

Conceptual Plan for FKWTRP-Related Research Exemption

I. Purpose

To encourage fishery participation in research activities that are consistent with the research recommendations and goals of the FKWTRT.

II. Scope of potential exemption

A. Applies to TRP-related research activities by fishing vessels that are (1) reasonably likely to increase the risk of FKW interactions, (2) compliant with applicable federal laws, such as the Magnuson-Stevens Fishery Conservation and Management Act and the Endangered Species Act, and (3) exempted pursuant to the provisions outlined below (“Exempted Activities”).

B. FKW interactions occurring during Exempted Activities would not be considered for purposes of implementing the triggers in the TRP regulations. For example, interactions occurring during Exempted Activities would not count toward the Southern Exclusion Zone (“SEZ”) “trigger,” nor would such interactions be considered in the implementation of the SEZ re-opener provisions.

C. FKW interactions occurring during Exempted Activities would not be counted in any evaluations regarding the NMFS-identified goal that high seas interactions not increase above current levels.

D. FKW interactions occurring during Exempted Activities would continue to be documented in the annual FKW Stock Assessment Report but would not be extrapolated for the purpose of calculating the mortality and serious injury rate of the deep-set or shallow-set fisheries.

E. If approved by NMFS and the TRT, Exempted Activities could also be exempted from the fishery closure provisions of the TRP regulations.

III. Process for implementing the exemption

A. If a regulation is issued to implement the exemption, NMFS would first consult with and obtain the consensus approval of the TRT regarding the content of the proposed regulation. The basic conditions for qualifying Exempted Activities are as follows:

1. The proposed activities are reasonably likely to increase the risk of FKW interactions, compared to longline fishing operations occurring in the normal course.
2. The proposed activities will comply with all applicable federal laws and regulations other than those regulations from which an exemption is requested.

3. The proposed activities are consistent with the research recommendations of the TRP and further the goals of the TRP.
 - B. Exemption applicants would submit to NMFS an exemption request that contains a short statement describing the proposed Exempted Activities. NMFS would then promptly circulate the exemption request to all members of the TRT.
 - C. Within a short period of time, each TRT member would respond to NMFS's notice expressing his or her support for or against the exemption request. A failure to respond to NMFS's notice within the stated period of time will be deemed as non-opposition to granting the exemption. A member opposing the exemption request must provide a short statement explaining why the member believes that the request is not consistent with the research recommendations of the TRP or does not further the goals of the TRP. Support for a requested exemption shall not be unreasonably withheld.
 - D. NMFS may approve the exemption request if (1) NMFS finds that it satisfies the basic conditions, and (2) the TRT, by consensus agreement, approves the exemption.