



NOAA
FISHERIES

Alaska Region

Exempted Fishing Permit Issuance Process

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Sustainable Fisheries

Exempted Fishing Permit Purpose

EFPs are used to allow fishing that would:

- otherwise be prohibited under 50 CFR part 679
- support projects that could benefit fisheries & the environment

Exempted Fishing Permitting Process

- EFP Application
 - Development & Review
- EFP Permit
 - Development, Review & Issuance
- EFP Permitting Timeline
- EFP Fishing Activities
- EFP Reporting Requirements
- EFP Modifications

EFP Application Development

- Contact NMFS AK Region at earliest point to indicate application is under development
 - Assuming applicant has considered experimental design & contacted AFSC to discuss
- AK Region staff will develop a timeline for processing the permit issuance
 - Usually 8-12 months depending on complexity of project
- Applicant and AK Region staff determine what regulatory exemptions may be needed

EFP Application Development

- Applicant consults EFP application check list & submits draft application
- AK Region staff will review the draft application for completeness and clarity
 - will work with the applicant to finalize the application
- Final draft application submitted to NMFS AK Region

EFP Application Review

- NEPA analysis: Environmental Assessment or Categorical Exclusion
 - Draft EA must be complete before FR Notice published
 - Categorical Exclusion is more typical; EFP has designated CE category
- ESA Consultation
 - If ESA-listed species may be affected by EFP activities in a manner not previously consulted on, new ESA consultation would be required
- Alaska Fishery Science Center
 - AFSC review & approval; revisions must be complete prior to publication of Federal Register Notice & Council consultation

EFP Application Review

- Federal Register Notice of Receipt of Application; request for public comments
 - Public comment period (15-30 days) will end last day of Council meeting in which Council consultation occurs
 - Request for public comments on EA, if drafted
- Council Consultation
 - No later than October Council meeting for issuance of EFP by January 20th
- Notification of USCG, ADFG, and IPHC (as appropriate)
- If NMFS decides not to issue an EFP, the applicant will be notified in writing

Standard EFP Contents

- Permit Holder(s) and contact information
 - Principal Investigator
- Dates for which permit is valid
- Permitted Vessels: selection, requirements, data sheets
- Rationale for EFP
- Terms and Conditions

- Target species
- Harvest TAC and PSC issues
- Timing of exempted fishing
- Areas of exempted fishing

- Notification requirements
- EFP Administrators
- Sampling requirement details
- Sanctions for failure to comply w EFP terms & conditions

- List of Exemptions from Federal Regulations
- Results: analysis and reporting requirements

EFP Development & Issuance

- The new EFP will be assigned an ID number (YYYY- ##)
- AK Region staff will develop draft permit & distribute to applicant and key NMFS staff (OLE, Observer Program)
 - Permit details and language are tweaked & agreed upon by applicant and NMFS
- EA or CE is finalized with AK Region NEPA Coordinator clearance

EFP Development & Issuance

- AKR Regional review and clearance
- NOAA Fisheries General Counsel, General Counsel for Enforcement & OLE review and clearance
- Permit applicant signs final permit
- Alaska Regional Administrator reviews and signs final permit
- Final permit transmitted to permit holder

Generic EFP Issuance Timeline*

Dates	w/ EA or ESA Sect 7	w/ Categorical Excl & no ESA Sect 7
May	Initial contact by applicant; initial application submitted; NEPA Analysis / ESA Consultation initiated	Initial contact by applicant; determination on NEPA analysis & ESA consultation
June	Refine application as needed; EA & ESA analyses on-going	Initial Application submitted; Categorical Exclusion drafted
July	Draft NEPA analysis completed; ESA consultation completed; final draft application submitted; AFSC review requested	Final draft application submitted; AFSC review requested
August	AFSC review received; application revised and finalized; Council Consultation requested; ADFG, USCG, IPHC notified	AFSC review received; application revised and finalized; Council Consultation requested; ADFG, USCG, IPHC notified
September	FR Notice published	FR Notice published
October	Public comment period on application and EA ends; Council Consultation; Permit drafted	Public comment period on application ends; Council Consultation; Permit drafted
November	Regional review, GCAK /GC-ENF /OLE review	Regional review, GCAK /GC-ENF /OLE review
December	Permit Issued	Permit Issued
January	EFP fishing can begin	EFP fishing can begin

* Timing depends on project complexity & desired fishing start date

Exempted Fishing Activities

- Notification to NMFS of begin/end EFP fishing
- Notification to NMFS of non-performance
- Notification to NMFS of any issues impacting EFP activities

EFP Reporting Requirements

- Interim and Final Reports
 - Due dates and general content requirements will be included in EFP
- Presentation of results to the Council
 - If requested

Modifications to EFPs

- Minor changes may be approved without new application
- Major change to terms & conditions require a new application
 - Determination of whether request is a major change is up to the discretion of the agency
 - Target species
 - Request for additional TAC or PSC allowance
 - Change in area or timing
- Modified EFP would need to be signed & issued by Regional Administrator