent with the closure as announced in the Federal Register, and further written notification to the EFP holder or vessel owner is not required;
  - d. Superseding federal regulations become effective;
  - e. NMFS finds that the EFP has unintended impacts; and/or,
  - f. NMFS finds that the EFP holder no longer meets the eligibility criteria.

## **B. GENERAL RESPONSIBILITIES**

1. Procurement of EM Services. Before leaving on its first EFP trip, the vessel must have a properly installed and functioning EM system, as verified by a qualified EM service provider and documented in the Vessel Monitoring Plan (VMP). For purposes of this EFP, a “qualified provider” is a service provider that has previously provided or is currently providing EM services in a federal fishery or EM project in the West Coast or North Pacific Regions.
2. Installation. The EFP holder must enable installation and operation of the EM system and associated equipment, including providing suitable camera mounts, power supply, wire runs and bulkhead thru-fittings (e.g. gooseneck), lighting, and fittings for hydraulic lines to enable connection of a pressure transducer (where applicable). Specifications (i.e., image resolution, frame rate, user interface) and configuration of the EM system and associated equipment (i.e., number and placement of cameras, lighting) must be sufficient to:
  - a. Allow easy viewing, identification, and quantification, of catch items discarded at sea;
  - b. Continuously record vessel location (latitude/longitude coordinates), velocity, course, and sensor data (i.e, hydraulic and winch activity);
  - c. Allow the identification of the time, date, and location of a fishing or discard event;
  - d. Record and store image data from the trip (i.e., data from one overall deck view camera that will begin recording upon the first spike in hydraulic or winch sensors and continue image recording until the vessel returns to port, and data from other cameras that will record the duration of gear retrieval and catch processing, as specified in the VMP);
  - e. Continuously record and store raw sensor data (i.e., GPS and gear sensors) for the entire trip;
  - f. To the extent possible, provide EM system with low radio frequency emissions, to avoid interference (RFI) with vessel monitoring systems (VMS) and other equipment;
  - g. Allow the vessel operator to test and monitor the functionality of the EM system prior to and during the trip as specified in the VMP;
  - h. Prevent tampering or, if tampering does occur, show evidence of tampering; and,

- i. Provide image and sensor data in a format that enables their integration for analysis.

These minimum specifications can be modified through a revised VMP submitted by the EFP holder and accepted by NMFS, in consultation with Pacific States Marine Fisheries Commission (PSMFC) and the EM service provider.

3. Vessel Monitoring Plan (VMP). The vessel must have a NMFS-accepted VMP on board the vessel at all times while fishing under this EFP and when fish caught while fishing under the EFP are onboard the vessel. On behalf of the EFP holder, the EM service provider may prepare a draft VMP for the vessel and submit it to PSMFC and NMFS for acceptance. The VMP shall include descriptions and diagrams (as required) of the following:
  - a. General vessel information including the vessel name, gear type(s), home port, captain name, and hull number;
  - b. The home port "box," if a geo-referenced port box will be used to trigger recording;
  - c. Vessel layout;
  - d. The number and location of cameras and corresponding views;
  - e. Location of lighting, control center, GPS, sensors, monitor, and other EM equipment;
  - f. Frame rates, image resolution, frequency of data logging, sensor trigger threshold values and other EM system specifications;
  - g. The EM service provider's verification of the system;
  - h. Instructions for EM system operation;
  - i. Instructions for catch handling (catch is defined as everything that comes up in the gear), including designated discard control points within camera view and procedures for binning or measuring discards;
  - j. Measurements of all bins, baskets and compartments that will be used to calculate volumetric estimates of weight;
  - k. The detailed procedures that will be followed to minimize the potential for EM system malfunctions and the procedures that will be followed, when malfunctions occur, to ensure the adequate monitoring of catch;
  - l. Informational material for observers that provides advice on how and where to conduct observer activities thereby reducing interference with EM system operations;
  - m. Notes and changes made to VMP and system configuration, including date modified; and,
  - n. The name, address, phone number, and email address of a primary point of contact for vessel operations inseason.

These provisions can be modified through a revised VMP submitted by the EFP holder and accepted by NMFS, in consultation with PSMFC and the EM service provider.

4. Maintenance. The EFP holder must schedule regular maintenance of the EM system as directed by the EM service provider. The EFP holder may also be contacted by the EM service provider to schedule service to make modifications or adjustments to camera

views or other equipment. The vessel operator must allow the EM service provider access to logbooks to record information during service visits.

### **C. BEFORE AN EFP TRIP**

1. Declaration Reports. The vessel must have a valid declaration with OLE for bottom trawl shorebased IFQ, midwater trawl gear under the Pacific whiting shorebased IFQ or mothership sector, or non-whiting shorebased IFQ, with EM. To change your vessel's current declaration call: **888-585-5518** (leave a message if after hours).
  - a. To declare into the EFP, when prompted to leave a comment, state "EM EFP." **If a bottom trawl or non-whiting midwater trawl trip**, also state whether your vessel will use "maximized" or "optimized" retention. You may change the retention rules the vessel fishes under by changing your vessel's declaration. Your vessel's declaration will stand until changed. You may declare out of the EFP by declaring out of the limited entry trawl fishery. You may declare back in to the EFP by changing your vessel's declaration back to limited entry trawl.
2. Functionality of EM System. Prior to leaving port, the vessel operator must turn the EM system on and conduct a system functionality test following the instructions from the EM service provider. The vessel operator must verify that the EM system has adequate memory to record the entire trip and that the vessel is carrying one or more spare hard drives with sufficient capacity to record the entire trip. The vessel operator is prohibited from fishing on an EFP trip without a fully functional EM system, unless an alternate arrangement has been specified in the NMFS-accepted VMP.
3. Scientific Observer Coverage. At least 48 hours before departing on a **bottom trawl or non-whiting midwater trawl EFP trip**, the vessel operator must notify WCGOP of the vessel's intended time of departure and whether the vessel will use "maximized" or "optimized" retention rules for the trip. If requested to carry an observer by WCGOP, the vessel may not depart port on an EFP trip without a WCGOP observer. The vessel must follow the requirements of § 660.216, as a term and condition of this EFP, unless otherwise instructed by WCGOP. If selected to carry an observer, the vessel operator must provide all other reasonable assistance to enable the observer to carry out their duties, as required by §660.140(h)(1)(viii), including access to catch and discards for sampling before discarding.

### **D. DURING AN EFP TRIP**

1. Lighting Requirements. From 30 minutes before official sunset until 30 minutes after official dawn, the vessel must provide adequate lighting to the following vessel areas such that the manipulation of trawl nets and fish handling can be clearly recorded by the EM cameras: fish hold openings, deck spaces, the trawl ramp, surface of the water behind the trawl ramp or where the gear is breaking the surface, and discard control points.

2. Data Logging. The EM system and one overall deck view camera must be turned on and recording data (i.e., GPS and gear sensors, imagery) continuously from the start of the fishing trip until offload begins. The remaining cameras must record the duration of gear retrieval and catch handling as specified in the VMP.
3. Monitoring System Functionality. The vessel operator is responsible for monitoring EM system performance throughout each EFP trip in accordance with the VMP, including ensuring:
  - a. The EM system is powered continuously during the trip with either 12 VDC or 110 VAC;
  - b. The system is functioning for the entire trip;
  - c. Camera views are unobstructed and imagery is clear in quality; and,
  - d. EM system components are not tampered with.
4. System Malfunctions. If an EM system malfunction is discovered during a fishing trip, the vessel operator must cease fishing and immediately attempt to resolve the issue, provided that if fishing gear is deployed when the malfunction is discovered, the vessel operator may complete the tow or gear retrieval in progress before attempting to resolve the issue. The vessel may not resume fishing until the malfunction is corrected, unless an alternate arrangement has been specified in the NMFS-accepted VMP. The time and date, nature, apparent cause (if known), and steps taken to resolve the issue, must be noted in the logbook.
5. Retention and Catch Handling – Pacific Whiting Trips. On Pacific whiting IFQ or mothership trip in which Pacific whiting constitutes 50 percent or more of the catch by weight at landing, the vessel must not sort catch at-sea (per existing maximized retention requirements at § 660.140(g)(2) and must retain **all catch** until landing, with exceptions listed below. All discards must be discarded following instructions in the VMP. All discards, regardless of the source, must be reported in the bottom trawl logbook, including the species (where possible), estimated weight, and reason for discard. The vessel operator is responsible for ensuring that all catch is handled in a manner that enables the EM system to record it.
  - a. Mutilated fish. Mutilated fish removed from the deck and fishing gear during cleaning may be discarded per the VMP.
  - b. Large marine organisms. Large individual marine organisms, defined as all marine mammals sea turtles, and seabirds, and fish species longer than 6 feet (1.8 meters) in length, may be discarded per the VMP.
  - c. Unavoidable discard. An unavoidable discard of catch is the result of an event that is beyond the control of the vessel operator or crew. This includes events such as safety issues or mechanical failures. The estimated weight, reason for the discard, and location of the tow must be recorded in the logbook.
  - d. Debris. Trash, mud, rocks, and other inorganic debris may be discarded at sea per the VMP.

Discard that results when more catch is taken than is necessary to fill the hold is considered to be within the control of the vessel operator and is **prohibited**. Discard of catch from a tow to determine species composition (a.k.a. “test tow”) is **prohibited**.



6. Retention and Catch Handling – Maximized Retention Bottom Trawl and Non-whiting Midwater Trawl Trips. On a declared **maximized retention** trip using bottom trawl gear, or midwater trawl gear in which Pacific whiting constitutes less than 50 percent of the catch by weight at landing, the vessel must not sort catch at-sea and must retain **all catch** until landing, with exceptions listed below. All discards must be discarded following instructions in the VMP. All discards, regardless of the source, must be reported in the bottom trawl logbook, including the species (where possible), estimated weight, and reason for discard. The vessel operator is responsible for ensuring that all catch is handled in a manner that enables the EM system to record it.
- a. Mutilated fish. Mutilated fish removed from the deck and fishing gear during cleaning may be discarded per the VMP.
  - b. Large marine organisms. Large individual marine organisms, defined as all marine mammals sea turtles, and seabirds, and fish species longer than 6 feet (1.8 meters) in length, may be discarded per the VMP.
  - c. Unavoidable discard. An unavoidable discard of catch is the result of an event that is beyond the control of the vessel operator or crew. This includes events such as safety issues or mechanical failures. The estimated weight, reason for the discard, and location of the tow must be recorded in the logbook.
  - d. Debris. Trash, mud, rocks, and other inorganic debris may be discarded at sea per the VMP.

Discard that results when more catch is taken than is necessary to fill the hold is considered to be within the control of the vessel operator and is **prohibited**. Discard of catch from a tow to determine species composition (a.k.a. “test tow”) is **prohibited**.

7. Retention and Catch Handling – Optimized Retention Bottom Trawl and Non-whiting Midwater Trawl Trips. On a declared **optimized retention** trip using bottom trawl gear, or midwater trawl gear in which Pacific whiting constitutes less than 50 percent of the catch by weight at landing, the vessel owner and operator are responsible for the following:
- a. The vessel must retain all IFQ species, and all non-IFQ species on the **Prohibited Discard List** in the VMP, with these exceptions.
    - i. Select IFQ species. Species on the IFQ Allowable Discard List in the VMP may be discarded per the VMP.
    - ii. Mutilated fish. Mutilated fish removed from the deck and fishing gear during cleaning may be discarded per the VMP.
    - iii. Unavoidable discard. An unavoidable discard of catch is the result of an event that is beyond the control of the vessel operator or crew. This includes events such as safety issues or mechanical failures. The estimated weight, reason for the discard, and location of the tow must be recorded in the logbook.
  - b. The vessel must discard Pacific halibut, green sturgeon, California halibut (except as allowed by state regulations<sup>1</sup>), and nearshore groundfish species below state

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<sup>1</sup> The state of California allows federally permitted groundfish trawlers to retain and land up to 150 pounds of legal-size California halibut per trip, *See* Cal. Fish & Game Code § 8494(f).

commercial minimum size limits, following instructions in the NMFS-accepted VMP.

- c. Incidentally caught marine mammals, seabirds, sea turtles, other ESA-listed fish, and Dungeness crab caught seaward of Washington or Oregon or south of Point Reyes, California, must be discarded following instructions in the NMFS-accepted VMP.
- d. Trash, mud, rocks, and other inorganic debris may be discarded at sea per the VMP.
- e. All discards, regardless of the source, must be reported in the PSMFC bottom trawl logbook, including the species, estimated weight, and reason for the discard. The vessel operator is responsible for ensuring that all catch is handled in a manner that enables the EM system to record it.

Discard that results when more catch is taken than is necessary to fill the hold is considered to be within the control of the vessel operator and is **prohibited**. Discard of catch from a tow to determine species composition (a.k.a. “test tow”) is **prohibited**.

8. Logbooks. The EFP holder must complete a state bottom trawl logbook for each EFP trip according to the instructions in the VMP. Each tow must be recorded in the logbook, regardless of whether any fish was retained or discarded. Mothership catcher vessels must supply copies of their logbooks to the mothership observer via email or radio so that the observer can account for catcher vessel discards and hauls. A Marine Mammal Authorization Program mortality/injury report form must also be completed for interactions with any marine mammals (50 C.F.R. § 229.4). Forms are available at: [http://www.nmfs.noaa.gov/pr/pdfs/interactions/mmap\\_reporting\\_form.pdf](http://www.nmfs.noaa.gov/pr/pdfs/interactions/mmap_reporting_form.pdf).

## **E. AFTER AN EFP TRIP**

1. Landing Restrictions. All retained catch must be offloaded at a licensed first receiver or a properly endorsed mothership. Catch may be offloaded at more than one plant or mothership, provided that one overall deck view camera is recording continuously until the final offload begins. The vessel operator must make a notation in the logbook that additional video was recorded. **For shorebased vessels, catch monitor coverage is required for all offloads on EFP trips.**
2. Prohibited and Protected Species Disposition. For the purpose of this EFP, prohibited species includes fish in excess of state or federal limits, fish below a state or federal minimum size, and species for which the vessel or vessel representative does not have a state or federal permit. Prohibited and protected species that are landed must be documented by a catch monitor. Handling and disposition of these species is the responsibility of the first receiver. These species must be disposed of in a way that ensures it will not enter the commercial market, and may not be retained for personal use by a vessel owner or crew, a first receiver, or any processing crew. These species may be disposed of in a landfill, taken back out to sea, or by some other method that does not enter the commercial market. Fish suitable for human consumption must be handled and stored to preserve the quality and priority in disposition must be given to the donation to

a surplus food collection and distribution system or nonprofit charitable organization for the purpose of reducing hunger and meeting nutritional needs.

3. **Report Submission.** The EFP holder is required to submit hard drives and copies of any logbooks to PSMFC according to the instructions in the VMP. Hard drives must be mailed using a method that requires a signature for delivery and provides a return receipt or delivery notification to the sender, such as certified mail, UPS, or FedEx. Copies of logbooks must be postmarked or emailed within 24-hours of landing (or on the next business day if the landing occurs on a weekend). The frequency of hard drive submissions is as follows:
  - a. **First two trips:** Hard drives from each of the first two EFP trips must be postmarked within 24-hours of landing (or on the next business day if the landing occurs on a weekend). If the vessel satisfied this requirement in 2015, 2016, or 2017, the vessel operator does not have to repeat it for 2018.
  - b. **After an EM system malfunction:** Hard drives from a trip that experienced an EM system malfunction must be postmarked within 24-hours of landing that trip (or on the next business day if the landing occurs on a weekend).
  - c. **Other mothership catcher vessel trips:** Hard drives from each trip must be postmarked within 24-hours of landing (or on the next business day if the landing occurs on a weekend)
  - d. **Other shorebased whiting trips:** Hard drives must be mailed after every 5<sup>th</sup> trip and postmarked within 24-hours of landing (or on the next business day if the landing occurs on a weekend) and no later than 10 days after the date of landing of the first trip.
  - e. **Other bottom trawl and non-whiting midwater trawl trips:** Hard drives must be mailed after every second trip (postmarked within 24-hours of landing or on the next business day if the landing occurs on a weekend) and no later than 10 days after the date of landing of the first trip.

These provisions can be modified through a revised VMP submitted by the EFP holder and accepted by NMFS, in consultation with PSMFC and the EM service provider.

4. **Malfunction Debriefing.** If an EM system malfunction occurred during the trip, the vessel operator must make themselves available to NMFS for debriefing at the first available agreed upon time. The vessel may not depart on another EFP trip until the EM system malfunction is repaired and verified as functional by the EM service provider. The vessel operator may arrange to carry an observer until the EM system is repaired.

## **F. OTHER TERMS AND CONDITIONS**

1. **Data Confidentiality.** The fishing activities carried out under this permit are for the purpose of collecting catch information. Information about fishing activities from the EM system, including video, sensors, and GPS, will be treated as confidential in the same manner as observer data consistent with the Magnuson-Stevens Act. PSMFC logbooks will be confidential, consistent with the Magnuson-Stevens Act.

2. Catch Accounting. Discards will be debited from vessel accounts (for shorebased IFQ sector) and cooperative allocations (for mothership sector) first using the logbook estimates. PSMFC will review the EM data to validate logbook-reported discard amounts. If the EM estimate and the logbook estimate differ by greater than 10-percent, the higher of the two estimates will be used. If the logbook estimate is missing, the EM estimate will be used. If the EM estimate is missing due to a malfunction, unclear imagery, or other reason, NMFS will use the logbook estimate, but further investigation may be necessary to verify the logbook estimate and NMFS may make adjustments to the logbook estimate. Pacific halibut will be debited from allocations assuming 90-percent mortality for trips using bottom-trawl gear and 100-percent mortality for trips using midwater trawl gear.

Catcher vessel logbook and EM data will be made available to the mothership cooperative manager for catch accounting.

3. Sanctions. Failure to comply with the terms and conditions of this EFP, a notice issued under 50 C.F.R. Part 660 or any other applicable provision of 50 C.F.R. Parts 600 and 660, the Magnuson-Stevens Act, or any other regulations promulgated hereunder, may be grounds for revocation, suspension, or modification of this EFP (50 C.F.R. § 600.745 (b)(9)), as well as civil or criminal penalties under the Magnuson-Stevens Act with respect to all persons and vessels conducting activities under the EFP. Such failure may result in a vessel's inability to obtain an EFP permit in the future.
4. Prohibitions. It is unlawful and in a violation of this EFP for any person to do any of the following while fishing under this EFP:
  - a. Take an EFP trip with a vessel that does not have properly installed and functioning EM equipment that meets the specifications listed in Section B.2;
  - b. Tamper with, disconnect, damage, destroy, alter, or in any way distort, render useless, inoperative, ineffective, or inaccurate any component of the EM unit required by this EFP;
  - c. Fail to provide a continuous power supply to the EM unit or notice to the EM provider of any interruption in the power supply to the EM unit;
  - d. Fail to bring all catch onboard the vessel and retain all catch until offloading as instructed by Sections D.5 and D.6; or,
  - e. Fail to deliver an EM hard drive or logbook to PSMFC.

## Appendix A: Excerpts of Regulations Cited (effective January 1, 2018)

### 1. Excerpt from 50 CFR 660.12(e)(5) and (8):

“In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person to:

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(a)(5) Take and retain, possess, or land more groundfish than specified under §660.50, §660.55, §660.60 of subpart C, or subpart D through G of this part, or under an EFP issued under §660.30, subpart C of this part, or part 600 of this chapter.

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(e)(5) Fish for, land, or process fish without observer coverage when a vessel is required to carry an observer under subparts C through G of this part.

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(e)(8) Fail to meet the vessel responsibilities specified at §§660.140, 660.150, 660.160, subpart D; §660.216, subpart E; or §660.316, subpart F.

### 2. Excerpt from §660.13(d)(5)(iv)(A)(2):

“(d)(5) (iv) Declaration reports will include: The vessel name and/or identification number, and gear type (as defined in paragraph (d)(5)(iv)(A) of this section). Upon receipt of a declaration report, NMFS will provide a confirmation code or receipt to confirm that a valid declaration report was received for the vessel. Retention of the confirmation code or receipt to verify that a valid declaration report was filed and the declaration requirement was met is the responsibility of the vessel owner or operator. Vessels using nontrawl gear may declare more than one gear type with the exception of vessels participating in the Shorebased IFQ Program (i.e. gear switching), however, vessels using trawl gear may only declare one of the trawl gear types listed in paragraph (d)(5)(iv)(A) of this section on any trip and may not declare nontrawl gear on the same trip in which trawl gear is declared.

(A) One of the following gear types or sectors must be declared:

(1) Limited entry fixed gear, not including shorebased IFQ,

(2) Limited entry groundfish non-trawl, shorebased IFQ,

(3) Limited entry midwater trawl, non-whiting shorebased IFQ,

(4) Limited entry midwater trawl, Pacific whiting shorebased IFQ,

(5) Limited entry mid water trawl, Pacific whiting catcher/processor sector,

(6) Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership),

(7) Limited entry bottom trawl, shorebased IFQ, not including demersal trawl,

(8) Limited entry demersal trawl, shorebased IFQ,

(9) Non-groundfish trawl gear for pink shrimp,

(10) Non-groundfish trawl gear for ridgeback prawn,

(11) Non-groundfish trawl gear for California halibut,

(12) Non-groundfish trawl gear for sea cucumber,

(13) Open access longline gear for groundfish,

(14) Open access Pacific halibut longline gear,

(15) Open access groundfish trap or pot gear,

(16) Open access Dungeness crab trap or pot gear,

(17) Open access prawn trap or pot gear,

(18) Open access sheephead trap or pot gear,

(19) Open access line gear for groundfish,

(20) Open access HMS line gear,

(21) Open access salmon troll gear,

(22) Open access California Halibut line gear,

(23) Open access Coastal Pelagic Species net gear,

(24) Other, or

(25) Tribal trawl.

(26) Open access California gillnet complex gear.

(B) [Reserved]

2. Excerpt from §660.60(h)(5)(ii)(B)(2):

“(B) *Shorebased IFQ Program*. For vessels landing sorted catch, the weight conversions for purposes of applying QP are provided below.

(1) *Sablefish*. The weight conversion factor for headed and gutted (eviscerated) sablefish is 1.6.

(2) *Lingcod*. The following conversions apply:

(i) The minimum size limit lingcod North of 42° N. lat., with the head removed, is 18 inches (46 cm), which corresponds to 22 inches (56 cm) total length for whole fish.

(ii) The minimum size limit for lingcod South of 42° N. lat., with the head removed, is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.

(iii) The weight conversion factor for headed and gutted (eviscerated) lingcod is 1.5; for lingcod that has only been gutted with the head on, the weight conversion factor is 1.1.”

3. Excerpt from §660.112(a)(4)(ii):

“These prohibitions are specific to the limited entry trawl fisheries. General groundfish prohibitions are defined at §660.12. In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person or vessel to:

(a)(4)(ii) Fish in the Shorebased IFQ Program, the MS Coop Program, or the C/P Coop Program without observer coverage.”

4. Excerpt from §660.112(b)(1)(xiii)-(xiv):

“These prohibitions are specific to the limited entry trawl fisheries. General groundfish prohibitions are defined at §660.12. In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person or vessel to:

(b)(1)(xiii) Retain any IFQ species/species group onboard a vessel unless the vessel has observer coverage during the entire trip and observer or catch monitor coverage while in port until all IFQ species from the trip are offloaded. A vessel is exempted from this requirement while remaining docked in port, if the observer makes available to the catch monitor an observer program form reporting the weight and number of bocaccio, yelloweye rockfish, canary rockfish, and cowcod that were retained onboard the vessel during that trip and noting any discrepancy in those species between the vessel operator and observer. A vessel must maintain observer coverage while underway in port. A vessel may deliver IFQ species/species groups to more than one IFQ first receiver, but must maintain observer coverage onboard the vessel during any transit between delivery points. Once transfer of fish begins, all fish aboard the vessel are counted as part of the same landing as defined at §660.11. Modifying the list of IFQ species to which this exception applies has been designated as a “routine management measure” and may be modified through an inseason action, as specified at §660.60(c)(1)(iv).

(xiv) Discard IFQ species/species group at sea unless the observer has documented or estimated the discards.”

5. Excerpt from §660.112(d)(12)-(13):

“These prohibitions are specific to the limited entry trawl fisheries. General groundfish prohibitions are defined at §660.12. In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person or vessel to:

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“(2) *Sorting, retention, and disposition.* (i) Fail to sort, retain, discard, or dispose of catch consistent with the requirements specified at §§660.130(d), 660.140 (b)(2)(iii) and (viii), 660.140(g), and 660.140(j)(2).

\* \* \*

(d)(12) Sort or discard any portion of the catch taken by a catcher vessel in the mothership sector before the catcher vessel observer completes sampling of the catch, except for minor operational amounts of catch lost by a catcher vessel provided the observer has accounted for the discard (i.e., a maximized retention fishery).

(13) Mix catch from more than one haul before the observer completes their collection of catch for sampling.”

6. Excerpt from §660.140(g)(2):

“(g) *Retention and disposition requirements*—(1) *General.* Shorebased IFQ Program vessels may discard IFQ species/species groups, provided such discards are accounted for and deducted from QP in the vessel account. With the exception of vessels on Pacific whiting IFQ trips engaged in maximized retention, prohibited and protected species must be discarded at sea; Pacific halibut must be discarded as soon as practicable and the discard mortality must be accounted for and deducted from IBQ pounds in the vessel account. Non-IFQ species and non-groundfish species may be discarded at sea. The sorting of catch, the weighing and discarding of any IBQ and IFQ species, and the retention of IFQ species must be monitored by the observer.

(2) *Maximized retention for Pacific whiting IFQ trips.* Vessels on Pacific whiting IFQ trips may engage in maximized retention. Maximized retention allows for the discard minor operational amounts of catch at sea if the observer has accounted for the discard. Vessels engaged in maximized retention must retain prohibited species until landing. Protected species may be retained until landing except as provided under paragraph (g)(3) of this section. Pacific halibut must be accounted for and deducted from IBQ pounds in the vessel account.”

7. Excerpt from §660.140(h)(1)(i)(A):

“(h) *Observer requirements*—(1) *Observer coverage requirements* (i) *Coverage.* (A) Any vessel participating in the Shorebased IFQ Program must carry a NMFS-certified observer during any



trip and must maintain observer or catch monitor coverage while in port until all fish from that trip have been offloaded. A vessel is exempted from this requirement while remaining docked in port, if the observer makes available to the catch monitor an observer program form reporting the weight and number of those overfished species identified in §660.112(b)(1)(xiii) that were retained onboard the vessel during that trip and noting any discrepancy in those species between the vessel operator and observer. If a vessel gets underway in port or delivers fish from an IFQ trip to more than one IFQ first receiver, an observer must remain onboard the vessel while the vessel is underway and during any transit between delivery points.”

8. Excerpt from §660.150(b)(2) and (j)(1)(i)(B):

“(j)(1)(i)(B) *Catcher vessels*. Any vessel delivering catch to any mothership must carry one NMFS-certified observer each day that the vessel is used to take groundfish.”

9. Excerpt from §660 Subpart D, Table 1:

**Table 1 (North) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting North of 40°10' N. Lat.**

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table 01/1/2018

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
<b>Rockfish Conservation Area (RCA)<sup>1/</sup>:</b>							
1	North of 45°46' N. lat.	100 fm line <sup>1/</sup> - 150 fm line <sup>1/</sup>					
2	45°46' N. lat. - 40°10' N. lat.	100 fm line <sup>1/</sup> - modified <sup>2/</sup> 200 fm line <sup>1/</sup>					
<p>Selective flatfish trawl gear is required shoreward of the RCA; all bottom trawl gear (large footrope, selective flatfish trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope and small footrope trawl gears (except for selective flatfish trawl gear) are prohibited shoreward of the RCA. Midwater trawl gear is permitted for vessels targeting whiting and non-whiting during the days open to the primary whiting season. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.</p>							
<p>See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70-660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).</p>							
<p>State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.</p>							
3	Minor Nearshore Rockfish & Black rockfish	300 lb/ month					
4	Whiting <sup>3/</sup>	<p>Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.</p> <p>Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.</p>					
5	midwater trawl						
6	large & small footrope gear						
7	Cabezon <sup>4/</sup>						
8	North of 46°16' N. lat.	Unlimited					
9	46°16' N. lat. - 40°10' N. lat.	50 lb/ month					
10	Shortbelly rockfish	Unlimited					
11	Spiny dogfish	60,000 lb/ month					
12	Big skate	5,000 lb/ 2 months	30,000 lb/ 2 months	35,000 lb/ 2 months	40,000 lb/ 2 months	15,000 lb/ 2 months	5,000 lb/ 2 months
13	Longnose skate	Unlimited					
14	Other Fish <sup>4/</sup>	Unlimited					

**TABLE 1 (North)**

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ The "modified" fathom lines are modified to exclude certain petrale sole areas from the RCA.

3/ As specified at §660.131(d), when fishing in the Eureka Area, no more than 10,000 lb of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during the fishing trip, fished in the fishery management area shoreward of 100 fm contour.

4/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

**Table 1 (South) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting South of 40°10' N. Lat.**

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table

01/1/2018

	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
<b>Rockfish Conservation Area (RCA)<sup>1/</sup>:</b>						
<sup>1</sup> South of 40°10' N. lat.	100 fm line <sup>1/</sup> - 150 fm line <sup>1/2/</sup>					
<p>Small footrope trawl gear is required shoreward of the RCA; all trawl gear (large footrope, selective flatfish trawl, midwater trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope trawl gear and midwater trawl gear are prohibited shoreward of the RCA. <b>Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.</b></p>						
<p>See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70-660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).</p>						
<p>State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.</p>						
<b>2 Longspine thornyhead</b>						
<sup>3</sup> South of 34°27' N. lat.	24,000 lb/ 2 months					
<b>4 Minor Nearshore Rockfish &amp; Black rockfish</b>	300 lb/ month					
<b>5 Whiting</b>						
<sup>6</sup> midwater trawl	<p>Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.</p>					
<sup>7</sup> large & small footrope gear	<p>Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.</p>					
<b>8 Cabezon</b>	50 lb/ month					
<b>9 Shortbelly rockfish</b>	Unlimited					
<b>10 Spiny dogfish</b>	60,000 lb/ month					
<b>11 Big skate</b>	5,000 lb/ 2 months	30,000 lb/ 2 months	35,000 lb/ 2 months	40,000 lb/ 2 months	15,000 lb/ 2 months	5,000 lb/ 2 months
<b>12 Longnose skate</b>	Unlimited					
<b>13 California scorpionfish</b>	Unlimited					
<b>14 Other Fish<sup>3/</sup></b>	Unlimited					

TABLE 1 (South)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ South of 34°27' N. lat., the RCA is 100 fm line - 150 fm line along the mainland coast; shoreline - 150 fm line around islands.

3/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

10. Excerpt from §660.216:

“(a) *Observer coverage requirements.* (1) When NMFS notifies the vessel owner, operator, or the manager of a catcher vessel, specified at §660.16(c), of any requirement to carry an observer, the catcher vessel may not be used to fish for groundfish without carrying an observer.

(2) Any vessel 125 ft (38.1 m) LOA or longer that is engaged in at-sea processing must carry two NMFS-certified observers, and any vessel shorter than 125 ft (38.1 m) LOA that is engaged in at-sea processing must carry one NMFS-certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish.

(b) *Notice of departure basic rule.* At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a vessel that has been notified by NMFS that it is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure. Notice will be given in a form to be specified by NMFS.

(1) *Optional notice—weather delays.* A vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (b) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than 4 hours prior to departure, in order to enable NMFS to place an observer.

(2) *Optional notice—back-to-back fishing trips.* A vessel that intends to make back-to-back fishing trips (*i.e.*, trips with less than 24 hours between offloading from one trip and beginning another), may provide the basic notice described in paragraph (b) of this section for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(c) *Cease fishing report.* Within 24 hours of ceasing the taking and retaining of groundfish, vessel owners, operators, or managers must notify NMFS or its designated agent that fishing has ceased. This requirement applies to any vessel that is required to carry an observer, or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit.

(d) *Waiver.* The Northwest Regional Administrator may provide written notification to the vessel owner stating that a determination has been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(e) *Vessel responsibilities—(1) Accommodations and food.* An operator of a vessel required to carry one or more observer(s) must provide accommodations and food that are Equivalent to those provided to the crew.

(2) *Safe conditions.* Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§600.725 and 600.746 of this chapter.

(3) *Observer communications.* Facilitate observer communications by:

(i) *Observer use of equipment.* Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s) or the U.S. or designated agent.

(ii) *Functional equipment.* Ensuring that the vessel's communications equipment, used by observers to enter and transmit data, is fully functional and operational.

(4) *Vessel position.* Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(5) *Access.* Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(6) *Prior notification.* Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified.

(7) *Records.* Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(8) *Assistance.* Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

(i) Measuring decks, codends, and holding bins.

(ii) Providing the observer(s) with a safe work area.

(iii) Collecting bycatch when requested by the observer(s).

(iv) Collecting and carrying baskets of fish when requested by the observer(s).

(v) Allowing the observer(s) to collect biological data and samples.

(vi) Providing adequate space for storage of biological samples.

(f) *Sample station—(1) Observer sampling station.* This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(i) *Accessibility.* The observer sampling station must be available to the observer at all times.

(ii) *Location.* The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

(2) [Reserved]”