



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

January 24, 2018

Mr. John Gauvin
Gauvin and Associates LLC
2104 SW 170th Street
Burien, WA 98166

Re: Exempted Fishing Permit No. 2018-03

Dear Mr. Gauvin:

We have approved your application for exempted fishing permit (EFP) 2018-03 to refine and test salmon excluder devices in the Bering Sea pollock trawl fishery. This permit allows exemptions from certain regulations under 50 CFR 679 to facilitate testing salmon excluder devices to identify upgraded excluder designs and specific rigging configurations most likely to produce the greatest relative reduction in Chinook salmon bycatch rates on vessels from different horsepower and size classes of the Bering Sea pollock fishery. This study is supported by the North Pacific Fishery Management Council.

Enclosed is a copy of EFP 2018-03. A copy of this EFP must be on board the permitted vessels when fishing under the EFP. The permit holder and permitted vessel operators must comply with all provisions of 50 CFR 679, except as provided in the terms and conditions of the EFP. If you have any questions regarding this permit, please contact Bridget Mansfield of the Sustainable Fisheries Division at (907) 586-7642 or email at Bridget.Mansfield@noaa.gov.

Sincerely,

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

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

Enclosure



BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA (BSAI)
GROUNDFISH FISHERY
EXEMPTED FISHING PERMIT
AUTHORITY: 50 CFR 600.745(b) AND 50 CFR 679.6

PERMIT #2018-03

The Administrator, Alaska Region, National Marine Fisheries Service (NMFS), authorizes vessel(s) acting under the direction of the permit holder, Mr. John Gauvin, Gauvin and Associates, LLC, (Gauvin) to conduct experimental fishing in the Bering Sea to test a salmon excluder device for trawl gear used to fish for pollock between January 20, 2018, and June 10, 2020. The excluder device is designed to release salmon from trawl gear.

Gauvin and the owners and operators of all permitted vessels must comply with the terms of this Exempted Fishing Permit (EFP), the Magnuson-Stevens Fishery Conservation and Management Act, and 50 CFR parts 600 and 679, except as provided in this permit. This permit is valid and effective through June 10, 2020. The permit may be terminated under the permit's terms, by regulatory action under 50 CFR parts 600 and 679, or revoked, suspended, or modified, under 15 CFR part 904.

J

Robert M. Balsiger

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

1/25/18

Date Signed

John Gauvin

John Gauvin,
Gauvin and Associates, LLC

January 25, 2018

Date Signed

BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA
GROUNDFISH FISHERY
EXEMPTED FISHING PERMIT #2018-03
TERMS AND CONDITIONS

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

TESTING A SALMON EXCLUDER DEVICE IN THE BERING SEA POLLOCK TRAWL FISHERY

A. Permit Holder

John Gauvin
Gauvin and Associates, LLC
2104 SW 170th St.
Burien, WA 98166
(206) 660-0359

B. Permitted Vessels

The vessels authorized to participate in this Exempted Fishing Permit (EFP) experiment (permitted vessels) will be selected for the fieldwork through an application process administered by Gauvin. Two catcher vessels and one catcher/processor will be used for each stage of fieldwork. In addition to the EFP, each vessel owner and operator will be required to hold all permits and License Limitation Program endorsements otherwise authorizing participation in the Bering Sea pollock trawl fishery. If any selected vessel is unable to complete the fieldwork under the EFP, such as due to a mechanical breakdown, Gauvin will inform NMFS before resuming the EFP work. All vessels participating in the EFP will use pelagic trawl gear as defined by 50 CFR 679.2 and must comply with the trawl performance standard at 50 CFR 679.7(a)(14)(i).

As specified in Appendix A, Gauvin must provide information about permitted vessels and substituted vessels to NMFS within 5 days of contracting the vessel for the work.

A copy of this EFP must be on board the permitted vessels during the course of the fieldwork and as long as any groundfish or salmon retained under this permit are on board the vessels.

C. 1. Timing of the Experiment

Fieldwork under the terms of this permit is authorized for the A pollock seasons only from the date of issuance through June 10, 2020.

2. Notification of Timing of the Experiment.

Gauvin must notify NMFS Alaska Regional Office (AKR), the NOAA Office of Law Enforcement (OLE), and the Alaska Fishery Science Center/North Pacific Observer Program (Observer Program) by email within 24 hours of the starting and ending date of the field season for each vessel permitted under the EFP. Should EFP fishing be concluded prior to the end of the field season, Gauvin must notify both NMFS and NOAA OLE within 24 hours of the end of EFP fishing.

EFP fishing may be temporarily terminated during a field season. If temporarily terminated, EFP fishing may be restarted/recommenced in that field season through the following procedure: the permit holder, either Gauvin or a vessel operator, notifies

§ 679.22(a)(7)(ii) and § 679.22(a)(7)(vii): Experimental fishing under the terms of this permit is authorized in the Bering Sea subarea, including the areas within the subarea that are otherwise closed to fishing with trawl gear under 50 CFR part 679: § 679.22(a)(7)(ii). Exempted fishing must be conducted outside Steller sea lion protection areas closed to pollock trawl fishing, as described at § 679.22(a)(7), except the sector closure of the Steller Sea Lion Conservation Area (SCA) under § 679.22(a)(7)(vii)(C)(2). The SCA exemption will only apply as long as the combined amount of pollock taken from the SCA does not exceed the 28 percent annual total allowable catch limit (TAC) before April 1, as specified in the Steller sea lion protection measures (§§ 679.20(a)(5)(i)(C) and 679.22(a)(7)(vii)).⁷

§ 679.50: except as described in this permit, observer requirements at § 679.50 while conducting activities under this EFP.⁸

E. Other Requirements.

Reporting Requirements, Sea Sampling, and Observer Requirements:

Gauvin is required to work with the vessel owners retaining fish under this EFP to comply with the federal record keeping and reporting requirements at § 679.5 and ensure that records of all groundfish and prohibited species catch (PSC) species caught under the EFP are kept separate and identifiable in the following manner. For purposes of recordkeeping and reporting, catcher vessels shall not conduct exempted fishing and non-exempted fishing during the same fishing trip. Fishing trip is defined at § 679.2.

Catcher Vessel Reporting Requirements: When a catcher vessel makes a landing to a shoreside processor, Gauvin is required to work with the vessel owner and the shoreside processor to ensure that all the catch and discard information from the EFP fishing activity is entered for each groundfish delivery. For deliveries to shoreside processors, motherships, and floating processors this information must be marked as research by using the “RES” management program code on the groundfish landing report completed in eLandings.

Catcher/Processor Reporting Requirements: Each haul taken during exempted fishing must be reported using eLandings or seaLandings as research⁹ by using “RES” as the management program code on the Catcher Processor Electronic Logbook. The permitted vessel will not conduct EFP fishing and non-EFP fishing in the same day. The permitted vessel is not required to offload groundfish when EFP fishing has ended.¹⁰

⁷ Exempted fishing must be conducted outside Steller sea lion protection areas closed to pollock trawl fishing, as described at § 679.22(a)(7), except the sector closure of the Steller Sea Lion Conservation Area (SCA) under § 679.22(a)(7)(vii)(C)(2). The SCA exemption will only apply as long as the combined amount of pollock taken from the SCA does not exceed the 28 percent annual total allowable catch limit (TAC) before April 1, as specified in the Steller sea lion protection measures (§§ 679.20(a)(5)(i)(C) and 679.22(a)(7)(vii)).

⁸ The permitted vessel owners or operators are exempt from selected observer requirements at §§ 679.50, while conducting activities under this EFP. Instead, the catch and discards will be monitored by “sea samplers” who are NMFS-certified observers hired to provide the data collection and sampling support for the experiment. However, the sea samplers will be considered NMFS observers for purposes of §§ 679.53 and 679.7(g), and the permit holder is required to comply with these provisions for their sea samplers.

⁹ The “RES” designation is a flag for catch accounting, and does not indicate that the activity under this permit is designated as any activity other than EFP fishing.

¹⁰ No exemption from regulation is required in the EFP to allow a catcher/processor to continue EFP fishing without an offload; however, the EFP applicant has requested this clarification to support sub-

Gauvin and the owner(s) and operator(s) of vessels permitted under this EFP are required to participate in the Prohibited Species Donation Program (PSDP) under § 679.26. If salmon quality standards in the PSDP are met, salmon must be provided to a NMFS-approved donation program processor and food distributor. Salmon that cannot be used in the PSDP, must be discarded, as required by § 679.21(a). After all sampling of Chinook salmon is completed, except for any Chinook salmon that are donated through the PSDP, all Chinook salmon must be discarded, as required by § 679.21(a).

I. Vessel Selection

Catcher vessel and catcher/processors previously selected to perform the duties of this project may have contracts extended or renewed to perform duties under this EFP. If other vessels are used, Gauvin will follow the following procedures for the selection of the EFP vessels.

1. Gauvin will disseminate application materials to trade associations for pollock vessel companies. Materials describing the fieldwork and results will detail the purpose of the EFP, application information required, groundfish catch and PSC limits consistent with the experimental design, and a description of the EFP data review process.
2. Vessel applicants will have approximately four weeks to complete and submit applications from the time application materials are made available. Submitted materials must describe the suitability of their vessel as a platform for exempted fishing, including a description of the vessel's observer sampling facilities and a statement of their fishing plan for the EFP, including the number of tows expected per day and describing the proposed coordination of sea sampler activities and deck crew duties during field work under this EFP. The application also must describe the pelagic pollock net that they intend to use for the EFP and other information critical to the determination of the suitability of the vessel and trawl gear for fieldwork, as detailed in the request for proposals.
3. The review of applications and selection of a vessel for the EFP will be conducted by Gauvin. Scientists from Resource Assessment and Conservation Engineering Division of the Alaska Fisheries Science Center will evaluate applications and recommend the most appropriate vessel(s) for this EFP. The application review process will gauge the feasibility of obtaining valid data on the applicant's vessel and will examine the suitability of the vessel(s). In the event that two or more vessels are considered equally suitable, the choice will be made through a random drawing.

J. Requirements for Permitted Vessels

The permitted vessels participating in any fieldwork under this EFP must comply with the following provisions:

1. Supply facilities for sea samplers to conduct expanded species and size composition sampling; deck space for testing the excluder device; and facilities for sorting salmon, as detailed in the fishing plan prepared during the selection process, and a secure onboard location for the sea samplers to lock up the NMFS-issued personal locator beacon and any previously collected official observer data, until exempted fishing has been completed for that trip.
2. Follow all procedures and requirements of the fieldwork stated in the application for this EFP. This will include installing and using an excluder built to the specification of the

the experiment design.

3. Gauvin, through the interaction of his project managers, is responsible for ensuring that each vessel permitted to participate in this EFP follows the protocol and other requirements of this EFP. Gauvin must immediately notify the NMFS AKR by contacting Bridget Mansfield (907-586-7642), Brian Mason of the North Pacific Observer Program (206-526-4227), and the owner of any vessel fishing under this permit if there is information from a vessel operator, project manager, or other sources that the vessel is not meeting EFP requirements. Should Gauvin determine that a vessel is not abiding by the protocols and other requirements, he must notify the vessel's operator and explain the problem. If this action does not result in the resolution of the problem, the vessel is no longer allowed to participate in EFP fishing. Gauvin will notify the vessel and NMFS that the vessel is no longer a participant under the EFP, and the vessel will be removed from the attached list of approved vessels.

L. Analysis of Results

Gauvin will analyze the EFP data and draft an interim annual report in both 2018 and 2019 after EFP experimental fishing has ended for that year. The interim report will include an estimate of salmon escapement rates and mortality and estimated pollock loss, total catch of each groundfish species, and the total number of each salmon species caught during the EFP fishing for that year, as well as a summary of the project objectives, areas fished, vessels used, and any problems and successes. The interim report will be submitted to NMFS Alaska Fisheries Science Center, NMFS AKR, and the Council. Gauvin will prepare and submit to NMFS Alaska Fisheries Science Center, NMFS AKR, and the Council a final report in December 2020 summarizing the results of the testing completed under this EFP, including salmon escapement rates and mortality and estimated pollock loss for the different salmon excluder devices tested during EFP fishing in 2018 through 2020. That report will encompass activities, results, any problems and successes, and how well the EFP objectives were accomplished. If requested, Gauvin 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. Violations

Gauvin's failure and/or the permitted vessel owners' or operators' failure to comply with the terms and conditions of this permit and all applicable provisions of 50 CFR parts 600 and 679, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), or any other applicable law are grounds for removal of a non-complying vessel from the EFP, revocation, suspension, or modification of this permit as well as civil or criminal penalties under the Magnuson-Stevens Act.

BMansfield 12/19/17; rev 1/10/18; rev 1/18/18; 1/23/18
GAberle 1/5/2018
BGerke 1/8/2017

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