



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic Atmospheric Administration

National Marine Fisheries Service

B2 Deck Sorting EFP Renewal

P.O. Box 21668

February 2017

Juneau Alaska 99802-1668

January 11, 2017

RECEIVED
JAN 13 2017

Dan Hull, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Re: Review of an application to renew the exempted fishing permit to test handling methods for reducing halibut mortality in the non-pelagic trawl fishery

Dear Chairman Hull:

On May 6, 2016, NMFS issued an exempted fishing permit (EFP) to allow sorting of halibut on the deck of participating non-pelagic trawl catcher-processor vessels in the Bering Sea and Aleutian Islands (BSAI). The EFP (EFP 2016-01) is valid through April 30, 2017. On January 10, 2017, NMFS issued a modified version of the EFP (modified EFP 2016-01, enclosed) to improve the efficiency of the EFP based on what NMFS and the participants learned from EFP fishing from May through November 2016.

On January 10, 2017, NMFS received a request (enclosed) from the EFP Principal Investigator, Mr. John Gauvin, Alaska Seafood Cooperative (AKSC) to extend the effective period of modified EFP 2016-01 to be valid through December 31, 2017. NMFS is initiating consultation with the North Pacific Fishery Management Council (Council) on the request to renew modified EFP 2016-01. Issuance of EFPs is authorized by the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and its implementing regulations at 50 CFR 679.6, Exempted Fisheries. We are providing the application for renewal to the State of Alaska and the Council, as required by 50 CFR 600.745(b)(3)(i) and 50 CFR 679.6(c)(2).

The EFP renewal would allow non-pelagic trawl catcher-processor vessels in the BSAI to continue to sort halibut removed from a codend on the deck of the vessel and release those fish back to the water after accounting for halibut viability of individual fish using International Pacific Halibut Commission halibut mortality assessment methods. All groundfish and halibut harvested would continue to be within the amount of groundfish and halibut mortality apportioned to the AKSC and other participating sectors.

This proposed action would continue to exempt EFP participants from selected 50 CFR 679 prohibitions, monitoring, and observer requirements. Vessels participating in EFP fishing would continue to be exempt from the following regulations:



1. the prohibition against interfering with or biasing the sampling procedure employed by an observer including physical, mechanical, or other sorting or discarding of catch before sampling, at § 679.7(g)(2);
2. the requirements to weigh all catch by an Amendment 80 vessel on a NMFS-approved scale at § 679.93(c)(1) and by all vessels at § 679.28(b); and
3. the requirement to return all prohibited species, or parts thereof, to the sea immediately, with a minimum of injury, regardless of its condition at § 679.21(b)(2)(ii).

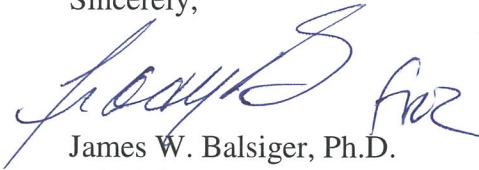
The EFP applicants seek exemptions to regulations that NMFS currently requires for monitoring and enforcement of the Amendment 80, CDQ, and trawl limited access sectors to ensure proper accounting for allocated quota and prohibited species. NMFS believes that allowing observers access to unsorted catch and ensuring that all catch is weighed prior to sorting are essential to ensure accurate reporting by these sectors. Renewal of this EFP would not constitute NMFS's endorsement of large scale revisions to these longstanding monitoring and enforcement safeguards in these fisheries.

The research to be conducted in this EFP is an extension of the EFPs conducted by the Amendment 80 sector in 2009, 2012, 2015, and 2016. The amount of halibut savings under the 2009 and 2012 EFP was estimated to be 17 mt and 10.8 mt, respectively. An estimated 175 mt of halibut were estimated to be saved in the 2015 EFP, and the preliminary estimate of halibut savings under the 2016 EFP is 288 mt. This EFP renewal application does not request any additional target or prohibited species catch (PSC) beyond the 2017 groundfish allocations and PSC apportionments for each sector. As such, the amount of halibut mortality accrued by EFP and non-EFP vessels combined would not exceed the sector's halibut mortality limit.

After reviewing the proposed EFP renewal in relation to NOAA Administrative Order (NAO) 216-6, NMFS has determined that the proposed EFP research would not have a significant effect on the human environment. Specifically, the proposed action qualifies for a Categorical Exclusion under section 5.05b and 6.03d.4 of NAO 216-6 because it does not involve a geographic area with unique characteristics, is not the subject of public controversy based on potential environmental consequences, does not have uncertain environmental impacts or unique or unknown risks, does not establish a precedent or decision in principle about future proposals, will not result in cumulatively significant impacts, and will not have any adverse effects upon endangered or threatened species or their habitats.

We are initiating consultation with the Council by forwarding the application, as required by 50 CFR 679.6(c)(2). We understand that you have scheduled Council review of the proposed EFP renewal during the NMFS Management Report at the Council's February 2017 meeting. Please notify Mr. John Gauvin of the AKSC, of your receipt of the renewal application and invite him to appear before the Council during the February meeting in support of the application. We will publish a notice of receipt of the renewal application in the *Federal Register* with a description of the proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "James W. Balsiger".

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

Enclosures:

Modified EFP 2016-01

EFP Renewal Application

Categorical Exclusion supporting this proposal



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau Alaska 99802-1668

January 10, 2017

John Gauvin
Alaska Seafood Cooperative
4241 21st Avenue W, Suite 302
Seattle, Washington 98199

Re: Modification to Exempted Fishing Permit No. 2016-01

Dear Mr. Gauvin:

On May 6, 2016, we issued exempted fishing permit (EFP) 2016-01 for your feasibility study to reduce halibut mortality on designated non-pelagic trawl catcher-processor vessels in the Bering Sea (Amendment 80, Community Development Quota, and trawl limited access programs). EFP 2016-01 allows exemptions from certain regulations under 50 CFR part 679 to facilitate deck sorting of halibut to reduce halibut mortality. Fishing under EFP 2016-01 began in May 2016. EFP 2016-01 expires on April 30, 2017.

To date, 12 trawl catcher-processors have conducted experimental fishing under EFP 2016-01. During the course of this experimental fishing, you have coordinated closely with us, the National Marine Fisheries Service (NMFS), to ensure the requirements and objectives of the EFP are achieved. In discussions with you and the other permit holders, we have identified aspects of the permit that warrant modification to improve the execution of the EFP and the efficiency of experimental fishing based on lessons learned to-date. We have modified EFP 2016-01 to reflect the changes we discussed with you from June through November 2016.

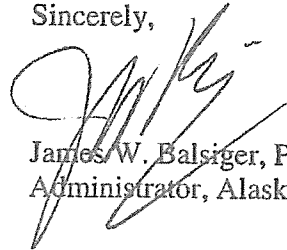
This is a minor permit modification. The modification will allow you to accomplish project goals with no additional regulatory exemptions, requirements, or environmental impacts as documented in the EFP's Categorical Exclusion. NMFS has determined that this permit modification ensures that the goals of the experiment can be achieved and that it improves the opportunity for yielding reliable data to reach conclusions about the effectiveness of halibut deck sorting.

Enclosed is a copy of the modified EFP 2016-01. A copy of this modified EFP must be on board the permitted vessel during fieldwork, and as long as groundfish from exempted fishing are retained on board the vessel. The permit holder and permitted vessel operator must comply with all provisions of the modified EFP, the Magnuson-Stevens Fishery Conservation and



Management Act, and 50 CFR part 679, except as provided in the terms and conditions of the modified EFP. If you have any questions regarding this permit, please contact Brandee Gerke of the Sustainable Fisheries Division (907-586-7650).

Sincerely,



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

cc: William McGill, AGC
Mark Finak, USS
Todd Loomis, OP
Jan Jacobs, ASC
Jim Johnson, GFC
Annika Saltman, FF
Keith Bruton, OC
Erik Petersen, IUS

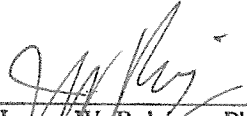
Enclosure

**BERING SEA/ALEUTIAN ISLANDS
GROUNDFISH FISHERY
EXEMPTED FISHING PERMIT
AUTHORITY: 50 CFR 600.745(b) AND 50 CFR 679.6
MODIFIED PERMIT 2016-01**

The Administrator, Alaska Region, (Regional Administrator), National Marine Fisheries Service (NMFS), acting on behalf of the Secretary of Commerce, hereby authorizes designated non-pelagic trawl catcher-processor vessels in the Bering Sea and Aleutian Islands (Amendment 80, Community Development Quota [CDQ], and Trawl Limited Access programs) to conduct experimental fishing that will provide information on how modified halibut handling practices may contribute to incidentally caught halibut survival. The exempted fishing permit (EFP) describes exemptions to regulations and other requirements that are necessary to facilitate the project.

The permit holders and the owner(s) and operator(s) of the participating vessel(s) must comply with the EFP terms, and unless otherwise provided in this permit, the Magnuson-Stevens Fishery Conservation and Management Act, and 50 CFR parts 600 and 679. An authorized designated representative for each vessel participating in experimental fishing under this EFP must complete and sign a copy of the vessel information form contained in Appendix A, of this EFP.


This permit (modified permit 2016-01) is valid and in effect when signed by both the Regional Administrator and all participating permit holders. This permit is valid through April 30, 2017. If experimental fishing concludes before the expiration date, the Principal Investigator may terminate the permit prior to the expiration date by notifying Brandee Gerke (907) 586-7650, 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

1-10-17

Date Signed



John Gauvin
Principal Investigator,
Alaska Seafood Cooperative

1/9/17

Date Signed

BERING SEA/ALEUTIAN ISLANDS
GROUNDFISH FISHERY
MODIFIED EXEMPTED FISHING PERMIT 2016-01
PERMIT HOLDER SIGNATURE PAGE



Permit Holder Signature

Mark Fina

Permit Holder Printed Name

United States Seafoods, LLC (USS)

Permit Holder Company/Affiliation

January 9, 2017

Date Signed



Permit Holder Signature

Todd Loomis

Permit Holder Printed Name

Ocean Peace, Inc. (OP)

Permit Holder Company/Affiliation

January 9, 2017

Date Signed



Permit Holder Signature

Jim Johnson

Permit Holder Printed Name

Glacier Fish Company, LLC (GFC)

Permit Holder Company/Affiliation

January 9, 2017

Date Signed



Permit Holder Signature

Annika Saltman

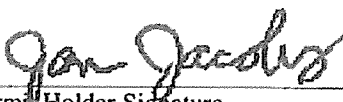
Permit Holder Printed Name

Fishermen's Finest (FF)

Permit Holder Company/Affiliation

January 9, 2017

Date Signed



Permit Holder Signature

Jan Jacobs

Permit Holder Printed Name

American Seafoods Company, LLC (ASC)

Permit Holder Company/Affiliation

January 9, 2017

Date Signed



Permit Holder Signature

KEITH A. BLUM

Permit Holder Printed Name

O'Hara Corp. (OC)

Permit Holder Company/Affiliation

January 9, 2017

Date Signed



Permit Holder Signature

Erik Petersen

Permit Holder Printed Name

Iquique US, LLC (IUS)

Permit Holder Company/Affiliation

January 9, 2017

Date Signed



Permit Holder Signature

William McGill

Permit Holder Printed Name

Alaska Groundfish Cooperative (AGC)

Permit Holder Company/Affiliation

January 9, 2017

Date Signed

Permit Holder Signature

Permit Holder Printed Name

Permit Holder Company/Affiliation

Date Signed

**BERING SEA/ALEUTIAN ISLANDS
GROUNDFISH FISHERY
MODIFIED EXEMPTED FISHING PERMIT 2016-01
TERMS AND CONDITIONS**

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

**MODIFIED HALIBUT HANDLING EXPERIMENT FOR THE BERING SEA NON-PELAGIC
TRAWL CATCHER-PROCESSOR FISHERIES**

A. Permit Holders – The following individuals and the companies they represent were co-applicants for this EFP and will be considered joint permit holders if the co-applicant has signed on page 2 or page 3 of this permit. Each permit holder must designate an authorized representative(s) to act as the main point of contact between the permit holder, the Principal Investigator, the vessel and crew, and NMFS.

1. John Gauvin
Alaska Seafood Cooperative (AKSC)
4241 21st Avenue W., Suite 302
Seattle, WA 98199
(206) 462-7682
2. William McGill
Alaska Groundfish Cooperative (AGC)
580 Naches Ave. SW, #100
Renton, WA 98057
(425) 738-5200
Vessels: Alaska Spirit, Alaska Victory
3. Mark Fina
United States Seafoods, LLC (USS)
1801 Fairview Ave. E., #100
Seattle, WA 98102
(206) 763-3133
Vessels: Seafreeze Alaska, Seafreeze America, Legacy, Vaerdal
4. Todd Loomis
Ocean Peace, Inc. (OP)
4201 21st Ave. West
Seattle, WA 98199
(206) 282-6100
Vessels: Seafisher, Ocean Peace
5. Jan Jacobs
American Seafoods Company, LLC (ASC)
2025 1st Ave., #900
Seattle, WA 98121
(206) 448-0300
Vessels: Katie Ann, Northern Jaeger

6. Jim Johnson
Glacier Fish Company, LLC (GFC)
2320 W. Commodore Way, #200
Seattle, WA 98199
(206) 298-1200
Vessel: Northern Glacier
 7. Annika Saltman
Fishermen's Finest (FF)
570 Kirkland Way
Kirkland, WA 98033
(206) 283-1137
Vessels: US Intrepid, American No. 1
 8. Keith Bruton
O'Hara Corp. (OC)
4315 11th Ave NW
Seattle, WA 98107
(206) 706-4166
Vessels: Defender, Constellation, Enterprise, Araho
 9. Erik Petersen
Iquique US, LLC (IUS)
2320 West Commodore Way, Suite 200
Seattle, WA 98199
(206) 298-1200
Vessels: Unimak, Cape Horn, Rebecca Irene, Arica
- B. **Principal Investigator and Designated Representatives.** The Principal Investigator is authorized to receive data from observers and vessel crew participating in this EFP. Each permit holder must identify a designated representative for their participating vessels. The permit holder may be the same person as the designated representative. The designated representatives are authorized to act on the behalf of the Principal Investigator and permit holders to receive information or data generated from the EFP from the vessel operator of any vessel authorized to participate in this EFP.
1. **Principal Investigator:** The Principal Investigator (PI) is, in addition to any other responsibilities described in this permit, responsible for compiling and analyzing all EFP data collected according to the provisions of this permit and the procedures described in Appendix B, and presenting a summary of those data to NMFS. The PI is also responsible for ensuring that the designated representatives understand and comply with the provisions of this EFP.
John Gauvin
Alaska Seafood Cooperative (AKSC)
4241 21st Avenue W., Suite 302
Seattle, WA 98199
(206) 462-7682

2. **Designated Representatives:** A designated representative, in addition to any other responsibilities described in this permit, manages the daily operations of a vessel or group of vessels and is the main point of contact for the vessel, PI, and NMFS.

- | | |
|--|---|
| a. Beth Concepcion, AKSC
(206) 462-7683 | f. Jim Johnson, GFC
(206) 298-1200 |
| b. William McGill, AGC
(425) 738-5200 | g. Annika Saltman, FF
(206) 283-1137 |
| c. Mark Fina, USS
(206) 763-3133 | h. Keith Bruton, OC
(206) 706-4166 |
| d. Todd Loomis, OP
(907) 644-8601 | i. Erik Petersen, IUS
(206) 298-1200 |
| e. Jan Jacobs, ASC
(206) 448-0300 | |

Permitted Vessels. Designated non-pelagic trawl catcher-processor vessels in the Bering Sea and Aleutian Islands Amendment 80, CDQ, and Trawl Limited Access programs are authorized to fish under this EFP. Each vessel must have sufficient space on deck to sort and handle halibut and adequate space and facilities for the additional observer(s), project field manager, or other staff required for this EFP.

1. The PI will submit to NMFS a completed and signed Vessel Data Sheet (see Appendix A) for each participating vessel that includes the following information:
 - a. Vessel name(s)
 - b. Vessel length and tonnage (gross)
 - c. Federal permit number and USCG registration number
 - d. Vessel homeport
 - e. Name, address, telephone number, and fax number of owner
 - f. Name of managing company
 - g. Name of designated representative
 - h. Contact information for designated representative
 - i. Signature of designated representative
 2. A copy of this EFP must be on board each participating vessel when EFP fishing.
- C. Timing of Fishing under the EFP.** Fishing under the terms of this permit is authorized from the date of issuance through April 30, 2017, or until exempted fishing is concluded, whichever is earlier.
- D. Area of the Exempted Fishing.** Exempted fishing under this permit is restricted to the BSAI.
- E. Requirements for Participating Vessels.** In addition to other applicable requirements, including those set forth in Appendix B, owners and operators of a vessel participating in the project must comply with the following provisions:
1. A vessel satisfying all of the following criteria may participate in this EFP:
 - a. it is a member of the non-pelagic trawl catcher-processor fisheries (Amendment 80, CDQ, or Trawl Limited Access) in the Bering Sea and Aleutian Islands;
 - b. it is named on a Vessel Data Sheet submitted to NMFS by the permit holder; and
 - c. it is approved by NMFS for fishing under the EFP.
 2. Each vessel must maintain sufficient space on deck to conduct halibut sorting and handling activities and adequate space and facilities for the additional observer(s), designated

- representative, or other staff required for this EFP.
3. In addition to the vessel's copy, a copy of this EFP must be kept on board the vessel and made available to the observer at the observer's request.
 4. Owners and operators of vessels selected for EFP fishing must operate the vessel and maintain collected experiment data in accordance with the requirements of the EFP, as described in this permit and in **Appendix B**. Vessel owners and operators must follow any sampling or handling protocol adjustments deemed necessary by the PI, in consultation with NMFS.

F. Pre-Trip Duties

1. Notification to NMFS to opt-in to EFP.
 - a. The vessel's designated representative must notify Chris Rilling (206-526-4194) at the NMFS Fisheries Monitoring and Analysis (FMA) office in Seattle or his designee at least 7 business days prior to a vessel beginning its first trip fishing under the EFP.
 - b. The vessel's designated representative must also notify the PI or designated representatives (Beth Concepcion) when opting-in to the EFP.
 - c. If a vessel discontinues EFP fishing for one or more trips, a designated representative must notify FMA prior to that vessel leaving on a subsequent EFP trip(s). This notice will include the name and Federal permit number of each vessel.
2. Notification to observer provider. The permit holder or their designated representative must inform their observer provider of their coverage needs at least 7 days prior to a vessel's first trip fishing under the EFP to allow for the observers to register for a briefing (as described in paragraph F4 below). This notification requirement allows time for FMA to provide additional training associated with sampling that is required for this EFP.
3. Pre-trip meeting with vessel.
 - a. A pre-EFP trip meeting is conducted prior to any EFP fishing trip when any one of the following—observer, vessel captain, or key crew member—is participating in deck sorting for the first time. The observers, captain, and key crew members will participate in the meeting and discuss EFP fishing protocols and responsibilities of each party to ensure adherence to the terms of this permit and applicable regulations.
 - b. The pre-EFP trip meeting may occur on the vessel at any time prior to fishing.
4. Observer pre-deployment briefing. Pre-deployment briefings with observers are separate from the pre-trip meeting with the vessel described in paragraph F3 above, and should be scheduled with the NMFS Dutch Harbor office (907-581-2060) by the observer provider or designated representative as soon as possible prior to the observer embarking on an EFP trip (under modified permit 2016-01) on that vessel for the first time. If FMA staff is not available to conduct the briefing in Dutch Harbor, contact Chris Rilling (206-526-4194) of the FMA office in Seattle. An observer provider or vessel's designated representative will give NMFS 72 hours from the time of embarkation to schedule the pre-deployment briefing with observers embarking on their first EFP trip in 2017.

G. Observer Requirements for EFP Participants. All sampling under this EFP will be conducted by NMFS-certified observers deployed pursuant to regulatory requirements and working under the direction of NMFS.

1. Observer qualifications. Observers must have current NMFS observer certification as defined at 50 CFR 679.53(a).
2. Duration of trips. As identified at § 679.52(b)(8)(i) an individual who is deployed as an observer may not stay out on the vessel participating in this EFP for more than 90 days in a 12-month period.
3. Number of observer(s) for EFP trips. Each vessel participating in the EFP must have two NMFS-certified observers on board during EFP trips to collect required data and conduct required sampling during all hauls. A vessel operator may elect to carry additional observers during EFP

trips, to a maximum of four observers, to allow fish to be run over the flow scale and into the factory during deck sorting. See Section K of this part and **Appendix B**, Section F.

4. Employment of observers. Observers must be employed by a NMFS-approved observer service provider.
5. Working conditions. Prohibitions pertaining to working conditions for NMFS observers may be found at 50 CFR 679.7(g).

H. Deck Sorting Video Monitoring. A video system will be installed by vessel owners or operators on each participating vessel. Video system requirements must meet the requirements described below:

1. A screenshot of the proposed view for each video camera installed on the participating vessel and a diagram showing all cameras and their views must be submitted to NMFS for approval 10 working-days prior to their first EFP trip.
2. The video system must be approved and operational prior to their first EFP trip.
3. The video system must be maintained by the vessel operator, and must be recording at all times during all EFP trips from the commencement of EFP fishing until EFP fishing is completed.
4. The video system must record at a minimum of 5 unique frames per second, and the video stream must be viewable on a monitor, which can be placed anywhere on the boat, to verify its functionality.
5. Video data must be reviewed by the vessel operator once per calendar day on EFP trips to verify camera placement, camera view (must be clear and unobstructed), and the system's ability to record and save the video data. Daily reviews of the video monitoring system must be recorded by the vessel operator in a log and submitted with the video to NMFS as described in paragraph H8 below.
6. In the event of a video monitoring system malfunction, the time, date, and description of the malfunction must be recorded in the video log. The video monitoring system must be repaired and operational before the vessel may begin a new trip under the EFP.
7. NMFS employees and authorized officers will be provided access to the video data any time during the vessel's participation in the EFP.
8. The video data and log must be maintained on board the vessel for the duration of a vessel's participation in the EFP and must be submitted by the designated representative to NMFS for review at the end of each vessel's participation in the EFP. Any software needed to review this video must also be submitted to NMFS. The address to submit the video data follows:

NMFS Alaska Region
709 West 9th Avenue, Room 401
Juneau, AK 99801-1668

-or-

NMFS Alaska Region
P.O. Box 21668
Juneau, AK 99802-1668

I. Deck Sorting. This EFP allows deck sorting of halibut on trips designated as EFP trips when an observer is on duty and present to monitor deck sorting activities. The observer on duty will record length (which will be converted to weight via the International Pacific Halibut Commission conversion tables) and viability of halibut sorted on deck in accordance with the procedures in **Appendix B**. During EFP hauls, all halibut sorting on deck must be carried out under the direct supervision of the observer on duty.

1. EFP mode is the default fishing mode.
2. Notification to observer of non-deck sorting hauls.
 - a. The lead observer will provide the vessel captain with each observer's on-duty schedule, and any changes to that schedule during the trip. This schedule will allow the captain to

identify the on-duty observer for purposes of the EFP haul-back and factory notification requirements.

- b. At least 15 minutes prior to fish being brought on board the vessel, the captain, or the mate if the captain is not on duty, is responsible for notifying the on-duty observer if the vessel will not deck sort halibut during that haul. This will be done by "Deck Sort opt-out" notice between the vessel captain and the on-duty observer.
 - c. When halibut deck sorting resumes following a "Deck Sort opt-out," the vessel captain, or mate if the captain is not on duty, is responsible for notifying the observer on duty that the vessel is resuming deck sorting. For any haul where deck sorting did not occur, all halibut mortality will be calculated from the halibut collected in the observer species composition sample.
3. Data collection procedures on deck.
- a. For all deck sorting hauls, vessel crew are prohibited from bringing a net on deck until the observer on duty is present on the deck.
 - b. Observer must be notified at least 15 minutes before the net is brought on deck.
 - c. Observer must be provided a suitable space on deck, including a work table, to measure halibut and assess viabilities.
 - d. There must be only a single pathway on deck for halibut to be conveyed to the observer on duty.
 - e. The work table must meet the following specifications, unless otherwise approved by NMFS: be between 0.9 and 1.1 meters tall with a table top that is at least 0.6 meters deep and 1.2 meters wide; have a lip on at least two sides to prevent fish from sliding off; and have a NMFS-approved length strip secured to the surface. In most cases, the work table will be connected to a ramp, chute, or belt where halibut are slid from the deck and offboard the vessel.
 - f. There must be only a single point of discard after the work table, which must be visible to the observer during deck sorting operations.
 - g. For any deck sorted haul, crew will pull the codend forward of the live tank hatch. This will provide room for crew to sort halibut from the catch as it flows into the tank. All remaining catch, including the remainder of the halibut not sorted on deck will be dumped into the tank for sorting by crew in the factory.
 - h. The observer will work with the crew to adjust the pace that the crew delivers halibut to the observer for sampling.
 - i. Observer will collect and record data for deck sorted halibut according to the procedures described in **Appendix B**.
4. Video monitoring of deck sorting. The video monitoring system must show all deck areas where halibut are sorted from groundfish and other components of the catch on deck. (Video system requirements under the EFP are described in Section H of this permit).

J. Transition to Factory

1. If one observer is on duty

- a. During deck sorting by crew: any door between the live tank(s) where EFP catch (that was not removed on deck) is placed and the factory must be closed and any conveyor belt between the live tank and observer sample station must be stopped until observer duties on deck are completed.
- b. After completion of deck sorting, upon notification from the observer on duty, the crew may open the live tank door and begin to discharge fish from the vessel's live tank(s) across the flow scale and into the factory.

2. If two observers are on duty
 - a. During deck sorting by crew: any door between the live tank(s) where EFP catch (that was not removed on deck) is placed and the factory may remain open and fish may be run over the flow scale and into the factory.

K. Factory Sampling

1. The crew will collect all halibut in the factory that were not removed during deck sorting operations and will place them in totes designated for this purpose for the observer to count, weigh, and measure (see K5 below).
2. Observer need not be present for sorting in factory to begin.
3. Crew may run fish over the scale as normally occurs in these fisheries, as long as there are two observers on duty or, if there is one observer on duty, the observer is not on the deck performing deck sorting sampling duties.
4. Accounting for halibut in the factory
 - a. Observer will sample halibut in the factory according to standard catch composition sampling procedures developed by FMA. Any halibut encountered in the observer's samples will be added to the industry count of factory halibut.
 - b. The weight of halibut from the observer species composition sample in the factory will be extrapolated by the NMFS Catch Accounting System to estimate the total weight of halibut recovered in the factory.
 - c. The total weight estimated according to K4b above will be assigned a mortality rate of 90%.
5. Industry count of factory halibut
 - a. Crew will sort all halibut for that haul at a point beyond the observer sampling station.
 - b. Following collection of all factory halibut by the crew, the crew will notify the observer on duty that all halibut have been collected.
 - c. Crew may sort, but not discard, halibut in the factory without the direct supervision of the observer.
 - d. After all halibut have been sorted from catch, observers will measure or weigh all halibut and record information on the back of the deck sheet.
 - e. Observer may determine the best time to weigh/measure factory halibut so as to ensure that sufficient time is available for factory sampling and other duties.
 - f. Factory halibut collected by crew from individual hauls must be kept separate and tracked by haul number.
 - g. PI will compare estimates of total halibut weight extrapolated from observer's species composition sample to the total weight of halibut collected by the crew in the factory as part of the final project report.
 - h. Additional instructions for the observer are provided in **Appendix B**.
6. Video monitoring in factory. The video monitoring system in the factory must show all factory areas where halibut are sorted from the catch, all crew action in these areas, and discern if individual fish are removed from the halibut storage container. (Video system requirements under the EFP are described in Section H of this permit.)

L. Data Management

1. Observers will follow data management responsibilities developed by FMA. (Described in Section E of **Appendix B**.)
2. Vessel data management responsibilities.
 - a. For Amendment 80 and Trawl Limited Access hauls during an EFP trip, a vessel operator must enter "Exempted Fishing Permit (EXP)" as the Management Program, in the electronic logbook (eLogbook).

- b. For CDQ hauls during an EFP trip, a vessel operator must enter "CDQ" as the Management Program in the eLogbook and add a comment field that says, "Deck sorting EFP."
 - c. A vessel operator must provide copies of all EFP deck sheets and data to the PI and designated representatives.
 - d. Deck sorting video monitoring data requirements are described in Section H of this permit.
3. Principal Investigator responsibilities
- a. The PI will analyze the EFP data and draft an interim report summarizing the project objectives, areas fished, vessels used, EFP project staff aboard, itinerary and schedule, number of halibut assessed on and below deck, and the weight of halibut and groundfish harvest. This interim report will be presented to the NMFS Alaska Fisheries Science Center and Alaska Region, and the North Pacific Fishery Management Council (Council) at its December 2017 meeting.
 - b. In addition, the PI will submit a more detailed final report of the data and prepare a written report for submission to NMFS within 90 days of completion of fieldwork. That report will encompass activities, results, accounting of any halibut savings generated, any problems and successes, and how well the EFP objectives were accomplished. A copy of that report also will be provided to the Council. If requested, the PI will present the report to the Council and its advisory bodies. Any analysis and report writing are the responsibility of the EFP permit holder.
- M. **Prohibited Species Catch Limits.** This EFP does not grant additional groundfish, halibut prohibited species catch (PSC), or other PSC beyond the amounts allocated through the NMFS annual harvest specifications for the year in which the EFP fishing will occur. The PI, permit holders, designated representatives, vessel owners, and operators must ensure that the estimated halibut mortality from EFP fishing under this permit does not exceed the 2016 or 2017 apportionments of halibut mortality specific to each EFP participant (see 2016 Harvest Specifications, https://alaskafisheries.noaa.gov/harvest-specifications/field_harvest_spec_year/2016-2017-751f).
- N. **Sale of Groundfish.** EFP participants will be allowed to sell all groundfish catch retained in compliance with the EFP, regulations, and the law.
- O. **Administration of the Activities under Exempted Fishing.** Management of the EFP fieldwork will be the responsibility of the PI, permit holders, and their designated representatives. The PI, a permit holder, or a designated representative must immediately notify the NMFS Alaska Regional Office by contacting Brandee Gerke (907-586-7650) and the owner of any vessel fishing under this permit if there are indications from observer debriefings, law enforcement inspections, 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.
- P. **Sanctions.** Failure of the PI, permit holders, designated representatives, project field manager, vessel crew, or the owners or operators of the 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 Fishery Conservation and Management 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.
- Q. **Exemptions from Federal Regulations.** All participants must comply with all requirements of 50 CFR part 679 regulations applicable to vessels participating in Amendment 80, CDQ, and Trawl

Limited Access fisheries, with the exception of the exemptions listed below, effective from May 1, 2016, or from the date the Regional Administrator signs this EFP (whichever date is later), through April 30, 2017. These exemptions apply only to the deck sorting of halibut, not other species, during the effective period of the EFP.

1. Biasing Observer Samples. Permit holders, vessel owners, and operators fishing under this permit, are exempt from § 679.7(g)(2) that otherwise prohibits biasing the observer's sampling procedure by pre-sorting halibut catch. The participating vessels will be allowed to account for the number of halibut caught through sampling methods described in Appendix B. All other elements of § 679.7(g)(2) continue to apply to all other fishing during an EFP trip. Sorting of PSC species other than halibut will continue to be prohibited.
2. Immediate Return of Prohibited Species to Sea. Vessel owners and operators are exempt from the requirement at § 679.21(a)(2)(ii) to return all prohibited species, or parts thereof, to the sea immediately, with a minimum of injury, regardless of its condition, for three specific purposes related to the additional time out of water needed for scientific and data collection purposes of the EFP: to allow the observer to measure and assess halibut viability on deck, to allow halibut to be temporarily retained for a whole-haul count, and to allow halibut to be handled and tagged for research purposes during EFP hauls designated under the conditions of the permit. Vessel operators must not lift halibut by the caudal peduncle, throw halibut, or otherwise cause additional injury to halibut. Furthermore, species other than halibut are not exempted from this prohibition and must be returned to the sea immediately, with a minimum of injury, regardless of condition.
3. Halibut Flow Scale Exemption. Owners and operators of Amendment 80 vessels participating in this EFP are exempt from the requirement at § 679.93(c)(1), and owners and operators of all other vessels participating in this EFP are exempt from the requirement at § 679.28(b) that all catch of halibut must be weighed on a NMFS-approved scale and made available at a single location. This exemption is necessary to allow observers to take length measurements on halibut caught during EFP designated hauls, and release them to the sea.
4. Apart from these exemptions, vessel owners and operators must comply with applicable observer coverage requirements, including those found at §§ 679.50, 679.51, 679.52, 679.53, 679.54 and 679.55, while participating in activities under this EFP.

APPENDIX A—VESSEL DATA SHEET
MODIFIED EXEMPTED FISHING PERMIT: 2016-01
PERMITTED VESSEL

Name of managing company:

Vessel Name:

Federal Permit Number:

USCG Official Number:

Owner Name:

Owner Address:

Phone:

Fax:

Length Overall:

Gross Tonnage:

Type of Vessel:

Homeport:

Name, phone number, and email of designated representative:

Signature(s) of Designated Representative(s):

Date signed

Date signed

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

APPENDIX B: OBSERVER PROCEDURES FOR DECK SORTING UNDER MODIFIED EFP 2016-01

- A. Observer pre-deployment briefing.** Pre-deployment briefings with observers are separate from the pre-trip meeting with the vessel (described in paragraph F3 of the modified permit), and should be scheduled with the NMFS Dutch Harbor office (907-581-2060) by the observer provider or designated representative as soon as possible prior to the observer embarking on an EFP trip (under modified EFP 2016-01) on that vessel for the first time. If FMA staff is not available to conduct the briefing in Dutch Harbor, contact Chris Rilling (206-526-4194) of the FMA office in Seattle.
1. An observer provider or vessel's designated representative will give NMFS 72 hours from the time of embarkation to schedule the pre-cruise briefing with observers embarking on their first EFP trip.
 2. FMA will provide each observer with a project description and sampling instruction packet in their training materials.
- B. Deck Sorting.** This EFP allows deck sorting of halibut on trips designated as EFP trips when an observer is on duty and present to monitor deck sorting activities. The observer on duty will record length (which will be converted to weight via the International Pacific Halibut Commission [IPHC] conversion tables) and viability of halibut sorted on deck in accordance with the procedures in this Appendix. During EFP hauls, all halibut sorting on deck must be carried out under the direct supervision of the observer on duty.
1. EFP mode is the default fishing mode.
 2. Notification to observer of non-deck sorting hauls.
 - a. At least 15 minutes prior to fish being brought on board the vessel, the captain, or the mate if the captain is not on duty, is responsible for notifying the on-duty observer if the vessel will not deck sort halibut during that haul. This will be done by "Deck Sort opt-out" notice between the vessel captain and the on-duty observer.
 - b. When halibut deck sorting resumes following a "Deck Sort opt-out," the vessel captain, or mate if the captain is not on duty, is responsible for notifying the observer on duty that the vessel is resuming deck sorting. For any haul where deck sorting did not occur, all halibut mortality will be calculated from the halibut collected in the observer species composition sample.
 3. Data collection procedures on deck.
 - a. For all deck sorting hauls, vessel crew are prohibited from bringing a net on deck until the observer on duty is present on the deck.
 - b. Observer must be notified at least 15 minutes before the net is brought on deck.
 - c. Observer must be provided a work table on deck to measure halibut and assess viabilities as described in paragraph I3 of the modified permit. In most cases, this will occur on a ramp, chute, or belt where halibut are slid from the deck and off board the vessel. There may be only a single pathway on deck for halibut to be conveyed to the observer on duty. There must only be a single point of discard after the observer work table that is visible to the observer at all times during deck sorting operations.
 - d. At the discretion of the observer, large halibut too cumbersome to place on the work table may be measured and assessed within the pathway from the trawl alley to discard.
 - e. When the codend arrives on the stern ramp, the observer must record the time of day that the codend was brought aboard as reference information for the haul.
 - f. For any deck sorted haul, crew will pull the codend forward of the live tank hatch. This will provide room for crew to sort halibut from the catch as it flows into the tank. The remainder of the halibut not sorted on deck will be placed into the tank for sorting by crew in the factory.

- g. The observer will work with the crew to adjust the pace that the crew delivers halibut to the observer for sampling.
- h. Sampling: Using standard observer sampling procedures outlined in the Observer Sampling Manual, observers will implement a random systematic sample design to identify those halibut for which additional data are collected.
- i. Sampling Rate: Observers will systematically sample at a rate of 1 in every 5 halibut.
- j. Data recording: To record viability and other project data of deck sorted halibut, the observer will use a standard Observer Program deck form. A new deck form will be used for each haul.
- k. Length and viability sampling. For halibut that are selected for data collection, measure the fork length in centimeters. For those same halibut, assess the viability using the standard IPHC assessment methodologies. Record the fork length, viability, and elapsed time out of water on the deck form.
- l. End of deck sorting haul. When the last deck sorted halibut has been discarded through the chute, record the elapsed time on the deck form. Record the total number of deck sorted halibut on the deck form.
- m. Documentation of deck-sorted halibut in observer data
 - i. The weight of sampled halibut during deck sorting will be derived using the IPHC halibut length/weight tables.
 - ii. The total weight of deck sorted halibut will be derived by multiplying the average weight of sampled halibut to the total number of halibut sorted on deck.
 - iii. The total number and weight of deck sorted halibut will be entered as a pre-sort sample type in the observer data.
 - iv. The total weight of halibut deck sorted will be added to the flow scale weight as outlined in the Observer Sampling Manual.
 - v. The length and viability of halibut that are deck sorted and randomly selected for assessment will be entered into the length table in ATLAS.
 - vi. Should exceptional circumstances prevent the completion of steps i through v as specified, the observer must contact the Observer Program which, in coordination with the EFP Principal Investigator, will instruct the observer on an alternate protocol for collecting the haul-specific data.

C. Transition to Factory

- 1. If one observer is on duty
 - a. During deck sorting by crew: any door between the live tank(s) where EFP catch (that was not removed on deck) is placed and the factory must be closed, and any conveyor belt between the live tank and observer sample station must be stopped, until observer duties on deck are completed.
 - b. After completion of deck sorting, upon notification from the observer on duty, the crew may open the live tank door and begin to discharge fish from the vessel's live tank(s) across the flow scale and into the factory.
- 2. If two observers are on duty
 - a. During deck sorting by crew: any door between the live tank(s) where EFP catch (that was not removed on deck) is placed and the factory may remain open and fish may be run over the flow scale and into the factory.

D. Factory Sampling

- 1. Observer sampling in factory
 - a. Observer will sample halibut in the factory according to standard catch composition sampling procedures developed by FMA. Any halibut encountered in the observer's samples will be added to the industry count of factory halibut.

- b. The weight of halibut from the observer species composition sample in the factory will be extrapolated by the NMFS Catch Accounting System to estimate the total weight of halibut recovered in the factory.
 - c. The total weight estimated according to paragraph 1b above will be assigned a mortality rate of 90%.
2. Industry count of factory halibut
- a. Crew will sort all halibut for that haul at a point beyond the observer sampling station. Any halibut encountered in the observer's samples will be added to the industry count of factory halibut.
 - b. Following collection of all factory halibut by the crew, the crew will notify the observer on duty that the collected halibut are ready for the observer to weigh and record.
 - c. Crew may sort, but not discard, halibut in the factory without the direct supervision of the observer.
 - d. Observers will weigh halibut and record information on a standard observer program deck form. Halibut too large to be weighed on the observer's MCP scale will be measured to the nearest centimeter and weight will be determined using the IPHC length to weight conversion table.
 - e. Observer may determine the best time to weigh/measure factory halibut so as to ensure that sufficient time is available for factory sampling and other duties.
 - f. Factory halibut collected by crew from individual hauls must be kept separate and tracked by haul number.
 - g. Observer will record the total number of halibut sorted in the factory in the field labeled "Total # factory halibut" on the back of the deck sheet.

E. Data Management

1. Each observer will provide copies of completed data forms to the vessel personnel at least once every 12 hours.

F. Schedule

1. Vessels carrying two observers: Each observer will work a full 12-hour shift during a 24-hour period. The Observers will coordinate with each other to develop a schedule that ensures that the workload is divided equitably between each observer. Observers will conduct sampling activities throughout each haul. The lead observer will provide the vessel captain with each observer's on-duty schedule, and any changes to that schedule during the trip. This schedule will allow the captain to identify the on-duty observer for purposes of the EFP haul-back and factory notification requirements.
2. Vessels carrying three observers: Each observer will work a full 12-hour shift during a 24-hour period. Prior to the start of each trip, the vessel will identify a 12-hour period where the vessel intends to continue to run fish over the flow scale during deck sorting operations. During this 12-hour period, two observers will be available at all times to facilitate deck and factory sampling. The observers will coordinate among themselves and with the vessel captain to develop a schedule. The schedule will ensure that the workload is divided equitably between each observer. Observers will conduct sampling activities throughout each haul. The lead observer will provide the vessel captain with each observer's on-duty schedule. Changes to the 12-hour period identified by the vessel may be made prior to starting a new trip following an offload. During a trip, should the vessel want to change the 12-hour period where two observers are needed, the change must be approved by the Observer Program in consultation with the observers, the AKSC, and vessel representatives. If an observer is unable to perform duties such that two observers are not available to maintain both deck and factory sampling duties, the vessel must stop the flow of

fish over the flow scale during deck sorting operations so that the remaining observer on duty can complete the deck sorting data collections.

3. Vessels carrying four observers. Each observer will work a 12-hour shift during a 24-hour period. Two observers are expected to be on duty at all times in a 24-hour period to facilitate deck and factory sampling. The observers will coordinate among themselves and with the vessel captain to develop a schedule. The schedule will ensure that the workload is divided equitably between each observer. Observers will conduct sampling activities throughout each haul. The lead observer will provide the vessel captain with each observer's on-duty schedule at the beginning of the trip. If an observer is unable to perform duties such that two observers are not available to maintain both deck and factory sampling duties, the vessel must stop the flow of fish over the flow scale during deck sorting operations so that the remaining observer on duty can complete the deck sorting data collections.