



NOAA FISHERIES

Atlantic Highly Migratory Species

ATLANTIC HMS EXEMPTED FISHING PERMIT (EFP) APPLICATION

Applicant Name: _____

Institution Affiliation (if applicable): _____

Address: _____ **Phone Number:** _____

_____ **Fax Number:** _____

City: _____ **State:** _____ **Zip:** _____ **Email:** _____

Exempted Fishing Program

Please plan ahead. NMFS requires 60 days from the date the application is deemed complete to make a determination on issuing the EFP. NMFS may take additional time to analyze the environmental, economic, and social impacts of proposed research if the activity has not been previously analyzed.

- 1) ***Please list the main purpose and goals of the exempted fishing activity, primarily describing research or project as well as justification for issuance of such a permit.***

For example: We are assessing age classes of lemon shark mating aggregations along the coast of Miami Beach, Florida. Capture methods will be a combination of gill net and bottom long lines. We are expecting to routinely encounter large quantities of sub-adult and mature lemon sharks, as well as other elasmobranchs not targeted for research. Lemon sharks will be sexed, measured, tagged with either M-tag or nylon spaghetti tag and released after DNA sample has been taken via fin clip. Upon capture, tail rope and cradle system will be used. Elasmobranchs are not expected to leave the water at any time during work up. None of these encounters listed above will intentionally result in elasmobranch or teleost mortality.



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2) *Have you received an EFP/SRP/LOA/Display Permit for similar activity/research in previous years?*

☐- Yes ☐- No

If yes, when? _____

3) *Is this permit request the same as in previous years?*

☐- Yes ☐- No

4) *Over how many years will the research take place?*

☐- 1 year ☐- 2 years ☐- 3 years ☐- 4 or more years

5) *When will these activities occur?*

Dates: _____

6) *Where will these activities occur (please select all regions that apply)?*

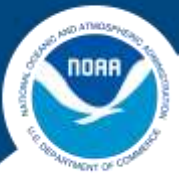
☐- Gulf of America ☐- South Atlantic ☐- State Waters*
☐- North Atlantic ☐- Caribbean Sea ☐- Closed Area/Gear Restricted Zone

If applicable, the specific location within previously marked zone: _____

**The issuance of an EFP in no way confers any right to collect/harvest species in waters under state jurisdiction. The appropriate state agency must be contacted regarding any collection in state waters, as separate state permits may be required for collection/harvest in state waters.*

7) *If your research will be in a closed area/gear restricted zone, please describe which areas:* _____

8) *Type, size, and amount of collection gear (please select all that apply):*



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- ☐- Pelagic Long Line (PLL) ☐- Buoy Gear ☐- Rod & Reel/Handline
- ☐- Bottom Long Line (BLL) ☐- Gill Net ☐- Trawl
- ☐- Other/ No gear (please specify): _____

9) Please provide more information on gear selection and how you will be using gear:

Please note: Weak hooks MUST be used in Gulf of America waters when deploying pelagic long lines.

Type/ Style of hooks used: _____ ☐-N/A

Number of hooks used per set: _____ ☐-N/A

Length of net/mainline: _____ ☐-N/A

10) Please provide more information on individual research trips:

Number of research trips: _____ ☐-N/A

Expected duration of each trip: _____ ☐-N/A



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11) Please list the shark, tuna, swordfish, or billfish species you expect to interact with:

* Note: NMFS will evaluate authorizations allowing the commercial sale of HMS on a case by case basis.

Individual Species	Number of Species				Do you expect to keep parts of the animal (I.e. fin clips)? If so, please indicate which parts below	Do you wish to sell all or part of the animal?*
	Kept	Released Dead	Released Alive	Tagged		
Non Target Species (list below)						



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i) In general, what are your handling techniques for sampling HMS (i.e. tail rope, sling, etc.)? _____

ii) If subsequent unintentional mortality of a species occurs, do you expect to discard the dead animal, or retain the species for analysis? _____

iii) If you plan to retain certain species/animals, what becomes of them? _____

12) If sampling with longline or gillnet gear, have you completed a safe handling and release workshop for protected resources?

☐ - Yes ☐ - No

Please Note: Exemptions for completing a safe handling and release workshop will not be authorized.

13) Are protected species (i.e., smalltooth sawfish, sea turtles) and/ or marine mammal encounters likely? Please list which species are to be encountered. _____

14) If you plan to keep species for public display, please provide a brief description of the holding facility

15) Are activities federally funded?

☐ - Yes ☐ - No

If yes, please describe type, amount, and source: _____



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16) Which individuals should be listed as authorized samplers on your permit?*

**Please Note: There are certain circumstances which prevent the owner/operator of a vessel to be an authorized sampler (i.e. commercial fishing vessels).*



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Vessel Information

Applications will be deemed incomplete if signature, HMS Permits, and vessel documentation (i.e. U.S. Coast Guard/state registration) are not included. We cannot begin processing your application until it has been deemed complete.

If the applicant's name is different from the vessel owner's name, please fill in the appropriate information.

Participating Vessel(s)¹:

1. Vessel Name _____ Owner's Name: _____

Phone Number: _____ Owner's Address: _____

Operator's Name: _____

Vessel Documentation Included? Yes _____ No _____ Vessel ID #: _____

HMS Fishing Permit Included? Yes _____ No _____

2. Vessel Name _____ Owner's Name: _____

Phone Number: _____ Owner's Address: _____

Operator's Name: _____

Vessel Documentation Included? Yes _____ No _____ Vessel ID#: _____

HMS Fishing Permit Included? Yes _____ No _____

3. Vessel Name _____ Owner's Name: _____

Phone Number: _____ Owner's Address: _____

Operator's Name: _____

Vessel Documentation Included? Yes _____ No _____ Vessel ID#: _____

HMS Fishing Permit Included? Yes _____ No _____

Applicants

Signature: _____ Date: _____

Exempted Fishing Program

¹ Include additional sheets if more than three vessels are needed for the exempted fishing activity



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Regulations governing the issuance of Federal Exempted Fishing Permits (EFPs) for highly migratory species (HMS) are contained in 50 CFR Part 635.32 and 50 CFR Part 600.745. In general, HMS EFPs are issued by the National Marine Fisheries Service (NMFS) to authorize activities otherwise prohibited by the Atlantic HMS regulations; to facilitate the conduct of scientific research; for the purpose of limited testing of fishing gear and methods; for the acquisition of data for species the harvest of which would otherwise be prohibited; for the enhancement of safety at sea; for the purpose of collecting animals for public education or display; or for investigating means of reducing bycatch, economic discards, or regulatory discards. The HMS Management Division has the authority to issue four different types of EFPs; these are described below:

Exempted Fishing Permits (EFPs): Under both the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA), non-scientific activities may be authorized under EFPs. EFPs are necessary to allow research conducted from a commercial or recreational fishing vessel that would otherwise be prohibited by existing regulations.

Display Permit: Display permits are issued for the collection of HMS for the purpose of public display. Generally, display permits are issued to commercial or recreational fishing vessels, capable of keeping fish alive from the time of capture to the point of transfer to an approved aquarium or other facility.

Letter of Acknowledgements (LOAs): Technically, scientific research is exempted from regulation under the Magnuson-Stevens Act, so NMFS does not issue EFPs for bona fide research activities (*i.e.*, research conducted from a research vessel as opposed to from a commercial or recreational fishing vessel) involving species regulated or prohibited under Magnuson-Stevens Act Fishery Management Plans (FMPs). In such cases, NMFS issues a LOA to researchers to indicate concurrence by NMFS that the proposed activity meets the definition of scientific research and is therefore exempt from regulation.

Scientific Research Permits (SRPs): ATCA confers regulatory authority over scientific research so that all sources of mortality of species regulated by the International Commission for the Conservation of Atlantic Tunas (ICCAT) can be reported by the Secretary. In cases where tunas, swordfish, and billfishes are being collected, NMFS will issue an EFP if the research/collection occurs in conjunction with regulated commercial or recreational fishing activity, or an SRP if the collection of regulated species occurs as part of a research cruise (*e.g.*, NMFS or university research vessel).

Chartering Permit: A 2002 ICCAT recommendation (02-21) states that at the time of a chartering arrangement, the chartering and flag Contracting Parties shall provide specific information concerning the charter to the ICCAT Executive Secretary, including vessel details, target species, duration, and consent of the flag Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity. In order to comply with this recommendation, NMFS requires that vessel owners apply for and obtain a NMFS chartering permit before fishing under a chartering arrangement with a foreign entity. A chartering permit would exempt the vessel from domestic regulations as needed. U.S. vessels fishing under a chartering permit cannot concurrently land fish counted against U.S. quotas, however, prohibited species takes are counted against the Incidental Take Statement from the relevant Biological Opinion. The separate application for a chartering permit is covered under OMB 0678-0495. Please contact the HMS Management Division to request a chartering permit application.

Requirements

Per the HMS regulations, a valid shark research fishery permit, EFP, SRP, Display Permit, or LOA must be on board the harvesting vessel, must be available when animals are landed, and, in the case of capturing animals for display, must be available when the animal is transported from the vessel to the display facility, and must be presented for inspection upon request of an authorized officer.



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An application will not be deemed complete until all of the information on the application is submitted to the HMS Management Division in writing. NMFS often takes at least 60 days from the date the application is deemed complete to make a determination on issuing the EFP; although the agency may take additional time to analyze the environmental, economic, and social impacts of proposed research if the activity has not been previously analyzed. An incomplete application will not be considered until corrected in writing.

A shark research fishery permit, EFP, SRP, Display Permit, or LOA is valid only for the specific authorized vessel(s), samplers, time, area, gear, and species indicated on the permit. Except for the regulatory exemptions specifically referenced on the permit, all HMS regulations at 50 CFR Part 635 shall apply during the conduct of the fishing activity. All private vessels listed on a shark research fishery permit, EFP, SRP, Display Permit, or LOA should have a valid HMS recreational or commercial HMS permit.

Once the public display and scientific quota has been reached based on reported landings from interim reports, no additional EFPs, SRPs, or Display Permits will be issued. Once 80 percent of the commercial sandbar shark quota has been reached based on scientific observer reports, the shark research fishery will be closed.

The issuance of a shark research fishery permit, EFP, SRP, Display Permit, or LOA in no way confers any right to collect/harvest species in waters under state jurisdiction. The appropriate state fish and wildlife agency must be contacted regarding any collection in state waters, as separate state permits may be required for collection/harvest in state waters.

Within 5 days of the collection of any HMS under an EFP, SRP, LOA, or Display Permit, an interim report, supplied by NMFS, must be submitted to the address below. These forms include authorized sampler, date of collection, species, fork length, total length, weight, sex, disposition, tag number, gear used, area caught, depth, water temperature, vessel name, name of vessel master, signature, and date of signature. An annual report of all fishing activities and disposition of all fish collected under the permit must also be submitted to NMFS at the address below upon completion of the authorized activities. Both forms are supplied to permit holders at the time the permit is issued and additional (or electronic) copies can be obtained upon request.

Fishermen holding a shark research fishery permit do not need to submit an interim or annual report. Fishermen with a shark research fishery permit should report their commercial catch in the appropriate logbook.

Collection of Sharks for Display Purposes

Consistent with the 1999 HMS FMP, and if deemed appropriate, NMFS will issue a Display Permit with tags as well as the interim and annual report forms. Each permit will be valid only for the number of animals and tags specified, and each animal must be tagged immediately to be considered an authorized collection. The animal must be tagged aboard the collection vessel and maintained in the animal during the acclimation holding period.

However, the tag may be removed once the animal is transported to the facility where it will be displayed. Should an animal be deemed unsuitable for public display during the acclimation period, the animal must be released with the tag intact in a manner that ensures the maximum probability of survival, and the annual report should be returned indicating that the animal has been released. NMFS may issue replacement tags for such released animals.

NMFS will consider accreditation in the American Zoo and Aquarium Association, or equivalent standards, as meeting the requirement of providing adequate facilities for an animal.

Protected Resources



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The permit holder must comply with the Reasonable and Prudent Measures and Terms and Conditions of the applicable Biological Opinion(s) and will report specimens, including ESA-listed species, caught under the authority of this permit to the HMS Management Division via submittal of Interim and Annual Reports in order to be eligible for such coverage. Please be advised that these actions may require authorizations under the Marine Mammal Protection Act for interactions with marine mammals. Please consult the following url for information about when additional consultations are required (<http://www.nmfs.noaa.gov/pr/permits/incidental.htm#apply>) and contact the Office of Protected Resources in Silver Spring, Maryland at 301-427-8400. This permit does not authorize the incidental take of marine mammals.

HMS EFP Contact Information

Please submit any EFP applications with all of the required information, interim reports, and annual reports to:

Ann Williamson
Highly Migratory Species Management Division (F/SF1)
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910
Ann.Williamson@noaa.gov

For additional HMS EFP information, contact Ann Williamson at 301-427-8503.

PAPERWORK REDUCTION ACT NOTICE: Collection of information through an exempted fishing permit program provides essential information for the conservation and management of Atlantic tunas, swordfish, sharks, and billfish. Information on distribution and migratory patterns will be used for stock assessment and in developing international catch sharing agreements. Public reporting burden for this collection of information is estimated to average 40 minutes per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: NMFS, Highly Migratory Species Management Division (F/SF1), 1315 East-West Highway, Silver Spring, MD 20910. Reporting of exempted fishing permit activity is required under the authority of the Atlantic Tunas Convention Act. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. OMB Control #0648-0471 Expires 9/30/2027.